

NOTICES

DEPARTMENT OF AGRICULTURE

Order of Quarantine; Firewood

Recitals

A. 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 in this Commonwealth.

B. The powers granted the Department under section 21 of the act (3 P. S. § 258.21) include the power to establish quarantines to prevent the spread of plant pests within this Commonwealth.

C. Under its responsibilities under the act, the Department issued an Order of Quarantine published at 37 Pa.B. 3454 (July 21, 2007), placing restrictions on the circumstances under which firewood may be imported into this Commonwealth.

D. The July 2, 2007, Quarantine Order exempted kiln-dried, packaged firewood clearly marked with the producer's name and address and labeled as "Kiln Dried" and/or USDA Certified are exempt from the firewood importation prohibition.

E. The Department believes it is reasonable to *expand* the exemption allowing the importation of certain kinds of packaged firewood to include heat-treated or fumigated firewood, as well.

F. The reasons for this Quarantine Order remain the same as set forth in the referenced July 2, 2007, Quarantine Order.

Order

Under authority of section 21 of the act (3 P. S. § 258.21) the Department hereby orders the following:

1. The July 2, 2007, Quarantine Order, published at 37 Pa.B. 3454, is hereby rescinded and supplanted by this Order. This Order is substantively identical to that earlier order, except for the expansion of the exemption

allowing the importation of certain types of packaged firewood described in Paragraph No. 3.

2. The movement of firewood of all types and species into this Commonwealth is prohibited. Firewood includes all wood, processed or unprocessed, coniferous or hardwood, meant for use in a campfire or other outdoor or indoor fire. This prohibition does not apply to the transportation of sawlogs, pulpwood or wood chips to facilities for processing into lumber, paper or manufactured wood products.

Examples of circumstances under which firewood from out-of-State is brought into this Commonwealth include instances where firewood is transported to public and private campgrounds by campers, or to sporting events and other events where travelers camp outdoors; or to activities such as Civil War reenactments where wood is used for cooking and evening campfires; or as bulk firewood sold by the truckload or some other volume of measure (cord, face cord, rick, and the like), or as firewood purchased for indoor residential use.

3. Kiln-dried, heat treated or fumigated, packaged firewood clearly marked with the producer's name and address and labeled as Kiln-dried, Heat Treated, Fumigated and/or USDA certified is exempt from the provisions of this quarantine order.

4. Persons found in violation of this quarantine order will face the potential of summary criminal prosecution and a fine of not more than \$300 for each offense, or a civil penalty of up to \$20,000, or both.

5. 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 ALB, EAB and other wood-feeding insects to slow the spread or eradicate these pests.

6. This quarantine is effective as of December 31, 2009, and shall remain in effect until repealed by subsequent order.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 10-108. Filed for public inspection January 15, 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 January 5, 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.

NOTICES

BANKING INSTITUTIONS

Incorporations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
12-31-2009	New American Bank Philadelphia Philadelphia County	Withdrawn
12-31-2009	Bank of Pittsburgh Wexford Allegheny County	Withdrawn

Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
12-28-2009	<i>From:</i> Washington Federal Savings Bank Washington Washington County <i>To:</i> Washington Financial Bank Washington Washington County Conversion from a Federally-chartered stock savings association to a Pennsylvania State-chartered stock savings bank. Washington Financial Bank is a wholly-owned subsidiary of WFSB, Inc., Washington, a thrift holding company already in existence, which is a wholly-owned subsidiary of WFSB Mutual Holding Company, Washington, a mutual holding company already in existence.	Effective

Branch offices operated by Washington Financial Bank:

160 East Pike Street Canonsburg Washington County	220 Main Street Hickory Washington County
3616 Washington Road McMurray Washington County	430 Valley Brook Road McMurray Washington County
98 East Wylie Avenue Washington Washington County	1500 West Chestnut Street Washington Washington County
255 Murtland Avenue Washington Washington County	

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
12-21-2009	Manor Bank Manor Westmoreland County	799 SR 130 Trafford Westmoreland County	Opened

SAVINGS INSTITUTIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-4-2010	ESSA Bank & Trust Stroudsburg Monroe County	5580 Crawford Drive Bethlehem Northampton County	Filed
1-4-2010	ESSA Bank & Trust Stroudsburg Monroe County	5020 PA Route 873 Schnecksville Lehigh County	Filed

CREDIT UNIONS

Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
12-31-2009	First Choice Federal Credit Union New Castle Lawrence County	Effective
	Merger of New Castle Postal Employees Credit Union, New Castle, with and into First Choice Federal Credit Union, New Castle.	

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. 10-109. Filed for public inspection January 15, 2010, 9:00 a.m.]

