

NOTICES

CANINE HEALTH BOARD

Public Meeting

The Canine Health Board (Board), under its authority in Sections 207(i)(3)(iii) and 221(f) of the Dog Law (3 P. S. §§ 459-207(i)(3)(iii) and 459-221(f)), gives notice of its public meeting scheduled for Tuesday, June 8, 2010, at 1:30 p.m. for the purpose of considering additional flooring options that have been submitted by commercial kennel operators.

The meeting will be held in the VIP Room of the Farm Show Complex, 2300 North Cameron Street, Harrisburg, PA 17110.

The Board will consider the flooring options one at a time and will take testimony and comment on each individual flooring option submitted before moving on to the next flooring option. The Board will hear testimony and comment from both proponents and opponents of the flooring options submitted. Proponents of the flooring option submitted will present their comments first and then those opposed to that flooring option will be heard.

Proponents and opponents may submit written testimony to the Board in advance of the public meeting. Written testimony shall be submitted to the Board by June 1, 2010. Written testimony should be submitted to the Department of Agriculture, Canine Health Board, 2301 North Cameron Street, Room 212, Harrisburg, PA 17110-9408.

Those wishing to present oral testimony or comment must be present at the public meeting.

Those presenting written or oral testimony or comment should submit or give the following information to the Board:

1. State their name and address for the record.
2. State their affiliation to any business or person for which they are testifying or offering comment.
3. State their experience or expertise related to canine health or kennel flooring issues or both.

The comment and testimony heard and considered by the Board must relate to whether the flooring option presented meets the standards established by section 207(i)(3)(i) of the Dog Law and whether, based on animal husbandry practices, the flooring option will provide for the welfare of the dogs to be housed on that type of flooring, as required by section 221(f) of the Dog Law.

Given the extent and breadth of testimony and comment expected, the Board reserves the right to:

1. Limit the time period for each person's testimony or comment to five minutes.
2. Limit the amount of or exclude redundant or duplicative testimony or comment.
3. Take no official action on any flooring option presented, take official action at a subsequent meeting regarding any flooring option presented, or vote to decline to take official action on any flooring option presented.

JENNIFER MULLER,
Chairperson

[Pa.B. Doc. No. 10-989. Filed for public inspection May 28, 2010, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Order of Quarantine; Emerald Ash Borer

Recitals

A. Emerald Ash Borer (EAB), *Agrilus planipennis* (*Fairemaire*)—a beetle indigenous to Asia—is a serious plant pest that attacks and kills ash trees belonging to the genus *Fraxinus*. EAB has worked its way east from Michigan, where it was first detected in 2002.

B. EAB has killed 40 million ash trees during the short time it has been present in North America. Typically, trees are killed within 3 years of the initial attack by this beetle. EAB presents a clear threat to this Commonwealth's forest and horticultural resources.

C. The Plant Pest Act (act) (3 P. S. §§ 258.1—258.27) empowers the Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests. These powers include the authority to establish quarantines to prevent the spread of plant pests within this Commonwealth.

D. The Department has issued previous EAB-related Orders of Quarantine, establishing a quarantined area that includes all of Allegheny, Armstrong, Beaver, Butler, Indiana, Juniata, Lawrence, Mercer, Mifflin, Washington and Westmoreland Counties, and restricting the movement of designated articles and materials from this quarantined area.

E. EAB has recently been detected in Bedford County—a county outside of the current quarantined area—making it necessary to expand the quarantined area to include that county.

Order

Under authority of section 21 of the act (3 P. S. § 258.21), and with the Recitals previously listed, incorporated into this Order by reference, the Department orders the following:

1. Confirmation of Quarantine; Addition of Bedford County to the Quarantined Area.

a. The quarantine established by previous Orders with respect to Allegheny, Armstrong, Beaver, Butler, Indiana, Juniata, Lawrence, Mercer, Mifflin, Washington and Westmoreland Counties (collectively, the "quarantined area") remains in effect, subject to the conditions set forth in this Order.

b. A quarantine is hereby established with respect to Bedford County, effective immediately. Bedford County is part of the quarantined area, and is subject to the conditions set forth in this Order.

2. *Limitations Imposed.* The following objects or materials may not be moved out of the quarantined area, unless done in accordance with Paragraph No. 3 of this Order:

- a. The Emerald Ash Borer in any living stage of development;
- b. Ash trees of any size;
- c. Ash limbs, branches, stumps, and roots;
- d. Any cut, nonconiferous (hardwood) firewood;

e. Nonconiferous (hardwood) bark and nonconiferous (hardwood) wood chips larger than 1 inch in two dimensions;

f. Ash logs and lumber with either the bark or the outer 1 inch of sapwood, or both, attached;

g. Any item made from or containing the wood of the ash tree that is capable of spreading emerald ash borer; and

h. Any other article, product or means of conveyance determined by the Department to present a risk of spreading the EAB infestation.

3. *Movement of regulated articles from quarantined areas.* An article described in Paragraph No. 2 of this Order may be moved from a quarantined area only under the following circumstances:

a. With a valid certificate or limited permit (as described in Paragraph No. 4) attached;

b. Without a certificate or limited permit (as described in Paragraph No. 4) attached if:

i. The regulated article is moved by the United States Department of Agriculture (USDA) or the Department for experimental or scientific purposes; or

ii. The regulated article originates outside the quarantined area and is moved intrastate through the quarantined area under the following conditions:

A. The points of origin and destination are indicated on a waybill accompanying the regulated article; and

B. The regulated article, if moved through the quarantined area during the period of May 1 through August 31 or when the ambient air temperature is 40° F or higher, is moved in an enclosed vehicle or is completely covered to prevent access by the EAB; and

C. The regulated article is moved directly through the quarantined area without stopping (except for refueling or for traffic conditions, such as traffic lights or stop signs), or has been stored, packed or handled at locations approved by an inspector as not posing a risk of infestation by emerald ash borer; and

D. The article has not been combined or commingled with other articles so as to lose its individual identity.

c. Without a certificate or limited permit (as described in Paragraph No. 4) attached if a USDA-issued or USDA-authorized (by USDA compliance agreement) certificate or permit is attached.

4. *Obtaining a Certificate or Limited Permit from the Department for Intrastate Movement of Articles.* The Department or a person operating under a compliance agreement will issue a certificate or limited permit authorizing the intrastate movement of articles described in Paragraph No. 2 of this Order if it is satisfied that all of the following are accurate:

a. The article is either of the following:

i. The article is apparently free of EAB, based on inspection; or the article has been grown, produced, manufactured, stored or handled in a manner that, in the judgment of the Department, prevents the article from presenting a risk of spreading EAB; or

ii. The article is to be moved to a specified destination for specific processing, handling or utilization (the destination and other conditions to be listed on the advance written permission), and this movement will not result in the spread of EAB because EAB will be destroyed by the specific processing, handling or utilization; and

b. The article is to be moved in compliance with this Order and any additional emergency conditions that the Department may impose under the act to prevent the artificial spread of EAB; and

c. The article is eligible for intrastate movement under all other Federal domestic plant quarantines and regulations applicable to the regulated articles.

5. *Cancellation of a Certificate or Limited Permit.* Any certificate or limited permit may be canceled orally or in writing by the Department whenever the Department determines that the holder of the certificate or limited permit has not complied with the act or this Order. If the cancellation is oral, the cancellation will become effective immediately, and the cancellation and the reasons for the cancellation will be confirmed in writing as soon as circumstances permit.

6. *Compliance Agreements.* The Department will consider entering into a compliance agreement with any person that demonstrates an understanding of the requirements of this Order and otherwise satisfies the Department it is capable of issuing certificates or limited permits in accordance with the requirements of this Order. The Department shall either provide blank certificates and limited permits to a person operating under a compliance agreement or authorize reproduction of the certificates or limited permits on shipping containers, or both, as requested by the person operating under the compliance agreement. These certificates and limited permits may then be completed and used, as needed, for the intrastate movement of regulated articles that have met all of the requirements of Paragraph No. 4.

7. *Documentation to Accompany Articles in Intrastate Movement from the Quarantined Area.* If an article described in Paragraph No. 2 of this Order is to be moved intrastate from the quarantined area, the article must be plainly marked with the name and address of the consignor and the name and address of the consignee and must have a copy of the applicable Department-issued or Department-authorized (by compliance agreement as described in Paragraph No. 6) certificate or limited permit securely attached at all times during intrastate movement attached to the article itself, or to the container carrying the article, or to the consignee's copy of the accompanying waybill: Provided, that the description of the article on the certificate or limited permit, and on the waybill, are sufficient to identify the regulated article. The carrier must furnish the certificate or limited permit authorizing the intrastate movement of the article to the consignee at the destination of the shipment.

8. *Federal Requirements for Interstate Movement of Articles.* This Order is distinct from, and in addition to, any Federal statute, regulation or quarantine order addressing the interstate movement of articles from the quarantined area or this Commonwealth.

9. *Contacting the Department.* A person seeking information about the requirements of this Order, or a limited permit for intrastate movement of quarantined articles, or a compliance agreement for intrastate movement of quarantined articles, shall contact the Department at the following: Department of Agriculture, Attention: Walt Blosser, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5205, wblosser@state.pa.us.

10. *Criminal and Civil Penalties.* A person who violates this Order will face summary criminal prosecution carrying up to 90 days imprisonment and a fine of up to \$300 with respect to each violation. In addition, a person who violates this Order may be assessed a civil penalty of up to \$20,000 with respect to each violation.

11. *Cooperation with other agencies.* The Department will consult with USDA, other State agencies and the Pennsylvania State University Cooperative Extension with respect to the most efficacious measures to survey

for and detect EAB to slow the spread or eradicate this pest.

12. *Effective Date.* This quarantine is effective as of May 17, 2010, and shall remain in effect until rescinded by subsequent order.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 10-990. Filed for public inspection May 28, 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 May 11, 2010.

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

BANKING INSTITUTIONS

Interim Incorporations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-10-2010	Bryn Mawr Interim Bank Bryn Mawr Montgomery County The purpose of Bryn Mawr Interim Bank, Bryn Mawr, is to facilitate the proposed merger of First Keystone Bank, Media, with and into The Bryn Mawr Trust Company, Bryn Mawr.	Approved

Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-10-2010	Bryn Mawr Bank Corporation Bryn Mawr Montgomery County Application for approval to acquire 100% of First Keystone Financial, Inc., Media, and thereby indirectly acquire 100% of First Keystone Bank, Media.	Approved
5-10-2010	Tower Bancorp, Inc. Harrisburg Dauphin County Application for approval to acquire 100% of First Chester County Corporation, West Chester, and thereby indirectly acquire 100% of First National Bank of Chester County, West Chester.	Approved

Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
5-10-2010	The Bryn Mawr Trust Company Bryn Mawr Montgomery County Application for approval to merge First Keystone Bank, Media, with and into The Bryn Mawr Trust Company, Bryn Mawr.	Approved
5-10-2010	Graystone Tower Bank Lancaster Lancaster County Application for approval to merge First National Bank of Chester County, West Chester, with and into Graystone Tower Bank, Lancaster.	Approved

**Branch Applications
De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-7-2010	New Century Bank Phoenixville Chester County	73 Old Dublin Pike Doylestown Bucks County	Filed
5-7-2010	New Century Bank Phoenixville Chester County	12 Summit Square Center Route 413 and Doublewoods Road Bucks County	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 10-991. Filed for public inspection May 28, 2010, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Availability of Program Year 2010-11 Federal Even Start Grants for Renewal and New Family Literacy Programs

The Federal Even Start Family Literacy Program (program), renamed the William F. Goodling Even Start Family Literacy Programs, is authorized by Title I, Part B, Subpart 3 of the Elementary and Secondary Education Act (ESEA), reauthorized as the No Child Left Behind Act of 2001 (NCLB Act) (Pub. L. No. 107-110, 115 stat. 1425). This program is administered by the Department of Education (Department) for family literacy programs that will:

- 1) Target families living in areas of high concentration of poverty who are receiving welfare benefits and who have educational needs.
- 2) Enable communities to foster cooperative partnerships that build on existing community resources to create a new range of services.
- 3) Provide services that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following:
 - a. Interactive literacy activities between parents and their children.
 - b. Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.
 - c. Parent literacy training that leads to economic self-sufficiency.
 - d. An age-appropriate education to prepare children for success in school and life experiences.

Eligible Entity—An eligible entity is a partnership composed of a local educational agency (LEA) and a nonprofit community-based organization, a public agency other than a local educational agency, an institution of higher education or a public or private nonprofit organization other than a local education agency, of demon-

strated quality. A private nonprofit entity, including a faith-based organization, as part of a partnership may serve as the fiscal agent since school-age children who are enrolled in private elementary and secondary schools are eligible for Even Start services under the equitable participation provisions of the NCLB Act. Under these circumstances, a public agency, particularly an LEA, is required to control and administer program funds used to provide equitable services to private school students.

Eligibility—To be eligible to receive a grant, an eligible entity must submit an application that demonstrates it has the qualified personnel needed to develop, administer and implement an Even Start program under Part B, Subpart 3 of Title I of the ESEA; will provide access to the special training necessary to prepare staff for the program, which is offered by the Bureau of Adult Basic and Literacy Education (Bureau); and will address each of the following program elements addressed in Section 1235 of the Even Start statute.

Selection Process—Consideration will be given to applications that meet the following conditions:

- 1) Reflect the family focus of Even Start.
- 2) Effectively implement the program elements in the Even Start statute.
- 3) Demonstrate that the area to be served by the program has a high percentage or a large number of children and families who are in need of those services as indicated by high levels of poverty, illiteracy, unemployment, limited English proficiency or other need-related indicators, such as a high percentage of children to be served by the program who reside in a school attendance area served by a local educational agency eligible for participation in programs under Part A (that is, Title I school attendance area), a high number or percentage of parents who have been victims of domestic violence or a high number or percentage of parents who are receiving assistance under a State program funded under Title IV Part A of the Social Security Act (42 U.S.C.A. §§ 601—619).
- 4) Provide early childhood services for at least a 3-year age range.
- 5) Demonstrate the greatest possible cooperation and coordination between a variety of relevant service provid-

ers in all phases of the program. Relevant service providers include, but are not limited to, adult education and literacy programs; county assistance offices; social service agencies; public libraries; PA CareerLink® One-Stop Centers; Workforce Investment Act programs; elementary schools; family centers; preschool programs such as Head Start; licensed child care centers and other community groups or agencies that provide services and assistance to persons in need of basic literacy skills or support services, or both.

6) Submit a cost-effective total budget which contains a local match beyond the required Even Start statutory percentages.

7) Are representative of urban and rural regions of the State.

8) Show the greatest promise for providing models that may be adopted by other family literacy projects and other local educational agencies.

Priority will be given to applications that target services to families most in need (that is, educationally disadvantaged adults who are receiving public assistance; do not have high school diplomas; are single parents; are victims of domestic violence; have children with developmental delays; reside in a Title I school attendance area and (if in primary grades) are receiving Title I services) or are located in areas designated as empowerment zones or enterprise communities.

State Funding Priorities for Grant Applications—

1) Renewal of grants to currently-funded Even Start Family Literacy Programs, providing sufficient progress is made toward meeting program objectives in relation to the Pennsylvania Family Literacy Program Performance Standards.

2) New Even Start Family Literacy Programs by local educational agencies receiving Title I, Part A, ESEA funds and partnering with local programs currently providing Even Start or State Act 143 Family Literacy services.

3) New Even Start Family Literacy Programs by community-based organizations, in partnership with school districts and/or charter schools receiving Title I, Part A ESEA funds and other agencies currently providing Even Start or State Act 143 Family Literacy services.

4) New Even Start Family Literacy Programs by local educational agencies receiving Title I, Part A ESEA funds in areas of counties not served by a current Even Start or State Act 143 Family Literacy grant.

5) New Even Start Family Literacy Programs by community-based organizations, in partnership with school districts and/or charter schools receiving Title I, Part A ESEA funds in areas of counties not served by a current Even Start or State Act 143 Family Literacy grant.

*Grant Period—*The Grant Period (or duration of an Even Start grant) will be for a term of 4 years provided that sufficient progress is made towards meeting program objectives in relation to the Pennsylvania Family Literacy Program Performance Standards. The Commonwealth will not, however, issue a 4-year grant. Each year, or Grant Year, grantees will be required to apply for continuation funding. At the end of the grant period, grantees will be authorized to reapply and compete with other applicants for another 4-year term. Upon the completion of 8 years, special provisions apply to the continuation of program operations. Refer to the Application Guidelines for details.

Restrictions—

1) The Federal program requires a local contribution/matching funds in addition to the requested grant amount. The total cost of the program is to be supported by grant funds and a "local share." The Even Start statute requires a graduated increase in the local share, which ranges from 10% (in the first year) to 65% depending upon the year of operation (see Application Guidelines for details).

2) Section 1234 of the Even Start statute prohibits a local program from using grant funds for indirect costs. This restriction includes the project's matching funds (local share).

*Application Procedures—*Even Start Renewal and New applications must be completed online and submitted by means of the eGrants web site at <http://egrants.ed.state.pa.us> to the Bureau, on or before June 7, 2010.

Instructions and the Adult Education and Family Literacy Guidelines, along with the appendices for all Family Literacy programs and Even Start programs, are available on the Department's web site at <http://www.education.state.pa.us> and by means of the eGrants web site.

THOMAS E. GLUCK,
Acting Secretary

[Pa.B. Doc. No. 10-992. Filed for public inspection May 28, 2010, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0063061 (Industrial Waste)	Ashland Area Municipal Authority 18 South 17th Street Ashland, PA 17921	Schuylkill County Butler Township	Unnamed Tributary to Little Mahanoy Creek 06B	N

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0037141 (IW)	Fish and Boat Commission—Huntsdale State Fish Hatchery Benner Spring Fish Research Station 1735 Shiloh Road State College, PA 16801-8495	Cumberland County Penn Township	7E Yellow Breeches Creek	Y
PA0070271 (Sew)	Maidencreek Township Authority 1 Quarry Road Blandon, PA 19510	Berks County Ontelaunee Township	3B Willow Creek	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0086525 (Sew)	Centre Township Municipal Authority—Kingsgate Subdivision WWTP 449 Bucks Hill Road Mohrsville, PA 19541	Berks County Centre Township	3B UNT Irish Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0223000	Mark Wineman, d/b/a Kalyumet Campgrounds 8630 Miola Raod Lucinda, PA 16235	Clarion County Highland Township	Callihan Run 17-B	Y

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

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

PA0020915, Sewage, **Pine Grove Joint Treatment Authority**, 115 Mifflin Street, Pine Grove, PA 17963. This proposed facility is located in Pine Grove Township, **Schuylkill County**.

Description of Proposed Activity: Discharge of treated sewage.

The receiving stream, Swatara Creek, is in the State Water Plan watershed 7D and is classified for: Cold Water Fishes. The nearest downstream public water supply intake for Derry Township located on Swatara Creek is greater than 20 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 1.5 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
COD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5/1 to 10/31)	9.6	14.4	19.2
(11/1 to 4/30)	29		
Dissolved Oxygen	A minimum of 6.0 mg/l at all times.		
Fecal Coliform	200/100 ml as a Geometric Mean		
(5/1 to 9/30)	2,000/100 ml as a Geometric Mean		
(10/1 to 4/30)	6.0 to 9.0 Standard Units at all times.		
pH			
Total Residual Chlorine	0.5		1.2
Phosphorus	2.0	3.0	4.0

Chesapeake Bay Tributary Strategy Nutrient Requirements

<i>Parameter</i>	<i>Concentration (mg/L)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly Load</i>	<i>Annual Load</i>
Ammonia-N	Report	Report	Report**
Kjeldahl-N	Report	Report	
Nitrate-Nitrate as N	Report	Report	
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen		Report	27,397*
Net Total Phosphorus		Report	3,653*

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

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

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2012.

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

1. Whole Effluent Toxicity (WETT) requirement.
2. Chesapeake Bay Nutrient Requirements.

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

Application No. PA0026743, Sewage, **Lancaster City**, 120 North Duke Street, P. O. Box 1599, Lancaster, PA 17608-1599. 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 sewage.

The receiving stream, 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 for Holtwood power plant is 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 for a design flow of 32.08 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	15	22.5	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	2.5		5
(11-1 to 4-30)	7.5		15
Total Phosphorus	0.13		0.42
Total Residual Chlorine	2.0		4.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	

Chesapeake Bay Requirements

	<i>Concentration (mg/L)</i>		<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia-N	Report	Report	Report	Report
Kjeldahl-N	Report	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	Report	XXX
Total Nitrogen	Report	Report	Report	Report
Total Phosphorus	Report	Report	Report	Report
Net Total Nitrogen	XXX	Report	Report	620,248
Net Total Phosphorus	XXX	Report	Report	77,318*

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

The EPA waiver is not in effect.

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

PA0215856-A1, Industrial Waste, SIC 4941, **Blairsville Municipal Authority**, 203 East Market Street, Blairsville, PA 15717. This application is for an amendment of an NPDES permit to discharge treated clarifier and filter backwash water from a new Outfall No. 002 in Derry Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Trout Run, classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Highridge Water Authority, located at Blairsville, ~6 miles below the discharge point.

Outfall 002: existing discharge, average flow of 0.165 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (MGD)	Monitor and Report				
Total Suspended Solids			30	60	
Iron (Total)			1.9	3.8	
Aluminum (T)			0.6	1.2	
Manganese (T)			1.0	2.0	
Total Residual Chlorine			0.25	0.5	
pH (S.U.)	not less than 6.0 nor greater than 9.0				

Other Conditions: Control residual solids and floating solids, DMR Submittals, Total Residual Chlorine conditions and chemical additives.

The EPA waiver is in effect.

PA0252701, Industrial Waste, SIC 4922, **Dominion Transmission, Inc., DL Clark Building**, 501 Martindale Street, Suite 400, Pittsburgh, PA 15212-5187. This application is for renewal of an NPDES permit to discharge treated process water from South Bend Compressor Station in South Bend Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, Crooked Creek, classified as a cold water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Buffalo Township Municipal Authority-Freeport, located at Freeport, 37.53 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.0025 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Total Suspended Solids			35		70
Iron, Dissolved					7.0
Iron, Total			Monitor and Report		
Manganese			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is not in effect.

PA0254096, Industrial Waste, SIC 3499, **Evans Machining Service**, 314 State Street, Clairton, PA 15025-1914. This application is for issuance of an NPDES permit to discharge treated process water from a manganese/phosphate metals coating line in Clairton Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Monongahela River, classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is PA American Water Company-Pittsburgh, located at Pittsburgh, 17.1 miles below the discharge point.

Outfall 001: new discharge, design flow of 0.00288 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Cadmium, Total			0.07	0.11	
Chromium, Total			1.71	2.77	
Copper, Total			2.07	3.38	
Lead, Total			0.43	0.69	
Nickel, Total			2.38	3.98	
Silver, Total			0.24	0.43	
Zinc, Total			1.48	2.61	
Cyanide, Total			0.65	1.20	
Total Toxic Organics				2.13	
Oil & Grease			15	30	
Total Suspended Solids			31	60	
Total Dissolved Solids			Monitor and Report		
Sulfate			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is not in effect.

PA0216852, Sewage, **TRC, Inc.**, 441 Route 31, Ruffsdale, PA 15679. This application is for renewal of an NPDES permit to discharge treated sewage from TRC Estates Sewage Treatment Plant in East Huntingdon Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 0.008 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen May 1 to Oct 31	8.0			16.0
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			
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. 2209401, Amendment 10-1, Sewerage, **Gratz Brough Municipal Authority**, P. O. Box 305, Gratz, PA 17030-0305. This proposed facility is located in Gratz Borough, **Dauphin County**.

Description of Proposed Action/Activity: Seeking permit approval for changes to their sludge processing process.

WQM Permit No. 2208401, Amendment 10-1, Sewerage, **Williamstown Borough Authority**, 217 East Market Street, Williamstown, PA 17098. This proposed facility is located in Williamstown Borough, **Dauphin County**.

Description of Proposed Action/Activity: Seeking permit approval for upgrades to their existing sewage treatment plant.

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

WQM Permit No. 467S021-A5, Sewerage, **Masontown Municipal Authority**, 2 Court Street, Masontown, PA 15461-1841. This existing facility is located in Masontown Borough, **Fayette County**.

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

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

WQM Permit No. 3796401, Sewerage, **Amendment No. 2, New Castle Sanitation Authority**, 110 East Washington Street, New Castle, PA 16101. This proposed facility is located in City of New Castle, **Lawrence County**.

Description of Proposed Action/Activity: The New Castle Sanitation Authority (NCSA) is proposing to install a sludge de-watering Rotary Press. The project activities include the addition of one de-watering unit, associated polymer feed system and sludge and wash water piping.

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

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

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

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

Luzerne County Conservation District: Smith Pond Road, Route 485, Lehman, PA 18627-0250, 570-674-7991.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI024009005	Department of Conservation and Natural Resources Bureau of State Parks Attn: John Norbeck P. O. Box 8551 Harrisburg, PA 17105-8551	Luzerne	White Haven Borough	Linesville Creek CWF, MF Lehigh River HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI035010001	Kenneth Dommel 89 Covered Bridge Road Pequea, PA 17565	Perry	Saville Township	Panther Creek HQ-CWF
PAI033610003	Charter Homes at Grandview 1190 Dillerville Road Lancaster, PA 17601	Lancaster	Manheim Township	Conestoga River WWF

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

McKean County Conservation District, 17137 Route 6, Smethport, PA 16749, 814-887-4001.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI 0642 08 002(2)	Norwich Township 3853 West Valley Road Smethport, PA 16749	McKean	Norwich Township	UNT to Walcott Brook Walcott Brook CWF

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

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

STATE CONSERVATION COMMISSION

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

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

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at www.pacd.org/districts/directory.htm 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>
Curvin Martin 322 Hatchery Lane Dalmatia, PA 17017	Northumberland	12.1	59.6	Ducks	None	Amendment

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

Central Office: Bureau Director, Water Standards and Facility Regulation, P. O. Box 8467, Harrisburg, PA 17105-8467.

Permit No. 9996578, Public Water Supply.
 Applicant **Brazos Valley Spring Water**
 Township or Borough Mineral Wells, TX
 Responsible Official Jeff Parker, President
 Type of Facility Out-of-State Bottled Water System
 Application Received Date May 06, 2010
 Description of Action Applicant requesting the Department of Environmental Protection approval to sell bottled water in Pennsylvania under the brand name: Eventide Natural Spring Water.

Permit No. 9996577, Public Water Supply.
 Applicant **DS Waters of America, Inc.**
 Township or Borough Chicago, IL

Responsible Official Lisa Thorn
 Quality Assurance Manager
 Type of Facility Out-of-State Bottled Water System
 Application Received Date April 26, 2010
 Description of Action Applicant requesting the Department of Environmental Protection approval to sell bottled water in Pennsylvania under the brand names: Hinckley Springs Spring Water, Hinckley Springs Distilled Water, Hinckley Springs Spring Water with Fluoride, Hinckley Springs Purified Water, Nursery Springs Purified Water, Baby Basics Purified Baby Water and Smart Sense Purified Water.

Permit No. 9996576, Public Water Supply.
 Applicant **Ice River Springs Water Company, Inc.**
 Township or Borough Pittsfield, MA
 Responsible Official John Fudge
 Director Quality Assurance
 Type of Facility Out-of-State Bottled Water System
 Application Received Date May 3, 2010
 Description of Action Applicant requesting the Department of Environmental Protection approval to sell bottled water in Pennsylvania under the brand name: Member's Mark Spring Water.

Permit No. 9996408, Public Water Supply.
 Applicant **Nestle Waters North America, Inc.**
 Township or Borough Lorton, VA
 Responsible Official Rick McConnell, Plant Manager
 Type of Facility Out-of-State Bottled Water System
 Application Received Date April 14, 2010
 Description of Action Applicant requesting the Department of Environmental Protection approval to sell the Nestle Pure Life Purified Bottled Water product in Pennsylvania. Their public water system permit will be amended to include this product.

Permit No. 9996374, Public Water Supply.
 Applicant **CG Roxane, LLC**
 Township or Borough Salem, SC
 Responsible Official Keith Umberger, Plant Manager
 Type of Facility Out-of-State Bottled Water System

Application Received Date April 12, 2010

Description of Action Applicant requesting major permit amendment to approve use of a new well as source for water bottling. The permit amendment will approve their newly constructed Well No. 16.

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

Application No. 3390073, Public Water Supply.

Applicant **Lehigh County Authority**

Township or Borough Lower Macungie Township
Lehigh County

Responsible Official Aurel M. Arndt
General Manager
Lehigh County Authority
1053 Spruce Street
P. O. Box 3348
Allentown, PA 18106

Type of Facility Community Water System

Consulting Engineer Matthew D. Warfel, P. E.
ARRO Consulting, Inc.
270 Granite Run Drive
Lancaster, PA 17601-6804
717-560-2767

Application Received Date May 10, 2010

Description of Action Application for approval of 4-log treatment of viruses at Entry Point 113.

Application No. 3390073, Public Water Supply.

Applicant **Lehigh County Authority**

Township or Borough Lower Macungie Township
Lehigh County

Responsible Official Aurel M. Arndt
General Manager
Lehigh County Authority
1053 Spruce Street
P. O. Box 3348
Allentown, PA 18106

Type of Facility Community Water System

Consulting Engineer Matthew D. Warfel, P. E.
ARRO Consulting, Inc.
270 Granite Run Drive
Lancaster, PA 17601-6804
717-560-2767

Application Received Date May 10, 2010

Description of Action Application for approval of 4-log treatment of viruses at Entry Point 115.

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

Application No. 0810501—Construction, Public Water Supply.

Applicant **Wysox Township Municipal Water Authority**

Township or Borough Wysox Township

County **Bradford**

Responsible Official Robert C. Williams, Chairperson
Wysox Township Municipal Water Authority
724 Main Street
Towanda, PA 18848

Type of Facility Public Water Supply—Construction

Consulting Engineer William A. Sauserman, P. E.
Stiffler, McGraw & Associates, Inc.
1731 North Juniata Street
Hollidaysburg, PA 16648

Application Received May 5, 2010

Description of Action Construction of a water distribution system to serve residents in a portion of Wysox Township. Water will be supplied by the Towanda Municipal Authority.

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

Permit No. 0210513, Public Water Supply.

Applicant **Pennsylvania American Water Company**
800 West Hersheypark Drive
P. O. Box 888
Hershey, PA 17033

Township or Borough City of Pittsburgh
Baldwin Borough

Responsible Official David R. Kaufman, P. E.
Pennsylvania American Water Company
800 West Hersheypark Drive
P. O. Box 888
Hershey, PA 17033

Type of Facility Hays Mine water treatment plant

Consulting Engineer

Application Received Date April 29, 2010

Description of Action Switch from ferric chloride to ferric polymer blend for coagulation at the Hays Mine water treatment plant.

Permit No. 0210514, Public Water Supply.

Applicant **Pennsylvania American Water Company**
800 West Hersheypark Drive
P. O. Box 888
Hershey, PA 17033

Township or Borough Washington and Union Townships

Responsible Official David R. Kaufman, P. E.
Pennsylvania American Water Company
800 West Hersheypark Drive
P. O. Box 888
Hershey, PA 17033

Type of Facility	E. H. Aldrich water treatment plant
Consulting Engineer	
Application Received Date	April 29, 2010
Description of Action	Switch from ferric chloride to ferric polymer blend for coagulation at the E. H. Aldrich water treatment plant.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

For further information concerning the content of a Notice of Intent to Remediate, contact the environmental

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

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

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

Krause Dodge, 4315 Route 309, North Whitehall Township, **Lehigh County**. James Koval, HDR Engineering, Inc., 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015 has submitted a Notice of Intent to Remediate (on behalf of his client, Paul Kobal, P. O. Box 192, Schnecksville, PA 18078), concerning the remediation of soil found to have been impacted by lead as a result of historical operations at the site, which included the operation of a former service station. The applicant proposes to remediate the site to meet the Statewide Health Standard. The proposed future use of the property will be nonresidential for commercial use. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

Mayfield Elementary School, 501 Linden Street, Mayfield Borough, **Lackawanna County**. Richard H. Doran and Martha Macklin have submitted a Notice of Intent to Remediate (on behalf of their client, Lakeland School District, 1355 Lakeland Drive, Scott Township, PA 18433), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of an overflow from a delivery of heating oil to a 3,000-gallon underground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard for soil. A summary of the Notice of Intent to Remediate was published in *The Scranton Times* on March 12, 2010.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

Applications received or withdrawn under the Solid Waste Management Act of July 7, 1980 (P. L. 380, No. 97) (35 P.S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P.L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Renewal Applications Received

Healthcare Waste Solutions of PA, LLC, d/b/a Genesis Environmental, Industrial Manor ii, 380 Locust Street, McKeesport, PA 15132. License No. PA-HC 0217. Received on January 28, 2010.

Orchard Hill Memorial Park, Inc., 187 Route 94, Lafayette, NJ 07848. License No. PA-HC 0163. Received on February 8, 2010.

Advant-EDGE Solutions, Inc., 927 Red Toad Road, North East, MD 21901. License No. PA-HC 0239. Received on April 19, 2010.

Environmental Waste Minimization, Inc., 14 Brick Kiln Court, Northampton, PA 18067-9784. License No. PA-HC 0219. Received on April 28, 2010.

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

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

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

Permit Application No. 301358. Phoenix Resources, Inc., 782 Antrim Road, Wellsboro, PA 16901, Duncan Township, **Tioga County**. A new permit application for the conversion of an existing municipal c/d site to a residual waste disposal facility was submitted to the Northcentral Regional Office on May 7, 2010. A Local Municipal Involvement Process meeting will be scheduled.

Comments concerning the application should be directed to Lisa D. Houser, P.E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3636. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

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

Permit ID #100663. Kelly Run Sanitation, Inc., 625 Cherrington Parkway, Moon Township, PA 15108. Kelly Run Landfill, SR 51, 1500 Hayden Boulevard, Elizabeth, PA 15037-0333. An application for the renewal of a municipal waste landfill in Forward Township, **Allegheny County** was received in the Regional Office on May 13, 2010.

Permit ID #101674. McCutcheon Enterprise, Inc., 250 Park Road, Apollo, PA 15613. McCutcheon Biosolids Treatment Facility, 250 Park Road, Apollo, PA 15613. An application for the renewal of a municipal and residual waste transfer/processing facility in Allegheny Township, **Westmoreland County** was received in the Regional Office on May 17, 2010.

RESIDUAL WASTE GENERAL PERMITS

Application(s) 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 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, Floor 14, 400 Market Street, Harrisburg, PA 17105-8472.

General Permit Application No. WMGR124. P.H. Glatfelter Co., 228 South Main Street, Spring Grove, PA 17362. General Permit Numbered WMGR124 is for the recovery/removal of approximately 500,000 cubic yard of bark and wood waste from a Lime/Bark Landfill in Zone 6 of the Glatfelter facility that is located in North Codorus

Township, **York County**. The bark and wood waste will be transported to an off-site facility, after being sampled and tested, for screening, blending and distributing for beneficial use as a mulch material. Central Office received the application on March 19, 2010, and determined it administratively complete on May 19, 2010.

Comments concerning the application should be directed to C. D. Vu, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division at (717) 787-7381. 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.

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 con-

structed 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.

65-00981B: Solar Power Industries, Inc. (440 Jonathan Willey Road, Belle Vernon, PA 15012) for installation of silicon ingot processing and wafer cutting for making raw solar cell material at their facility in Rostraver Township, **Westmoreland County**.

04-00108A: Armstrong World Industries (13th Street and 10th Avenue, P. O. Box 441, Beaver Falls, PA 15010) to make a case-by-case Maximum Available Control Technology determination for the Industrial, Commercial, and Institutional (ICI) Boilers located at their Beaver Falls Ceiling Plant in Beaver Falls, **Beaver County**.

04-00044C: Horsehead Corporation (300 Frankfort Road, Monaca, PA 15061) to make a case-by-case Maximum Available Control Technology determination for the Industrial, Commercial, and Institutional (ICI) Boilers located at their Monaca Zinc Smelter facility in Potter Township, **Beaver County**.

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

24-166B: National Fuel Gas—Bowen Station (1100 State Street, Erie, PA 16512) for installation of two (2) 1,775 bhp natural gas compressor engines at their facility in Highland Township, **Elk 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.

46-0054B: Abington Memorial Hospital (1200 Old York Road, Abington, PA 19001) for construction of one unit of natural gas-fired cogeneration system, rated at 39.47 mmBtu/hr (combined power and heat) located in Abington Township, **Montgomery County**. This facility is a non-Title V facility (Synthetic Minor). This construction will not result in an emission increase of total facility-wide limit for nitrogen oxides (NOx) being emitted into the atmosphere. The Plan Approval will contain monitoring requirements, recordkeeping requirements, operating conditions and performance testing requirements designed to keep the facility operating within the allowable emission limitations and all applicable air quality requirements.

09-0075B: Dunmore Corp. (145 Wharton Road, Bristol, PA 19007) for installation of a regenerative thermal oxidizer at an existing plastic film and coating facility in Bristol Township, **Bucks County**. This thermal oxidizer will replace the currently permitted catalytic oxidizer. Facility-wide VOC and HAP emissions will remain the same as they are controlled through a previously permitted Permanent Total Enclosure and this oxidizer. NOx emissions are estimated to increase by a maximum of 2.15 tons to 6.03 tons per year due to the increased fuel usage in this larger oxidizer. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

46-0172C: Gemalto, Inc. (101 Park Drive, Montgomeryville, PA 18936) for installation of a new Sakurai Screen Press at an existing facility located in Montgomeryville, **Montgomery County**. This press is being installed to replace an existing screen press. The primary pollutant of concern is volatile organic compound (VOC) emissions. Gemalto is categorized as a synthetic minor facility. The Plan Approval will contain recordkeeping and operating restrictions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

25-920D: Waste Management of Pennsylvania—Lake View Landfill (851 Robison Road East, Erie, PA, 16509) for expansion of their existing landfill at their facility in Summit Township, **Erie County**. This is a Title V facility.

Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue Plan Approval 25-920D to Waste Management of Pennsylvania for the expansion of the existing landfill at the company's Lake View Landfill facility located at 851 Robison Road East, Summit Township, Erie County. The facility currently has a Title V permit No. 25-00920. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 25-920D is for the proposed Southern Expansion of the existing Lake View Landfill (Source ID 101) and resulting modifications to the facility's landfill gas control system. Additionally, it will permit a 26 tons per year increase in the carbon monoxide emission limit for the facility's two (2) landfill gas fired generator engines. Based on the information provided by the applicant and the Department's own analysis, the proposed modifications will result in a potential emissions increase of 42.3 tons of volatile organic compounds (VOC), 26 tons of carbon monoxide and 7.3 tons of total Hazardous Air Pollutants (HAP).

The Plan Approval will contain additional testing, monitoring, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements. The proposed modifications will additionally be subject to 40 CFR 60 Subpart WWW, 40 CFR 61 Subpart M and 40 CFR 63 Subpart AAAA, the applicable requirements of which are contained in the Plan Approval.

Copies of the application, the Department's analysis, and other documents used in the evaluation are available for public inspection between 8 a.m. and 4 p.m. weekdays

at the address shown. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide the Department with additional information they believe should be considered may submit the information to the address shown as follows. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the following:

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 25-920D.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in a local newspaper of general circulation or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to John Guth, Regional Air Quality Manager, Department of Environmental Protection, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, 814-332-6940.

OPERATING PERMITS

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

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

13-00005: Altadis USA, Inc. (1000 Tresckow Road, McAdoo, PA 18237-2504) for operation of a tobacco processing facility in Banks Township, **Carbon County**. This is a renewal of a Title V Operating Permit.

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

06-05007: Carpenter Technology Corp. (101 Bern Street, Reading, PA 19601) for operation of a specialty steel alloy foundry controlled by various control devices in the City of Reading and Muhlenberg Township, **Berks County**. The facility is subject to 40 CFR Part 60, Subpart DC and AAA, standards of performance for new stationary sources, 40 CFR Part 61, Subpart E, Nation Emission Standards for Hazardous Air Pollutants and 40 CFR Part 63, Subpart ZZZZ, National Emission Standards for Hazardous Air Pollutants. This action is a renewal of the title v operating permit issued in 2000.

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

65-00173: Summerill Tube Corporation (P. O. Box 302, Franklin Street, Scottsdale, PA 15683) for stainless and other alloy steel tubing production at their Scottsdale Plant located in Scottsdale Borough, **Westmoreland County**. Primary air emission sources at this facility include nitric and hydrofluoric acid dip tanks, lubricant coating, and a vapor degreaser. Each acid dip tank is controlled by a wet scrubber. Secondary air emission sources include small natural gas-fired boilers, cutting saws, parts washers, storage tanks, drying ovens, a wet abrasive polishing system, wastewater pretreatment and groundwater treatment. This is a renewal of the Title V Operating Permit (TVOP) issued in 2001.

Potential emissions from the vapor degreaser and lubricant coating sources are limited to 47 tons of volatile organic compounds (VOCs), and therefore 47 combined tons of trichloroethylene (TCE) and toluene. With the preceding limitation, facility-wide potential emissions are estimated to be 47.55 tons of TCE and toluene combined, 0.36 ton of hydrofluoric acid, 47.91 tons of total hazardous air pollutants (HAPs), 49.14 tons of VOCs, 0.17 ton of nitric acid, 16.5 tons of nitrogen oxides (NOx) and 1.37 tons of carbon monoxide (CO). Included in the TVOP are applicable work practice, monitoring, recordkeeping and reporting requirements from Federal National Emission Standards for Hazardous Air Pollutants (NESHAPS) for halogenated solvent cleaning (40 CFR Part 63, Subpart T). VOC emission limits on the vapor degreaser and lubricant coating also serve to limit emissions of TCE and toluene. Also included in the permit are general Title V requirements and additional conditions supported by 25 Pa. Code Chapters 123, 127 and 135. Additional emission limits consist of limits on open burning, fugitive dust, malodors and visible emission opacity. Permit emission limits are maintained and verified with monitoring, recordkeeping and reporting requirements.

Copies of the Title V application, proposed operating permit and other relevant information are available for public inspection at the Department of Environmental Protection's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222. Those who wish to provide the Department of Environmental Protection 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.

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

10-00027: Calumet Penreco, LLC (138 Petrolia Street, Karns City, PA 16041) for re-issuance of a Title V Permit to operate a high quality specialty oils and

lubricants manufacturing facility in Karns City Borough, **Butler County**. The facility's major emission sources include three boilers (66 mmBtu/hr, 91 mmBtu/hr and 91 mmBtu/hr), hydrotreater reactor furnace, hydrotreater reformer furnace, hydrotreater stripper furnace, kerosene unit furnaces, emergency diesel generator, two retort process heaters with a cyclone control, an Oleum process controlled by two venturi scrubbers, alcohol storage and handling, plant-wide fugitive emissions, wastewater treatment, small gasoline storage tank, naphtha rerun unit furnace, hydrotreater flare, kerosene/naphtha unit flare, and pumps and compressors. The facility is a major facility due to its potential to emit Volatile Organic Compounds, Sulfur Dioxide Compounds and Oxides of Nitrogen.

43-00182: Wheatland Tube Co. (One Council Avenue, Wheatland, PA 16161) for re-issuance of a Title V Permit to operate a steel pipe and tubes manufacturing facility in Wheatland Borough, **Mercer County**. The facility's major emission sources include three natural gas fired boilers (600 hp, 400 hp and 1,000 hp), continuous weld furnace, galvanizing kettles (2), coating lines (2), conduit metallizers (2), chromate treatments (2), coupling department, blow stations (2), pm threaders (2), outside pipe coating, galvanizing furnaces (2), miscellaneous heaters, miscellaneous parts washers, lime silo, wastewater evaporator and one waste oil space heater. The facility is a major facility due to its potential to emit Volatile Organic Compounds and Oxides of Nitrogen.

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.

15-00049: Taylor Industries, Inc. (35 Anderson Road, Parkerford, PA 19457) for a non-Title V Facility, State-only, Synthetic Minor Operating Permit in East Coventry Township, **Chester County**. Taylor Industries, Inc. is a manufacturer of quality marble fixtures (that is, lavatory tops, showers, tubs and whirlpools) for the home. The facility's primary emission sources are two (2) Gelcoat Spray Booths, five (5) mixers, a casting (molding) area and two (2) Resin Storage Tanks (cap. 4,500 gallon each). This action is a renewal of the State-only Operating Permit. The initial permit was issued on 7-5-2005. 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.

54-00056: Pine Grove Area School District (103 School Street, Pine Grove, PA 17963) for operation of a boiler at their facility in Pine Grove Borough, **Schuylkill County**. This permit will also incorporate the requirements of Plan Approval No. 54-302-075 for the use of coal or oil as fuel for the boiler. This action is a renewal of the 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.

39-00020: Lehigh Valley Hospital—S Cedar Crest (1628 West Chew Street, School of Nursing, 3rd Floor, Allentown, PA 18105-7071) for a General Medical and Surgical Hospitals facility in Salisbury Township, **Lehigh County**. This is a renewal State-only Synthetic 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.

40-00085: Certech, Inc. (550 Stewart Road, Wilkes-Barre, PA 18706-1455) for operation of a ceramics manufacturing facility in Hanover Township, **Luzerne County**. This is a renewal of a State-only Operating Permit.

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

44-03014: Barr Funeral Home, Inc. (120 Logan Street, Lewistown, PA 17044) for operation of a human crematory in Lewistown Borough, **Mifflin County**. This action is a renewal of the State-only operating permit issued in 2006. The permit renewal will contain all of the emission limits and work practice standards along with all monitoring, recordkeeping and reporting requirements from the previous permit to ensure the facility complies with the applicable air quality regulations.

06-05020: Craft-Maid Kitchens, Inc. (501 South 9th Street, Building C, Reading, PA 19602) for their wooden furniture manufacturing facility in the City of Reading, **Berks County**. This is a renewal of the State-only operating permit issued in 2005.

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

65-00981: Solar Power Industries, Inc. (440 Jonathan Willey Road, Belle Vernon, PA 15012) for operation of cell and panel manufacturing at their facility in Rostraver Township, **Westmoreland County**.

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

43-00304: Greenville Veterinary Clinic (409 East Jamestown Road, Greenville, PA 16125) to issue a renewal State-only Operating Permit for their facility in West Salem Township, **Mercer County**. The facility is a Natural Minor. The facility has a pet crematory. The renewal permit also contains emission restrictions, recordkeeping, work practice and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

43-00348: American Cap Co., LLC—17 Church Plant (15 Church Street, Wheatland, PA 16161) for issuance of a Natural Minor Operating Permit to operate an activated carbon manufacturing facility, in Wheatland Borough, **Mercer County**. The facility's primary emission sources are the three (3) activated carbon manufacturing furnaces. The emissions of criteria pollutants from this facility are below major source levels.

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 ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The parameter is applicable at all times.

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

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

30841316 and NPDES Permit # PA0213535, Consol PA Coal Company, LLC, (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Richhill and Morris Townships, **Greene County** to add acreage for development mining. Underground Acres Proposed 2,538.59, Subsidence Control Plan Acres Proposed 2,538.59. No additional discharges. Application received: March 18, 2010.

56961303 and NPDES Permit # PA0214957, Svonavec, Inc., (150 West Union Street, Suite 201, Somerset, PA 15501), to renew the permit for the Milford Mine in Milford Township, **Somerset County** and related NPDES permit. No additional discharges. Application received: February 24, 2010.

30831303, Cumberland Coal Resources, LP, (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County**, ACOE Pittsburgh. Garards Fort, PA and Oak Forest, PA Quadrangle, Bound by the following points: N: 8.50 inches; W: 13.60 inches to N: 14.04 inches; W: 0.13 inch to N: 15.08 inches; W: 12/58 inch to N: 12.74 inches; W: 11.75 inches. This is a Chapter 105 Water Obstruction and Encroachment permit application (Stream Module 15), and 401 Water Quality Certification request, if applicable, submitted as part of the mining permit revision application to authorize the stream restoration for pooling or flow loss due to longwall mining to four areas of Dyers Fork, five areas of UNT (Unnamed Tributary) 41264 to Dyers Fork, four areas of Dutch Run, one area of UNT 41247 to Dutch Run, three areas of UNT 41248 to Dutch Run, three areas of UNT 41392 to Whiteley Creek, two areas of UNT 41283 to Whiteley Creek, and two areas of UNT 41258 to Whiteley Creek. Written comments or objections on the request for Section 401 Water Quality Certification or to the issuance of the Water Obstruction and Encroachment Permit, (Stream Module 15) may be submitted to the Department of Environmental Protection within 30 days of the date of this notice to the District Mining Office identified above. Comments should contain the name, address and telephone number of the person commenting, identification of the request for 401 Water Quality Certification and Chapter 105 permit application, (Stream Module 15) to which the comments or objections are addressed and a concise statement of comments, objections

or suggestions including relevant facts upon which they are based. The Water Obstruction and Encroachment permit application is available for review at the California District Mining Office, by appointment, at the address listed. Application received: August 3, 2009

30841316 and NPDES Permit # PA0213535, Consol PA Coal Company, LLC, (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Morris Township, **Greene County** to add surface acreage for installation of the 1A Airshaft and four associated boreholes. Surface Acres Proposed 10.8. No additional discharges. Application received: December 29, 2009.

30950701 and NPDES Permit # PA0215619, Consolidation Coal Company, (1 Bridge Street, Monongah, WV 26554), to renew the permit for the Hughes Hollow Slurry Impoundment in Wayne and Gilmore Townships, **Greene County** and related NPDES permit. No additional discharges. Application received: December 18, 2009.

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

32050102 and NPDES No. PA0249700, Thomas J. Smith, 2340 Smith Road, Shelocta, PA 15774, permit renewal for reclamation only of a bituminous surface and auger mine in Burrell Township, **Indiana County**, affecting 108.9 acres. Receiving stream(s): unnamed tributaries to Toms Run and Conemaugh River classified for the following use(s): cold water fishery and warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: April 30, 2010.

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

03070102 and NPDES Permit No. PA0251151, State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Three year renewal application with a status of not started for a bituminous surface mine, located in Washington Township, **Armstrong County**, affecting 413 acres. Receiving streams: unnamed tributaries to Limestone Run, classified for the following use: WWF. The potable water supplies with intakes within 10 miles downstream from the point of discharge: PA American Water Co., Kittanning Municipal Water Authority and Kittanning Joint Suburban Water Authority. Renewal application received: May 13, 2010.

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

10813005 and NPDES Permit No. PA0615218, Lucas Coal Co., Inc. (Three Rivers Management, Inc., d/b/a Lucas Coal Co., Inc., One Oxford Centre, Suite 3000, 301 Grant Street, Pittsburgh, PA 15219) Renewal of an

existing bituminous and tippel refuse disposal operation in Washington Township, **Butler County** affecting 222.5 acres. Receiving streams: Two unnamed tributaries to Slippery Rock Creek, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: May 6, 2010.

33890122 and NPDES Permit No. PA0207705. Terry Coal Sales, Inc. (P. O. Box 58, Distant, PA 16223) Renewal of an existing bituminous and auger operation in Knox, Oliver and Rose Townships, **Jefferson County** affecting 200.0 acres. Receiving streams: Unnamed tributary to Lick Run to Little Sandy Creek, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received: May 10, 2010.

16090102 and NPDES Permit No. PA0258776. Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242) Revision to an existing bituminous surface strip operation to add 5.5 acres to the surface mining permit and add augering in Porter Township, **Clarion County** affecting 46.0 acres. Receiving streams: Unnamed tributary to Leisure Run, classified for the following: CWF. The first downstream potable water supply intake from the point of discharge is the Redbank Valley Municipal Authority. Application received: May 11, 2010.

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

17990104 and NPDES No. PA0238252. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Permit renewal for reclamation only of an existing bituminous surface mine located in Covington Township, **Clearfield County** affecting 66.1 acres. Receiving

streams: unnamed tributaries to Surveyor Run and Surveyor Run classified for Cold Water Fisheries. Application received: April 26, 2010.

17940116 and NPDES No. PA0219908. AMFIRE Mining Co., LLC (One Energy Place, Suite 2800, Latrobe, PA 15650). Permit renewal for reclamation only of an existing bituminous surface mine located in Penn Township, **Clearfield County** affecting 247.0 acres. Receiving streams: unnamed tributaries to Poplar Run and Poplar Run classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: April 28, 2010.

17930117 and NPDES No. PA0219584. RES Coal Co., LLC (P. O. Box 228, 224 Grange Hall Road, Armagh, PA 15920). Permit renewal of an existing bituminous surface mine located in Goshen Township, **Clearfield County** affecting 329.8 acres. Receiving streams: unnamed tributaries to Surveyor Run and Surveyor Run classified for Cold Water Fisheries. Application received: April 29, 2010.

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

54920201C6. Northeastern Power Company, (P. O. Box 7, McAdoo, PA 18237), correction to an existing anthracite coal refuse reprocessing operation to update the post-mining land use from Woodland to Unmanaged Natural Habitat and Industrial Commercial in Kline and Packer Townships, **Schuylkill and Carbon Counties** affecting 876.0 acres, receiving stream: none. Application received: May 11, 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.

20080301. Andrew M. Kosturick (8586 State Highway 285, Conneaut Lake, PA 16316) Revision to an existing large sandstone operation to add blasting in East Fallowfield Township, **Crawford County** affecting 41.6 acres. Receiving streams: Unnamed tributary to Crooked Creek, classified for the following uses: TSF. There are no potable surface water supply intakes within 10 miles downstream. Application received: May 12, 2010.

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

5575SM1A3C8 and NPDES Permit No. PA0119555. Eastern Industries, Inc., (4401 Camp Meeting Road,

Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Clifford Township, **Susquehanna County**, receiving stream: East Branch of Tunkhannock Creek, classified for the following use: cold water fishery. Application received: May 12, 2010.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E35-427. Francis Cunion, 2808 Scranton/Carbondale Highway, Blakely, PA 18447-2403, in Clarks Summit Borough, **Lackawanna County**, U.S. Army Corps of Engineers, Baltimore District.

To fill 0.04 acre of PFO wetland for the construction of a single family dwelling and to construct and maintain a water line and sanitary sewer line through approximately 85-feet of wetlands for the single family dwelling. The project is located approximately 0.20 mile south of the intersection of West Grove Street and SR 307 (Scranton, PA Quadrangle Latitude: 41° 29' 02"; Longitude: -75° 42' 58").

E35-426. Compression Polymers Group International, 801 Corey Street, Scranton, PA 18505, in City of Scranton, **Lackawanna County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain a building addition of which approximately 17,500 square feet is in the floodway of Keyser Creek (CWF, MF). The project is located at 888 Keyser Avenue in the City of Scranton (Scranton, PA Quadrangle Latitude: 41° 25' 43"; Longitude: -75° 41' 25").

E39-506. Hanover Township, 2202 Grove Road, Allentown, PA 18103, in Hanover Township, **Lehigh County**, U.S. Army Corps of Engineers, Philadelphia District.

To authorize the following water obstructions and encroachments associated with the construction of a roadway crossing of a Tributary to the Lehigh River (TSF, MF):

1. To remove the existing structure.
2. To construct and maintain a roadway crossing consisting of a 6.6-foot high by 20-foot wide concrete arch.
3. To construct and maintain approximately 2,300-feet of stream channel work consisting of the widening, regrading and reshaping of the channel and the planting of native vegetation within the channel.

The project is located approximately 0.12 mile north of the intersection of North Irving and Uoyd Streets (Catasauqua, PA Quadrangle Latitude: 40° 38' 04"; Longitude: -75° 26' 49").

E64-285. Dominick and Iva Profaci, 7 Gibbons Lane, New Paltz, NY 12561, in Paupack Township, **Wayne County**, U.S. Army Corps of Engineers, Philadelphia District.

To construct and maintain an 80-foot long by 4-foot wide seasonal dock access ramp constructed on pads within Lake Wallenpaupack (HQ-CWF); and to construct and maintain a 10-foot long by 4-foot wide gangway suspended between the dock access ramp and a 40-foot long by 4-foot wide floating dock adjoining a 10-foot long by 20-foot wide dock within Lake Wallenpaupack. The project is located along the western shoreline of Lake Wallenpaupack, approximately 0.1 mile south of the intersection of SR 590 (Purdytown Pike) and Lake Shore Drive (Hawley, PA Quadrangle Latitude: 41° 26' 45"; Longitude: -75° 12' 43").

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

E01-292: Fairfield Municipal Authority, 108 West Main Street, P. O. Box 263, Fairfield, PA 17320-9126, Hamiltonban Township, **Adams County**, ACOE Baltimore District.

The applicant proposes to remove 5,773.0 square feet of wastewater treatment tanks and structures and install and maintain 14,758.57 square feet of wastewater treatment structures in the 100-year flood plain of Spring Run Creek (CWF, MF) for the purpose of upgrading and expanding an existing sewage treatment plant. The project is located west of Fairfield Borough on Water Street (Fairfield, PA Quadrangle N: 6.5 inches; W: 14.95 inches, Latitude: 39° 47' 03.7"; Longitude: 77° 21' 53.6") in Hamiltonban Township, Adams County.

E36-869: Donegal Chapter of Trout Unlimited, Bob Kutz, P. O. Box 8001, Lancaster, PA 17604, Conowingo Creek Stream Restoration (Project #6), East Drumore Township, **Lancaster County**, ACOE Baltimore District.

To restore and stabilize 3,700.0 linear feet between a combination of three (3) watercourses: Conowingo Creek (HQ-CWF & PAFBC Wild Trout List), UNT Conowingo Creek (HQ-CWF & PAFBC Wild Trout List), and MacFarlands Run (HQ-CWF & PAFBC Wild Trout List), including the construction and maintenance of fifteen (15) rock deflectors, fourteen (14) muddills, one (1) toe riprap location, ten (10) cover logs, six (6) random boulder placements, eight (8) boulder walls, one (1) cattle crossing, one (1) wetland pocket extension in Conowingo Creek (HQ-CWF & PAFBC Wild Trout List); two (2) R-5 rip rap installation locations totaling 80.0 linear feet in UNT Conowingo Creek (HQ-CWF & Wild Trout List); one (1) rock deflector, one (1) boulder wall, and three (3) cattle crossings in MacFarlands Run (HQ-CWF & Wild Trout List); a herbaceous/forested riparian buffer having a varied width of 35.0 feet to 180.0 feet in and along Conowingo Creek (HQ-CWF & PAFBC Wild Trout List),

UNT Conowingo Creek (HQ-CWF & PAFBC Wild Trout List), and MacFarlands Run (HQ-CWF & PAFBC Wild Trout List), for the purpose of the Conowingo Creek TMDL Implementation Plan of 2006. The project is located on the Herb Weaver Farm approximately 0.39 mile east from the intersection of Conowingo and Spring Valley Roads (Wakefield, PA Quadrangle N: 14.5 inches; W: 9.0 inches, Latitude: 39° 49' 45.26"; Longitude: 76° 11' 25.99") in East Drumore Township, Lancaster County. There are no proposed wetland impacts.

E36-870. Suburban Lancaster Sewer Authority, James Witman, Authority Chairperson, P. O. Box 458, Lancaster, PA 17608-0458, West Lampeter Township, Lancaster County, ACOE Baltimore District.

To extend a 17.0-foot long by 2.0-foot wide by 6.75-foot deep concrete wall, stabilize 50.0 linear feet of streambank with geotextile and R-5 riprap, and fill two (2) scour holes with R-5 riprap in Mill Creek (WWF), for the purpose of addressing safety hazards, protecting the existing sewer line, and stabilizing the streambank. The project is located approximately 350 feet east of the Willow Street Pike (SR 222) bridge (Lancaster, PA Quadrangle 0.7 inch N; 6.1 inches W, Latitude: 40° 0' 12"; Longitude: 76° 17' 33") in West Lampeter Township, Lancaster County.

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

E55-226. Todd A. Hoot, 200 Old Colony Road, Selinsgrove, PA 1787-9739. Hoot Crossing, in Penn Township, Snyder County, ACOE Baltimore District (Freeburg, PA Quadrangle Latitude: 40° 49' 24"; Longitude: 76° 52' 52").

Todd A. Hoot is applying for a small project permit to install a bridge across an unnamed tributary to Penns Creek, which carries a water quality designation of Cold Water Fishery. The proposed structure will sit on the ground along the right bank and have a concrete abutment on the left bank. The average under clear for the structure measures 6.5 feet to the center of the channel, with a deck width of 8 feet and length of 30 feet. This bridge is designed to be used for access to the remaining lawn across the stream for lawn maintenance vehicles.

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

E30-232. Department of Transportation, District 12, 825 North Gallatin Avenue Extension, Uniontown, PA 15401. To replace a steel truss bridge located within and between Masontown Borough, Fayette County to the east and Monongahela Township, Greene County to the west, Pittsburgh ACOE District (Masontown, PA Quadrangle N: 18.7 inches; W: 7.3 inches, Latitude: 39° 51' 11"; Longitude: 79° 55' 37"). The applicant proposes to remove the existing SR 21, two lane, approximately 43 ft. wide, eleven span, steel truss bridge having a total length of approximately 1,450 ft., and having minimum normal pool underclearance of 67 ft., and to construct and maintain a 72 ft. total width, four lane, seven span, steel truss replacement bridge having a total length of approximately 1,700 ft. and having minimum normal pool underclearance of 64 ft. over the Monongahela River (WWF). In addition, for project construction and demolition install temporary causeways; and construct and maintain associated replacement storm water outfalls to the Monongahela River (WWF). The bridge and road

improvement and project is located within and between Masontown Borough, Fayette County and Monongahela Township, Greene County.

E32-491. Department of Transportation, District 10, 2550 Oakdale Avenue, P. O. Box 429, Indiana, PA 15701. To replace two lane bridge in Fuffington and East Wheatfield Townships, Indiana County, Pittsburgh ACOE District (New Florence, PA Quadrangle N 16.7 inches; W 0.2 inch, Latitude: 40° 46' 19"; Longitude: 79° 8' 33"). The applicant proposes to remove the existing SR 403 two lane, 21 ft wide, two span bridge having a total length of 155 ft, and having a minimum underclearance of 15 ft; construct and maintain adjacent to and downstream a two lane 32 ft wide, two span bridge having a total length of 160 ft with an underclearance of 12.5 ft; for construction and demolition construct and remove temporary causeways; and construct and maintain associated stormwater outfalls over and in Blacklick Creek (TSF) with a drainage area of 139 square miles

E56-356. Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. To construct a bridge over Kimberly Run in Somerset Township, Somerset County, Pittsburgh ACOE District (Murdock, PA Quadrangle N: 20.2"; W: 7.2", Latitude: 39° 59' 12"; Longitude: 79° 3' 3"). The applicant proposes to construct and maintain a single span bridge of steel I beam construction, with a span of 48' and a treated wood deck with a width of 14' and an underclearance of 10' and supported by poured concrete abutments, over Kimberly Run (CWF), for the purpose of replacing an existing ford crossing and providing access to portions of State Game Lands 50.

E63-626. Oakbrooke-Muse Partners, LP, 300 Weyman Plaza, Suite 210, Pittsburgh, PA 15236. To remove existing and construct two 5 foot diameter pipe culverts in Cecil Township, Washington County, Pittsburgh ACOE District (Canonsburg, PA Quadrangle N: 5.9 inches; W: 10.2 inches, Latitude: 40° 16' 57"; Longitude: 80° 11' 54"). The applicant proposes to remove the existing structure and to construct and maintain two 5-foot diameter pipe culverts in Unnamed Tributary to Brush Run (WWF) on Oakbrooke Drive. To construct and maintain two outfall structures in the bank of said stream. The project is located in a proposed 135-lot residential sub-division located off SR 1005 (Muse-Bishop Road).

E65-936. Hempfield Township Supervisors, 1132 Woodward Drive, Greensburg, PA 15601. To replace an existing bridge in Hempfield Township, Westmoreland County, Pittsburgh ACOE District (Latrobe, PA Quadrangle N: 8.9"; W: 16.7", Latitude: 40° 17' 54.06" and Longitude: 79° 28' 45.6") The applicant proposes to onstruct and maintain a twin cell, 13.5' wide, 6.5' high, 151' long box culvert, consisting of a baffled primary cell and an unbaffled secondary cell, conveying an unnamed tributary to Jack's Run (WWF) under Township Road 398, for the purpose of replacing an existing bridge which has deteriorated.

Department of Environmental Protection, Bureau of Waterways Engineering, Water Management Program Manager, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8554, Harrisburg, PA 17105-8554.

Amendment to E4014-148, Swoyersville Borough, 675 Main Street, Swoyersville, PA 18704, Wade Run Stream Improvements Flood Control System, Swoyersville Borough, Luzerne County, USACOE Baltimore District.

This permit amendment is requested for improvements to, and extension of, the existing Wade Run Stream

Improvement Project. Project improvements begin approximately 480 feet upstream of the existing project at the intersection of Main and Brook Streets and ends approximately 350 feet downstream of the same intersection. Reference the USGS "Pittston" Quadrangle (North 10.5 inches and West 16.5 inches). The following activities and approximate quantities are associated with the construction of this project:

- Clear and grub 0.4 acre.
- Remove existing pavements on Main Street. Remove 70 LF of existing 60-inch CMP and 150 LF of existing 36-inch CMP.
- Install 430 LF of 6 by 4 precast concrete box culvert. Restore pavements.
- Construct a cast-in-place reinforced concrete inlet structure (slab and walls). Install a steel trash rack and a debris rack.
- Remove 10 LF of existing 5 by 6 reinforced concrete flood channel. Construct 10 LF of new 6 by 6 cast-in-place reinforced concrete flood channel.
- Raise 76 LF of existing reinforced concrete walls 3 feet.
- Place 40 CY of grouted riprap in existing stilling basin.
- Install 100 feet of 4-foot-tall chain link fence on concrete walls.
- Place topsoil and seed 0.35 acre.

Anticipated construction time is 5 months.

ENVIRONMENTAL ASSESSMENTS

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

EA56-003CO. James Stoy, 166 Stoney Hollow Road, Somerset, PA 15501, Somerset Township, **Somerset County**, ACOE Pittsburgh District.

To construct a nonjurisdictional dam across a tributary to West Branch Coxes Creek (WWF) for agricultural

water supply. The dam is located approximately 1,200 feet southeast of the intersection of Coxes Creek and Sportsman Roads (Bakersville, PA Quadrangle N: 6.0"; E: 14.8", Latitude: 40° 01' 59"; Longitude: -79° 08' 37").

APPLICATIONS RECEIVED UNDER THE LIMITED POWER ACT

The following permit applications have been received by the Department of Environmental Protection (Department) under the Limited Power Act of June 14, 1923, P. L. 704 (as amended by the Act of July 19, 1935, P. L. 1363). Persons objecting to the issuance of a Limited Power Permit must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted previously the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 1-800-654-5984.

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

D44-000LP. Minor Limited Power. Jonas D. Peachy, 122 Sunnyside Lane, Belleville, PA 17004. To construct, operate and maintain a micro-hydropower unit on the outlet pipe of an existing pond. Allensville, PA Quadrangle N: 7.5 inches; W: 11.0 inches in Menno Township, **Mifflin County**.

LP03-022. Major Limited Power. Mahoning Creek Hydroelectric Company, LLC, 150 North Miller Road, Suite 450C, Fairlawn, OH 44333. To construct, operate and maintain a new powerhouse with a turbine generating system having an installed capacity of 6.0 MW at the Mahoning Creek Dam owned by the U.S. Army Corps of Engineers. Distant, PA Quadrangle N: 8.5 inches; W: 3.9 inches in Wayne and Redbank Townships, **Armstrong 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

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0055328 (IW)	New Morgan Landfill Company, Inc. 420 Quarry Road Morgantown, PA 19543-0128	Berks County New Morgan Borough	Conestoga River 7-J	Y
PA0088641 (Sew)	Carol Rose 238 South Richard Street Bedford, PA 15522	Bedford County Juniata Township	UNT to Keggs Run 11-C	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N
PA0034851 Sewage	Parker Area Authority P. O. Box 342 Parker, PA 16049	Armstrong County Parker City	Allegheny River	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0223051	Connoquenessing Borough P. O. Box 471 Connoquenessing, PA 16027	Connoquenessing Borough Butler County	Unnamed tributary to Connoquenessing Creek 20-C	Y
PA0024511	Redbank Valley Municipal Authority 243 Broad Street New Bethlehem, PA 16242	Mahoning Township Armstrong County	Redbank Creek 17-C	Y

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

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

NPDES Permit No. PA0024058, Sewage, **Kennett Square Borough**, 120 Marshall Street, Kennett Square, PA 19348. This proposed facility is located in Kennett Square Borough, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 1.1 mgd of treated sewage from a facility known as Kennett Square Borough WWTP to the West Branch Red Clay Creek in Watershed 3-I.

NPDES Permit No. PA0244384, Sewage, **Ms. Stephanie Huntzinger**, 3947 Geryville Pike, Pennsburg, PA 18073. This proposed facility is located in Marlborough Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from a facility known as Huntzinger SRSTP to an Unnamed Tributary to Macoby Creek in Watershed 3-E.

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

Final Notice is hereby given that the Department of Environmental Protection (Department), after public notice, has on April 30, 2010 issued a National Pollutant Discharge Elimination System Permit to:

Permit No. PA0055328
New Morgan Landfill Company, Inc.
420 Quarry Road
Morgantown, PA 19543-0128

This notice reflects changes from the notice published in the *Pennsylvania Bulletin*.

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Total Phosphorus			64 lbs/year as total annual average

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

NPDES Permit No. PA0261378, Sewage, **Sheetz, Inc. (Clarks Ferry Site)**, 5700 Sixth Avenue, Altoona, PA 16602. This proposed facility is located in Reed Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to Watershed 12-B.

NPDES Permit No. PA0261394, Sewage, **Randy Macko**, 3315A Black Road, Halifax, PA 17032. This proposed facility is located in Jefferson Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to South Fork Powell Creek in Watershed 6C.

NPDES Permit No. WQG01071010, Sewerage, **Chad Swogger**, 2111 14th Street, Altoona, PA 16601. This proposed facility is located in Antis Township, **Blair County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment system to serve their single family residence located on Grandview and Becker Roads.

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

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

WQM Permit No. 1309401, Sewerage, **Country Club Estates Condominium Association, Inc.**, 2930 Fairview Street, Allentown, PA 18104. This proposed facility is located in Mahoning Township, **Carbon County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for a new 30,000 gallons/day wastewater treatment plant to replace the existing system at Springdale Estates residential development and a new sewage collection system to serve 20 existing and 60 proposed townhouse units.

WQM Permit No. 4509403, Sewerage, **Tobyhanna Army Depot**, 11 Hap Arnold Boulevard, Tobyhanna, PA 18466-5086. This proposed facility is located in Coolbaugh Township, **Monroe County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for the upgrade of the existing processing equipment at the Tobyhanna Army Depot wastewater treatment plant.

WQM Permit No. 4509405, Sewerage, **The Borough of Stroudsburg**, 700 Sarah Street, Stroudsburg, PA 18360. This proposed facility is located in Stroudsburg Borough, **Monroe County**.

Description of Proposed Action: Issuance of Water Quality Management Permit for the expansion and upgrade of the Borough of Stroudsburg's existing Sewage Treatment Plant from 2.5 MGD to 4.5 MGD, including a new outfall to McMichael's Creek.

WQM Permit No. 4010403, Sewerage, **Lower Lackawanna Valley Sanitary Authority**, P. O. Box 2067, 398 Coxton Road, Duryea, PA 18642. This proposed facility is located in Duryea Borough, **Luzerne County**.

Description of Proposed Action/Activity: The project involves headworks improvements at the Lower Lackawanna Valley Sanitary Authority's (LLVSA) existing sewage treatment facility consisting of the installation of two screw pumps, two self-cleaning bar screens and two aerated grit removal units.

WQM Permit No. 4009412, **Butler Township**, 415 West Butler Drive, Drums, PA 18222. This proposed facility is located in Butler Township, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for sanitary sewer extension to serve the Butler Commons residential development.

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

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

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewage facilities consisting of: A grinder pump, prepackaged Ashbrook Simon-Hartley Integrated Membrane Activated Sludge (IMAS) system for the Sheetz gas station and convenience store located along 322 in the Clarks Ferry area. The IMAS system consists of an aerobic digester, anoxic compartment, aerobic compartment, high rate clarifier and two membranes with a back flush system.

WQM Permit No. 0609404, Sewerage, **Mr. Jay Vaughn, Director of Public Works**, 2800 Shillington Road, Sinking Spring, PA 19608-1682. This proposed facility is located in Spring Township, **Berks County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of: screening device, grit classifier, three-channel oxidation ditch, final clarifiers, UV system, effluent pump station with post aeration, alum pump with storage facilities, secondary digester, septage receiving station and buildings at Spring Township Wastewater Treatment Plant.

WQM Permit No. 2209404, Sewerage, **Randy S. Macko**, 3315A Black Road, Halifax, PA 17032. This proposed facility is located in Jefferson Township, **Dauphin County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation sewerage facilities consisting of: A 1,250 gallon septic tank, STB-650 Ecoflo peat filter, tablet chlorinator and a 250-gallon chlorine contact tank to serve their residence.

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

WQM Permit No. 1110401, Sewerage, **Ferndale Borough**, 109 Station Street, Johnstown, PA 15905. This proposed facility is located in Ferndale Borough, **Cambria County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a sewer system to replace the existing combined 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. 1009404, Sewerage, **Amendment No. 1, Butler Area Sewer Authority**, 100 Litman Road, Butler, PA 16001. This proposed facility is located in City of Butler, **Butler County**.

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

WQM Permit No. WQG018737, Sewerage, **Larry Heberle**, 26904 Bruce Road, Bay Village, OH 44140. This proposed facility is located in Glade Township, **Warren 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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI033610001	Lancaster County Transportation Authority 129 East Orange Street 3rd Floor Lancaster, PA 17604	Lancaster	Martic Township	UNT to Pequea Creek HQ-CWF
PAI030609004	Forrest Rohrbach DRST Financial Group 130 South 16th Street Emmaus, PA 18049-3302	Berks	Hereford Township	UNT to Perkiomen Creek HQ-CWF

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI044110001	Fisher Mining Company 40 Choate Circle Montoursville, PA 17754-9791	Lycoming	McHenry Township	Right Fork Otter Run HQ-CWF

Potter County Conservation District: 107 Market Street, Coudersport, PA 16915, (814) 274-8411, Ext. 4.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water / Use
PAI045306006(1)	Dominion Transmission 445 West Main Street Clarksburg, WV 26301	Potter	Genesee, Oswayo and Sharon Townships	Redwater Creek CWF Orbed Creek CWF Butter Creek CWF Dutton Hollow Run CWF

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water / Use
PAI 0610 10 001	Mr. Thomas Rockovich Butler Area Sewer Authority 100 Litman Road Butler, PA 16001	Butler	City of Butler	Connoquenessing Creek WWF Sullivan Run WWF

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: Municipality & County	Permit No.	Applicant Name & Address	Receiving Water / Use	Contact Office & Phone No.
Richland Township Bucks County	PAG0200 091013	Paws of Upper Bucks, LLC Bucks County SPCA P. O. Box 277 Lahaska, PA 18931-0227	Tohickon Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Richland Township Bucks County	PAG200 0906162-1	Gorski Engineering 1 Iron Bridge Drive Collegeville, PA 19426	Tohickon Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Warwick Township Bucks County	PAG200 0905003-R	Mignatti Companies 2310 Tenwood Drive Huntingdon Valley, PA 19006	Little Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plumstead Township Bucks County	PAG200 0904044-R	Peter DiPalma 3546 Highgate Avenue Chalfont, PA 18914	Unnamed Tributary North Branch Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAG0200 461007	Sepctra Energy—Texas Eastern Transmission Corporation 890 Winter Street Suite 300 Waltham, MA 24510	Wissahickon Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Hatfield Township Montgomery County	PAG0200 4609099	Advanced Living Management 1290 Allentown Road Lansdale, PA 19451	Unnamed Tributary Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201 51109 045	Philadelphia Healthcare Properties, Inc. 1600 Longens Gade St. Thomas, VI 00802	Tacony and Frankford Creeks WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Scott Township Lackawanna County	PAG2003506036(1)	Michael Gianetta 1038 Montdale Road Scott Township, PA 18447	Rush Brook CWF, MF Tributary to South Branch of Tunkhannock Creek CWF, MF	Lackawanna County Conservation District 570-281-9495
East Union Township Schuylkill County	PAG2005403032R(2)	Eagle Rock Resort Co., Inc. Attn: John Grohol 1031 Valley of Lakes Hazleton, PA 18201	Little Tomhicken Creek CWF, MF	Schuylkill County Conservation District 570-622-3742
West Pennsboro Township Cumberland County	PAG2002109018	Big Spring School District Richard Kerr, Jr. 45 Mount Rock Road Newville, PA 17241	Mount Rock Spring Creek WWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 717-240-7812
Cumberland Township Gettysburg Borough Adams County	PAG2000110002	Bob Kirby, Superintendent Gettysburg National Military Park 1195 Baltimore Pike Gettysburg, PA 17325	UNT to Rock Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
Scott Township Columbia County	PAG2001909002	Mark McIntyre GMI Investments, LLC 328 Buttonwood Street Reading, PA 19601	UNT to Kinney Run CWF UNT to Fishing Creek CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310 Ext. 102
Danville Borough Montour County	PAG2004710002(1)	Danville Area School District 600 Walnut Street Danville, PA 17821	Sechlar Run CWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Charleston Township Tioga County	PAG2005909006(1)	Gary Butters 54 Railroad Avenue Mansfield, PA 16933	UNT North Elk Run CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801 Ext. 3
Somerset County Garrett Borough	PAG02005610001	Somerset County Commissioners and Department of Transportation 300 North Center Avenue Suite 500 Somerset, PA 15501	Bigby Creek and Casselman River CWF	Somerset County Conservation District 6024 Glades Pike Suite 103 Somerset, PA 15501 814-445-4352
Washington County Chartiers Township	PAG2006305018-R	Maronda Homes, Inc. 1383 SR 30 Clinton, PA 15026	UNT to Allison Hollow WWF	Washington County Conservation District 602 Courthouse Square Washington, PA 15301 724-228-6774
Washington County North Strabane Township	PAG2006310002	Brimark Associates—Thomas Shea 122 Cedar Lane McMurray, PA 15317	Chartiers Creek WWF	Washington County Conservation District 602 Courthouse Square Washington, PA 15301 724-228-6774
Butler Township Butler County	PAG02 0010 10 002(1)	Butler Area Sewer Authority 100 Litman Road Butler, PA 16001	Sawmill Run WWF	Butler County Conservation District 724-284-5270
Cranberry Township Butler County Marshall Township Allegheny County	PAG02 0010 10 005	Regional Industrial Development Corporation of Southwestern PA 425 Sixth Avenue Suite 500 Pittsburgh, PA 15219	Brush Creek WWF	Butler County Conservation District 724-284-5270

*General Permit Type—PAG-3**Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Bedford County Bedford Township	PAR203612	Kennametal, Inc.—Bedford Facility 442 Chalybeate Road Bedford, PA 15522-8637	Unt Dunning Creek WWF 11-C	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Adams County Oxford Township	PAR203580	New Oxford Aluminum Company, Inc. 4942 York Road New Oxford, PA 17350	South Branch Conewago Creek WWF 7-F	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County Red Lion Borough	PAR123524	ConAgra Foods, Inc. 321 Taylor Avenue Red Lion, PA 17356-2211	Pine Run CWF 7I	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Blair County Allegheny Township	PAR603503	Jim Nagle's Rebuilt Truck Parts & Sales, Inc. P. O. Box 275 Duncansville, PA 16635-0275	UNT Gillian's Run CWF 11-A	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Blair County Blair County	PAR603554	Tyrone Auto Salvage 5053 East Pleasant Valley Boulevard Tyrone, PA 16686	Little Juniata River TSF 11-A	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
City of Saint Marys Elk County	PAR808369	Saint Marys Area Airport Authority P. O. Box 89 Saint Marys, PA 15857	Hellfire Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-4**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Blair County Antis Township	PAG043900	Chad Swogger 2111 14th Street Altoona, PA 16601	Sugar Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Rose Township Jefferson County	PAG049576	David L. Buck PW Hardwood, LLC 11424 Route 36 Brookville, PA 15825	Beaver Run 17-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Glade Township Warren County	PAG049564	Larry Heberle 26904 Bruce Road Bay Village, OH 44140	Allegheny River 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

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

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

Permit No. 6088501, Minor Amendment—Operation, Public Water Supply.

Applicant	Pennsylvania American Water
Township or Borough	White Deer Township
County	Union
Responsible Official	David R. Kaufman Vice President, Engineering Pennsylvania American Water 800 West Hersheypark Drive Hershey, PA 17033
Type of Facility	Public Water Supply—Operation
Consulting Engineer	Joel A. Mitchell, P. E. PA American Water 852 Wesley Drive Mechanicsburg, PA 17055
Permit Issued Date	May 12, 2010
Description of Action	Operation of the equipment that has been installed to add potassium permanganate to water in the White Deer Creek Filter Plant on an as-needed basis.

Permit No. 4496574 EP100—Permit-By-Rule, Public Water Supply.

Applicant **Tri-County Water Treatment**
 Township or Borough Point Township
 County **Northumberland**
 Responsible Official Bryan Luden
 Tri-County Water Treatment
 619 Point Township Drive
 Northumberland, PA 17857
 Type of Facility Public Water Supply—Operation
 Consulting Engineer N/A
 Permit Issued Date May 18, 2010
 Description of Action Operation of a water vending machine within the Northcentral Region.

Permit No. Minor Amendment—Operation, Public Water Supply.

Applicant **Driftwood Borough Water System**
 Township or Borough Driftwood Borough
 County **Cameron**
 Responsible Official James McMillan
 Facility Manager
 Driftwood Borough Water System
 P. O. Box 235
 Driftwood, PA 15832
 Type of Facility Public Water Supply—Operation
 Consulting Engineer Andy Johnson, P. E.
 Gwin, Dobson & Foreman, Inc.
 3121 Fairway Drive
 Altoona, PA 16602
 Permit Issued Date May 17, 2010
 Description of Action Operation of the water treatment facility upgrades and building addition.

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

Permit No. 3209502, Public Water Supply.

Applicant **Indiana County Municipal Services Authority**
 602 Kolter Drive
 Indiana, PA 15701
 Borough or Township Plumville Borough
 County **Indiana**
 Type of Facility New public water supply system
 Consulting Engineer Gibson-Thomas Engineering Co., Inc.
 1004 Ligonier Street
 P. O. Box 853
 Latrobe, PA 15650
 Permit to Construct Issued May 17, 2010

Permit No. 0210508, Public Water Supply.

Applicant **Municipal Authority of the Borough of Edgeworth**
 313 Beaver Road
 Sewickley, PA 15143

Borough or Township Leetsdale and Ambridge Boroughs
 County **Allegheny and Beaver**
 Type of Facility Leetsdale Industrial Park Service Improvements

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

Permit to Construct Issued May 18, 2010

Permit No. 0210507, Public Water Supply.

Applicant **Municipal Authority of the Borough of Edgeworth**
 313 Beaver Road
 Sewickley, PA 15143

Borough or Township Edgeworth Borough
 County **Allegheny**
 Type of Facility Singer Pump Station and improvements to the Singer Pressure District

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

Permit to Construct Issued May 18, 2010

Permit No. 0210506, Public Water Supply.

Applicant **Municipal Authority of the Borough of Edgeworth**
 313 Beaver Road
 Sewickley, PA 15143

Borough or Township Edgeworth, Leetsdale and Bell Acres Boroughs
 Leet Township
 Ambridge Borough

County **Allegheny and Beaver**
 Type of Facility SCADA system improvements

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

Permit to Construct Issued May 18, 2010

Permit No. 0210505, Public Water Supply.

Applicant **Municipal Authority of the Borough of Edgeworth**
 313 Beaver Road
 Sewickley, PA 15143

Borough or Township Leetsdale Borough
 County **Allegheny**
 Type of Facility Installation of 3,900 L.F. of 12-inch waterline along SR 65.

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

Permit to Construct Issued May 18, 2010

Permit No. 0210501, Public Water Supply.
 Applicant **Municipal Authority of the Borough of Edgeworth**
 313 Beaver Road
 Sewickley, PA 15143
 Borough or Township Leet Township
 County **Allegheny**
 Type of Facility New HealthSouth water storage tank with a mixing system and the replacement of the sodium hypochlorite feed system.
 Consulting Engineer Bankson Engineers, Inc.
 267 Blue Run Road
 P. O. Box 200
 Indianola, PA 15051
 Permit to Construct May 18, 2010
 Issued

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

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

Plan Description: The approved plan provides for extension of sewerage service to McClintockville, Clapp Farm and the Route 8 industrial corridor south in Cornplanter Township. Treatment will be provided by the Oil City Sewage Treatment Plant. 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.

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>
Maidencreek Township	1 Quarry Road P. O. Box 319 Blandon, PA 19510	Berks

Plan Description: The approved plan provides for an onlot disposal system (OLDS) management ordinance to address all OLDS in the municipality. 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.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Snake Spring Township	373 Penn Knoll Road Everett, PA 15537	Bedford

Plan Description: The approved plan provides for construction of a Small Flow Treatment Facility, to repair a malfunctioning onlot sewage system, for the 1.57 acre property owned by Jack and Evelyn Leach. The proposed sewage flows are 400 gallons per day with a discharge to a surface drainage way tributary to Snake Spring Valley 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.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Girard Township	10140 Ridge Road Girard, PA 16417	Erie

Plan Description: The plan has been disapproved due to circumstances that no longer require the connection of the Imperial Point STP to the Girard Borough WWTP at this time. The plan was disapproved in accordance with the April 9, 2010 consent order and agreement between the Department of Environmental Protection and Girard Township.

NOTICE OF PROMPT INTERIM RESPONSE

Punxsutawney Groundwater Contamination Site
 Punxsutawney Borough, Jefferson County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act, 35 P. S. §§ 6020.101—6020.1305 (HSCA), will conduct a response action at the Punxsutawney Groundwater Contamination Site (site). The site, as it is currently understood, is located in a light industrial/residential area in Punxsutawney Borough, Jefferson County, PA. The approximate site boundaries are Walnut Street to the West, Sutton Street to the South, Chestnut Street to the East and Cherry Street to the North. The site is an approximately two city blocks including several small industrial buildings adjacent to residential housing lots.

This response is intended to help mitigate the threats to human health and the environment at the site that are posed by wastes illegally disposed beneath the floor of the former Berlin Metal Polishers manufacturing building (Building), located at 400 Walnut Street. This is the same general area where the United States Environmental Protection Agency conducted a soil removal action in the late 1980's and a Department response in 2007 that removed additional contaminated soils. Hazardous substances are present in illegally disposed wastes and associated impacted soils beneath the Building. These wastes contain hazardous substances that have leached into the surrounding soil, and are believed to be a significant source of groundwater contamination at the site. These wastes have also weakened the concrete floor/walls of the Building and are a contributing factor in compromising its structural integrity. A second building, a home located at 617 Cherry Street (House), has also been

impacted by the migration of site-related hazardous substances. The Department has also determined that its demolition is warranted.

For this prompt interim response, the Department considered two alternatives for the Building and House at the site: 1) no action; and 2) demolish the weakened Building and contaminated House to allow for the post demolition removal of hazardous wastes and associated impacted soils buried beneath the floor of the Building and in the basement of the House. Following excavation, the excavated wastes and soils will be characterized for proper off-site disposal. Building/House demolition wastes/materials will be separated for proper recycling or disposal. The elimination of this source area will help to mitigate the groundwater contamination at the site, and eliminate potential exposure to trespassers to the Building or House.

Each alternative was evaluated with respect to four comparison criteria of: (1) the extent to which each alternative protects the public health and the environment; (2) the extent to which each alternative complies with or otherwise addresses Applicable or Relevant and Appropriate Requirements; (3) the extent to which each alternative is feasible, effective, implementable and permanent; and (4) the relative cost of each alternative.

Furthermore, this comparative analysis evaluated the relative performance of each alternative in relation to each specific comparison criterion. The comparative analysis identified advantages and disadvantages of each alternative, so that tradeoffs between the alternatives could be determined.

Based on the comparative analysis, the Department chose to implement Alternative 2 as the prompt interim response for the site. This alternative was proposed because it would, in a more cost-effective manner, protect the public and environmental receptors from direct contact with site-related hazardous substances and eliminate the ongoing release and threat of release of hazardous substances into the environment.

This notice is being provided under section 506(b) of HSCA. The administrative record, which contains the information that forms the basis and documents the selection of this response, is available for public review and comment. The administrative record is located at the Department's Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335, and is available for review Monday through Friday from 8 a.m. to 4 p.m. Telephone before hand for an appointment (telephone: 814-332-6648). A duplicate administrative record will be maintained at the Punxsutawney Borough Office (Mahoning East Civic Center), 301 East Mahoning Street, Punxsutawney, PA 15767.

The administrative record will be open for comment from May 29, 2010, until August 27, 2010. Persons may submit written comments into the record during this time only, by sending them to Mr. John Morettini, Project Manager, at the Department's Northwest Regional Office or by delivering them to the office in person.

The public will have an opportunity to present oral comments regarding the Department's response at a public hearing. The public hearing has been scheduled for July 7, 2010, at 6:30 p.m. at the Punxsutawney Borough Council Chambers, also located at 301 East Mahoning Street, Punxsutawney, PA. Persons wishing to present formal oral comments at that hearing must register on or

before June 23, 2010, by calling the Department's Community Relations Coordinator, Freda Tarbell at (814) 332-6945. A general question and answer period will follow the formal oral comment period of the public hearing. If no person requests to present oral comments, by the date specified previously, a hearing will not be held. Persons interested in finding out if anyone has registered, and if a hearing will be held, should contact Ms. Tarbell at the telephone number noted above.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Ms. Tarbell at 814-332-6945 or through the Pennsylvania AT&T Relay Service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate their needs.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

Mayfield Elementary School, 501 Linden Street, Mayfield Borough, **Lackawanna County**. Richard H. Doran and Martha Macklin have submitted a Final Report (on behalf of their client, Lakeland School District, 1355 Lakeland Drive, Scott Township, PA 18433), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of an overflow from a delivery of heating oil to a 3,000-gallon underground storage tank. The Report was submitted to document attainment of the Statewide Health Standard for soil. A public notice regarding the submission of the Final Report was published in *The Scranton Times* on March 12, 2010.

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

Northgate, City of Lancaster, **Lancaster County**. GCI Environmental Services, Inc., 1250 East King Street, Lancaster, PA 17602-3236, on behalf of Lititz Properties, LLC, 26 North Cedar Street, Lititz, PA 17543 submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with leaded gasoline. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

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

Bukovina & Kan I80E MM 118.1 Accident, Lawrence Township, **Clearfield County**. Taylor Geoservices, 38 Bishop Hollow Road, Suite 200, Newtown Square, PA 19073 on behalf of Bukovina & Kan, 5024 Main Street, Tacoma, WA 98409 has submitted within 90 days of the release a Final Report concerning remediation of site soil contaminated with diesel fuel. The Report is intended to document remediation of the site to meet the Statewide Health Standard.

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

The Encore on 7th, The City of Pittsburgh, **Allegheny County**. Chad C. Coy, Cummings Riter Consultants, Inc., 10 Duff Road, Suite 500, Pittsburgh, PA 15235, Tina Rider (PNC Realty Investors), BIT Holdings Sixty-Five, Inc., c/o PNC Realty Investors, Inc., 1601 K Street, N.W. Suite 1100, Washington, D.C. 20006 has submitted a Remedial Investigation, Risk Assessment and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with voc's, PAH's and inorganic compounds. The single report was noticed in the *Pittsburgh Post Gazette* on April 28, 2010.

Norwin Towne Center, North Huntingdon, **Westmoreland County**. Bruce Shaw, American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668 on behalf of The Soffer Organization, 424 South 27th Street, Pittsburgh, PA 15203 has submitted a Remedial Investigation and Risk Assessment Report concerning the remediation of site soils and groundwater contaminated with chlorinated compounds (PCE, TCE, Vinyl Chloride).

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

R. Hull 2H Well Site, Springville Township, **Susquehanna County**. James Pinta, Jr. and David

Testa, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 submitted a Final Report (on behalf of their client, Cabot Oil & Gas Corporation, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276-0120), concerning the remediation of soil found to have been impacted by frac fluid as a result of a release from an eroded pipe during fracing activities. The Report documented attainment of the Statewide Health Standard and was approved on May 11, 2010. The Report was originally submitted within 90 days of the release.

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

Lancaster Toyota Truck, formerly Electric Motor Supply, East Hempfield Township, **Lancaster County**, EPSYS Corporation, 1414 North Cameron Street, Suite A, Harrisburg, PA 17103, on behalf of the Estate of Ralph E. Force, c/o Amy Rosensteel, Esq., Evey Black Attorneys, 401 Allegheny Street, Hollidaysburg, PA 16648-0415 and Allen Partnership, 5270 Manheim Pike, East Petersburg, PA 17520, submitted a combined Remedial Investigation and Final Report concerning remediation of site groundwater contaminated with chlorinated volatile organic compounds. The combined Report demonstrated attainment of the Site-Specific Standard, and was approved by the Department of Environmental Protection on May 12, 2010.

HAZARDOUS WASTE TRANSPORTER LICENSE

Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Hazardous Waste Transporter License Issued

Orgco Company, Inc., 208 Route 109, Farmingdale, NY 11735. License No. PA-AH 0391. Effective January 29, 2010.

Hazardous Waste Transporter License Renewed

Interstate Chemical Company, Inc., 2797 Freeland Road, Hermitage, PA 16148. License No. PA-AH 0689. Effective January 25, 2010.

Freehold Cartage, Inc., P. O. Box 5010, Freehold, NJ 07728-5010. License No. PA-AH 0067. Effective January 29, 2010.

Coal City Cob Company, Inc., P. O. Box 597, Waxahachie, TX 75168. License No. PA-AH 0589. Effective January 29, 2010.

Safety-Kleen Canada, Inc., 300 Woolwich Road, Breslau, ON N0B 1M0. License No. PA-AH 0517. Effective February 4, 2010.

Environmental Specialists, Inc., P. O. Box 337, McDonald, OH 44437. License No. PA-AH 0587. Effective February 8, 2010.

ETC Logistics, LLC, P. O. Box 462, Parkman, OH 44080. License No. PA-AH 0688. Effective February 8, 2010.

Pure Earth Recycling (NJ), Inc., P. O. Box 92, Franklinville, NJ 08322. License No. PA-AH 0307. Effective February 8, 2010.

Elk Transportation, Inc., 1420 Clarion Street, Reading, PA 19061. License No. PA-AH 0413. Effective February 16, 2010.

E.I. Dupont De Nemours and Company, Experimental Station, P. O. Box 80249 RT, Wilmington, DE 19880-0249. License No. PA-AH S227. Effective February 18, 2010.

The Cardinal Group, Inc., 18 Water Street, Reading, PA 19605. License No. PA-AH 0710. Effective February 22, 2010.

Edward Armstrong & Sons, Inc., 205 Greenfield Road, Lancaster, PA 17601. License No. PA-AH 0027. Effective February 22, 2010.

Carlucci Construction Company, Inc., 401 Meadow Street, Cheswick, PA 15024. License No. PA-AH 0297. Effective February 23, 2010.

Moran Environmental Recovery, LLC, 75D York Avenue, Randolph, MA 02368. License No. PA-AH 0744. Effective March 1, 2010.

Summit Transport & Environmental, Inc., 150C John Street, Weston, WV 26452. License No. PA-AH 0737. Effective March 1, 2010.

Sunpro, Inc., 7640 Whipple Avenue N.W., North Canton, OH 44720. License No. PA-AH 0659. Effective March 3, 2010.

Smith Systems Transportation, Inc., P. O. Box 2455, Scottsbluff, NE 69361. License No. PA-AH 0654. Effective March 4, 2010.

United Oil Recovery, Inc., 47 Gracey Avenue, Meriden, CT 06451. License No. PA-AH 0378. Effective March 9, 2010.

Chemical Analytics, Inc., 29959 Beverly Road, Romulus, MI 48174. License No. PA-AH 0584. Effective March 10, 2010.

Ken's Marine Service, Inc., P. O. Box 4001, Bayonne, NJ 07002. License No. PA-AH S154. Effective March 15, 2010.

Baltimore Tank Lines, Inc., P. O. Box 1028, Glen Burnie, MD 21060-1028. License No. PA-AH 0458. Effective March 17, 2010.

Gemchem, Inc., P. O. Box 384, Lititz, PA 17543. License No. PA-AH 0259. Effective March 17, 2010.

S & C Transport, Inc., 12600 Stark Road, Livonia, MI 48150. License No. PA-AH 0446. Effective March 24, 2010.

Advanced Waste Carriers, Inc., 1126 South 70th Street, Suite N408B, West Allis, WI 53214. License No. PA-AH 0742. Effective March 29, 2010.

Univar USA, Inc., 328 Bunola River Road, Bunola, PA 15020. License No. PA-AH 0334. Effective April 6, 2010.

Duquesne Light Company, Const Coord & Underground, 2645 New B, Pittsburgh, PA 15233. License No. PA-AH 0462. Effective April 8, 2010.

Transport TFI, S.E.C., 1950 3rd Street, St-Romuald, PQ G6W 5M6, License No. PA-AH 0720. Effective April 8, 2010.

EAP Industries, Inc., P. O. Box 275, 1575 Smith Township State Road RT, Atlasburg, PA 15004. License No. PA-AH 0660. Effective April 9, 2010.

Rinchem Company, Inc., 6133 Edith Boulevard NE, Albuquerque, NM 87107. License No. PA-AH S205. Effective April 26, 2010.

Aqua-Tex Transport, Inc., P. O. Box 1204, Hamonton, NJ 08037. License No. PA-AH S179. Effective April 27, 2010.

U.S. Industrial Technologies, Inc., 13075 Newburgh Road, Livonia, MI 48150. License No. PA-AH 0747. Effective April 27, 2010.

Earth Technology II, LLC, P. O. Box 338, North Haven, CT 06473. License No. PA-AH 0691. Effective April 28, 2010.

A & D Environmental Services (SC), LLC, 1741 Calks Ferry Road, Lexington, SC 29073. License No. PA-AH 0743. Effective May 4, 2010.

Lewis Environmental, Inc., P. O. Box 639, Royersford, PA 19468. License No. PA-AH 0591. Effective May 6, 2010.

Hazardous Waste Transporter License, actions taken under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Hazardous Waste Transporter License Voluntarily Terminated

South Jersey Pollution Control, Inc., 209 Harmony Road, P. O. Box 28, Mickleton, NJ 08056. License No. PA-AH 0145. Effective January 28, 2010.

Hydro technology, Inc., P. O. Box 66071, Newport, MI 48166. License No. PA-AH 0708. Effective February 1, 2010.

Pride Transportation, Inc., P. O. Box 2424, Bakersfield, CA 93303. License No. PA-AH 0756. Effective March 26, 2010.

Hazardous Waste Transporter License Expired

N & D Transportation Company, Inc., 100 Industrial Drive, North Smithfield, RI 02896. License No. PA-AH 0741. Effective February 28, 2010.

AgHog, Inc., 773 Patterson Court, Inkster, MI 48141. License No. PA-AH S224. Effective April 30, 2010.

INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Infectious and Chemotherapeutic Waste Transporter License Renewed

Healthcare Waste Solutions of PA, LLC, d/b/a Genesis Environmental, Industrial Manor ii, 380 Locust Street, McKeesport, PA 15132. License No. PA-HC 0217. Effective February 18, 2010.

Orchard Hill Memorial Park, Inc., 187 Route 94, Lafayette, NJ 07848. License No. PA-HC 0163. Effective February 18, 2010.

Advant-EDGE Solutions, Inc., 927 Red Toad Road, North East, MD 21901. License No. PA-HC 0239. Effective April 26, 2010.

Environmental Waste Minimization, Inc., 14 Brick Kiln Court, Northampton, PA 18067-9784. License No. PA-HC 0219. Effective April 30, 2010.

Infectious and Chemotherapeutic Waste Transporter License, actions taken under the Solid Waste Management Act of July 7, 1980 (P. L. 380, No. 97) (35 P. S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.

Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.

Infectious and Chemotherapeutic Waste Transporter License Expired

Ephrata Community Hospital, P. O. Box 1002, 169 Martin Avenue, Ephrata, PA 17522-1002. License No. PA-HC 0204. Effective March 32, 2010.

AIR QUALITY

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

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

66-399-008GP5: PVR Marcellus Gas Gathering, LLC (8080 North Central Expressway, Suite 900, Dallas, TX 75206) on April 28, 2010, to construct and operate a Natural Gas Compressor Station at their site in Washington Township, **Wyoming County**.

58-310-024GP3: Powers Stone, Inc. (R. R. 5, Box 124, Montrose, PA 18801) on May 5, 2010, to construct and operate a Portable Crushing Operation with watersprays at their site in Bridgewater Township, **Susquehanna County**.

58-310-025GP3: Powers Stone, Inc. (R. R. 5, Box 124, Montrose, PA 18801) on May 5, 2010, to construct and operate a Portable Crushing Operation with watersprays at their site in Middletown Township, **Susquehanna County**.

58-329-013GP9: Powers Stone, Inc. (R. R. 5, Box 124, Montrose, PA 18801) on May 5, 2010, to install and operate a Diesel I/C engine at their site in Bridgewater Township, **Susquehanna County**.

58-329-014GP9: Powers Stone Inc. (R. R. 5, Box 124, Montrose, PA 18801) on May 5, 2010, to install and operate a Diesel I/C engine at their site in Middletown Township, **Susquehanna County**.

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

GP5-63-00954 (MarkWest Liberty Midstream and Resources, LLC, Tower 2, Suite 700, 1515 Arapahoe Street, Denver, CO 80202) GP-5 issued on or about May 6, 2010 to allow the installation of three new Caterpillar, Model 3516LE, 1340-bhp, compressor engines, each equipped with a Miratech Oxidation Catalyst and instal-

lation of one 30 mmscf/day NATCO dehydrator equipped with a 0.75 mmBtu/hr reboiler, 3 condensate tanks and a flare for destruction of organic compounds at a new facility. The facility will be known as the Brigich Compressor Station and is located off of Johnston Hill Road in Chartiers Township, **Washington County**.

GP5-63-00933B (MarkWest Liberty Midstream and Resources, LLC, Tower 2, Suite 700, 1515 Arapahoe Street, Denver, CO 80202) GP-5 issued on or about May 6, 2010, to allow the installation of one new Caterpillar, Model 3516LE, 1,340-bhp, compressor engine, equipped with a Miratech Oxidation Catalyst, four additional Miratech Oxidation Catalysts on four existing compressor engines and one 30 MM cfd dehydration unit equipped with a flare and reboiler. It will also allow operation of the following existing sources: four Caterpillar G3516 LE lean burn engines each rated at 1,340 bhp, located off of Johnston Hill Road in Chartiers Township, **Washington County**.

GP9-63-00954 (MarkWest Liberty Midstream and Resources, LLC, Tower 2, Suite 700, 1515 Arapahoe Street, Denver, CO 80202) GP-9 issued on or about May 11, 2010, to allow the installation of one new John Deere, 197-bhp, Model 6068HF285, diesel electrical generator engine. The permit will also allow the operation of three Caterpillar, Model 3516LE, 1,340-bhp, compressor engines, each equipped with a Miratech Oxidation Catalyst and installation of one 30 mmscf/day NATCO dehydrator equipped with a 0.75 mmBtu/hr reboiler, 3 condensate tanks and a flare for destruction of organic compounds at the facility. The facility is known as the Brigich Compressor Station and is located off of Brigich Road in Chartiers Township, **Washington County**.

GP9-63-00934: MarkWest Liberty Midstream and Resources, LLC (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) on May 18, 2010, to allow the installation and initial operation of a diesel-fired engine under GP-9 for emergency backup power at the Godwin Compressor Station, located in Canton Township, **Washington County**.

GP9-63-00937A: MarkWest Liberty Midstream and Resources, LLC (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) on May 18, 2010, to allow the installation and initial operation of a diesel-fired engine under GP-9 for emergency backup power at the Fulton Compressor Station, located in Mount Pleasant Township, **Washington County**.

GP9-63-00940: MarkWest Liberty Midstream and Resources, LLC (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) on May 18, 2010, to allow the installation and initial operation of a diesel-fired engine under GP-9 for emergency backup power at the Shaw Compressor Station, located in Chartiers Township, **Washington 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.

09-0021C: MRI Flexible Packaging Co., LP (122 Penns Trail, Newtown, PA 18940) on May 12, 2010, to install and operate a new Regenerative Thermal Oxidizer

to replace two (2) existing catalytic oxidizers to control pollutant emissions from their printing operations in Newtown Township, **Bucks County**. The Plan Approval will contain applicable testing, monitoring and recordkeeping requirements to ensure compliance with the emission limits for a State-only facility.

09-0196D: Abington Reldan Metals, LLC (550 Old Bordertown Road, Fairless Hills, PA 19030) on May 18, 2010, to construct the metal recovery acid and strip processes, and three (3) units of scrubbers at a new precious metal recovery facility, in Falls Township, **Bucks County**. This facility is a non-Title V facility. This construction will not result in an emission increase of total facility limit for nitrogen oxides (NOx) and hazardous air pollutants (HAPs) being emitted into the atmosphere. The Plan Approval will contain monitoring requirements, record keeping requirements, operating conditions and performance testing requirements designed to keep the facility operating within the allowable emission limitations and all applicable air quality requirements.

46-0069D: Highway Materials, Inc.—Plymouth Meeting Quarry (5000 Joshua Road, Plymouth Meeting, PA 19462) on May 18, 2010, to replace the tertiary crusher at their existing stone crushing facility in Whitmarsh Township, **Montgomery County**. Sources at the quarry currently operate under Synthetic Minor Operating Permit No. 46-00069. Facility Nitrogen Oxide (NOx) emissions are restricted to less than 25 tons per year. The new equipment is the same as the equipment to be replaced: crusher maximum capacity is 225 tons per year. Particulate matter emissions from the new tertiary crusher (Source ID No. 1003) will be controlled by wet suppression system only. There will be no increase in emissions. Plan Approval No. 46-0069D will include monitoring, testing, 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.

66-315-055: Procter & Gamble Paper Products (P. O. Box 32, Mehoopnay, PA 18629) on May 10, 2010, to install and operate a settling chamber on paper machine 2M at their facility in Washington Township, **Wyoming County**.

58-329-008: Tennessee Gas Pipeline Co. (1001 Louisiana Street, Houston, TX 77002-5089) on April 28, 2010, to construct and operate three (3) Simple Cycle Gas Turbines at their site in Clifford Township, **Susquehanna County**.

48-399-061: Custom Laminating Corp. (P. O. Box 37, Flanders, NJ 07836-0037) on May 11, 2010, to construct and operate a new laminating process at the facility to be in Upper Mt Betel Township, **Northampton County**.

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

01-05035A: Tucker Industrial Liquid Coatings, Inc. (407 North Avenue, East Berlin, PA 17316) on May 11, 2010, to operate three (3) spray paint booths with dry panel filters for control of particulate matter emissions at their spray painting job shop (North Avenue Facility) in East Berlin Borough, **Adams County**. The facility is

subject to 40 CFR Part 63, Subpart M—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Miscellaneous Metal Parts and Products.

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

32-00375B: Rosebud Mining Co. (301 Market Street, Kittanning, PA 16201-9642) for modification to authorize an increase in the annual coal throughput of their facility from 500,000 tons per year to 800,000 tons per year at the Lowry Mine Coal Preparation Plant located in White Township, **Indiana County**.

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

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

46-0112D: Palmer International, Inc. (2036 Lucon Road, Skippack, PA 19474) on May 14, 2010, to operate a new reactor system in Skippack Township, **Montgomery County**.

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

26-00573A: (Johnson Matthey, Inc., 605 Mountain View Drive, Smithfield, PA 15478) On May 10, 2010, to extend the period of temporary operation of the catalyst production facility covered under plan approval 26-00573A until December 8, 2010 in Smithfield Borough, **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.

25-069N: BASF Corp.—Erie Plant (1729 East Avenue Erie, PA 16503) on May 27, 2010, to operate a fluidized bed reactor, loading hopper and two dust collection systems to capture particulate matter at their facility in the City of Erie, **Erie County**. This is a State-only facility.

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.

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

40-00014: Orograin Bakeries Manufacturing, Inc. (325 Kiwanis Boulevard, Valmont Industrial Park, West Hazleton, PA 18202-1163) on May 7, 2010, to operate a bread and cake bakery at their facility in West Hazleton Borough, **Luzerne County**.

39-00075: Stonemor PA, LLC (927 Nathaniel Trail, Warminster, PA 18974) on May 18, 2010, to operate a crematory at the facility in Whitehall Township, **Lehigh County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Thomas

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

06-03146: Troutman Industries, Inc. (2201 Reading Avenue, West Lawn, PA 19609) on May 10, 2010, for their facility in Spring Township, **Berks County**. This is a renewal of the State-only operating permit.

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

43-00273: Select Industries, Inc. (242 Reynolds Industrial Park Road, Greenville, PA 16125) on May 11, 2010, to re-issue a Natural Minor Operating Permit to perform metal coating operations, in Pymatuning Township, **Mercer County**. The facility's primary emission sources include coating and lithographic printing lines. The VOC and HAP emissions from this facility are below major source levels.

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

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

09-00056: GE Betz, Inc. (4636 Somerton Road, Trevose, PA 19053-6742) on May 12, 2010, to amend an operating permit to identify a change in name of Responsible Official to Operating Permit 09-00056 in Bensalem Township, **Bucks County**. This Administrative Amendment to the State-only Synthetic Minor Operating Permit is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

25-00090: Zurn Industries—Cast Metals Division (1801 Pittsburgh Avenue, Erie, PA 16502) on May 11, 2010, for an administrative amendment to the State Operating Permit to incorporate the change of responsible official for the Cast Metals Division at 1301 Raspberry Street in **Erie County**.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

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

10-00264: Thomas E. Siegel Co.—Bruin Stone (208 Woodland Road, Shippensburg, PA 16254) on May 11, 2010, for revocation of their State-only Operating Permit for the operation of the limestone crushing and screening facility in Parker Township, **Butler County**. This operating permit was revoked because of a permanent shutdown of operations at the facility.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

32031301 and NPDES Permit No. PA0235580, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201-9642), to renew the permit for the Lowry Deep Mine in White Township, **Indiana County** and related NPDES permit. No additional discharges. Application received: July 1, 2009. Permit issued: May 17, 2010.

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

56000103 and NPDES No. PA0235245. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 111.4 acres. Receiving stream(s): unnamed tributary to Oven Run to Stony Creek River classified for the following use(s): cold water fishery/warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: March 15, 2010. Permit issued: May 13, 2010.

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

30080102. Penn Development Services, LP (732 McClellandtown Road, Uniontown, PA 15401). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in Cumberland Township, **Greene County**, affecting 84.6 acres. Receiving streams: Monongahela River. Application received: December 11, 2008. Permit issued: May 11, 2010.

03940110 and NPDES Permit No. PA0200999. Britt Energies, Inc. (92450 Philadelphia Street, Indiana, PA 15701). Transfer of permit formerly issued to Seven Sisters Mining Co., Inc. for continued operation and reclamation of a bituminous surface mining site located in Wayne Township, **Armstrong County**, affecting 55.5 acres. Receiving streams: unnamed tributaries A and B to

North Branch of South Fork Pine Creek to Pine Creek to Allegheny River. Application received: May 5, 2008. Transfer permit issued: May 12, 2010.

03030107. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Permit renewal issued for continued reclamation only of a bituminous surface mining site located in Boggs Township, **Armstrong County**, affecting 151.8 acres. Receiving streams: N/A. Application received: March 15, 2010. Renewal issued: May 13, 2010.

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

17880103 and NPDES No. PA0116246. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849). Renewal of an existing bituminous surface mine located in Bradford Township, **Clearfield County** affecting 54.8 acres. Receiving streams: unnamed tributaries to Roaring Run to the West Branch of the Susquehanna River to the Susquehanna River classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: March 17, 2010. Permit issued: May 5, 2010.

17000109 and NPDES No. PA0242985. Kenneth K. Rishel & Sons, Inc. (1229 Turnpike Avenue, Clearfield, PA 16830). Permit revision to an existing bituminous surface mine located in Lawrence Township, **Clearfield County** affecting 25.0 acres. This revision is to add five (5.0) acres of mining and support to the existing permit area. Receiving streams: Orr's Run and an unnamed stream to Orr's Run classified for Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: March 22, 2010. Permit issued: May 12, 2010.

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

49860201T2. Rosini Enterprises, Inc., (P. O. Box 568, Shamokin, PA 17872), transfer of an existing anthracite coal refuse reprocessing and preparation plant operation Coal Township, **Northumberland County** affecting 60.0 acres, receiving stream: none. Application received: January 14, 2009. Transfer issued: May 14, 2010.

Noncoal Applications Returned

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

SMP No. 08092811. Lester West (R. R. 2, Box 248A1, Wysox, PA 18854), commencement, operation and restoration of small noncoal (Flagstone) permit located in Standing Stone, Township, **Bradford County**, affecting 5.0 total acres. Receiving stream(s): Unnamed Tributary and King Creek. Application received: September 23, 2009. Application returned: May 07, 2010.

Noncoal Permits Actions

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

43040302. New Castle Lime and Stone Company (P. O. Box 442, Edinburg, PA 16116) Renewal of an existing large sand and gravel operation in Shenango Township, **Mercer County** affecting 48.3 acres. Receiving streams: Unnamed tributary to the Shenango River. Application received: February 22, 2010. Permit Issued: May 13, 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

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

05100401. Geokinetics, R. R. 6, Box 6176, Towanda, PA 18848, blasting activity permit issued for seismic exploration project in Southampton Township, **Bedford County**. Blasting activity permit end date is April 10, 2011. Permit issued: May 12, 2010.

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

08104007. Geokinetics, Inc. (R. R. 6, Box 7176, Towanda, PA 18848). Seismic exploration blasting, Phase 4, located in Canton, Leroy, Franklin, Overton, Monroe and Albany Townships, **Bradford County**; Fox, Elkland, Forks and Cherry Townships, **Sullivan County**; and McNett Township, **Lycoming County**. Permit issued: May 12, 2010. Permit expires: June 30, 2011.

08104106. Orica USA, Inc. (5101 Beekmantown Road, Whitehall, PA 18052-2240). Construction blasting for Latona Trucking/Broshart Road Gas Pad located in Overton Township, **Bradford County**. Permit issued: May 12, 2010. Permit expires: July 31, 2010.

08104107. Austin Powder Northeast, LLC (25800 Science Park Drive, Beachwood, OH 44122). Construction blasting for a natural gas well pad located in Overton Township, **Bradford County**. Permit issued: May 12, 2010. Permit expires: May 11, 2011.

08105001. Doug Wathen, LLC (16282 State Highway 13, Suite J, Branson West, MO 65737). Blasting activity permit by rule for excavation around a well pad located in North Towanda Township, **Bradford County**. Permit issued: May 12, 2010. Permit expires: June 12, 2010.

08105101. John H. Brainard (R. R. 1, Box 275, Kingsley, PA 18826-9702). Construction blasting for a gas well pad located in Wilnot Township, **Bradford County**. Permit issued: May 12, 2010. Permit expires: June 30, 2010.

59104004. Doug Wathen, LLC (16282 State Highway 13, Suite J, Branson West, MO 65737). Construction blasting for the Bogacyzk water retention pond located in Covington Township, **Tioga County**. Permit issued: May 10, 2010. Permit expires: April 25, 2011.

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

36104121. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Sunset Ridge in Manheim Township, **Lancaster County** with an expiration date of May 31, 2010. Permit issued: May 11, 2010.

46104103. Warren's Excavating & Drilling, Inc., (P. O. Box 214, Myerstown, PA 17067), construction blasting for Spring Mill Road and Ginko Lane Waterline in

Lower Merion Township, **Montgomery County** with an expiration date of May 4, 2011. Permit issued: May 11, 2010.

23104102. ME Drilling & Blasting, (P. O. Box 279, Auburn, NH 03032), construction blasting for Sun Center Studios in Chester Township, **Delaware County** with an expiration date of August 30, 2010. Permit issued: May 13, 2010.

45104109. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Skytop Lodge in Barrett Township, **Monroe County** with an expiration date of May 31, 2011. Permit issued: May 13, 2010.

45104110. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Pocono Highland Estates in Pocono Township, **Monroe County** with an expiration date of May 31, 2011. Permit issued: May 13, 2010.

46104104. Schlouch, Inc., (P. O. Box 69, Blandon, PA 19510), construction blasting for The Preserve in New Hanover Township, **Montgomery County** with an expiration date of May 7, 2011. Permit issued: May 13, 2010.

64104101. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Paupacken Lake Estates in Paupack and Lake Townships, **Monroe County** with an expiration date of May 31, 2010. Permit issued: May 13, 2011.

58104017. M & S Blasting, LLC, (943 Gontarski Road, Hallstead, PA 18822), construction blasting for C. Rozell 2 and 3 Well Pad in Jessup Township, **Susquehanna County** with an expiration date of April 26, 2011. Permit issued: May 14, 2010.

58104018. Mike Kipar, (6005 SR 267, Meshoppen, PA 18630) and Brainard Explosives, (3978 SR 2073, Kingsley, PA 18826), construction blasting for the Kipar Borrow Pit in Auburn Township, **Susquehanna County** with an expiration date of June 10, 2011. Permit issued: May 14, 2010.

58104019. M & S Blasting, LLC, (943 Gontarski Road, Hallstead, PA 18822), construction blasting for the Carson 1H–3H Well Site in Springville Township, **Susquehanna County** with an expiration date of May 4, 2011. Permit issued: May 14, 2010.

64104002. Northeast Blasting, (403 Middle Creek Road, Honesdale, PA 18431), construction blasting for a Cell Tower in Damascus Township, **Wayne County** with an expiration date of May 4, 2011. Permit issued: May 14, 2010.

**FEDERAL WATER POLLUTION
CONTROL ACT SECTION 401**

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

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

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

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E23-481. Chester City, 109 Chesley Drive, Media, PA 19063-1782, Chester City, **Delaware County**, ACOE Philadelphia District.

To place and maintain fill in the floodway of the Chester Creek (WWF, MF) associated with the addition of an approximately 59 by 36 SF building extension to the Youth Learning Center within Eyre Park.

The project is located approximately 258 feet east of the intersection South Eyre Drive and Preston Place in the City of Chester, Delaware County (Bridgeport, PA-NJ USGS Quadrangle N: 18.63 inches; W: 15.94 inches).

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

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

E08-461. Hawg Hauling & Disposal, LLC, 171 Locust Avenue Extension, P. O. Box 537, Mt. Morris, PA 15349. Contractors yard in Athens Township, **Bradford County**, ACOE Baltimore District (Sayre, PA Quadrangle N: 13.4 inches; W: 2.3 inches).

To place and maintain fill in 0.167 acre of a 0.22 acre palustrine emergent wetland system for the purpose of constructing a contractor's yard for maintaining and parking up to 45 tanker trailers, including personal parking spaces for 45 employees. This 14.26-acre parcel was previously occupied by the 'Perfection Oil' facility and is adjacent to the Barret Water Withdrawal site. Replacement wetlands (0.24 acre) will be built on site. The site is located approximately 1.0 mile north of the SR 0220/SR 0199 intersection, on the southeast side of SR 0199 and the west side of the Chemung River.

E18-451. Western Clinton County Municipal Authority, P. O. Box 363, Renovo, PA 17764-0363. Pump Station No. 4 in Chapman Township, **Clinton County**, ACOE Baltimore District (Renovo East, PA Quadrangle N: 41° 20' 47"; W: -77° 41' 49").

To remove an existing sewer pump station, then to construct and maintain a new sewer pump station consisting of 71 linear feet of 8-inch sanitary sewer gravity main, 105 linear feet of 6-inch sanitary sewer force main by trenching, the installation of pre-cast concrete wet well with two submersible sewage pumps, pre-cast concrete dry valve vault, pre-cast concrete manhole, elevated steel structure to support the emergency generator and electrical equipment, the installation of a chain link fence around the pump station perimeter and a 15-foot by 16-foot gravel driveway located 375 feet south from SR 120 on Reese Road next to the railroad tracks in the 100-year floodway. This permit was issued under Section 105.13(e) "Small Projects."

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

E26-355. Alpha PA Coal Terminal, LLC, P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370. To maintain an existing dock and perform maintenance dredging in Luzerne Township, **Fayette County**, Pittsburgh ACOE District (California, PA Quadrangle N: 1.8 inches; W: 15.95 inches, Latitude: 40° 00' 36"; Longitude: 79° 59' 20"). To operate and maintain an existing barge dock and mooring facility approximately 3,450 feet long by 211 feet wide, starting from Cell No. 4 extending upstream to Cell No. 46 (Upstream Icebreakers) at mile post 63.5 along the right bank of the Monongahela River (WWF), excluding the conveyor bridge at mile post 63.16, which will remain to Matt Canestrone Contracting, Inc. (E26-229). Also, to perform maintenance dredging at said locations. The LaBelle site is an existing coal loading facility located in Luzerne Township, Fayette County.

E63-623. Samuel Minor, 1531 Route 136, Washington, PA 15301. To construct and maintain an intake and outfall structure in North Strabane Township, **Washington County**, Pittsburgh ACOE District (Washington East, PA Quadrangle N: 13.25 inches; W: 4.4 inches, Latitude: 40° 11' 43"; Longitude: 80° 09' 26"). To construct and maintain an intake and outfall structure in an UNT to Little Chartiers Creek (HQ/WWF) for the purpose of collecting and discharging water for a proposed off stream farm pond. The project is located on the west side of Linnwood Road approximately 4,000' south of its intersection with Ridge Road in Washington County.

ENVIRONMENTAL ASSESSMENTS

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

EA26-008 Fayette County Conservation District, 10 Nickman Plaza, Lemont Furnace, PA 15456. To utilize

limestone sand dosing to abate mine drainage in Henry Clay Township, **Fayette County**, Pittsburgh ACOE District (Ohio Pyle, PA Quadrangle N: 12.2 inches; W: 8.0 inches, Latitude: 39 40' 0.5"; Longitude: 79 25' 54"). To utilize limestone sand dosing at a single site to abate abandoned mine drainage (AMD) and chronic acidification stemming from the mixing of acid deposition with acidic springs emanating from acidic geologic formations and soils. Applications of approximately 23 tons of limestone sand are proposed to be placed along Ramcat Run (HQ-CWF) at a location along Sugar Loaf Road where Ramcat Run intersects the road.

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 & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

ESCGP-1 # ESX10-117-0086
 Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Brookfield Township
 Receiving Stream(s) and Classification(s) UNT to North Brook
 Secondary—North Brook

ESCGP-1 # ESX10-117-0070
 Applicant Name Seneca Resources Corporation
 Contact Person Doug Kepler
 Address 51 Zents Boulevard
 City, State, Zip Brookville, PA 15825
 County Tioga
 Township(s) Bloss Township and Blossburg Borough
 Receiving Stream(s) and Classification(s) Tioga River

ESCGP-1 # ESG10-115-0009
 Applicant Name Chief Gathering, LLC
 Contact Person Ted Wurfel
 Address 6051 Wallace Road Ext.

City, State, Zip Wexford, PA 15090
 County Susquehanna
 Township(s) Lathrop Township
 Receiving Stream(s) and Classification(s) Horton and Martin's Creeks

ESCGP-1 # ESG10-015-0026
 Applicant Name Chief Gathering, LLC
 Contact Person Ted Wurfel
 Address 6051 Wallace Road Ext.
 City, State, Zip Wexford, PA 15090
 County Bradford
 Township(s) Burlington Township
 Receiving Stream(s) and Classification(s) UNT to Towanda Creek, UNT to Bailey Run

ESCGP-1 # ESX10-079-0003
 Applicant Name EnCana Oil and Gas (USA), Inc.
 Contact Person Brenda Linster
 Address 370 17th Street, Suite 1700
 City, State, Zip Denver, CO 80202
 County Luzerne
 Township(s) Lake Township
 Receiving Stream(s) and Classification(s) UNT to Harvey's Creek
 Secondary—Harvey's Creek

ESCGP-1 # ESX10-081-0021
 Applicant Name XTO Energy, Inc.
 Contact Person Dewey Chalos
 Address 810 Houston Street
 City, State, Zip Fort Worth, TX 76102
 County Lycoming
 Township(s) Penn and Moreland Townships
 Receiving Stream(s) and Classification(s) Broad Run, Jakes Run and Little Sugar Run

ESCGP-1 # ESX10-131-0008
 Applicant Name Citrus Energy Corporation
 Contact Person Jeffrey Searfoss
 Address 36 Hazelton Street
 City, State, Zip Ashley, PA 18706
 County Wyoming
 Township(s) Washington Township
 Receiving Stream(s) and Classification(s) UNT to Susquehanna River

ESCGP-1 # ESX10-027-0003(01)
 Applicant Name EXCO Resources (PA), Inc.
 Contact Person Larry Sanders
 Address 3000 Ericsson Drive, Suite 200
 City, State, Zip Warrendale, PA 15086
 County Centre
 Township(s) Burnside Township
 Receiving Stream(s) and Classification(s) UNT to Sterling Run
 Secondary—Sterling Run

ESCGP-1 # ESG10-117-0013
 Applicant Name Ultra Resources, Inc.
 Contact Person Belinda Salinas
 Address 204 Inverness Way South, Suite 295
 City, State, Zip Englewood, CO 80112-5828
 County Tioga
 Township(s) Gaines Township
 Receiving Stream(s) and Classification(s) Lick Run

ESCGP-1 # ESG10-117-0050
 Applicant Name Ultra Resources, Inc.
 Contact Person Belinda Salinas
 Address 204 Inverness Way South, Suite 295
 City, State, Zip Englewood, CO 80112-5828
 County Tioga
 Township(s) Gaines Township
 Receiving Stream(s) and Classification(s) Lick Run

ESCGP-1 # ESG10-117-0057
 Applicant Name Ultra Resources, Inc.
 Contact Person Belinda Salinas
 Address 204 Inverness Way South, Suite 295
 City, State, Zip Englewood, CO 80112-5828
 County Tioga
 Township(s) Gaines Township
 Receiving Stream(s) and Classification(s) Gross Hollow
 and Faglely Hollow
 Secondary—Sliders Branch

ESCGP-1 # ESG10-117-0036
 Applicant Name Ultra Resources, Inc.
 Contact Person Belinda Salinas
 Address 204 Inverness Way South, Suite 295
 City, State, Zip Englewood, CO 80112-5828
 County Tioga
 Township(s) Elk Township
 Receiving Stream(s) and Classification(s) Elk Run

ESCGP-1 # ESG10-117-0035
 Applicant Name Ultra Resources, Inc.
 Contact Person Belinda Salinas
 Address 204 Inverness Way South, Suite 295
 City, State, Zip Englewood, CO 80112-5828
 County Potter and Tioga Counties
 Township(s) West Branch Township (Potter); Elk and
 Gaines Townships (Tioga)
 Receiving Stream(s) and Classification(s) South Branch
 Pine Creek and Elk Run
 Secondary—Button/Swope/Big Hollow; Gormanian
 Branch

ESCGP-1 # ESG10-117-0009
 Applicant Name Ultra Resources, Inc.
 Contact Person Belinda Salinas
 Address 204 Inverness Way South, Suite 295
 City, State, Zip Englewood, CO 80112-5828
 County Tioga
 Township(s) Gaines Township
 Receiving Stream(s) and Classification(s) Wetmore Run
 (tributary to Elk Run)

ESCGP-1 # ESG10-105-0002
 Applicant Name Ultra Resources, Inc.
 Contact Person Belinda Salinas
 Address 204 Inverness Way South, Suite 295
 City, State, Zip Englewood, CO 80112-5828
 County Potter
 Township(s) West Branch Township
 Receiving Stream(s) and Classification(s) Gross Hollow
 and Sliders Branch

ESCGP-1 # ESX10-015-0106
 Applicant Name Talisman Energy, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Columbia and Springfield Twps.
 Receiving Stream(s) and Classification(s) UNT to North
 Branch Sugar Creek

ESCGP-1 # ESX10-015-0104
 Applicant Name Talisman Energy, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Troy Township
 Receiving Stream(s) and Classification(s) Tributary to
 North Branch Towanda Creek
 Secondary—North Branch Towanda Creek

ESCGP-1 # ESX10-117-0067
 Applicant Name Seneca Resources Corp.
 Contact Person Doug Kepler
 Address 51 Zents Boulevard
 City, State, Zip Brookville, PA 15825
 County Tioga
 Township(s) Bloss and Covington Townships
 Receiving Stream(s) and Classification(s) Tioga River

ESCGP-1 # ESX10-015-0111
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Troy Township
 Receiving Stream(s) and Classification(s) UNT of Sugar
 Creek
 Secondary—Sugar Creek

ESCGP-1 # ESX10-015-0113
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Orwell Township
 Receiving Stream(s) and Classification(s) Johnson Creek
 Secondary—Wysox Creek

ESCGP-1 # ESX10-015-0092
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Herrick Township
 Receiving Stream(s) and Classification(s) Billings Creek

ESCGP-1 # ESX10-015-0094
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Smithfield Township
 Receiving Stream(s) and Classification(s) West Branch
 Tomjack Creek

ESCGP-1 # ESX10-015-0032(01)
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Terry Township
 Receiving Stream(s) and Classification(s) Susquehanna
 River

ESCGP-1 # ESX10-015-0105
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Sheshequin Township
 Receiving Stream(s) and Classification(s) UNT of Deer
 Lick Creek
 Secondary—Deer Lick Creek

ESCGP-1 # ESX10-015-0089
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Orwell Township
 Receiving Stream(s) and Classification(s) UNT of Jerome
 Creek
 Secondary—Jerome Creek

ESCGP-1 # ESX10-015-0096
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Orwell Township
 Receiving Stream(s) and Classification(s) Tributary of
 Wysox Creek
 Secondary—Wysox Creek

ESCGP-1 # ESX10-015-0112
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Towanda Township
 Receiving Stream(s) and Classification(s) UNT to
 Susquehanna River
 Secondary—Tributary to Towanda Creek

ESCGP-1 # ESX10-015-0102
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Wysox Township
 Receiving Stream(s) and Classification(s) UNT of Wysox
 Creek
 Secondary—Wysox Creek

ESCGP-1 # ESX10-131-0006
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Wyoming
 Township(s) Washington Township
 Receiving Stream(s) and Classification(s) UNT to Meshop-
 pen Creek

ESCGP-1 # ESX10-113-0001
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Sullivan
 Township(s) Cherry Township
 Receiving Stream(s) and Classification(s) UNT of the
 Little Loyalsock Creek
 Secondary—Loyalsock Creek/Susquehanna River

ESCGP-1 # ESX10-115-0008
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Susquehanna

Township(s) Silver Lake Township
 Receiving Stream(s) and Classification(s) Silver Lake
 Creek

ESCGP-1 # ESX10-115-0012
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Susquehanna
 Township(s) Auburn Township
 Receiving Stream(s) and Classification(s) Nick Creek
 Secondary—Riley Creek

ESCGP-1 # ESX09-117-0023(02)
 Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Jackson Township
 Receiving Stream(s) and Classification(s) UNT to Seeley
 Creek/Susquehanna River Basin in PA
 Secondary—Chemung River/West Branch Susquehanna
 River Basin

ESCGP-1 # ESX10-117-0093
 Applicant Name East Resources, Inc.
 Contact Person 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) East-Boatman
 Branch/West UNT/Susquehanna River
 Secondary—East Conwanseque R/W Jemison Creek

ESCGP-1 # ESX10-117-0091
 Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Sullivan
 Receiving Stream(s) and Classification(s) Elk Run/
 Susquehanna River Basin in PA—Tioga River
 Secondary—Mill Creek to Tioga River

ESCGP-1 # ESX10-117-0089
 Applicant Name East Resources, Inc.
 Contact Person 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) Cowanesque
 River (Susquehanna River Basin in PA)
 Secondary—Tioga River (in NY)

ESCGP-1 # ESX10-117-0094
 Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Liberty Township
 Receiving Stream(s) and Classification(s) Salt Spring
 Run/West Branch Susquehanna River
 Secondary—Roaring Branch

ESCGP-1 # ESX10-117-0090
 Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Union Township
 Receiving Stream(s) and Classification(s) East Branch
 Sugar Works Run
 Secondary—Susquehanna River in PA (West Branch)

ESCGP-1 # ESX10-117-0087
 Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Chatham Township
 Receiving Stream(s) and Classification(s) Losey Creek
 and Crooked Creek

ESCGP-1 # ESG10-081-0019
 Applicant Name Chief Gathering, LLC
 Contact Person Ted Wurfel
 Address 6051 Wallace Road Ext.
 City, State, Zip Wexford, PA 15090
 County Lycoming
 Township(s) Franklin Township
 Receiving Stream(s) and Classification(s) Little Muncy
 Creek

ESCGP-1 # ESG10-081-0020
 Applicant Name Chief Gathering, LLC
 Contact Person Ted Wurfel
 Address 6051 Wallace Road Ext.
 City, State, Zip Wexford, PA 15090
 County Lycoming
 Township(s) Franklin and Jordan Township
 Receiving Stream(s) and Classification(s) Little Muncy
 and Little Indian Creeks, Beaver Run

ESCGP-1 # ESX10-015-0023
 Applicant Name Appalachia Midstream Services, LLC
 Contact Person Patrick Myers
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Burlington and West Burlington Townships
 Receiving Stream(s) and Classification(s) Tomjack Creek
 and Wallace Run

ESCGP-1 # ESX10-015-0107
 Applicant Name Talisman Energy (USA), Inc.
 Contact Person Tracy Gregory
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Armenia Township
 Receiving Stream(s) and Classification(s) Tributary to
 Fall Brook, South Branch of Sugar Creek

ESCGP-1 # ESG10-105-0003
 Applicant Name Ultra Resources, Inc.
 Contact Person Belinda Salinas
 Address 204 Inverness Way South, Suite 295
 City, State, Zip Englewood, CO 80112-5828
 County Potter
 Township(s) Abbott Township
 Receiving Stream(s) and Classification(s) Straley Hollow
 and Baders Hollow
 Secondary—Germania Branch

ESCGP-1 # ESX10-127-0003
 Applicant Name Hess Corporation
 Contact Person Gene Linscomb
 Address 500 Dallas Street
 City, State, Zip Houston, TX 77002
 County Wayne
 Township(s) Scott Township
 Receiving Stream(s) and Classification(s) UNT to Sher-
 man Creek

ESCGP-1 # ESX10-079-0002(01)
 Applicant Name EnCana Oil & Gas (USA), Inc.
 Contact Person Brenda LinSuiter
 Address 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

ESCGP-1 # ESX10-105-0005
 Applicant Name Seneca Resources Corporation
 Contact Person Doug Kepler
 Address 51 Zents Boulevard
 City, State, Zip Brookville, PA 15825
 County Potter
 Township(s) Sweden Township
 Receiving Stream(s) and Classification(s) Big Fill Hollow
 and Nine Mile Run
 Secondary—Pine Creek

ESCGP-1 # ESX10-015-0119
 Applicant Name Talisman Energy, Inc.
 Contact Person Eric Potter
 Address 337 Daniel Zenker Drive
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Troy Township
 Receiving Stream(s) and Classification(s) UNT to North
 Branch Sugar Creek

ESCGP-1 # ESX10-015-0118
 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 # ESX10-117-0096
 Applicant Name East Resources, Inc.
 Contact Person Jefferson Long
 Address 301 Brush Creek Road
 City, State, Zip Warrendale, PA 15086
 County Tioga
 Township(s) Charleston Township
 Receiving Stream(s) and Classification(s) UNT to Crooked
 Creek (Basin, Catlin Hollow to Mouth)
 Secondary—Crooked Creek

ESCGP-1 # ESX10-027-0002(01)
 Applicant Name EXCO Resources (PA), Inc.
 Contact Person Larry Sanders
 Address 3000 Ericsson Drive, Suite 200
 City, State, Zip Warrendale, PA 15086
 County Centre
 Township(s) Burnside Township
 Receiving Stream(s) and Classification(s) Boake Run
 (Sterling Run Basin)
 Secondary—West Branch Susquehanna River

ESCGP-1 # ESX09-015-0021(01)
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Ulster Township
 Receiving Stream(s) and Classification(s) UNT to Hemlock Run

ESCGP-1 # ESX10-015-0120
 Applicant Name Chesapeake Appalachia, LLC
 Contact Person Eric Haskins
 Address 100 1st Center
 City, State, Zip Horseheads, NY 14845
 County Bradford
 Township(s) Overton Township
 Receiving Stream(s) and Classification(s) Millstone Creek

ESCGP-1 # ESX10-035-0003
 Applicant Name Anadarko Marcellus Midstream, LLC
 Contact Person Bertha Nefe
 Address P. O. Box 1330
 City, State, Zip Houston, TX 77251-1330
 County Clinton
 Township(s) Noyes Township
 Receiving Stream(s) and Classification(s) Mill Run

ESCGP-1 # ESX10-033-0001
 Applicant Name Chief Oil & Gas LLC
 Contact Person Michael Hritz
 Address 6051 Wallace Road, Suite 210
 City, State, Zip Wexford, PA 15090
 County Clearfield
 Township(s) Chest Township
 Receiving Stream(s) and Classification(s) Wilson Run
 Secondary—Chest Creek

Southwest Region: Oil & Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

4/26/10
 ESCGP-1 No.: ESX10-125-0033
 Applicant Name: Range Resources—Appalachia, LLC
 Contact Person: Carla Suszkowski
 Address: 380 Southpointe Boulevard, Suite 300
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): North Strabane
 Receiving Stream(s) and Classifications: UNTs to Little Chartiers Creek, HQ

4/19/10
 ESCGP-1 No.: ESX10-059-0026
 Applicant Name: CNX Gas Company, LLC
 Contact Person: Kenneth Kormendy
 Address: 200 Evergreene Drive
 City: Waynesburg State: PA Zip Code: 15370
 County: Greene Township(s): Morris
 Receiving Stream(s) and Classifications: Bates Fork, HQ

4/27/10
 ESCGP-1 No.: ESX10-051-0012
 Applicant Name: Atlas Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Fayette Township(s): Franklin
 Receiving Stream(s) and Classifications: Bolden Run, WWF, other

4/26/10
 ESCGP-1 No.: Esx10-051-0011
 Applicant Name: Atlas Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Fayette Township(s): North Union
 Receiving Stream(s) and Classifications: Redstone Creek, WWF, other

4/15/10
 ESCGP-1 No.: ESX10-059-0013
 Applicant Name: Energy Corporation of America
 Contact Person: Andy Travis
 Address: 501 56th Street
 City: Charleston State: WV Zip Code: 26304
 County Greene Township(s): Cumberland
 Receiving Stream(s) and Classifications: Muddy Creek/South Branch Muddy Creek, other

4/26/10
 ESCGP-1 No.: ESX10-005-0004
 Applicant Name: Exco Resources (PA), Inc.
 Contact Person: Larry Sanders
 Address: 3000 Ericsson Drive, Suite 200
 City: Warrendale State: PA Zip Code: 15086
 County: Armstrong Township(s): Rayburn
 Receiving Stream(s) and Classifications: UNT to Cowanshannock Creek (WWF)/Cowanshannock Creek watershed (WWF), other

4/21/10
 ESCGP-1 No.: ESX10-125-0030
 Applicant Name: Chesapeake Appalachia, LLC
 Contact Person: Tal Oden
 Address: P. O. Box 18496
 City: Oklahoma City State: OK Zip Code: 73154
 County: Washington Township(s): Robinson
 Receiving Stream(s) and Classifications: UNT (WWF)-Little Raccoon (WWF)-Raccoon Creek(WWF) to Ohio River, other

4/30/10 Major Rev.
 ESCGP-1 No.: ESX09-125-0071
 Applicant Name: Range Resources—Appalachia, LLC
 Contact Person: Carla Suszkowski
 Address: 380 Southpointe Boulevard, Suite 300
 City: Canonsburg State: PA Zip Code: 15317
 County: Washington Township(s): Amwell
 Receiving Stream(s) and Classifications: Montgomery Run, other

4/29/10 Major Rev.
 ESCGP-1 No.: ESX09-125-0002
 Applicant Name: Atlas Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Washington Township(s): Deemston
 Receiving Stream(s) and Classifications: UNT to Plum Run, other

4/29/10
 ESCGP-1 No.: ESX10-051-0013
 Applicant Name: Atlas Resources, LLC
 Contact Person: Jeremy Hirtz
 ADDRESS: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Fayette Township(s): Bullskin
 Receiving Stream(s) and Classifications: UNT to Youghiogheny River, CWF, other

4/19/10 Major Rev.
 ESCGP-1 No.: ESX09-059-0005
 Applicant Name: Atlas Resources, LLC
 Contact Person: Jeremy Hirtz
 Address: 800 Mountain View Drive
 City: Smithfield State: PA Zip Code: 15478
 County: Greene Township(s): Monongahela
 Receiving Stream(s) and Classifications: UNT to
 Whiteley Creek, other

4/21/10
 ESCGP-1 No.: ESX10-063-0002
 Applicant Name: Atlas Resources, LLC
 Applicant Name: Daniel Grove
 ADDRESS: 101 Mcquiston Drive
 City: Jackson Center State: PA Zip Code: 16133
 County: Indiana Township(s): West Wheatfield
 Receiving Stream(s) and Classifications: UNT
 Conemaugh River, other

4/23/10
 ESCGP-1 No.: ESX10-021-0001
 Applicant Name: Chief Oil & Gas, LLC
 Contact person: Michael Hirtz
 Address: 6051 Wallace Road Ext., Suite 210
 City: Wexford State: PA Zip Code: 15090
 County: Cambria Township(s): Portage
 Receiving Stream(s) and Classifications: Bens Creek,
 other

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

Washington County Conservation District: 100 West Beau Street, Suite 105, Washington, PA 15301-4447. (724-228-6774)

<i>ESCGP-1 No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
63 10 8 001	Mark West Liberty Midstream & Resources, LLC	Washington	Blaine, Buffalo, Canton, Chartiers, Donegal, Hopewell, Mount Pleasant and West Finley Townships	Enlow Fork TSF UNT to Spottedtail Run WWF Robinson Fork and UNTs WWF Beham Run and UNTs WWF Blockhouse Run and UNTs WWF Bonar Creek and UNTs HQ-WWF Dutch Fork and UNTs HQ-WWF UNTs to Buck Run HQ-WWF Buffalo Creek and UNTs HQ-WWF UNTs to Wolf Run HQ-WWF Brush Run and UNTs HQ-WWF UNTs to Georges Run WWF Chartiers Run and UNTs WWF Westland Run WWF

[Pa.B. Doc. No. 10-993. Filed for public inspection May 28, 2010, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (DEP Keywords: "eLibrary"). The "Technical Guidance Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The Technical Guidance Draft Documents heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2010.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Draft Technical Guidance—Substantive Revision

DEP ID: 275-2101-003. Title: Air Quality Permit Exemptions. Description: Under 25 Pa. Code § 127.14 (relating to exemptions), the Department may determine sources or classes of sources which may be exempt from the plan approval and permitting requirements of 25 Pa. Code Chapter 127 (relating to construction, modification, reactivation and operation of sources). In accordance with 25 Pa. Code § 127.14(d), the listing of these determinations is being revised and a draft is now available. The Department is posting this technical guidance document for a supplementary public comment period due to additional changes that were made from the previous proposal published at 38 Pa.B. 6424 (November 22, 2008). The Plan Approval and Operating Permit Exemptions guidance document identifies the following: exemptions under § 127.14(a); exemptions under 25 Pa. Code § 127.14(a)(8), that do not require submission of a Request for Determination (RFD) form and exemption criteria that the Department may use when an owner or operator of a source or a facility is seeking an exemption; further qualifications regarding plan approval exempted sources; exemptions under 25 Pa. Code § 127.14(a)(9) related to physical changes; and exemption criteria for operating permits. This guidance document is applicable to sources, which will be constructed as a new source, or modified after the effective date of this technical guidance document. It does not apply to sources which were constructed or modified prior to the effective date of this guidance document and operating lawfully without a permit. The Department is revising an exemption pertains to oil and gas exploration and production facilities and operations at Category No. 38. The owners and operators of engines not meeting the requirements identified in Category No. 38 are required to submit a request for determination to the Department. If the RFD is not approved by the Department, an application seeking authorization to use a general permit

or plan approval application must be submitted to the Department, as appropriate. Comments: Written comments should be submitted to Virendra Trivedi, Environmental Engineer Manager, New Source Review Section, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Comments must be received by the Department by June 28, 2010. Contact: Questions regarding the draft technical guidance document should be directed to Jeanette Van Skike, at jvanskike@state.pa.us or (717) 787-4325.

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-994. Filed for public inspection May 28, 2010, 9:00 a.m.]

Bid Opportunity

BF 522-101.1, Abandoned Mine Land Reclamation Project, B.B.S. Coal Company, Mining Permit No. 3975SNM1 1273-2, 2A, Montgomery Township, Indiana County. The principal items of work and approximate quantities include mobilization and demobilization; clearing and grubbing; 1,218,000 cubic yards of grading; gas line relocation; and 57 acres of seeding. This bid issues May 28, 2010, and bids will be opened on June 24, 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 the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A §§ 1201—1328), and is subject to the act, 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. 10-995. Filed for public inspection May 28, 2010, 9:00 a.m.]

Bureau of Oil and Gas Management Technical Advisory Board; Meeting Cancellation

The June 10, 2010, meeting of the Bureau of Oil and Gas Management Technical Advisory Board (Board) has been cancelled. The next meeting is scheduled for September 16, 2010, at 10 a.m. in the Rachel Carson State Office Building, 10th Floor Conference Room, 400 Market Street, Harrisburg, PA. Questions concerning the next scheduled meeting of the Board can be directed to Carol Daniels at (717) 772-2199 or by e-mail to cardaniels@state.pa.us. The agenda and meeting materials for the September 16, 2010, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (DEP Keyword: "Participate"). Persons in need of accommodations as provided for

in the Americans With Disabilities Act of 1990 should contact the Department (717) 772-2199 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. 10-996. Filed for public inspection May 28, 2010, 9:00 a.m.]

Nutrient and Sediment Reduction Credit Trading Program; Notice of Actions

The Department of Environmental Protection (Department) provides notice of the following actions under the Nutrient and Sediment Reduction Credit Trading Program (Trading Program). These actions were taken under The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Final Trading of Nutrient and Sediment Reduction Credits—Policy and Guidelines (Policy) (DEP ID# 392-0900-001) (see 36 Pa.B. 7999 (December 30, 2006)). The Policy calls for a transparent system of credit reviews and approvals.

Trading is a market-based program that provides incentives for entities to create nutrient reduction credits by going beyond statutory, regulatory or voluntary obligations and goals by removing nutrients from a watershed. The credits can be traded to help others more cost-effectively meet their obligations or goals. The primary purpose of the Trading Program is to provide for more efficient ways for National Pollutant Discharge Elimination System permittees to meet their effluent limits for nutrients and sediment. Currently, the focus of the program is on the Chesapeake Bay Watershed.

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.

For further information about these certifications or the Trading Program, contact Ann Smith, Water Planning Office, Department of Environmental Protection, P. O.

Box 2063, Harrisburg, PA 17105-2063, (717) 787-4726, annsmith@state.pa.us or visit the Department's web site at www.depweb.state.pa.us (DEP Keywords: "Nutrient Trading").

The following proposal has been certified by the Department. This certification is considered final actions of the Department.

Cove Area Regional Digester (Cross Cove Road, North Woodbury Township, Blair County, PA). This certification is applicable to the operation of the Cove Area Regional Digester that, as described, will process dairy manure from contracted participants. The manure, and all other waste streams, will be trucked to the regional digester and will be processed through a two-stage anaerobic digestion process to generate renewable energy, nutrient reductions and a by-product that can be used as a fuel source for cogeneration. This certification includes a verification plan and authorizes the generation of nitrogen and phosphorous credits. Notice of the proposal for this certification was published for comment at 39 Pa.B. 287 (January 10, 2009).

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-997. Filed for public inspection May 28, 2010, 9:00 a.m.]

Remining Financial Guarantee Program; Increase to Financial Guarantee Special Account

The Remining Financial Guarantee Program (program) is a remining incentive authorized by an amendment to the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a). The program provides low-cost bonding for permittees who are willing to reclaim abandoned mine lands immediately adjacent to their active mining operations. The special account established to financially assure bonding obligations under this program was initially funded in 1997 with \$800,000. This amount was increased by \$200,000 to \$1,000,000 in 2006.

In 25 Pa. Code Chapter 86 (relating to surface and underground coal mining: general) establishes an operator limit of 30% of the amount of money in the special account and a permit limit of 10% of the amount of money in the special account. Participants pay 1% of the amount of the Remining Financial Guarantee each year.

Since the inception of the program, this Commonwealth's coal mine operators have reclaimed 2,927 acres of abandoned mine land, saving the Commonwealth approximately \$17,500,000 in reclamation costs and paid more than \$1,000,000 in fees.

On July 1, 2010, the Department of Environmental Protection (Department) will increase the special account by \$200,000 to \$1,200,000. This will increase the Remining Financial Guarantee amount available to each operator as well as the maximum available for each permit. By allocating an additional \$200,000 to the special account the maximum limits for the program will be \$360,000 per operator and \$120,000 per permit effective July 1, 2010. This allocation is possible based on the fee revenue from existing Remining Financial Guarantees. The current limits are \$300,000 per operator and \$100,000 per permit. The incremental increase is intended to keep pace with inflation.

For background information and supporting documentation regarding the program, contact the Bureau of Mining

and Reclamation, Division of Monitoring and Compliance, P. O. Box 8461, Harrisburg, PA 17105-8461, (717) 787-5103.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-998. Filed for public inspection May 28, 2010, 9:00 a.m.]

State Board for Certification of Sewage Enforcement Officers; 2010 Examination Announcement

The State Board for Certification of Sewage Enforcement Officers (Board) and the Department of Environmental Protection (Department) have scheduled another 2010 Sewage Enforcement Officers (SEO) Precertification Academy and examination. To qualify to sit for the certification examination, all SEO candidates must complete the Precertification Academy, which consists of 6 days of training over 2 weeks. SEO Certification examination will be administered the Friday following completion of the Precertification Academy. Examination applications must be received (not postmarked) by the Board, complete and correct by close of business on the deadline indicated. Applications received after these dates will not be considered for examination. Applications that do not contain all the necessary required information will be returned and will not be considered eligible for the examination. The 2010 Precertification Academy and examination schedule is as follows:

September 28—30 and October 5—7, 2010	Examination Date: Friday, October 8, 2010 (8:30 a.m. registration, exam 9 a.m. to 12:30 p.m.)
PSATS Enola	Examination Application Deadline: September 7, 2010

Additional academy and examination dates will be posted as scheduled. To qualify to sit for the certification examination, all SEO candidates must complete the SEO Precertification Academy, which consists of 6 days of training spread over 2 weeks.

For information on SEO training, contact the Pennsylvania State Association of Township Supervisors, 4855 Woodland Drive, Enola, PA 17025, (717) 763-0930 or at www.seotraining.org.

The SEO written examination contains 100 multiple-choice questions covering planning requirements, administration and enforcement of the permit program and technical criteria for soils and disposal systems with a 3.5-hour time limit. The passing grade is 50% correct responses in each subject area and an overall minimum of 70 correct answers on the entire examination. This is an open book examination, however, you are not permitted to bring your own materials. All necessary reference materials will be provided at the test site.

Examination applications may be obtained by contacting the Department of Environmental Protection, Certification and Licensing Section, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8454, Harrisburg, PA 17105-8454, (717) 772-5158.

Approximately 2 weeks prior to an examination, applicants will receive an admittance letter from the Board.

Persons who anticipate the need for a testing accommodation due to a disability should contact the Board at

(717) 772-5158 or through Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss your request. This request must be submitted with the application form.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-999. Filed for public inspection May 28, 2010, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Real Estate for Sale Crawford County

The Department of General Services (Department) will accept bids for the purchase of 0.3297-acre ± of land and building formerly known as the Meadville National Guard Armory located at 894 Diamond Park, City of Meadville, Crawford County. Bids are due Tuesday, August 17, 2010. Interested parties wishing to receive a copy of Solicitation No. 94351 should view the Department's web site at www.dgs.state.pa.us or call Lisa Kettering at (717) 787-1321.

JAMES P. CREEDON,
Secretary

[Pa.B. Doc. No. 10-1000. Filed for public inspection May 28, 2010, 9:00 a.m.]

Real Estate for Sale Venango County

The Department of General Services (Department) will accept bids for the purchase of 0.23-acre ± of land and building formerly known as the Oil City National Guard Armory located at 101 East Second Street, City of Oil City, Venango County. Bids are due Tuesday, August 17, 2010. Interested parties wishing to receive a copy of Solicitation No. 94350 should view the Department's web site at www.dgs.state.pa.us or call Lisa Kettering at (717) 787-1321.

JAMES P. CREEDON,
Secretary

[Pa.B. Doc. No. 10-1001. Filed for public inspection May 28, 2010, 9:00 a.m.]

DEPARTMENT OF HEALTH

Pennsylvania Colorectal Cancer Advisory Board Meeting

The Pennsylvania Colorectal Cancer Advisory Committee (a subcommittee of the Pennsylvania Cancer Control, Prevention and Research Advisory Board), established under the Pennsylvania Cancer Control, Prevention and Research Act (35 P.S. § 5633), will hold a meeting on Wednesday, June 9, 2010, from 11 a.m. to 11:30 a.m.

The meeting will be a teleconference call held at the Department of Health, Bureau of Health Promotion and

Risk Reduction, Bureau Conference Room 1000, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

For additional information contact April Barry, Public Health Program Administrator, Department of Health, Division of Cancer Prevention and Control, Room 1011, Health and Welfare Building, 625 Forster Street, Harrisburg, PA, (717) 783-1457.

Persons with a disability who wish to attend this meeting and require an auxiliary aid, service or other accommodation to do so, should contact April Barry at the telephone number listed previously, for speech and/or hearing impaired persons 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. 10-1002. Filed for public inspection May 28, 2010, 9:00 a.m.]

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

Guidelines for Military Family Relief Assistance Program

The Department of Military and Veterans Affairs (Department) has updated its guidelines for the administration of the Military Family Relief Assistance Program (program).

Under 51 Pa.C.S. § 7319(c) (relating to military family relief assistance), the Department, in consultation with the chairpersons and minority chairpersons of the House and Senate Appropriations Committees and Veterans' Affairs and Emergency Preparedness Committees (Committees), has developed and is publishing updated guidelines for this program. These revised guidelines take into account the changes to the program under the act of March 16, 2010 (P.L. 138, No. 9) (Act 9), which took effect on May 15, 2010.

The program is designed to provide assistance to military families that have a direct and immediate financial need as a result of the military service of the service member. This program is funded entirely by voluntary donations in the form of Pennsylvania Personal Income Tax Refund check-offs and direct donations.

The guidelines published with this notice set forth eligibility criteria for the program, describe the maximum amount of assistance and maximum number of applicants per event or episode and describe other information necessary for the administration of this program.

Section 7319(c)(4) of 51 Pa.C.S. provides that these guidelines shall be published in the *Pennsylvania Bulletin* but shall not be subject to review under the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§ 1102 and 1201—1208), known as the Commonwealth Documents Law, the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506) or the Regulatory Review Act (71 P.S. §§ 745.1—745.12).

The original guidelines for this program were published at 36 Pa. B. 2232 (May 6, 2006). This is the first time that guidelines have been updated since the inception of

the program. The revised guidelines, set forth in Annex A, contain wording to make them consistent with the changes contained in Act 9. Under Act 9, the program was extended until 2016, eligibility was clarified to cover some financial emergencies that may arise after release from active duty tours or after disabilities incurred in line of duty and residence requirements were clarified. In addition, the guidelines have been revised to better describe the process for review and action on applications for the program grants.

The major substantive change in the guidelines is to increase the maximum grant from \$2,500 to \$3,500. The program grants are awarded based on demonstrated need for assistance. The Department has received few applications where the need exceeded the current maximum grant. In those cases, it would have been desirable to be able to provide additional assistance. These changes should enable the Department to better address the needs of our service members and their families.

The guidelines, which are set forth in Annex A, were sent to the chairpersons and minority chairpersons of the Committees on May 3, 2010. Members of the Committees and their staffs reviewed the draft guidelines and provided some comments. Under 51 Pa.C.S. § 7319(c), the Committees are not required to take formal action when consulted on these guidelines, and the Committees did not take actions.

These guidelines set forth in Annex A to this notice shall be effective upon publication in the *Pennsylvania Bulletin*.

Questions about these guidelines should be addressed to the Department's Office of Chief Counsel at (717) 861-8503.

MAJOR GENERAL JESSICA L. WRIGHT,
Adjutant General

Annex A

PENNSYLVANIA MILITARY FAMILY RELIEF ASSISTANCE PROGRAM

1. *Authority.* These guidelines are promulgated under the authority of 51 Pa.C.S. § 7319(c) to implement the Military Family Relief Assistance Program (MFRAP) as set forth in section 7319 of the Military and Veterans Code, 51 Pa.C.S. § 7319, as amended by the Act of March 16, 2010, P.L. 138, No. 9, effective May 15, 2010.

2. *Purpose:* The Pennsylvania MFRAP provides emergency assistance to eligible service members and eligible relatives of eligible service members. The Program is established to provide emergency assistance grants to families of persons who are residents of Pennsylvania and members of the armed forces.

3. *Fund Committee:* The Adjutant General will appoint an MFRAP Fund Committee, which will assist in administering the Pennsylvania MFRAP. The Fund Committee may make recommendations to the Adjutant General for prioritization of payments if available funds are insufficient to address all the financial needs requested; and recommend changes to these guidelines.

a. *Composition.* The Fund Committee will consist of:

i. A chairperson, who shall be an officer serving in the grade of Colonel (O6) in the Pennsylvania Army or Air National Guard.

ii. A vice chairperson, who shall be a non-commissioned officer servicing in the grade of Command Sergeant Major or Chief Master Sergeant (E9) in the Pennsylvania Army or Air National Guard.

iii. Three additional commissioned officers, all of whom shall be serving in the grade of Major (04) or above (or equivalent) and at least one of whom shall be a member of a reserve component other than the Pennsylvania National Guard.

iv. Two additional noncommissioned officers, all of whom shall be serving in the grade of E7 or above, and one of whom may be a member of reserve component other than the Pennsylvania National Guard.

v. The Deputy Adjutant General for Veterans' Affairs and the Deputy for Administration of the Department of Military and Veterans or their designees.

vi. The Department's Office of Chief Counsel will provide legal advice and assistance to the fund committee (without vote).

b. *Subcommittee on Application Review.* At least three members of the Fund Committee will constitute a subcommittee to review each application for assistance. The membership of the application review subcommittee will rotate based on availability and to ensure that all Fund Committee members have the opportunity to review applications from time to time.

c. *Quorum.* Except for review of applications for assistance, which will be conducted by the subcommittee described in paragraph 3b, five members of the Fund Committee will constitute a quorum for the conduct of business.

d. *Term.* The term of a member of the Fund Committee will extend from the date of appointment until December 31 of the next following year, provided that members will continue to serve until a successor is appointed as long as the member remains eligible. The Adjutant General may extend or adjust the term of service in order to assure that all terms do not end simultaneously.

4. *Eligible Recipients:*

a. *Residence Requirement:* Members of the Armed Forces of the United States are residents of Pennsylvania at the time of the application for assistance. A resident of Pennsylvania is defined as either of the following:

i. An individual who is domiciled in this Commonwealth. The individual must either physically reside in Pennsylvania or be absent from the State pursuant to military orders. An individual's spouse or dependent who is domiciled in this Commonwealth who is stationed in another state or country shall qualify under the program as a resident of Pennsylvania so long as the person does not become domiciled in another state.

ii. An individual who qualifies under the definition of "Resident Individual" in Section 301(P) of the Act of March 4, 1971 (P. L. 6, No. 2), known as the Tax Reform Code of 1971.

b. *Eligible Service Member:* Any of the following:

i. A member of the Armed Forces of the United States or its reserve components, including the Pennsylvania National Guard, who is serving on active duty authorized under Title 10 or Title 32, United States Code, (other than active duty for training) for a period of 30 or more consecutive days.

ii. A member of the Pennsylvania National Guard serving on State active duty, authorized 51 Pa.C.S. § 508, for a period of 30 or more consecutive days.

iii. A member in good standing of any reserve component of the Armed Forces of the United States, including the Pennsylvania National Guard, for a period of one year

after release from a tour of active duty, authorized under Title 10 or Title 32, United States Code, (other than active duty for training) of 30 or more consecutive days duration when the need for assistance is directly related to the member's performance of active duty.

iv. A member in good standing of the Pennsylvania National Guard for a period of one year after release from a tour of state active duty, authorized under 51 Pa.C.S. § 508, of 30 or more consecutive days duration when the need for assistance is directly related to the member's performance of state active duty.

v. A former member of the Armed Forces of the United States or its reserve components, including the Pennsylvania National Guard for a period of 2 years after discharge if:

1. The member was discharged for medical reasons arising out of the member's military service.

2. The medical disability that resulted in the member's discharge was incurred in the line of duty and was not the result of misconduct.

3. The medical condition giving rise to the discharge did not exist prior to the member entering military service.

4. The medical disability was incurred while the member was serving on active duty, other than active duty for training, or State active duty, for a period of 30 or more consecutive days.

5. The former member received an honorable discharge for medical reasons.

6. The need for assistance is directly related to the former member's military service or the disability incurred as a result of the military service.

c. *Eligible Relative of an Eligible Service Member:*

i. The dependent spouse or dependent child of the eligible service member or, in the case of applicants for financial assistance to visit a hospitalized service member, the service member's spouse, parent, sibling or child.

ii. An eligible relative must be a legal resident (domiciliary) of Pennsylvania at the time of application for assistance. An otherwise eligible relative may retain eligibility if absent from the Commonwealth accompanying the eligible service member to military duty in another state or country.

5. *Definitions.* In addition to the terms described in paragraph 4, the following definitions shall apply in these guidelines unless the context clearly indicates otherwise or unless the governing statute, as amended, uses a different definition.

"Qualifying period of military service" means active duty, other than active duty for training, of a duration of 30 or more consecutive days or State active duty ordered under 51 Pa.C.S. § 508 or a duration of 30 or more consecutive days.

6. *Other Assistance.*

a. Except as provided in paragraph 6c, in order to qualify for assistance under this program, applicants are encouraged to seek assistance from other available sources prior to award of MFRAP grants. Other available sources include, but are not limited to:

i. Army Emergency Relief (AER) (www.aerhq.org).

ii. Air Force Aid Society (AFAS) (www.afas.org).

iii. Navy-Marine Corps Relief Society (NMCRS) (www.nmcrs.org).

iv. Coast Guard Mutual Assistance (CMGA) (www.cgmahq.org).

v. Salvation Army (www.salvationarmyusa.org)

vi. American Red Cross (ARC) (www.redcross.org).

vii. Veterans' Emergency Assistance if applicable (www.dmva.state.pa.us).

b. The application for MFRAP assistance should include copies of applications for other forms of assistance filed by the applicant.

c. The approval authorities described in paragraph 11 may waive any requirement to seek assistance from other sources when unusual or exigent circumstances makes such application impractical or unlikely to produce results in a timely manner or when the applicant shows that the circumstances are such that other potential source of funds are inapplicable to the particular circumstances. The Level 1 approval authority may approve the waiver in cases involving applications for assistance in the amount of up to \$1,500 and the Level 2 approval authority may approve the waiver in cases seeking assistance of \$1,500 or more.

7. Application Process:

a. Eligible recipients may apply for funds by submitting a completed application packet containing the following: A completed application for Pennsylvania MFRAP (PA MFRAP Form 01), signed by the applicant.

i. Proof of residency (if applicable).

ii. Proof of military membership and member's active duty status.

iii. Proof of dependency (if applicable).

iv. Military member's most current Leave and Earnings Statement (LES).

v. Supporting documentation (if applicable), such as car repair estimates, rental agreements, utility bills, bank statements, employment records, and the like.

vi. Certification, under penalty of law, that the information is true and correct to the best of the knowledge, information and belief of the application.

vii. Verification, if applicable, from military commander/first sergeant (senior NCO) of information submitted.

b. Applications, with support documents, must be mailed to: Department of Military and Veterans Affairs, ATTN: Military Family Relief Assistance Program, Fort Indiantown Gap, Annville, PA 17003-5002.

c. To expedite the application process, applications and supporting documents may be faxed to MFRAP (Fax: (717) 861-2680) or e-mailed to ra-pa-mfrap@state.pa.us. An application with the applicant's or authorized representative original signature must be submitted, along with the supporting documentation the MFRAP office.

d. If an application is submitted on behalf of an eligible service member or an eligible relative of an eligible service member, a copy of a fully-executed power of attorney authorizing the person submitting the application to act on the applicant's behalf must be submitted.

e. Application forms are available on-line at www.dmva.state.pa.us, from DMVA (Military Family Relief Assistance Program, Building S-0-47, Fort Indiantown

Gap, Annville, PA 17003-5002) or from Pennsylvania National Guard Family Assistance Centers.

8. Grants:

a. Applications for grants will be evaluated according to the criteria set forth in 51 Pa.C.S. § 7319 and in paragraph 9 of these guidelines subject to the availability of funds and the exercise of the approval authority's discretion in evaluating the relative priority of requests if funds are not sufficient to satisfy all eligible requests.

b. As required by 51 Pa.C.S. § 7319, applicants must demonstrate that they have a direct and immediate financial need for assistance as a result of the military service of the applicant. Such circumstances must be beyond the control of, and not the result of misconduct by, the applicant.

c. Grants may be made for purposes such as: food, rent, utilities, emergency transportation and vehicle repair, medical/dental expenses, short term personal needs when pay is delayed or stolen, emergency home repairs necessary to maintain habitability of essential areas, as well as other emergency needs at the discretion of the approval authority.

d. Grants may also be made if it is demonstrated that financial need is caused by:

i. The need for travel, lodging and subsistence for which the applicant lacks financial resources as a result of:

(1) The death or critical illness of an eligible member's parent (or parent-in-law), spouse, sibling (or sibling-in-law) or child.

(2) The wounding of the service member in the line of duty sustained as a result of combat or attack resulting in an immediate need for funds for travel, lodging, subsistence or other activities directly related to the casualty.

ii. No more than two eligible relatives of an eligible service member may receive assistance for travel under paragraph 8d.

e. A natural or manmade disaster resulting in the deprivation of food, shelter or other necessities of life.

f. Emergency need for child care for dependent children.

g. It is recognized that neither 51 Pa.C.S. § 7319 nor these guidelines can describe every possible emergency scenario that might result in eligible service members or their families having an immediate and direct financial need as a result of military service. Applicants may qualify for grants when they demonstrate the existence of financial need related to military service coupled with an emergency situation where the failure to obtain emergency assistance will substantially deter the service member from meeting his/her military obligations. The following situations are examples:

i. Failure to receive pay and allowances in a timely manner because of errors in military pay systems where circumstance exist precluding casual payment or advance payment.

ii. Loss of income as a result of permanent change of station or extended TDY causing member and family to move.

iii. Loss of employment of spouse due to member's service, extended TDY, or deployment.

iv. Unusual medical care costs incurred by the eligible member or dependents which are not covered by TRICARE or other government sources.

v. The eligible member or dependents are victim(s) of crimes that result in loss of income, property or credit (for example, identity theft, and the like).

vi. The special needs of an eligible member or a dependent result in a need for assistance that cannot be met as a result of the eligible member's military service.

vii. The death of a relative of an eligible service member resulting in increased costs or sudden, unexpected loss of income or support.

h. Examples of situations where granting MFRAP assistance would be inappropriate include payments to:

- i. Pay for nonessential items or finance vacations.
- ii. Pay fines or legal expenses in criminal matters.
- iii. Assist with home purchase down payment or financing or home improvements (unless directly related to qualifying military service or disability incurred in qualifying military service).
- iv. Pay bills incurred in purchase of nonessential items.

9. *Evaluation Criteria:* The criteria that will be considered in determining whether to approve applications for financial assistance include:

- a. Nature of assistance requested.
- b. Degree of financial hardship.
- c. Current family income.
- d. Current debts and obligations.
- e. Number of dependents.
- f. Connection between financial hardship and military member's active duty status.
- g. The cause of the financial hardship and its relationship, if any, to the negligence or fault of the applicant in managing income and assets.
- h. Change in income (based on military active duty).
- i. Changes in employment and income status of dependents related to military member's active duty status.
- j. Increased expenses due to military member's active duty.
- k. Military pay problems.
- l. Other issues of financial hardship related to military member's active duty.
- m. Bankruptcy filed or pending.
- n. Pending Disciplinary Action (military member only).
- o. Length of military duty.
- p. Other aid available and/or received.
- q. Amounts and date of any funds previously awarded to the applicant from this fund.

10. *Maximum Grants:*

a. The maximum grant under this program is \$3,500 or such lesser amount determined by The Adjutant General based on the amount of money in the MFRAP special fund.

b. No more than \$3,500 may be paid to an eligible service member and the eligible relatives of an eligible service member in any 12-month period. Eligibility for grants derives from the eligibility of the service member. This limit means that the eligible service member and all

eligible relatives of the eligible service member may not receive (in total for all applicants) more than \$3,500 in any 12-month period.

c. Only one grant will be made to address need arising out of each event or episode to either the eligible service member or the eligible relative of the eligible service member, but not to both.

11. *Approval Authority:* The following shall have authority to act on requests for financial assistance, unless otherwise restricted by The Adjutant General:

a. Level 1. Requests for grants up to \$1,500 may be acted upon by the Pennsylvania MFRAP Coordinator.

b. Requests for grants of \$1,500 or more may be approved by the Fund Committee's Subcommittee for Application Review.

12. *Appeals and Reconsideration:* Any applicant aggrieved by a decision with respect to a grant application may appeal to The Adjutant General in writing within 10 days of receiving the decision. The appeal shall state the reasons for the appeal and describe the requested relief. The Adjutant General shall review the appeal and make a decision concerning it. In accordance with 51 Pa.C.S. § 7319(b)(4), The Adjutant General shall make the final determination concerning any appeal.

13. *Reporting Requirements:*

a. On or before July 30 of every year for the length of the MFRAP, the Department shall submit a report to the Chairperson and Minority Chairperson of the Appropriates Committee of the Senate, the Chairperson and Minority Chairperson of the Appropriations Committee of the House of Representatives, the Chairperson and Minority Chairperson of the Veterans Affairs and Emergency Preparedness Committee of the Senate and the Chairperson and Minority Chairperson of the Veterans Affairs and Emergency Preparedness Committee of the House of Representatives detailing the MFRAP guidelines, the number of applicants, the total amount of money raised and distributed and the type of applicant need.

b. The report shall also set forth any participation by a governmental or nongovernmental organization utilized in the furtherance of the MFRAP.

14. *Effective Date.* These guidelines take effect on publication and apply to all grant applications submitted on or after the effective date and all grant applications pending on the effective date.

[Pa.B. Doc. No. 10-1003. Filed for public inspection May 28, 2010, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Match 6 Lotto Terminal-Based Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 875.4 (relating to notice of terminal-based lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following terminal-based lottery game:

1. *Name:* The name of the terminal-based lottery game is Pennsylvania Match 6 Lotto. The game will commence

at the discretion of the Secretary and will continue until the Secretary publicly announces a suspension or termination date.

2. *Price:* The price of a Pennsylvania Match 6 Lotto ticket is \$2 per game. Additional games may be purchased at the discretion of the player.

3. *Description of the Pennsylvania Match 6 Lotto lottery game:*

(a) Pennsylvania Match 6 Lotto is designed to give players the opportunity to win up to four prizes in each game.

(b) For a \$2 purchase, the player gets a ticket containing one game. Each game shall consist of three individual plays, the first of which may either be Quick Pick or at the player's option may be numbers selected by the player; the second and third plays are Quick Pick selections. Each play consists of six numbers ranging from 1 to 49. Players can win a prize, identified in Section 6(b) (relating to prizes available to be won and determination of prize winners), by matching, in the same play, six, five, four or three of the winning numbers randomly selected by the Lottery as determined and publicly announced by the Secretary.

(c) The combination of the player's eighteen numbers generated by the single \$2 purchase (arranged in the three plays of six numbers each), offers the player an additional opportunity to win. Players can win a prize, identified in Section 6(c) (relating to prizes available to be won and determination of prize winners), by matching, in the same game, four or more of the winning numbers randomly selected by the Lottery as determined and publicly announced by the Secretary.

4. *Pennsylvania Match 6 Lotto bet slip and ticket characteristics:*

(a) Pennsylvania Match 6 Lotto bet slips shall be available at no cost to the player. Games shall be selected in accordance with the instructions printed on the Pennsylvania Match 6 Lotto bet slip. A Pennsylvania Match 6 Lotto bet slip has no pecuniary or prize value and does not constitute evidence of the purchase of a ticket or the numbers selected. The use of mechanical, electronic, computer generated or any other nonmanual method of marking bet slips is not permitted.

(b) To purchase a ticket, the player shall remit to an authorized retailer the purchase price, submit the completed Pennsylvania Match 6 Lotto bet slip or request the number selection through Quick Pick or manual terminal entry to have a ticket issued. The ticket shall consist of one to five games, each game containing three plays, the first play in each game may either be Quick Pick or at the player's option may be numbers selected by the player, the second and third plays in each game will be Quick Pick selections, the drawing date or range of dates for which the ticket is entered, the total cost of the bet, and validation data. Each game will be identified by a letter: A for the first game printed on the ticket; B for the second game printed on the ticket; C for the third game printed on the ticket; D for the fourth game printed on the ticket; and E for the fifth game printed on the ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize. The ticket shall only be valid for the drawing date or range of dates printed on the ticket.

(c) Through the use of a bet slip the player may select up to six numbers from 1 to 49 for one play of each game purchased and select the number of drawings in which

the games are entered. Additionally, a player may exercise the Quick Pick option by indication on the bet slip. A \$2 wager entitles a player to play game A. A \$4 wager entitles a player to play games A and B. A \$6 wager entitles a player to play games A, B and C. An \$8 wager entitles a player to play games A, B, C and D. A \$10 wager entitles a player to play games A, B, C, D and E.

(d) If Pennsylvania Match 6 Lotto bet slips are unavailable, the designation of the drawing date or dates for which the ticket is entered, number selections or request for the Quick Pick option may be given to an authorized retailer for each game. The retailer shall manually enter the drawing date or dates for which the ticket is entered, number selections or Quick Pick selection into the Lottery terminal.

(e) To purchase a ticket at a Lottery self-service terminal that dispenses terminal-based Lottery tickets, the player shall designate the drawing date or dates for which the ticket is entered and number selections. The player may use a bet slip or the Quick Pick option at a Lottery self-service terminal that dispenses terminal-based Lottery tickets.

5. *Time, place and manner of conducting drawings.*

(a) Time of drawing. A Pennsylvania Match 6 Lotto drawing will be held as determined and publicly announced by the Secretary.

(b) Place of drawing. A Pennsylvania Match 6 Lotto drawing will be conducted in the Harrisburg, Pennsylvania area unless the Secretary directs and publicly announces that a drawing or part of the drawing procedure will be conducted at another location.

(c) Manner of conducting drawings. The Lottery will select, at random, six numbers from 1 through 49, with the aid of mechanical devices or any other selection methodology as authorized by the Secretary. The six numbers selected will be used in determining winners for a drawing. The validity of a drawing will be determined solely by the Lottery.

6. *Prizes available to be won and determination of prize winners:*

(a) An amount equal to 57.95% of Pennsylvania Match 6 Lotto gross sales for a Pennsylvania Match 6 Lotto game drawing will be reserved for prizes and allocated for payment of prizes as enumerated in section 6(b) and 6(c) (relating to prizes available to be won; and determination of prize winners).

(b) Determinations of the Pennsylvania Match 6 Lotto prize winners for tickets correctly matching, in the same play, the winning numbers selected by the Lottery are:

(1) Holders of tickets upon which six of the player's numbers, in a single play, match six of the winning numbers selected by the Lottery for the drawing in which the ticket is entered, shall be the winner of the jackpot category prize.

(i) The Lottery will estimate and announce the projected amount of the upcoming jackpot category prize prior to the drawing. Payment will be made in the amount estimated and announced as the projected jackpot category prize, or in the actual amount allocated to the jackpot category prize, whichever is greater, divided equally by the number of plays on tickets determined by the Lottery to be entitled to claim a jackpot category prize.

(ii) Prize money allocated to the jackpot category prize will be paid on a pari-mutuel basis. If more than one

winning jackpot category prize play is determined, each, upon meeting the requirements of 61 Pa. Code §§ 875.10 and 875.11 (relating to terminal-based lottery game ticket validation and requirements; and procedures for claiming and payment of prizes), is entitled to a prorated payment share of the total jackpot category prize.

(iii) Prizes payable to the jackpot category prize winners will be paid by a one-time cash payment. For the purposes of calculation of the prize to be paid the winner of a jackpot category prize, the calculation will be rounded down so that prizes can be paid in multiples of \$.50.

(iv) If, in a Pennsylvania Match 6 Lotto drawing, there are no winning jackpot category prize plays, prize money allocated to that prize category will be carried forward and added to the amount allocated for the jackpot category prize money in the next Pennsylvania Match 6 Lotto drawing.

(2) Holders of tickets upon which five of the player's numbers, in a single play, match five of the six winning numbers selected by the Lottery for the drawing in which the ticket is entered, shall be the winner of \$1,000.

(3) Holders of tickets upon which four of the player's numbers, in a single play, match four of the six winning numbers selected by the Lottery for the drawing in which the ticket is entered, shall be the winner of \$20.

(4) Holders of tickets upon which three of the player's numbers, in a single play, match three of the six winning numbers selected by the Lottery for the drawing in which the ticket is entered shall be the winner of \$2.

(c) Determinations of Pennsylvania Match 6 Lotto prize winners for tickets correctly matching, in the same game, the winning numbers selected by the Lottery are:

(1) Holders of tickets upon which ten or more of the player's numbers, in the same game, match the six winning numbers selected by the Lottery for the drawing in which the ticket is entered, shall be the winner of \$2,500.

(2) Holders of tickets upon which nine of the player's numbers, in the same game, match the six winning numbers selected by the Lottery for the drawing in which the ticket is entered, shall be the winner of \$1,000.

(3) Holders of tickets upon which eight of the player's numbers, in the same game, match the six winning numbers selected by the Lottery for the drawing in which the ticket is entered, shall be the winner of \$50.

(4) Holders of tickets upon which seven of the player's numbers, in the same game, match the six winning numbers selected by the Lottery for the drawing in which the ticket is entered, shall be the winner of \$25.

(5) Holders of tickets upon which six of the player's numbers, in the same game, match the six winning numbers selected by the Lottery for the drawing in which the ticket is entered, shall be the winner of \$10.

(6) Holders of tickets upon which five of the player's numbers, in the same game, match five of the six winning numbers selected by the Lottery for the drawing in which the ticket is entered, shall be the winner of \$5.

(7) Holders of tickets upon which four of the player's numbers, in the same game, match four of the six winning numbers selected by the Lottery for the drawing in which the ticket is entered, shall be the winner of \$2.

(d) All Pennsylvania Match 6 Lotto prize payments will be made as a one-time, lump-sum cash payment.

(e) A winning Pennsylvania Match 6 Lotto game is entitled only to the highest prize won by those numbers in each play plus the highest prize won by the eighteen numbers in that game.

(f) If the total of the set prizes won in a particular Match 6 Lotto drawing exceed sales for that drawing by 100% or more, then those set prize tiers, in which the stated prizes won exceed the percentage of sales anticipated to be paid in prizes per category, will become pari-mutuel.

(g) The number of prize categories and the allocation of prize money among the prize categories may be changed at the discretion of the Secretary and the change will be announced by public notice. Any such changes will apply prospectively to Pennsylvania Match 6 Lotto drawings as of the date specified in the public notice.

7. *Probability of winning.* The following tables set forth all possible ways that a prize can be won in a game, the corresponding prize, the probability of winning each prize and the percent of sales anticipated to be paid in prizes in each prize category:

<i>Tickets Containing The Following, In The Same Play</i>	<i>Prize:</i>	<i>Probability Of Winning Per Play:</i>	<i>Percent (%) Of Sales Anticipated To Be Paid In Prizes</i>
All Six Winning Numbers	Jackpot	1:13,983,816.0	17.79% Actual
Five Winning Numbers	\$1,000	1:54,200.8	2.77%
Four Winning Numbers	\$20	1:1,032.4	2.91%
Three Winning Numbers	\$2	1:56.7	5.30%

<i>Tickets Containing The Following, In The Same Game</i>	<i>Prize:</i>	<i>Probability Of Winning Per Game:</i>	<i>Percent (%) Of Sales Anticipated To Be Paid In Prizes</i>
Ten or More Winning Numbers	\$2,500	1:597,302.6	0.21%
Nine Winning Numbers	\$1,000	1:45,267.4	1.10%
Eight Winning Numbers	\$50	1:4,440.4	0.56%
Seven Winning Numbers	\$25	1:590.9	2.12%
Six Winning Numbers	\$10	1:106.7	4.68%
Five Winning Numbers	\$5	1:26.4	9.48%
Four Winning Numbers	\$2	1:9.1	11.03%

8. Retailer Incentive and Marketing Promotion Programs.

(a) The Lottery may conduct a separate retailer incentive program for retailers who sell Pennsylvania Match 6 Lotto lottery tickets. The conduct of the program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

(b) Retailer incentive and marketing promotion programs, including the use of unfunded free tickets, may be implemented at the discretion of the Secretary. If needed, funds for the programs, including the payment of prizes resulting from the programs, will be drawn from the Lottery Fund.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 10-1004. Filed for public inspection May 28, 2010, 9:00 a.m.]

Pennsylvania Million Dollar Cash Fever Instant Lottery Game

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Million Dollar Cash Fever.

2. *Price:* The price of a Pennsylvania Million Dollar Cash Fever instant lottery game ticket is \$20.

3. *Play Symbols:* Each Pennsylvania Million Dollar Cash Fever instant lottery game ticket will contain one play area featuring a “CASH NUMBERS” area and a “YOUR HOT NUMBERS” area and a separate “Red Hot \$100s” bonus area. The play symbols and their captions located in the “CASH NUMBERS” area printed in black ink are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THY TWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the “CASH NUMBERS” area printed in red ink are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THY TWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the “YOUR HOT NUMBERS” area printed in black ink are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26

(TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THY TWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY) and a FEVER symbol (FEVER). The play symbols and their captions located in the “YOUR HOT NUMBERS” area printed in red ink are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THY TWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The prize play symbol and the play symbols and their captions located in the “Red Hot \$100s” bonus area printed in black ink are: \$100 (ONE HUN), NO BONUS (TRY AGAIN) and TRY AGAIN (NO BONUS). The prize play symbol and the play symbols and their captions located in the “Red Hot \$100s” bonus area printed in red ink are: \$100 (DOUBLE), NO BONUS (TRY AGAIN) and TRY AGAIN (NO BONUS).

4. *Prize Symbols:* The prize symbols and their captions located in the “YOUR HOT NUMBERS” area are: \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$200 (TWO HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$2,500 (TWYFIVHUN), \$10,000 (TEN THO), \$100,000 (ONEHUNTHO) and \$1MILL (ONE MIL).

5. *Prizes:* The prizes that can be won in this game are: \$10, \$20, \$40, \$50, \$100, \$200, \$500, \$1,000, \$2,500, \$10,000, \$100,000 and \$1,000,000. The \$1,000,000 top prize is a lump sum cash payment. The prizes that can be won in the “Red Hot \$100s” bonus area are: \$100 and \$200. A player can win up to 21 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 2,880,000 tickets will be printed for the Pennsylvania Million Dollar Cash Fever instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the “YOUR HOT NUMBERS” play symbols, with the symbol and caption printed in black ink, matches any of the “CASH NUMBERS” play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$1MILL (ONE MIL) appears under the matching “YOUR HOT NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets upon which any one of the “YOUR HOT NUMBERS” play symbols, with the symbol and caption printed in black ink, matches any of the “CASH NUMBERS” play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching “YOUR HOT NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which any one of the “YOUR HOT NUMBERS” play symbols, with the symbol and caption printed in black ink, matches any of the “CASH NUMBERS” play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$10,000 (TEN THO) appears under the matching “YOUR HOT NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(w) Holders of tickets upon which any one of the "YOUR HOT NUMBERS" play symbols, with the symbol and caption printed in red ink, matches any of the "CASH NUMBERS" play symbols, with the symbol and caption printed in red ink, and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR HOT NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(x) Holders of tickets upon which any one of the "YOUR HOT NUMBERS" play symbols, with the symbol

and caption printed in black ink, matches any of the "CASH NUMBERS" play symbols, with the symbol and caption printed in black ink, and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR HOT NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>When Any Of Your Hot Numbers Match Any Of The Cash Numbers, Win Prize Shown Under The Matching Number. Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 2,880,000 Tickets</i>
\$10 × 2	\$20	25	115,200
\$10 w/RED	\$20	13.04	220,800
\$20	\$20	20	144,000
\$10 × 4	\$40	150	19,200
\$20 × 2	\$40	100	28,800
\$20 w/RED	\$40	30	96,000
\$40	\$40	60	48,000
\$10 × 5	\$50	150	19,200
(\$20 w/RED) + \$10	\$50	60	48,000
\$50	\$50	100	28,800
\$10 × 10	\$100	300	9,600
\$50 w/RED	\$100	150	19,200
BONUS w/\$100	\$100	50	57,600
\$100	\$100	150	19,200
\$10 w/FEVER	\$200	3,429	840
\$20 × 10	\$200	6,000	480
\$40 × 5	\$200	6,000	480
\$50 × 4	\$200	4,800	600
(BONUS w/\$100) + (\$10 × 10)	\$200	4,800	600
(BONUS w/\$100) + (\$20 × 5)	\$200	4,800	600
(BONUS w/\$100) + (\$50 × 2)	\$200	4,800	600
(BONUS w/\$100) + \$100	\$200	4,800	600
\$100 w/RED	\$200	4,000	720
BONUS w/RED \$100	\$200	4,000	720
\$200	\$200	4,800	600
(\$20 w/FEVER) + (\$20 × 5)	\$500	8,000	360
(BONUS w/\$100) + (\$10 × 15) + (\$50 × 5)	\$500	8,000	360
(\$40 × 10) + (\$50 × 2)	\$500	8,000	360
\$50 × 10	\$500	8,000	360
\$100 × 5	\$500	8,000	360
(BONUS w/RED \$100) + (\$100 × 3)	\$500	4,000	720
(BONUS w/\$100) + (\$100 × 4)	\$500	4,000	720
(\$200 w/RED) + \$100	\$500	4,000	720
\$500	\$500	8,000	360
(BONUS w/\$100) + (\$40 × 10) + (\$50 × 10)	\$1,000	8,000	360
\$50 w/FEVER	\$1,000	4,800	600
\$100 × 10	\$1,000	8,000	360
(BONUS w/\$100) + (\$100 × 9)	\$1,000	8,000	360
(BONUS w/RED \$100) + (\$100 × 8)	\$1,000	12,000	240
\$500 w/RED	\$1,000	4,000	720
\$1,000	\$1,000	8,000	360
\$500 × 5	\$2,500	60,000	48
\$2,500	\$2,500	60,000	48
\$500 w/FEVER	\$10,000	120,000	24
\$1,000 × 10	\$10,000	120,000	24
\$2,500 × 4	\$10,000	120,000	24
\$10,000	\$10,000	120,000	24
\$100,000	\$100,000	240,000	12
\$1,000,000	\$1,000,000	960,000	3

When both matching numbers are red, win double the prize shown under it automatically.

Get a "FEVER" (FEVER) symbol, win 20 times the prize shown under it automatically.

Red Hot \$100s Bonus = Reveal \$100, win that amount. Reveal a red \$100, win double that amount.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Million Dollar Cash Fever instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Million Dollar Cash Fever, prize money from winning Pennsylvania Million Dollar Cash Fever instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Million Dollar Cash Fever instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Million Dollar Cash Fever or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 10-1005. Filed for public inspection May 28, 2010, 9:00 a.m.]

Pennsylvania mix & match Terminal-Based Lottery Game

Under 61 Pa. Code § 875.1 (relating to creation), the Secretary of Revenue hereby provides public notice of the termination of the Pennsylvania mix & match terminal-based lottery game rules, which were published at 37 Pa.B. 73 (January 6, 2007), effective May 31, 2010.

In accordance with section 6(a)(5) of the game rules (relating to prizes available to be won and determination of prize winners), which appeared at 37 Pa.B. 74, the

Secretary of Revenue hereby announces that for the drawing on May 31, 2010, the prize for holders of tickets upon which one of the player’s numbers matches only one of the winning numbers selected by the Lottery, with the matching number appearing on the ticket in the same position in which it was selected by the Lottery, shall be entitled to a prize of \$2. The Secretary of Revenue also announces that holders of tickets, issued prior to May 31, 2010 but claimed after the May 31, 2010 drawing, upon which one of the player’s numbers matches only one of the winning numbers selected by the Lottery, with the matching number appearing on the ticket in the same position in which it was selected by the Lottery, shall be entitled to a prize of \$2 instead of one Pennsylvania mix & match game play for an upcoming game drawing.

In accordance with section 6(a)(1) of the game rules (relating to prizes available to be won and determination of prize winners), which appeared at 37 Pa.B. 74, 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 mix & match drawing, to take place on May 31, 2010, the allocation of prize money will be as follows:

Holders of tickets upon which all five of the player’s numbers match the five winning numbers selected by the Lottery, with the matching numbers appearing on the ticket in any position, shall be entitled to a prize of \$2,000 and a share of the jackpot category prize equal to 66.7% of the jackpot category prize money divided by the number of tickets, as determined by the Lottery, upon which all five of the player’s numbers match the five winning numbers selected by the Lottery with the matching numbers appearing on the ticket in any position.

Holders of tickets upon which four of the player’s numbers match four of the winning numbers selected by the Lottery, with the matching numbers appearing on the ticket in the same position in which they were selected by the Lottery, shall be entitled to a prize of \$1,000 and a share of the jackpot category prize equal to 33.3% of the jackpot category prize money divided by the number of tickets, as determined by the Lottery, upon which four of the player’s numbers match four of the winning numbers selected by the Lottery with the matching numbers appearing on the ticket in the same position in which they were selected by the Lottery.

The following chart indicates the prizes to be paid, for tickets matching the winning numbers in the same position drawn and for tickets matching the winning numbers in any position, if there is a winner of the jackpot category prize for the May 31, 2010 Pennsylvania mix & match drawing:

Tickets Containing The Number Of Winning Numbers Designated Below, With The Matching Numbers Appearing On The Ticket In The Same Position Drawn

- 5
- 3
- 2
- 1
- 0
- 4
- 3
- 2

Tickets Containing The Number Of Winning Numbers Designated Below, With The Matching Numbers Appearing In Any Position

- 5
- 5
- 5
- 5
- 5
- 4
- 4
- 4

Prize Or Combination Of Prizes That Can Be Won By Matching Numbers In The Same Position + Matching Numbers In Any Position If There Is A Winner Of The Jackpot Category Prize For The May 31, 2010 Drawing.

- Jackpot category prize + \$2,000
- \$100 + \$2,000
- \$4 + \$2,000
- \$2 + \$2,000
- \$0 + \$2,000
- \$1,000 + \$20
- \$100 + \$20
- \$4 + \$20

Tickets Containing The Number Of Winning Numbers Designated Below, With The Matching Numbers Appearing On The Ticket In The Same Position Drawn

1	4	\$2 + \$20
0	4	\$0 + \$20
3	3	\$100 + \$2
2	3	\$4 + \$2
1	3	\$2 + \$2
0	3	\$0 + \$2
2	2	\$4 + \$0
1	2	\$2 + \$0
1	1	\$2 + \$0

Tickets Containing The Number Of Winning Numbers Designated Below, With The Matching Numbers Appearing In Any Position

Prize Or Combination Of Prizes That Can Be Won By Matching Numbers In The Same Position + Matching Numbers In Any Position If There Is A Winner Of The Jackpot Category Prize For The May 31, 2010 Drawing.

The following chart indicates the prizes to be paid for tickets matching the winning numbers in the same position drawn and for tickets matching the winning numbers in any position, if there is not a winner of the jackpot category prize for the May 31, 2010 Pennsylvania mix & match drawing:

Tickets Containing The Number Of Winning Numbers Designated Below, With The Matching Numbers Appearing On The Ticket In The Same Position Drawn

3	5	\$100 + \$2,000 and a portion of the Jackpot category prize*
2	5	\$4 + \$2,000 and a portion of the Jackpot category prize*
1	5	\$2 + \$2,000 and a portion of the Jackpot category prize*
0	5	\$0 + \$2,000 and a portion of the Jackpot category prize*
4	4	\$1,000 and a portion of the Jackpot category prize** + \$20
3	4	\$100 + \$20
2	4	\$4 + \$20
1	4	\$2 + \$20
0	4	\$0 + \$20
3	3	\$100 + \$2
2	3	\$4 + \$2
1	3	\$2 + \$2
0	3	\$0 + \$2
2	2	\$4 + \$0
1	2	\$2 + \$0
1	1	\$2 + \$0

Tickets Containing The Number Of Winning Numbers Designated Below, With The Matching Numbers Appearing In Any Position

Prize Or Combination Of Prizes That Can Be Won By Matching Numbers In The Same Position + Matching Numbers In Any Position If There Is Not A Winner Of The Jackpot Category Prize For The May 31, 2010 Drawing.

*66.7% of the Jackpot category prize money divided by the number of tickets, as determined by the Lottery, upon which all five of the player's numbers match the five winning numbers selected by the Lottery with the matching numbers appearing on the ticket in any position.

**33.3% of the Jackpot category prize money divided by the number of tickets, as determined by the Lottery, upon which four of the player's numbers match four of the winning numbers selected by the Lottery with the matching numbers appearing on the ticket in the same position in which they were selected by the Lottery.

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. 10-1006. Filed for public inspection May 28, 2010, 9:00 a.m.]

Pennsylvania Solid Gold '10 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Solid Gold '10.

2. *Price:* The price of a Pennsylvania Solid Gold '10 instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Solid Gold '10 instant lottery game ticket will contain one play area featuring a "WINNING NUMBER" area and a "GOLD NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBER" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "GOLD NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT) and a Gold Bar symbol (GOLDBAR).

4. *Prize Symbols:* The prize symbols and their captions located in the "GOLD NUMBERS" area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN) and \$2,000 (TWO THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 Ticket, \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100 and \$2,000. A player can win up to 5 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Solid Gold '10 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "GOLD NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$2,000 (TWO THO) appears under the matching "GOLD NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(b) Holders of tickets upon which any one of the "GOLD NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$100 (ONE HUN) appears under the matching "GOLD NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(c) Holders of tickets upon which any one of the "GOLD NUMBERS" play symbols is a Gold Bar symbol (GOLDBAR), and a prize symbol of \$20⁰⁰ (TWENTY) appears in each of the five "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(d) Holders of tickets upon which any one of the "GOLD NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$50⁰⁰ (FIFTY) appears under the matching "GOLD NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(e) Holders of tickets upon which any one of the "GOLD NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of

\$40⁰⁰ (FORTY) appears under the matching "GOLD NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets upon which any one of the "GOLD NUMBERS" play symbols is a Gold Bar symbol (GOLDBAR), and a prize symbol of \$5⁰⁰ (FIV DOL) appears in four of the "prize" areas, and a prize symbol of \$20⁰⁰ (TWENTY) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets upon which any one of the "GOLD NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$20⁰⁰ (TWENTY) appears under the matching "GOLD NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any one of the "GOLD NUMBERS" play symbols is a Gold Bar symbol (GOLDBAR), and a prize symbol of \$4⁰⁰ (FOR DOL) appears in each of the five "prize" areas, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets upon which any one of the "GOLD NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "GOLD NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the "GOLD NUMBERS" play symbols is a Gold Bar symbol (GOLDBAR), and a prize symbol of \$2⁰⁰ (TWO DOL) appears in each of the five "prize" areas, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which any one of the "GOLD NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "GOLD NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(l) Holders of tickets upon which any one of the "GOLD NUMBERS" play symbols is a Gold Bar symbol (GOLDBAR), and a prize symbol of \$1⁰⁰ (ONE DOL) appears in each of the five "prize" areas, on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets upon which any one of the "GOLD NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$4⁰⁰ (FOR DOL) appears under the matching "GOLD NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets upon which any one of the "GOLD NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the matching "GOLD NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets upon which any one of the "GOLD NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of \$1⁰⁰ (ONE DOL) appears under the matching "GOLD NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(p) Holders of tickets upon which any one of the "GOLD NUMBERS" play symbols matches the "WINNING NUMBER" play symbol and a prize symbol of FREE (TICKET) appears under the matching "GOLD NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Solid Gold '10 instant game ticket or one Pennsylvania Lottery instant

game ticket of equivalent sale price which is currently on sale.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

When Any Gold Number Matches The Winning Number, Win With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 12,000,000 Tickets
FREE	FREE \$1 TICKET	10	1,200,000
\$1 x 2	\$2	33.33	360,000
\$2	\$2	33.33	360,000
\$1 x 4	\$4	150	80,000
\$2 x 2	\$4	150	80,000
\$4	\$4	150	80,000
\$1 x 5	\$5	300	40,000
GOLD BAR w/(\$1 x 5)	\$5	200	60,000
\$5	\$5	200	60,000
\$2 x 5	\$10	600	20,000
GOLD BAR w/(\$2 x 5)	\$10	300	40,000
\$5 x 2	\$10	600	20,000
\$10	\$10	300	40,000
GOLD BAR w/(\$4 x 5)	\$20	1,500	8,000
\$5 x 4	\$20	1,500	8,000
\$10 x 2	\$20	1,500	8,000
\$20	\$20	750	16,000
GOLD BAR w/(\$5 x 4) + \$20	\$40	2,400	5,000
\$20 x 2	\$40	2,400	5,000
\$40	\$40	2,400	5,000
GOLD BAR w/(\$20 x 5)	\$100	8,000	1,500
\$50 x 2	\$100	8,000	1,500
\$100	\$100	8,000	1,500
\$2,000	\$2,000	120,000	100

GOLD BAR (GOLDBAR) = Win all 5 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Solid Gold '10 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Solid Gold '10, prize money from winning Pennsylvania Solid Gold '10 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Solid Gold '10 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P.S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Solid Gold '10 or through normal communications methods.

C. DANIEL HASSELL,
Secretary

[Pa.B. Doc. No. 10-1007. Filed for public inspection May 28, 2010, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding Berks County

Under section 2002(b) of The Administrative Code of 1929 (71 P.S. § 512(b)), the Director of the Bureau of Design makes the following written finding:

The Federal Highway Administration and the Department of Transportation (Department) are planning to replace the Longswamp Road Bridge which carries SR 1010 over Little Lehigh Creek in Berks County. Therefore, the project will require the use of the Longswamp Road Bridge which is a contributing element to the Lower Longswamp Historic District and, therefore qualifies as a Section 4(f)/Section 2002 resource.

In accordance with Section 2002 The Administrative Code of 1929 establishing the Department, a Level-2 Categorical Exclusion Evaluation (CEE) has been developed for the subject project along with a "Nationwide/Programmatic Section 4(f) Evaluation for Transportation Projects that have Net Beneficial Use (Net Benefit)" document to evaluate the potential environmental impacts caused by the subject project. The document also serves as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the Level-2 CEE, the "Nationwide/Programmatic Section 4(f) Evaluation for Transportation Projects that have Net Beneficial Use (Net Benefit)" and the associated Memorandum of Agreement.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code 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 the effects.

BRIAN G. THOMPSON, P. E.,
Director
Bureau of Design

[Pa.B. Doc. No. 10-1008. Filed for public inspection May 28, 2010, 9:00 a.m.]

Finding Crawford County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 512(b)), the Director of the Bureau of Design makes the following written finding:

The Federal Highway Administration and the Department of Transportation (Department) are planning to replace the Smith Road Bridge which carries Township Route 406 over an unnamed tributary to Conneaut Creek in Crawford County. Therefore, the project will require the use of the Smith Road Bridge which is eligible for the National Register of Historic Places and, therefore qualifies as a Section 4(f)/Section 2002 resource.

In accordance with section 2002 of The Administrative Code of 1929 establishing the Department, a Level-2 Categorical Exclusion Evaluation (CEE) has been developed for the subject project along with a "Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges" document to evaluate the potential environmental impacts caused by the subject project. The document also serves as the Section 2002 Evaluation. The approved documents are available in the CE/EA Expert System.

Based upon studies, there is no feasible and prudent alternative to the proposed action. Mitigation measures will be taken to minimize harm as stipulated in the Level-2 CEE, the "Nationwide/Programmatic Section 4(f) Evaluation for Projects that Necessitate the Use of Historic Bridges" and the associated Memorandum of Agreement.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent

alternative to the project, and all reasonable steps have been taken to minimize the effects.

BRIAN G. THOMPSON, P. E.,
Director
Bureau of Design

[Pa.B. Doc. No. 10-1009. Filed for public inspection May 28, 2010, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Richard Ryan v. DEP and Department of Transportation, Permittee; EHB Doc. No. 2010-061-K

Richard Ryan has appealed the issuance by the Department of Environmental Protection of an NPDES permit to the Department of Transportation for stormwater discharges associated with construction activities in Plumstead Township, Bucks County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Chairperson

[Pa.B. Doc. No. 10-1010. Filed for public inspection May 28, 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, May 13, 2010, and announced the following:

Action Taken—Regulations Approved:

Department of Banking #3-46: General Provisions Hearings and Conferences (deletes 10 Pa. Code Chapter 3)

Department of Banking #3-47: Mortgage License Continuing Education (deletes 10 Pa. Code Chapter 44)

State Board of Examiners of Nursing Home Administrators #16A-6212: Continuing Education (amends 49 Pa. Code § 39.61)

State Board of Examiners of Nursing Home Administrators #16A-629: Temporary Permits (amends 49 Pa. Code §§ 39.1 and 39.4)

Department of Revenue #15-445: Amended Report—Corporation Taxes (amends 61 Pa. Code Chapters 151 and 153)

Department of Corrections #19-12: Inmate Correspondence (amends 37 Pa. Code § 93.2)

Environmental Quality Board #7-419: Control of NOx Emissions from Cement Kilns (amends 25 Pa. Code Chapter 145)

Environmental Quality Board #7-420: Control of NOx Emissions from Glass Melting Furnaces (amends 25 Pa. Code Chapters 121 and 129)

Pennsylvania Public Utility Commission #57-251: Provision of Bundled Service Package Plans at a Single Monthly Rate by Local Exchange Carriers (amends 52 Pa. Code §§ 64.2 to 64.123)

Pennsylvania Liquor Control Board #54-60: Responsible Alcohol Management Program (establishes 40 Pa. Code Chapter 5)

Department of Education #6-319: Pre-K Counts Requirements, Standards and Procedures (establishes 22 Pa. Code Chapter 405)

Approval Order

Public Meeting held
May 13, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-
man, Esq.; Silvan B. Lutkewitte, III; John F. Mizner,
Esq., by Phone

*Department of Banking—General Provisions
Hearings and Conferences;
Regulation No. 3-46 (#2827)*

On March 25, 2010, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Banking (Department). This rulemaking deletes 10 Pa. Code Chapter 3. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted rulemaking deletes the Department's regulations pertaining to hearings and conferences because the regulations have been preempted by statute and are obsolete.

We have determined this regulation is consistent with the statutory authority of the Department (71 P. S. § 733-202.C) 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
May 13, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-
man, Esq.; Silvan B. Lutkewitte, III; John F. Mizner,
Esq., by Phone

*Department of Banking—Mortgage Licensee Continuing
Education; Regulation No. 3-47 (#2828)*

On March 25, 2010, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Banking (Department). This rulemaking deletes 10 Pa. Code Chapter 44. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted rulemaking deletes the Department's regulations pertaining to mortgage licensee continuing education because the regulations have been preempted by statute and are obsolete.

We have determined this regulation is consistent with the statutory authority of the Department (7 Pa.C.S.A § 6138(a)(4)) 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
May 13, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-
man, Esq.; Silvan B. Lutkewitte, III; John F. Mizner,
Esq., by Phone

*State Board of Examiners of Nursing Home
Administrators—Continuing Education;
Regulation No. 16A-6212 (#2747)*

On February 11, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Examiners of Nursing Home Administrators (Board). This rulemaking amends 49 Pa. Code § 39.61. The proposed regulation was published in the February 21, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 5, 2010.

This final-form rulemaking clarifies, updates and expands the Board's continuing education requirements.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 1104(c) and 1109(b)) 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
May 13, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq., by Phone

*State Board of Examiners of Nursing Home Administrators—Temporary Permits;
Regulation No. 16A-629 (#2678)*

On February 27, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Examiners of Nursing Home Administrators (Board). This rulemaking amends 49 Pa. Code §§ 39.1 and 39.4. The proposed regulation was published in the March 8, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 5, 2010.

This final-form rulemaking amends the Board's existing regulations pertaining to temporary permits.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 1104(c) and 1114) 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
May 13, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq., by Phone

*Department of Revenue—
Amended Report—Corporation Taxes;
Regulation No. 15-445 (#2750)*

On February 20, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Revenue (Department). This rulemaking amends 61 Pa. Code Chapters 151 and 153. The proposed regulation was published in the March 7, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on April 7, 2010.

This rulemaking helps facilitate the transition from the corporation tax settlement process to the assessment process as required by Act 119 2006.

We have determined this regulation is consistent with the statutory authority of the Department (72 P. S. § 6) 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
May 13, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq., by Phone

*Department of Corrections—
Inmate Correspondence;
Regulation No. 19-12 (#2830)*

On April 7, 2010, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Corrections (Department). This rulemaking amends 37 Pa. Code § 93.2. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation represents a codification of the Department's policy on what is defined as obscene materials. Delivery of these materials to inmates via incoming correspondence or publications is prohibited.

We have determined this regulation is consistent with the statutory authority of the Department (71 P. S. § 310-1) 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
May 13, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq., by Phone

*Environmental Quality Board—
Control of NOx Emissions from Cement Kilns;
Regulation No. 7-419 (#2682)*

On April 7, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapter 145. The proposed regulation was published in the April 19, 2008 *Pennsylvania Bulletin* with a 65-day public comment period. The final-form regulation was submitted to the Commission on April 12, 2010.

The regulation updates and revises nitrogen oxides (NOx) emission standards, procedures and requirements for cement kilns. This regulatory program is a component of the air quality strategy recommended by the Ozone Transport Commission.

We have determined this regulation is consistent with the statutory authority of the EQB (35 P. S. § 4005(a)(1)) 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
May 13, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-
man, Esq.; Silvan B. Lutkewitte, III; John F. Mizner,
Esq., by Phone

Environmental Quality Board—

*Control of NOx Emissions from Glass Melting Furnaces;
Regulation No. 7-420 (#2683)*

On April 7, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (EQB). This rulemaking amends 25 Pa. Code Chapters 121 and 129. The proposed regulation was published in the April 19, 2008 *Pennsylvania Bulletin* with a 65-day public comment period. The final-form regulation was submitted to the Commission on April 12, 2010.

The regulation updates and revises nitrogen oxides (NOx) emission standards, procedures and requirements for glass melting furnaces. This regulatory program is a component of the air quality strategy recommended by the Ozone Transport Commission.

We have determined this regulation is consistent with the statutory authority of the EQB (35 P. S. § 4005(a)(1)) 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
May 13, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-
man, Esq.; Silvan B. Lutkewitte, III; John F. Mizner,
Esq., by Phone

Pennsylvania Public Utility Commission—

*Provision of Bundled Service Package Plans at a Single
Monthly Rate by Local Exchange Carriers;
Regulation No. 57-251 (#2591)*

On February 15, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code §§ 64.2 to 64.123. The proposed regulation was published in the March 3, 2007 *Pennsylvania Bulletin* with a 30-day public comment period. The PUC reopened the public comment period on June 7, 2008, which then closed on July 31, 2008. The final-form regulation was submitted to the Commission on February 18, 2010. On March 19, 2010, the Commission received a request from the PUC to toll consideration of this final-form regulation to delete a provision that relied on a guidance document. On April 16, 2010, the PUC submitted its revisions to the final-form regulation to the Commission.

This regulation establishes a safeguard for the provision of basic local exchange telephone service within the bundled service pricing plans offered by local telephone companies.

We have determined this regulation is consistent with the statutory authority of the PUC (66 Pa.C.S. § 501(b)) 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
May 13, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-
man, Esq.; Silvan B. Lutkewitte, III; John F. Mizner,
Esq., by Phone

*Pennsylvania Liquor Control Board—
Responsible Alcohol Management Program;
Regulation No. 54-60 (#2660)*

On December 28, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Liquor Control Board (Board). This rulemaking establishes 40 Pa. Code Chapter 5. The proposed regulation was published in the January 26, 2008, *Pennsylvania Bulletin* with a 30-day public comment period. On February 25, 2010, the Board submitted the final-form regulation. On March 31, 2010, the Commission received a request from the Board to toll consideration of this final-form regulation to correct a drafting error. On April 20, 2010, the Board submitted its revisions to the final-form regulation to the Commission.

This regulation codifies the Responsible Alcohol Management Program.

We have determined this regulation is consistent with the statutory authority of the Board (47 P. S. §§ 2-207(i) and 4-471.1) 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
May 13, 2010

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-
man, Esq.; Silvan B. Lutkewitte, III, Dissenting; John
F. Mizner, Esq., by Phone

*Department of Education—
Pennsylvania Pre-K Counts Requirements,
Standards and Procedures;
Regulation No. 6-319 (#2817)*

On January 27, 2010, the Independent Regulatory Review Commission (Commission) received this regulation from the Department of Education (Department). This rulemaking establishes 22 Pa. Code Chapter 405. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*. On March 8, 2010, the Commission received a request from the Department to toll consideration of this final-omitted regulation to address

statutory concerns, reliance on guidance documents and drafting errors. On April 7, 2010, the Department submitted its revisions to the final-omitted regulation to the Commission.

This final-omitted regulation establishes minimum standards for the operation of the Pre-K Counts Program

We have determined this regulation is consistent with the statutory authority of the Department (24 P. S. § 15-1513D(1)) 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. 10-1011. Filed for public inspection May 28, 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 Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b).

The Commission has issued comments on the following proposed regulation. 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>
57-267	Pennsylvania Public Utility Commission Streamlining the Rate Increase procedures for Small Motor Carriers 40 Pa.B. 1531 (March 20, 2010)	4/19/10	5/19/10

**Pennsylvania Public Utility Commission
Regulation #57-267 (IRRC #2825)**

**Streamlining the Rate Increase
Procedures for Small Motor Carriers**

May 19, 2010

We submit for your consideration the following comments on the proposed rulemaking published in the March 20, 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 Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

Section 23.69. Stay-out provision.—Statutory authority.

This section states:

A small passenger carrier will not be permitted to request another increase in rates or operating revenues from the Commission for 1 year following a prior Commission approved rate increase. A small passenger carrier with gross intrastate operating revenues of less than \$500,000, but with an operating ratio that is 93% or above, shall be excepted from this 1 year stay-out restriction.

In response to the Regulatory Analysis Form question 11, the PUC cites 66 Pa.C.S. §§ 1301 and 1308 as the statutory authority for this regulation. Section 1301 requires rates to be just and reasonable. Section 1308 addresses voluntary changes in rates. Upon review of these statutory provisions, we did not find direct authority for the PUC to require a small passenger carrier to stay-out for one year. The PUC should explain its statutory authority to enforce this provision. If the PUC is unable to establish direct authority for this section, we recommend deleting it.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-1012. Filed for public inspection May 28, 2010, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained on the web site, www.irrc.state.pa.us.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
7-446	Environmental Quality Board Wastewater Treatment Requirements	5/17/10	6/17/10
7-440	Environmental Quality Board Erosion and Sediment Control and Stormwater Management	5/17/10	6/17/10

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-1013. Filed for public inspection May 28, 2010, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by GS Operator, LP

GS Operator, LP has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Glendale Uptown Home in Philadelphia, PA. The initial filing was received on May 14, 2010, and was made under the requirements set forth under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-1014. Filed for public inspection May 28, 2010, 9:00 a.m.]

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Meadville Rehabilitation and Nursing Center, LLC

Meadville Rehabilitation and Nursing Center, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Meadville Rehabilitation and Nursing Center, LLC in Meadville, PA. The initial filing was received on May 14, 2010, and was made under the requirements set forth under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-1015. Filed for public inspection May 28, 2010, 9:00 a.m.]

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Siemon Nursing Home, Inc.

Siemon Nursing Home, Inc. has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Siemon's Lakeview Manor Estate in Somerset, PA. The initial filing was received on May 7, 2010, and was made under the requirements set forth under the Continuing-Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or syerger@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-1016. Filed for public inspection May 28, 2010, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Change of Control

A-2010-2176520 and A-2010-2176732. West Penn Power Company, d/b/a Allegheny Power, Trans-Allegheny Interstate Line Company and FirstEnergy Corporation. Joint application of West Penn Power Company, d/b/a Allegheny Power, Trans-Allegheny Interstate Line Company and FirstEnergy Corporation for approval of a change of control of West Penn Power Company and Trans-Allegheny Interstate Line Company.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before June 14, 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: West Penn Power Company, d/b/a Allegheny Power, Trans-Allegheny Interstate Line Company, FirstEnergy Corporation

Through and By Counsel: Thomas P. Gadsden, Esquire, Kenneth M. Kulak, Esquire, Morgan, Lewis & Bockius, LLP, 1701 Market Street, Philadelphia, PA 19103-2921

Wendy E. Stark, Esquire, Bradley E. Bingaman, Esquire, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19612-6001

W. Edwin Ogden, Esquire, Alan Michael Seltzer, Esquire, Ryan, Russell, Ogden and Seltzer, PC, Suite 210, 1150 Berkshire Boulevard, Wyomissing, PA 19610-1208

Randall B. Palmer, Esquire, Jennifer L. Petisek, Esquire, 800 Cabin Hill Drive, Greensburg, PA 15601

Joint Application of West Penn Power Company, d/b/a Allegheny Power (A-2010-2176520), Trans-Allegheny Interstate Line Company (A-2010-2176732) and FirstEnergy Corporation

For a Certificate of Public Convenience Under Section 1102(A)(3) of the Public Utility Code Approving a Change of Control of West Penn Power Company and Trans-Allegheny Interstate Line company

Notice

This is to inform you that an initial prehearing conference on the previously-captioned case will be held as follows:

Type: Initial Prehearing Conference
Date: Tuesday, June 22, 2010
Time: 10 a.m.
Location: Hearing Room 2
 Plaza Level
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120
Presiding: Administrative Law Judge
 Wayne Weismandel
 P. O. Box 3265
 Harrisburg, PA 17105-3265
 Phone: (717) 783-5452
 Fax: (717) 787-0481
Presiding: Administrative Law Judge Mary D. Long
 Piatt Place
 301 Fifth Avenue
 Room 220
 Pittsburgh, PA 15222
 Telephone: (412) 565-3550
 Fax: (412) 565-5692

The persons with a disability who wish to attend the hearing, Pennsylvania Public Utility Commission (Commission) may be able to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For those who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit the request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-1017. Filed for public inspection May 28, 2010, 9:00 a.m.]

Indirect Change of Control

A-2010-2176733. Qwest Communications Company, LLC to CenturyLink, Inc. Joint application for approval under Chapter 11 (relating to certificates of public convenience) of the indirect change of control of Qwest Communications Company, LLC to CenturyLink, Inc. and for all other approvals required under 66 Pa.C.S. (relating to the Public Utility Code).

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 June 14, 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: Qwest Communications Company, LLC
 CenturyLink, Inc.

Through and By Counsel: John F. Povilaitis, Esquire, Ryan, Russell, Odgen & Seltzer, PC, 800 North Third Street, Suite 101, Harrisburg, PA 17102

Zsuzsanna E. Benedek, Esquire, CenturyLink, Inc., 240 North Third Street, Suite 201, Harrisburg, PA 17101

Joint Application for approval under Chapter 11 of the PA PUC Code of the Indirect Change of Control of Qwest Communications Company, LLC to CenturyLink.

Notice

This is to inform you that an initial prehearing conference on the previously-captioned case will be held as follows:

Date: Tuesday, June 29, 2010
Time: 10 a.m.
Location: In an available 4th Floor Hearing Room—
 Philadelphia Parties
 (Take one of the last four elevators at the far end of the lobby)
 801 Market Street (enter on 8th Street)
 Philadelphia, PA 19107
Location: Hearing Room 2—Harrisburg Parties
 Plaza Level
 Commonwealth Keystone Building
 400 North Street
 Harrisburg, PA 17120
Presiding: Administrative Law Judge Angela T. Jones
 Suite 4063
 801 Market Street
 Philadelphia, PA 19107
 Telephone: (215) 560-2105
 Fax: (215) 560-3133

For persons with a disability who wish to attend the hearing, the Pennsylvania Public Utility Commission (Commission) may be able to make arrangements for their special needs. Call the scheduling office at the Commission at least 5 business days prior to the hearing to submit a request.

For those who require an interpreter to participate in the hearings, the Commission will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-1018. Filed for public inspection May 28, 2010, 9:00 a.m.]

Opinion and Order

Public Meeting held
May 6, 2010

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

AT&T Communications of Pennsylvania, Inc. v. Verizon North, Inc. and Verizon Pennsylvania, Inc.; C-20027195

Opinion and Order

By the Commission:

Before the Commission for consideration is the Status Report and Motion to Extend the Stay (Motion to Extend Stay) of its Access Charge Investigation, which was jointly filed on August 12, 2009, by Verizon Pennsylvania, Inc. (Verizon PA) and Verizon North, Inc. (Verizon North) (collectively Verizon), in the above captioned proceeding.¹ The Commission previously had stayed the Verizon Access Charge Investigation by Orders entered on January 8, 2007, and September 12, 2008. Each time the stay was granted for a twelve-month period awaiting the outcome of the Federal Communications Commission's (FCC) *Unified Intercarrier Compensation Proceeding* at CC Docket No. 01-92.² Also, in each of those instances, the Parties were required to submit status reports, thirty days prior to the expiration of each of the stays, on the prior year's events that may have an impact on the Verizon Access Charge Investigation.

In addition to Verizon's Status Report and Motion to Extend Stay, we are also considering the Status Reports of the other Parties in this case. Those parties include Sprint Communications Company, L.P., Sprint Spectrum, L.P., Nextel Communication of the Mid-Atlantic, Inc. and NPCR, Inc. (collectively, Sprint) and AT&T Communications of Pennsylvania, Inc. (AT&T), all who filed their Status Reports on August 12, 2009. Also on August 12, 2009, Qwest Communications Company filed a letter in lieu of a Status Report.

On September 1, 2009, Verizon filed an Answer to Sprint's and AT&T's Status Reports, and AT&T and Sprint individually filed their Answers to Verizon's Motion to Extend. On September 2, 2009, a Joint Answer was filed by the Pennsylvania Telephone Association (PTA) and The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania (Embarq)³ (collectively PTA/Embarq) to Verizon's Motion to Extend.

History of the Proceeding

The history of the proceeding is contained substantially on pages 2—9 of our January 8, 2007 Opinion and Order

¹ Verizon indicates that its Motion to Extend Stay is being filed on behalf of Verizon Pennsylvania, Inc., Verizon North, Inc. and MCI Metro Access Transmission Services, LLC, d/b/a Verizon Access Transmission Services (MCI Metro). However, as noted by AT&T Communications of Pennsylvania, Inc. (AT&T) in Footnote No. 1 to its Answer to Verizon's Motion to Extend Stay, the instant access charge investigation involves the review of intrastate access rates of the two Verizon incumbent carriers (Verizon PA and Verizon North). MCI Metro, as a certified competitive local exchange carrier (CLEC) in Pennsylvania merged with Verizon in 2005, and has become part of Verizon by Order entered on January 11, 2006, at Docket No. A-310580F0009, et al. MCI Metro is not an incumbent carrier whose rates are being investigated at this docket. As such, we are considering the Motion to Extend Stay as being filed by the two Verizon incumbents alone.

² See *In the Matter of Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-92, FCC 05-33, Further Notice of Proposed Rulemaking (released March 3, 2005) (*Unified Intercarrier Compensation Proceeding*), wherein the FCC is comprehensively considering, *inter alia*, establishing a unified intercarrier compensation rate in lieu of interstate and intrastate access charges and local reciprocal compensation rates.

³ It is noted that Embarq is now known as The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink as a result of its recent merger approval in Pennsylvania earlier this year. See *Joint Application of The United Telephone Company of Pennsylvania, LLC, d/b/a Embarq Pennsylvania and Embarq Communications, Inc. For approval of the Indirect Transfer of Control To CenturyTel, Inc.*, Docket No. A-2008-2076038, (Opinion and Order entered March 10, 2010).

in this case at the above captioned docket. The following is gleaned from that history and also includes updates that have occurred since then.

In the Global Order⁴ entered September 30, 1999, the Commission directed all local incumbent exchange carriers operating in Pennsylvania to reduce their access charges. The Global Order further provided for a subsequent access charge proceeding to begin in January 2001 to determine additional access charge reductions and the possible elimination of the Carrier Charge pool. Subsequently, in January 2002, the Commission initiated a formal generic access charge investigation at Docket No. M-00021596 in order to accommodate the access charge investigation that was required by the Global Order.

On March 22, 2002, AT&T filed a Formal Complaint at Docket No. C-20027195 against Verizon North seeking to have Verizon North's access charges reduced to Verizon PA's levels pursuant to the requirements in the Bell Atlantic-GTE Merger Order at Docket No. A-310200 F0002, et al.⁵ AT&T's Formal Complaint was initially dismissed by then Chief Administrative Law Judge Robert Christianson, but was later reinstated by an Order entered December 24, 2002. The December 24, 2002 Order also bifurcated the access charge investigation so that all Verizon matters (i.e., those pertinent access charge matters pertaining to Verizon PA and Verizon North, including AT&T's Formal Complaint) as well as all matters relating to access charge parity between Verizon North, Inc. and Verizon Pennsylvania, Inc. resulting from the Merger Order at Docket No. A-310200F0002, et al., would be litigated at Docket No. C-20027195; and the Rural ILEC Access Charge Investigation would continue to be litigated at Docket No. M-00021596.⁶

On December 30, 2002, Verizon PA and Verizon North filed a Joint Petition regarding further reductions to their access charges pursuant to the Merger Order, the Global Order and the generic access charge investigation at Docket No. M-00021596 (*Verizon's Joint Petition for Access Charge Reductions*). By Order entered May 5, 2003, at Docket No. M-00021596, et al., the Commission consolidated *Verizon's Joint Petition for Access Charge Reductions* with *In re Joint Application of Bell Atlantic Corporation and GTE Corporation for Approval of Agreement and Plan of Merger* at Docket Nos. A-310200F0002, A-311350F0002, and A-310222F0002, as well as with *AT&T Communications of Pennsylvania, Inc. v. Verizon North, Inc.* at C-20027195 regarding Verizon-North's access charges and assigned the matter to the Office of Administrative Law Judge for an evidentiary hearing and recommended decision within six months from the date of entry of that Order.

⁴ *Re Nextlink Pennsylvania, Inc.*, Docket No. P-00991648; P-00991649, 93 Pa PUC 172 (September 30, 1999) (Global Order); 196 P.U.R. 4th 172, aff'd sub nom. *Bell Atlantic-Pennsylvania, Inc. v. Pennsylvania Public Utility Commission*, 763 A.2d 440 (Pa. Commonwealth 2000), which was vacated in part *MCI WorldCom, Inc. v. Pa. PUC*, 577 Pa. 294, 844 A.2d 1239 (2004).

⁵ See Joint Application of Bell Atlantic Corporation and GTE Corporation for Approval of Agreement and Plan of Merger, Docket No. A-310200F0002, et al., (Opinion and Order entered November 4, 1999) (Merger Order).

⁶ By Order entered July 15, 2003, at Docket No. M-00021596, the Commission granted a Joint Procedural Stipulation filed by the Rural Telephone Company Coalition, The United Telephone Company of Pennsylvania, the Office of Trial Staff, OCA and OSBA with regard to the pertinent unresolved issues in that proceeding. Subsequently, by Order entered on December 20, 2004, at Docket No. I-00040105, the Commission instituted a further investigation for consideration of whether there should be additional intrastate access charge reductions and intraLATA toll rate reductions in the service territories of rural ILECs and all rate issues and rate changes that should or would result in the event that disbursements from the PaUSF are reduced. That Rural ILEC Access Charge Investigation was stayed various times; but after several years of inaction by the FCC in its *Unified Intercarrier Compensation* proceeding, the Commission reopened the Rural ILEC Access Charge Investigation in August 2009. See Order entered on August 5, 2009, at Docket No. I-00040105, et al. (August 5, 2009 Order). Initial evidentiary hearings have concluded in that proceeding and a Recommended Decision is expected in this matter by August 5, 2010.

On November 18, 2003, a Recommended Decision by Administrative Law Judge (ALJ) Cynthia Williams Fordham was issued wherein she recommended the adoption of a Joint Proposal by Verizon and the OCA for further reductions to access charges. Prior to the Commission's disposition on ALJ Fordham's Recommended Decision, Verizon PA, Verizon North, OCA and OSBA filed a Joint Petition for Resolution of Litigation which modified the Verizon/OCA Joint Proposal.⁷

By Opinion and Order entered July 28, 2004 (July 28, 2004 Order), the Commission, inter alia, reversed the ALJ's Recommended Decision and adopted the Joint Petition for Resolution of Litigation. The July 28, 2004 Order permitted Verizon to reduce and restructure its access charges by allowing Verizon to file a revenue neutral, rate rebalancing filing in which the net revenue reductions from access charge increases and decreases would be offset with revenue increases in monthly dial tone line rates for residential and business local exchange customers. In addition, the Commission remanded the case to the Office of Administrative Law Judge for the further development of a record, and issuance of a Recommended Decision on policy issues and other access charge concerns that were raised by the IXCs in their Exceptions, but which were not specifically resolved at that time. The issues on remand included, but were not limited to, the consideration of specific access charge reduction proposals, the removal of implicit subsidies from access charges and the reduction or elimination of the Carrier Charge.

ALJ Fordham's Recommended Decision on Remand was issued on December 7, 2005. By Order entered January 8, 2007, the Commission modified the ALJ's Recommended Decision on Remand and stayed the proceeding pending the outcome of the FCC's Unified Intercarrier Compensation proceeding, or for a period of twelve months from the date of entry of the Order, unless extended by Commission Order, whichever was earlier.

As noted, on August 12, 2009, Verizon filed its Status Report and Motion to Extend the Stay of its Access Charge Investigation in accordance with the January 8, 2007 Order, and Sprint and AT&T filed their Status Reports on August 12, 2009. These matters are now ripe for our consideration.

Discussion

We note that any issue that we do not specifically address herein has been duly considered and will be denied without further discussion. It is well settled that we are not required to consider expressly or at length each contention or argument raised by the parties. *Consolidated Rail Corporation v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); also see, generally, *University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

A. Status Reports and Verizon's Motion for Stay

In its Status Report and Motion to Stay, Verizon submits that the Commission should stay the Verizon Access Charge Investigation for at least another twelve months, or until September 12, 2010, while the Commission develops a record in the newly reopened Rural Access Charge Investigation at Docket No. I-00040105.⁸ In support of this position, Verizon opines that its access charge investigation and the Rural Access Charge Investigation are in a significantly different posture because: (1)

Verizon's access rates have already been reduced and are low compared to other ILECs operating in Pennsylvania; and (2) a record has already been developed in the Verizon investigation and there is no other open litigation relating to Verizon's access charges. Verizon submits that if the Commission grants its request to further stay its investigation for at least another twelve months, it will allow the Rural Access Charge Investigation to progress and allow further monitoring of the FCC activity.⁹ If the FCC does not act in the interim, Verizon avers that the Commission will have made progress in the RLEC matter and may then be in a position to address the important and difficult issues of access pricing policy for all carriers fairly and comprehensively. VZ SR & Motion at 1—5, 8.

Verizon submits that the need to reduce its access charges is not as pressing as RLEC access charge reductions because, unlike Verizon's rates, which have undergone substantial examination and reduction over the years, including through this investigation, the RLEC rates have largely evaded substantive review. As such, Verizon is of the opinion that reducing the gap between the RLECs' access charges and Verizon's access charges should be the primary focus of the Commission. VZ SR & Motion at 6.

Verizon also contends that it is important to recognize that while the Commission has reduced Verizon's access rates, both through the Global Order and in this proceeding, and has generally stated its policy to move access rates closer to costs, the Commission has never confronted and decided many of the most fundamental questions of access pricing law and policy. While the Commission has been operating under a general premise that access rates should move downward toward cost, Verizon notes that the Commission has never specifically decided where or how the line should be drawn. Verizon also notes that the Commission recognized in its January 8, 2007 Order that if it were to restart this Verizon case and address the merits of the Exceptions to the Recommended Decision on Remand, it would be compelled to address the ultimate policy issues relating to the pricing of intrastate access, including "whether access charges should be reduced 'to cost,'" what is "the cost of traffic sensitive rates;" and whether to "eliminate[] . . . the Carrier Charge."¹⁰ VZ SR & Motion at 7 and 8. Verizon suggests that whatever the Commission ultimately determines with regard to these issues, the standards must apply consistently and evenhandedly to all carriers. In this regard, Verizon is of the opinion that it is better to wait until a full record in the RLEC case concerning these issues is completed. Id. at 8.

Verizon also notes that the Commission has not had the opportunity to consider the impact of Verizon's access rate reductions on CLECs in light of Act 183.¹¹ As such, Verizon suggests that the Commission first address the inequity of allowing the RLECs to charge access rates much higher than Verizon and the majority of the CLECs before it considers further reducing Verizon's access rates and thereby lowering the bar for CLECs to comply with the statutory cap and exacerbating the gap between the rates of those carriers and the RLECs' rates. Finally,

⁹The expiration of the last stay occurred on September 12, 2009, pursuant to Ordering Paragraph No. 2 of the September 12, 2008 Order at Docket No. C-20027195, which stayed the investigation "pending the outcome of the FCC's Intercarrier Compensation case at CC Docket No. 01-92 or for a period of twelve (12) months from the date of entry of this Opinion and Order, whichever is earlier, unless extended by Commission Order." If granted, the end of the stay requested by Verizon would be September 12, 2010, which would be thirty-eight days after the August 5, 2010 deadline for a Recommended Decision in the Rural ILEC Access Charge Investigation.

¹⁰See January 8, 2007 Order at 4, 7.

¹¹Act 183 requires that no CLEC "may charge access rates higher than those charged by the [ILEC] in the same service territory, unless such carrier can demonstrate that the higher access rates are cost justified." 66 Pa.C.S. § 3017(c).

⁷The OSBA was not a party to the Joint Proposal of Verizon and the OCA in ALJ Fordham's Recommended Decision but was added as a joint petitioner in the Joint Petition for Resolution.

⁸See August 5, 2009 Order at Docket No. I-00040105.

Verizon submits that extending the stay will delay the need to consider retail rate increases for Verizon's customers in light of the fact that 66 Pa.C.S. § 3017(a) requires that any reduction to Verizon's access rates must be revenue-neutral. VZ SR & Motion at 10.

In its Status Report, Sprint is of the opinion that the stay of Verizon's access charge investigation should be lifted. Sprint notes that there has been considerable activity in the FCC's Intercarrier Compensation proceeding at CC Docket 01-92, but avers that the FCC is no closer to achieving a unified intercarrier compensation regime than it was a year ago. Sprint notes that since the last time that the Commission ordered an extension of the stay of Verizon's access charge investigation, the FCC had issued a Further Notice of Proposed Rulemaking in the Intercarrier Compensation Docket (FNPR),¹² accompanied by two alternative plans for a new intercarrier compensation regime.¹³ Sprint explains that although the two plans differ from each other, one important theme that runs throughout both plans requires each carrier's intrastate access rates to mirror its interstate switched access rates within two years of the effective date of an FCC final Order. Both plans also require that intrastate access rates be reduced by half (50%) of the difference between intrastate and interstate access rates within the first year, and the remainder of the difference in the second year. Additionally, Sprint adds that both plans rely heavily on the state Commissions to achieve a uniform and fair system of intercarrier compensation. Sprint points out that the plan in Appendix A specifically states that state commissions need not wait for the FCC to reform intercarrier compensations rules and that it is clear from the two plans that the FCC recognizes it will require cooperation from the state commissions to accomplish intercarrier reform. Sprint submits that there is no reason to anticipate that the FCC will issue any substantive decision in the Intercarrier compensation proceeding any time in the foreseeable future, and that the Commission should no longer stay the instant proceeding any longer. Sprint SR at 1—7.

Sprint notes that Verizon is one of many companies that filed comments in support of the draft plans in the FCC's FNPR at CC Docket No. 01-02. Sprint avers that Verizon did not contest interstate mirroring as an appropriate first step in the reform process and went much further in suggesting that all carriers should have their rates for exchanging all types of traffic capped at a level no higher than \$0.0007 per minute of use. Sprint is of the opinion that in light of Verizon's support for access rate reductions, it seems logical to implement the rate reforms that were addressed in ALJ Fordham's Recommended Decision. Sprint SR at 4.

Sprint also notes that other state commissions are considering or have begun to again review access charge reform¹⁴ and that this Commission recently opened the Rural ILEC Access Charge Investigation. Sprint opines that by reopening the Verizon access charge investigation, the Commission will ensure that a final decision on the level of Verizon's intrastate access charges are timely reached and access reform will be addressed for all carriers in the state contemporaneously. Sprint SR at 5—7.

In its Status Report, AT&T also notes that the Commission recently lifted its stay of the Rural ILEC Access

Charge Investigation, and asks that the Commission join the many other states by lifting the stay in the instant case for the same reasons the Commission expressed in lifting the Rural ILEC Access Charge Investigation stay. AT&T SR at 1 and 2.

AT&T expresses its frustration that this case was initiated over seven years ago and that, after initially ordering Verizon to reduce its access rates over five years ago, the Commission remanded the case to the ALJ, who subsequently recommended that Verizon's carrier charge be eliminated within six months to a year, and that the Verizon companies' access rates be reduced to their interstate levels within one to two years. Likewise, AT&T states that the Commission, on numerous occasions, has acknowledged the need for the elimination of subsidies from intrastate access charges—when the Rural ILEC Access Charge Investigation was reopened and when this instant case was remanded to the ALJ years ago—and that this still has not been accomplished. AT&T claims that the presence of implicit subsidies in access charges keeps prices too high for telecommunication services and hinders competition because prospective alternative service providers have to compete with heavily subsidized operations. AT&T SR at 2 and 3.

In light of the above, AT&T urges the Commission to resume the Verizon Access Charge Investigation as soon as practicable for the Commission and interested parties to do so. AT&T SR at 4.

In its letter, Qwest requests that it be placed on the record to show that it considers the issue of whether the stay of the Verizon Access Charge Investigation should continue or be ended is a policy decision that is best left to the Commission, based on its judgment and expertise. As such, Qwest submits that it neither supports or opposes continuation of the stay at this time.

In its Answer to the Status Reports of AT&T and Sprint, Verizon submits that the pressing issue currently before the Commission is not the relatively low access rates of Verizon, but the higher access rates of the RLECs. Verizon opines that the Commission must first close the gap between the rates of the RLECs' rates and Verizon before beginning its access rate investigation. Verizon suggests that the Commission should develop the RLEC record first, rather than taking any action in its case that might result in exacerbating the gap between the RLEC and Verizon rates or might result in premature legal or policy decisions that will later affect the RLEC case.

Verizon contends that its request to further stay its investigation is not necessarily inconsistent with the positions advanced by AT&T and Sprint. Verizon notes that AT&T, in its status report, requests that the Commission "reduce Verizon's access rates reasonably soon after it reduces the RLECs' rates."¹⁵ Since the Commission will not be in a position even to begin considering a reduction to the RLEC rates until after the RLECs' twelve-month litigation period elapses and exceptions and reply exceptions are filed, Verizon believes that its Motion is consistent with AT&T's requested timetable to stay the Verizon case and revisit its status in twelve months, when the RLEC case is likely to be closer to a potential resolution.

In response to Sprint's argument that this Commission has "a unique opportunity to implement industry-wide access reform,"¹⁶ Verizon asserts that this Commission

¹² See *In the Matter of Developing a Unified Intercarrier Compensation Regime*, CC Docket No. 01-02, Further Notice of Proposed Rulemaking (FNPR), 46 Comm. Reg. 431 (rel. November 5, 2009).

¹³ The alternative plans were contained in the form of proposed orders. See FNPR at Appendices A and C.

¹⁴ Sprint SR at 6.

¹⁵ AT&T SR at 2.

¹⁶ Sprint SR at 4.

cannot consider these important policy issues on an “industry-wide” basis until it first develops a record in the RLEC case, so that it can address the important segment of the industry that is still charging access rates far out of proportion to what Verizon and other carriers charge for the same service.

In light of the above, Verizon maintains its opinion that this Commission should at least endeavor to achieve a uniform benchmark intrastate access rate in Pennsylvania by reducing the RLEC rates closer to the rates that Verizon and the CLECs in its territory charge for the same intrastate access service and that it can only do that by allowing itself the time to develop the record in the RLEC case before it considers reopening the Verizon investigation. Accordingly, Verizon requests that the Commission stay its investigation during the twelve-month period while the RLEC case is being litigated.

B. Responses to Verizon’s Motion to Extend Stay

AT&T objects to Verizon’s Motion to Extend Stay, and avers that Verizon’s arguments for delaying the investigation do not warrant a further stay for a third time. Instead, AT&T wants the Commission to take action to bring Verizon’s intrastate access rates to parity with its interstate rates. AT&T notes that Verizon’s intrastate access rates remain well above their interstate rate levels and also contain an unjustified Carrier Charge, making those rates discriminatory and harmful to Pennsylvania consumers. AT&T also argues that interexchange carriers (IXCs), like itself and others, cannot compete against e-mail, instant messaging, social networking web sites, VoIP providers and wireless carriers as long as IXCs incur access charges that other competitors are not required to pay. AT&T also is of the opinion that it is not difficult to bring parity between Verizon’s intrastate and interstate access rates because Act 183 assures that any access charge reductions will be revenue neutral. AT&T Answer at 1 and 2.

AT&T also notes that the Commission, in its Order reopening of the Rural ILEC Access Charge Investigation, has already decided that it will no longer wait for the FCC to address intrastate access reform and has acknowledged that FCC’s Unified Intercarrier Compensation Proceeding will no longer be an excuse to delay access reform in Pennsylvania. As such, AT&T submits that, just as the Commission has decided to re-open the Rural ILEC Access Charge Investigation, the Commission should lift its stay in the instant case and move forward. AT&T Answer at 2—4.

In its Answer to Verizon’s Motion to Extend Stay, Sprint argues that an extension of the Verizon Access Charge Investigation is neither warranted nor necessary. Sprint cites to the Commission’s *August 5, 2009 Order* that reopened the Rural ILEC Access Charge Investigation and agrees with the Commission’s assessment that it is unlikely that any reform initiative at the Federal level may take place any time soon. Sprint contends that the same problems that the Commission began to address in the Global Order continue to be pervasive today in Pennsylvania and that urgent action by the Commission is needed in order to effectuate access charge reform. Sprint opines that continuing the stay, as urged by Verizon, will simply further delaying those access charge reform goals expressed by the Commission in the Global Order. Sprint Answer at 1 and 2.

Sprint asserts that Verizon’s intrastate switched access rates remain grossly over-inflated and that Verizon’s use of percentages to characterize rate reductions as substan-

tial is irrelevant and misleading when the starting point is many multiples above cost for monopoly-controlled bottleneck facilities. Sprint also claims that Verizon’s Carrier Charges and intrastate switched access rates are unreasonable and outdated, and in need of reform. Sprint believes that any reform initiated at the Federal level may, in turn, require the Commission to order all carriers to mirror their interstate access charges. Sprint is of the opinion that reopening the Verizon access reform docket will place Pennsylvania in a position to effectuate industry-wide access reform and that the Commission should not forgo such an opportunity. Sprint Answer at 2 and 3.

Sprint submits that it has been an entire decade since the Commission began addressing access charges and today, many of the same problems exist. Sprint submits that the Commission has already developed a record including a Recommended Decision on Remand that can serve as the basis for a Commission Order to effectuate access charge reform, and that, if a further stay is granted, the Commission would increase the risk of that record becoming stale. Accordingly, Sprint, urges the Commission not to further delay the access charge reform goals that were addressed by the Commission in its Global Order. Sprint Answer at 3 and 4.

Embarq/PTA also oppose Verizon’s requests for extending the stay and is of the opinion that Verizon failed to assert a legitimate basis for further delaying an examination of Verizon’s access rates. Embarq and PTA assert that while Verizon claims that its access rates have already been substantially reduced and are comparatively low; so too have the RLECs rates been substantially reduced. Embarq and PTA explained that both Verizon and the RLECs undertook two rounds of access charge reductions, (Phase I and Phase II) first in the Global Order in 1999 and a second one in the proceeding that commenced in 2002. However, Embarq and PTA state that the second round of reform for Verizon was no more than compliance to the Commission’s Merger Order of 1999 that required access charge parity of the former GTE North, Inc. access rates with those of the former Bell Atlantic Pennsylvania, Inc. rates. For this reason, Embarq/PTA contends that it would be more accurate to state that Verizon never implemented any Phase II access rate reform. Embarq/PTA Answer at 6—9.

Embarq/PTA also take issue with Verizon’s claim that its switched access rate are quite low. Embarq/PTA aver that such claims should be rejected because they are meritless and purely self-serving to the issue of whether Verizon has demonstrated that a further stay is reasonable and in the public interest. In addition, Embarq/PTA avers that it is self serving for Verizon to advocate a State-wide standard for intrastate access rates when it opposes such a standard for local rates. Embarq/PTA contend that there is no statutory or regulatory requirement mandating that intrastate access rates be set at cost, at parity with interstate rates, or at parity with the access rates of Verizon, the largest ILEC in Pennsylvania. Embarq/PTA submit that a meaningful access reform proceeding should not involve a comparative relationship of Verizon’s access rates to any other carrier’s because Verizon’s economies of scale and greater geographic density of population are not available to other carriers such as the RLECs. For these reasons, Embarq/PTA submit that Verizon’s claim that its access rates are low and RLEC rates are extremely high is flawed, misleading and meaningless. Embarq/PTA Answer at 9—12.

Embarq/PTA also disagree with Verizon’s argument that a stay is warranted because “a record in the Verizon

investigation has already been developed.” Contrary to Verizon’s claim, Embarq/PTA maintain that ALJ Fordham’s Recommended Decision on Remand, which was dated November 30, 2005, and the record developed in the Verizon Access Charge Investigation has already become stale and the idea of refreshing those records is largely meaningless. Embarq/PTA asserts that since the record in the Verizon investigation has been developed, Verizon has become much larger and more formidable entity to the RLECs in the telecommunications landscape. Embarq/PTA Answer at 13 and 14.

Embarq/PTA also believe that a stay in this proceeding is not warranted because it allows the Rural ILEC Access Charge Investigation to progress in order to procedurally bring it closer to Verizon’s investigation while Verizon’s investigation is placed on hold while the FCC’s activity is monitored. Embarq/PTA argue that Verizon’s reliance upon the FCC’s activities is misplaced and that Verizon has failed to demonstrate why a further stay is warranted just for Verizon. Embarq/PTA maintain that the risk of moving forward with the proceeding at the state level before any FCC action impacts all ILECs and Verizon should not be accorded a more lenient regulatory treatment than all of the other ILECs in Pennsylvania. Embarq/PTA Answer at 14 and 15.

Embarq/PTA opines that in light of the Commission’s *August 5, 2009 Order*, which lifted the stay on the RLEC investigation, there is no need to have both the Verizon and RLEC case on a consolidated procedural schedule; however, they contend that there is a need to ensure parity in regulatory treatment and it is not in the public interest to undertake an access investigation involving RLECs while staying the same investigation and review for Verizon, especially in light of the fact that Verizon serves 84% of the Pennsylvania telephone subscribers. Embarq/PTA Answer at 16 and 17.

In response to Verizon’s proposal that the Commission address RLECs’ and CLECs’ access charges first before addressing Verizon’s rates in conjunction with Verizon’s claim that any decision to lower Verizon’s access rates will “in effect be a directive to lower the switched access rates of every CLEC that operates in Verizon’s territory,” Embarq/PTA argue that Verizon’s point is meaningless and fails to justify the preferential regulatory treatment sought by Verizon. Embarq/PTA submits that Act 183’s requirement for pricing applies equally to all ILECs, not just the Verizon ILECs, and if the Commission reduces intrastate switched access rates for the RLECs in Pennsylvania, that decision will also impact access rates for those CLECs operating in the RLECs’ service territories. Embarq/PTA Answer at 17.

Finally, with regard to Verizon’s claim that a further stay will delay the need to consider retail rate increases for Verizon’s customers, Embarq/PTA argue that this point is also meaningless in terms of allegedly justifying Verizon’s desire for a carve-out regulatory treatment concerning its intrastate access charges. In this regard, Embarq/PTA note that the revenue-neutrality requirement of Section 3017(a) applies to all ILECs and not just Verizon and any access reduction that may result from the Commission’s decision to lift the stay in the RLEC access investigation will impact rural Pennsylvania through possible retail rate increase as well, unless, of course, additional USF support is provided. Nevertheless, Embarq/PTA opine that Verizon’s assertions are meaningless and disingenuous. Embarq/PTA Answer at 17 and 18.

In light of the above arguments, Embarq/PTA request that, for the same reasons set forth in the August 5, 2009

Order resuming the Rural ILEC Access Charge Investigation, the Commission should deny Verizon’s request for a further stay and resume a generic investigation of Verizon’s intrastate switched access charges. Embarq/PTA Answer at 17 and 18.

Embarq/PTA stated that Verizon’s request that the Commission should first address the impact of rate changes on CLECs before addressing Verizon’s access rates fails to justify the preferential regulatory treatment sought by Verizon. Finally, Embarq/PTA stated that Verizon’s claim that a further stay will delay the need to consider retail rate increases is meaningless. Embarq/PTA add that the revenue neutrality requirement of Section 3017(a) applies to all ILECs, and not just for Verizon and that if the Commission changes pricing policies or reduces intrastate switched access rates, that decision will impact access rates of all CLECs and that Verizon has not provided any credible or reasonable justification as to why a stay should be granted. Embarq/PTA Answer at 16–18.

C. Disposition

Upon our review of the various Status Reports that were submitted to the Commission and Verizon’s Motion to Extend Stay, and the Answers thereto, we shall deny Verizon’s Motion to Extend Stay but we adopt an alternative time frame for the required adjudication of this matter.

As we noted in the August 5, 2009 Order that directed reopening of the Rural ILEC Access Charge Investigation at Docket No. I-00040105, et al., we have not seen any substantial resolution of intercarrier compensation issues by the FCC, and it is unclear whether the FCC will appropriately prioritize the area of intercarrier compensation and federal USF reform for ultimate resolution any time soon. We also noted that the pending proposals before the FCC to impose a \$0.0007 rate for interstate and intrastate access charges alike nationwide do not warrant further stay of the investigation as FCC action does not appear to be imminent. We conclude that the same resolution applies in the instant proceeding as well. See August 5, 2009 Order at 18 and 19.

We note that most of the Parties involved in the Rural ILEC Access Charge Investigation at Docket No. I-00040105 are also involved in the Verizon Access Charge Investigation. We further note that the Parties in the Rural ILEC Access Charge Investigation are in the midst of preparing briefs in that case in order for ALJ Kandace Melillo to meet the August 5, 2010 deadline for the issuance of a Recommended Decision. As such, in order to avoid a potential heavy burden on the Parties, as well as to ease the case load of the Office of the Administrative Law Judge, we shall delay the conduct of evidentiary hearings for this case until after the issuance of a Recommended Decision by the presiding ALJ Melillo in the Rural ILEC Access Charge Investigation at Docket No. I-00040105.

As noted in Footnote No. 9, if we granted Verizon’s request for an additional twelve-month stay, it would extend the stay that expired on September 12, 2009, until September 12, 2010. By our action in this disposition, we will adopt an alternative time frame for the adjudication of this matter which directs that hearings in the instant proceeding shall not begin until a Recommended Decision in the Rural ILEC Access Charge Investigation at Docket No. I-00040105 has been issued, which is currently expected to be on August 5, 2010.

Although we considered Verizon’s request to extend the stay for the entire additional twelve months as a course

of action, we reject that request in order to resolve the outstanding issues with regard to access charges and the way they hampered competition in the telecommunications market that persisted at the time of the Global Order, supplemented by the need for a resolution of access charge issues concurrently with the other ILECs rather than on a piecemeal basis. As Sprint has reminded us, an entire decade has passed since the Commission began reforming access charges in the Global Order and many of the same areas of concern may still persist. This Commission cannot forgo such an opportunity to effectuate industry-wide access reform any longer. By reopening Verizon's access charge investigation we will be in a position to ensure consistency in addressing the outstanding access rate issues. These issues include addressing the access pricing policy based on the mandates of Chapter 30 and § 3017(a) of the Public Utility Code.

Accordingly, we shall direct the Office of Administrative Law Judge to resume evidentiary hearings for this case immediately after a Recommended Decision is issued in the Rural ILEC Access Charge Investigation at Docket No. I-00040105. Consistent with our action in our August 5, 2009 Order in the Rural ILEC Access Charge Investigation, in the event that the FCC makes a final determination in its Unified Intercarrier Compensation Proceeding, or any other proceeding that may have an effect on intrastate switched access charges, during the re-opened investigation, the impact of said determination shall be addressed by all parties as part of the proceeding.

It is also important to note that there remain certain issues that have never been decided upon from the Remand proceeding that took place before ALJ Cynthia Williams Fordham. ALJ Fordham's recommendation, in summarized format, was provided in our January 8, 2007 Opinion and Order in this case when we initially stayed the instant proceeding. That summary is reproduced below for the purpose of demonstrating those issues that remained unresolved just prior to the stay of this investigation:

1. That the Commission should move forward with additional access charge reform for Verizon and deny the requests of those Parties' who argued to stay the instant investigation until after the FCC makes a ruling in the ICR proceeding. (R.D.-R at 58-60);

2. That, with regard to Verizon's Phase I Compliance filing: (a) Verizon has demonstrated that it complied with the Phase I Order and should not be required to true-up on an annual basis using the most recent available data on access volumes and end user line volumes as requested by AT&T. (R.D.-R at 60); and (b) Verizon should be required to use historical access minute volumes, rather than forecasted access minutes, in rebalancing local and access rates because a forecast of such minutes would not insure that the revenue would be closer to the estimated recovery amount. (R.D.-R at 60-61);

3. That the Commission: (a) should not endorse the ICF plan or adopt portions of this plan in resolving this case because the states should continue to have a role in regulating intrastate access charges. (R.D.-R at 61-62); and (b) should not adopt the NASUCA plan because it does not address the IXC's requests, does not allow for neutral rate rebalancing as required by Chapter 30, and would not assist the Commission in deciding the next steps for access reform in Pennsylvania. (R.D.-R at 62);

4. That, within six months to a year after the Commission's Order in this matter is entered, Verizon's Carrier Charge of \$0.58 per minute should be eliminated and the

cost associated with the local loop, which is currently being recovered by the Carrier Charge, should be paid by the local end user customers (equivalent to a maximum of \$0.95 per line per month) rather than by the IXCs. (R.D.-R at 63-64);

5. That the Commission should deny the IXCs' request to price access charges by using the total element long run incremental costing (TELRIC) methodology because the IXCs failed to prove that TELRIC costs represent Verizon's actual expected cost of providing service. (R.D.-R at 65);

6. That the Commission should require Verizon to reduce the remaining intrastate traffic sensitive access charges to interstate levels within one to two years after the final Order in this matter is entered. (R.D.-R at 65 - 66);

7. That the Commission should reject the IXC's proposal that Verizon's remaining access charges be reduced to cost. (R.D.-R at 66);

8. That the Commission should deny requests by AT&T, MCI, the OCA and the OSBA that recovery of access charge reductions through local line increases include non-contractual lines and competitive lines. (R.D.-R at 66-67);

9. That this proceeding be marked closed after the Carrier Charge and the reduction of intrastate rates to interstate rates is completed. If additional access reform would still be required, a separate proceeding should be commenced at that time. (R.D.-R at 66).

As noted, the January 8, 2007 Order stayed the investigation pending the outcome of the FCC's Intercarrier Compensation case at CC Docket No. 01-92 or for a period of twelve months from the date of entry of this Opinion and Order, unless extended by Commission Order, whichever was earlier. Although the twelve-month stay expired on September 12, 2009, the proceeding remains stayed until we make a determination based on the instant Status Reports and Verizon's Motion to Extend.

We note that the stay has rendered some of ALJ Fordham's recommendations moot, while others have since been resolved in subsequent proceedings. Nevertheless, it is apparent that the record in this investigation needs to be updated. As such, in addition to our specific directives, *infra*, we will direct the ALJ and the Parties to consider those issues that still need to be resolved in the reopened investigation and whether any parts of the developed record in the investigation can be used or whether they need to be refreshed.

With regard to our specific directives for matters to be addressed in this investigation, we shall afford the participating parties due process opportunities to supplement the evidentiary record including any issues that were not adjudicated at the time of the Remand before the ALJ. In addition to the supplemental issues that will be raised by the parties, the participating parties shall address and provide record evidence on the legal, ratemaking and regulatory accounting linkages between (a) any FCC ruling that may have an impact on intrastate switched access charges; (b) the intrastate access charge reform for ILECs in view of the new Chapter 30 law and its relevant provision at 66 Pa.C.S. §§ 3015(g), pertaining to "Rate change limitations," and 3017, pertaining to "Access charges;" and (c) the potential effects on rates for Verizon's basic local exchange services. In addition, should the resulting rate changes from this investigation occur within the context of the Verizon Companies' subse-

quent Price Change Opportunity filing, the ALJ shall address the potential implications of the resulting rate changes in the calculations associated with the relevant PCO filing and why those resulting rate changes would be considered lawful, just and reasonable pursuant to the Chapter 30 law.

Finally, it is worth mentioning that our primary reason for staying the instant investigation was to await an FCC ruling in its Unified Intercarrier Compensation Proceeding. While there has been some activity in that proceeding that has been addressed by Parties in their status reports, there has been a major, notable development, which occurred after the due date for the submission of the last round of status reports, that may have a profound effect on intrastate switched access charges. That development is the issuance of the FCC's National Broadband Plan (NBP), which was released on March 16, 2010.

The NBP, formally entitled "Connecting America: The National Broadband Plan," was prepared by the FCC in order to fulfill a mandate by the United States Congress to develop a "national broadband plan" to ensure that every American has "access to broadband capability." The NBP addresses, inter alia, the transition from a circuit-switched network to a platform over which multiple internet protocol-based services converge.¹⁷ NBP at 59. The NBP also includes recommendations on universal service and intercarrier compensation that will affect the path of the transition. *Id.* The Executive Summary of the NBP, on page XIII, addresses a recommendation to "[r]eform intercarrier compensation, which provides implicit subsidies to telephone companies by eliminating per-minute charges over the next 10 years and enabling adequate cost recovery through the CAF" (Connect America Fund).¹⁸ In light of this recent development, if the FCC makes any pertinent rulings directly related to the NBP during the course of this access charge investigation, we shall direct the ALJ to consider and address how those rulings may have an impact on the outcome of this investigation.

Conclusion

In light of the above, and consistent with our reasoning and actions in the Rural Access Charge Investigation at Docket No. I-00040105, et al., we shall deny Verizon's Motion to Extend Stay but allow for a reduced stay until August 5, 2010, or until a Recommended Decision is issued in the Rural ILEC Access Charge Investigation consistent with our disposition above; *Therefore*,

It is Ordered That:

1. The Motion to Extend the Stay filed by Verizon Pennsylvania, Inc. and Verizon North, Inc. is hereby denied.

2. The stay of the access charge investigation at Docket No. C-2007195 for Verizon North, Inc. and Verizon Pennsylvania, Inc. is hereby lifted.

3. This investigation at Docket No. C-20027195 is hereby assigned to the Office of Administrative Law Judge for the development of the appropriate evidentiary record and the issuance of a Recommended Decision.

4. Hearings shall not be held until after the issuance of a Recommended Decision by the Presiding Administrative Law in the Rural ILEC Access Charge Investigation at Docket No. I-00040105.

¹⁷ These IP-based services include voice, data and video.

¹⁸ The CAF will be created to support the provision of affordable broadband and voice with at least 4Mbps actual download speeds. It will shift up to \$15.5 billion from the existing federal Universal Service Fund program to support broadband over the next ten years.

5. The participating parties shall be afforded due process opportunities to supplement the evidentiary record including any issues that were not adjudicated at the time of the Remand before Administrative Law Judge Cynthia Williams Fordham at this docket.

6. In addition to any supplemental issues raised per Ordering Paragraph No. 5, above, the participating parties shall address and provide record evidence on the legal, ratemaking and regulatory accounting linkages between: a) any Federal Communications Commission's ruling in its *Unified Intercarrier Compensation* proceeding; b) the intrastate access charge reform for ILECs in view of the new Chapter 30 law and its relevant provisions at 66 Pa.C.S. §§ 3015 and 3017; and c) the potential effects on rates for Verizon's basic local exchange services.

7. Commission Staff from the Office of Special Assistants and the Law Bureau is hereby directed to continue monitoring the Federal Communications Commission's Unified Intercarrier Compensation proceeding and any other Federal Communications Commission proceeding or activity that may directly impact intrastate switched access charges.

8. A copy of this order be served on all telecommunications carriers operating in Pennsylvania, the Office of Consumer Advocate, and the Office of Small Business Advocate and the Office of Trial Staff.

9. A copy of this order be delivered for publication in the *Pennsylvania Bulletin*.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-1019. Filed for public inspection May 28, 2010, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by June 14, 2010. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

Applications of the following for approval to *begin* operating as common carriers for transportation of persons as described under each application.

A-2010-2175553. Premier Luxury Rentals, Inc. (319 Westtown Road, Suite V, West Chester, Chester County, PA 19382)—a corporation of the Commonwealth—persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Berks, Bucks, Carbon, Chester, Delaware, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montgomery, Northampton, Northumberland, Philadelphia, Schuylkill and York to points in Pennsylvania, and return; excluding that service which is under the jurisdiction of the Philadelphia Parking Authority.

A-2010-2176097. ACe Transit Management, LLC (1532-A Marcey Place, Philadelphia, Philadelphia County, PA 19115), a limited liability company of the Commonwealth, for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City and County of Philadelphia and the County of Delaware to points in Pennsylvania, and return. *Attorney:* David P. Temple, Esquire, Gallagher Malloy & Georges, Suite 1100, 1760 Market Street, Philadelphia, PA 19103-4104.

A-2010-2176448. Robert Lee Rineer, Jr., (20 West Eby Road, Leola, PA 17540)—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania, and return.

A-2010-2176648. Taylor Made Transportation, LLC (31 Millard Street, Hershey, PA 17033) for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Dauphin, Lancaster and Dauphin Counties, to points in Pennsylvania, and return.

A-2010-2176690. Alfred Taylor (248 Peacock Corner, Bloomsburg, Columbia County, PA 17815)—persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Columbia 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-2010-2176785. Feel Good Limo, Inc. (518 Burke By Pass, Olyphant, PA 18447)—a corporation of the Commonwealth—for amendment to its common carrier certificate, to transport, by motor vehicle, persons, in limousine service, from points in the Counties of Luzerne, Lackawanna and Wyoming, to points in Pennsylvania, and return, excluding service under the jurisdiction of the Philadelphia Parking Authority, subject to the following general conditions: that the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or right(s) to be acquired by applicant from the present certificate holder equal to the consideration to be paid thereon, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return there, *SO AS TO PERMIT:* to transport persons, in limousine service, from points in the Counties of Wayne, Pike and Monroe, to points in Pennsylvania, and return; excluding service that is under the jurisdiction of the Philadelphia Parking Authority, which is to be a transfer of all of the right authorized under the certificate issued at A-00122321 to Your Limo, Inc., subject to the same limitations and conditions. *Attorney:* Mark Rudalavage, Esquire, 171 Scranton Carbondale Highway, Eynon, PA 18403.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Howard T. McAllister;
Doc. No. C-2010- 2152050

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities

within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Howard T. McAllister (respondent) is under suspension effective January 15, 2010, for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at P. O. Box 17036, Pittsburgh, PA 15235.

3. That respondent was issued a Certificate of Public Convenience by this Commission on June 4, 2003, at A-00119748.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The penalty is \$500 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$500 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which: (1) cancels the Certificate of Public Convenience held by respondent at A-00119748 for failure to maintain evidence of current insurance on file with the Commission; (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint; (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration; and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations **and by paying the \$500 fine** proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and Safety
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer **and receipt of your fine payment**, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for persons with disabilities), please contact the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
 Transportation and Safety v. Dallas & Mavis
 Specialized Carrier Co.; Doc. No. C-2010-2172253*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other Bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Dallas & Mavis Specialized Carrier Co., Respondent, maintains its principal place of business at 625 55th Street, Kenosha, WI 53140.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on March 22, 1995, at Application Docket No. A-00111776.

3. That on August 29, 2008 Respondent received an initial assessment of \$292.00, and on September 9, 2009, Respondent received an initial assessment of \$307.00. Respondent failed to pay these assessments; therefore, a balance was due in the amount of \$599.00.

4. That Respondent has an outstanding assessment of \$599.00.

5. That Respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That Respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

Wherefore, unless Respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which cancels the Certificate of Public Convenience issued to Respondent, notifies the Pennsylvania Department of Revenue that Respondent's Certificate of Public Convenience has been revoked, notifies Respondent's insurance carrier that Respondent's Certificate of Public Convenience has been revoked, and imposes an additional fine on the Respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
 Motor Carrier Services & Enforcement Division
 Bureau of Transportation and Safety
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three copies sent to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate.

C. You may elect not to contest this Complaint by paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Bureau of Administrative Services
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the penalty set forth in Paragraph B.

F. If you have questions regarding this Complaint, or if you would like an alternative format of this Complaint for persons with disabilities, please contact the Compliance Office at 717-787-1227.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-1020. Filed for public inspection May 28, 2010, 9:00 a.m.]

Tentative Order

Public Meeting held
May 6, 2010

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

In re: Pioneer Telecom Inc.; A-310387

Tentative Order

By the Commission:

Pioneer Telecom, Inc. ("Pioneer") is a telecommunications interexchange reseller certificated at A-310387. On September 25, 2009, Pioneer sent a letter to the Commission advising that it was discontinuing all long distance telephone services in Pennsylvania and attached an application it had filed with the Federal Communications Commission to that effect. By Secretarial Letter dated November 2, 2009, we advised that, pursuant to 66 Pa.C.S. § 1102, Pioneer was required to file a separate application with the Commission and pay a filing fee of \$350. A copy of an application that would be acceptable was attached to the letter.

Subsequently, Commission staff attempted to reach Pioneer by phone to discuss the application but the recording indicated that the number was no longer in service and no information was available for any new phone numbers. Staff has also been unable to access Pioneer's web site.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. § 3301. Based on the above facts, we tentatively conclude that it is appropriate to revoke Pioneer's certificate of public convenience without the necessity of a formal complaint as being in the public interest; *Therefore,*

It Is Ordered That:

1. Revocation of Pioneer Telecom, Inc.'s certificate of public convenience is hereby tentatively approved as being in the public interest.

2. The Secretary serve a copy of this Tentative Order upon the Secretary of State for the Commonwealth of Pennsylvania, the Office of Consumer Advocate, the Office of Small Business Advocate, and the Office of Trial Staff, and also cause a copy of this Tentative Order to be published in the *Pennsylvania Bulletin* with a 30-day comment period.

3. The absence of filing of adverse public comment within 30 days after publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further action by the Commission.

4. Upon this order becoming final, and without further action by the Commission, the certificate of public convenience held by Pioneer Telecom, Inc. at A-310387 shall be canceled, and Pioneer Telecom, Inc.'s name stricken from all active utility lists maintained by the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 10-1021. Filed for public inspection May 28, 2010, 9:00 a.m.]

PENNSYLVANIA STIMULUS OVERSIGHT COMMISSION

Public Meeting

The next public meeting of the Pennsylvania Stimulus Oversight Commission is scheduled for Thursday, June 17, 2010, at 11 a.m. in Conference 1, 6th Floor, Forum Place Building, 555 Walnut Street, Harrisburg, PA 17101.

RONALD NAPLES,
Chairperson

[Pa.B. Doc. No. 10-1022. Filed for public inspection May 28, 2010, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Proposal for Project

The Philadelphia Regional Port Authority (PRPA) will accept proposals for Project No. 10-049.P Development and Operation of 3200 East Tioga Street, until 2 p.m. on Thursday, July 1, 2010. The documents can be obtained on the PRPA web site at www.philaport.com and will be available June 1, 2010. Contact the Procurement Department at (215) 426-2600 to provide your contact information to receive addendums and additional information about this project. PRPA is an equal opportunity employer. Firms must comply with all applicable equal employment opportunity laws and regulations. A site visit is scheduled for 10 a.m. on Thursday, June 10, 2010. Meet at PRPA, 3460 North Delaware Avenue, 2nd Floor large conference room.

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 10-1023. Filed for public inspection May 28, 2010, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing and Meeting

The Susquehanna River Basin Commission (Commission) will hold a public hearing as part of its regular business meeting on June 11, 2010, at 8:30 a.m., at the Hilton Harrisburg, One North Second Street, Harrisburg, PA 17101. At the public hearing, the Commission will consider: 1) action on certain water resources projects; 2) action on two projects involving a diversion; and 3) amendments to the current Regulatory Program Fee Schedule. Details concerning the matters to be addressed at the public hearing and business meeting are contained in the Supplementary Information section of this notice.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net; or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, srichardson@srbc.net.

Supplementary Information

In addition to the public hearing and its related action items identified as follows, the business meeting also includes actions or presentations on the following items: 1) presentation by the IMAX production staff at the Harrisburg Whitaker Center for Science and the Arts on development of an educational production on the future of Chesapeake Bay; 2) concluding report on the Paxton Creek Stormwater Management Project; 3) hydrologic conditions in the basin; 4) proposed rulemaking covering 18 CFR Parts 806 and 808 (relating to review and approval of projects; and hearings and enforcement actions); 5) ratification/approval of grants/contracts; 6) consideration of a Fiscal Year 2012 budget and related matters; and 7) election of a new Chairperson and Vice Chairperson to serve in the next fiscal year. The Commission will also hear a Legal Counsel's report.

Public Hearing—Projects Scheduled for Action

1. Project Sponsor and Facility: Carrizo Oil & Gas, Inc. (East Branch Wyalusing Creek—Bonnice), Jessup Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.720 mgd.
2. Project Sponsor: Chester County Solid Waste Authority. Project Facility: Lanchester Landfill, Salisbury and Caernarvon Townships, Lancaster County, PA. Application for groundwater withdrawal of 0.190 mgd (30-day average) from two wells and three collection sumps.
3. Project Sponsor: Chester County Solid Waste Authority. Project Facility: Lanchester Landfill, Salisbury and Caernarvon Townships, Lancaster County, PA. Application for consumptive water use of up to 0.075 mgd.
4. Project Sponsor and Facility: Chief Oil & Gas, LLC (Chest Creek—Kitchen), Chest Township, Clearfield County, PA. Application for surface water withdrawal of up to 0.216 mgd.
5. Project Sponsor and Facility: East Resources, Inc. (Cowanesque River—Egleston), Nelson Township, Tioga County, PA. Application for surface water withdrawal of up to 0.267 mgd.
6. Project Sponsor and Facility: KMI, LLC (West Branch Susquehanna River—Owner), Mahaffey Borough, Clearfield County, PA. Application for surface water withdrawal of up to 5.000 mgd.
7. Project Sponsor and Facility: Linde Corporation (Lackawanna River—Carbondale Industrial Development Authority), Fell Township, Lackawanna County, PA. Application for surface water withdrawal of up to 0.905 mgd.
8. Project Sponsor: New Morgan Landfill Company, Inc. Project Facility: Conestoga Landfill, Bethel Township, Berks County, PA. Modification to increase consumptive water use approval (Docket No. 20061206).
9. Project Sponsor and Facility: Novus Operating, LLC (Tioga River—Mitchell), Covington Township, Tioga County, PA. Application for surface water withdrawal of up to 1.750 mgd.
10. Project Sponsor and Facility: P.H. Glatfelter Company, Spring Grove Borough, York County, PA. Application for consumptive water use of up to 0.460 mgd.
11. Project Sponsor and Facility: Pennsylvania General Energy Company, LLC (Loyalsock Creek—Hershberger), Gamble Township, Lycoming County, PA. Application for surface water withdrawal of up to 0.918 mgd.
12. Project Sponsor and Facility: Pennsylvania General Energy Company, LLC (Pine Creek—Pouost), Watson

Township, Lycoming County, PA. Application for surface water withdrawal of up to 0.918 mgd.

13. Project Sponsor and Facility: Stone Energy Corporation (Wyalusing Creek—Stang), Rush Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.750 mgd.

14. Project Sponsor and Facility: Susquehanna Gas Field Services, LLC, Meshoppen Borough, Wyoming County, PA. Application for groundwater withdrawal of up to 0.216 mgd from the Meshoppen Pizza Well.

15. Project Sponsor and Facility: Talisman Energy USA, Inc. (Susquehanna River—Welles), Terry Township, Bradford County, PA. Application for surface water withdrawal of up to 2.000 mgd.

16. Project Sponsor: United Water PA. Project Facility: Newberry System, Newberry Township, York County, PA. Application for groundwater withdrawal of up to 0.071 mgd from Reeser Well 1.

17. Project Sponsor: United Water PA. Project Facility: Newberry System, Newberry Township, York County, PA. Application for groundwater withdrawal of up to 0.071 mgd from Reeser Well 2.

18. Project Sponsor: United Water PA. Project Facility: Newberry System, Newberry Township, York County, PA. Application for groundwater withdrawal of up to 0.072 mgd from Susquehanna Village Well 1.

19. Project Sponsor: United Water PA. Project Facility: Newberry System, Newberry Township, York County, PA. Application for groundwater withdrawal of up to 0.072 mgd from Susquehanna Village Well 2.

20. Project Sponsor and Facility: Walker Township Water Association, Walker Township, Centre County, PA. Modification to increase the total groundwater system withdrawal limit (30-day average) from 0.523 mgd to 0.962 mgd (Docket No. 20070905).

Public Hearing—Projects Scheduled for Action Involving a Diversion

1. Project Sponsor: Chester County Solid Waste Authority. Project Facility: Lanchester Landfill, Salisbury and

Caernarvon Townships, Lancaster County, PA. Application for an existing into-basin diversion of up to 0.050 mgd from the Delaware River Basin.

2. Project Sponsor: EOG Resources, Inc. Project Facility: Blue Valley AMD Treatment Plant, Horton Township, Elk County, PA. Application for an into-basin diversion of up to 0.322 mgd from the Ohio River Basin.

Public Hearing—Amendments to Regulatory Program Fee Schedule

Staff is proposing certain amendments to the Regulatory Program Fee Schedule intended to clarify the application of fees to certain projects.

Opportunity to Appear and Comment

Interested parties may appear at the previous hearing to offer written or oral comments to the Commission on a matter on the hearing agenda, or at the business meeting to offer written or oral comments on other matters scheduled for consideration at the business meeting. The chair of the Commission reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing and business meeting. Written comments may also be mailed to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391, or submitted electronically to Richard A. Cairo, General Counsel, rcairo@srbc.net; or Stephanie L. Richardson, Secretary to the Commission, srichardson@srbc.net. Comments mailed or electronically submitted must be received prior to June 4, 2010, to be considered.

Authority: Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808. Date: May 11, 2010.

PAUL O. SWARTZ,
Executive Director

[Pa.B. Doc. No. 10-1024. Filed for public inspection May 28, 2010, 9:00 a.m.]