Maximum Lawful Rate of Interest for Residential Mortgages for the Month of February 2010

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

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 3.99 to which was added 2.50 percentage points for a total of 6.49 that by law is rounded off to the nearest quarter at 6 1/2%.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 10-110. Filed for public inspection January 15, 2010, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of John J. Grogan for Reinstatement of Teaching Certificates; Doc. No. RE 09-04 Hearing

Under the Professional Educator Discipline Act (act) (24 P. S. §§ 2070.1—2070.18a), the Professional Standards

and Practices Commission (Commission) will consider the application of John J. Grogan for reinstatement of his teaching certificates.

On or about October 22, 2009, John J. Grogan filed an application for reinstatement of his teaching certificates under section 16 of the act (24 P. S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications). Under section 16 of the act, the Department of Education on December 16, 2009, advised the Commission that it did not oppose the application for reinstatement.

In accordance with the act, 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), the Commission will appoint a hearing examiner to serve as presiding officer to conduct such proceedings and hearings as might be necessary, and to prepare a proposed report to the Commission containing findings of fact, conclusions of law and a recommended decision on the application.

Interested parties desiring to participate in these hearing procedures must file a notice of intervention or a petition to intervene in accordance with 1 Pa. Code §§ 35.23 and 35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

Notices and petitions to intervene and protest shall be filed with Carolyn Angelo, Executive Director, Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333, on or before 4 p.m. on the due date prescribed by this notice. Persons with a disability, who wish to attend the hearings and require an auxiliary aid, service or other accommodation to participate, should contact Suzanne B. Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

CAROLYN ANGELO,
Executive Director

[Pa.B. Doc. No. 10-111. Filed for public inspection January 15, 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

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>
PA0088021 (Sew)	Dennis C. Christman Christman Lake 183 Christman Road Lenhartsville, PA 19534-9177	Berks County Windsor Township	Unt Maiden Creek 3B	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>
PA0033821 (Sewage)	Pymatuning Ecology Lab 11758 Fries Road Linesville, PA 16424	Crawford County North Shenango Township	Pymatuning Reservoir Shenango River 20-A	Y
PA0103543 (Sewage)	Pithole Museum 14118 Pitthole Road Pleasantville, PA 16341	Venango County Cornplanter Township	UNT to Pithole Creek 16-E	Y

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

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

Application No. PA 0020621, Sewage, **Borough of Waynesboro**, 57 East Main Street, Waynesboro, PA 17268. This facility is located in Waynesboro Borough, **Franklin County**.

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

The receiving stream, UNT to East Branch Antietam Creek, is in Watershed 13-C, and classified for cold water fishery, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for Bruswick is located on the Potomac River, approximately 10 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 1.6 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	4.5		9.0
(11-1 to 4-30)	13.5		27
Total Copper	0.053		0.132
Total Residual Chlorine	0.5		1.6
Total Phosphorus	Monitor & Report		
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform			
(5-1 to 9-30)	200/100 ml as a geometric average		
(10-1 to 4-30)	2,000/100 ml as a geometric average		

The proposed final effluent limits for Outfall 001 for a design flow of 1.6 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	4.5		9.0
(11-1 to 4-30)	13.5		27
Total Copper	0.053		0.132
Total Residual Chlorine	0.36		1.17
Total Phosphorus	Monitor & Report		
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>Annual</i>
Ammonia-N	Report	Report	Report
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report

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	<i>Concentration (mg/L)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	29,223
Net Total Phosphorus	XXX	Report	3,896

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

The EPA waiver is not in effect.

Application No. PA 0022543, Sewage, **Borough of Bally**, 425 Chestnut Street, P. O. Box 217, Bally Borough, PA 19503-0217. This facility is located in Washington Township, **Berks County**.

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

The receiving stream, West Branch of Perkiomen Creek, is in Watershed 3-E, and classified for cold water fishery, water supply, recreation, and fish consumption. The nearest downstream public water supply intake for Philadelphia Suburban Water Authority is located on the Perkiomen Creek, approximately 20 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 0.5 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	6		12
(11-1 to 4-30)	18		36
Total Phosphorus	1.0		2.0
Total Residual Chlorine	0.41		1.3
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

The proposed interim effluent limits for Outfall 002 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	10		20
(11-1 to 4-30)	20		40
Total Phosphorus	1.0		2
Total Residual Chlorine	0.66		2.0
Stream Flow at Start of Discharge	Report		
Stream Flow at End of Discharge	Report		
Duration of Discharge	Report		
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

The proposed final effluent limits for Outfall 001 for a design flow of 0.5 MGD are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	6		12
(11-1 to 4-30)	18		36
Total Phosphorus	0.5		1.0
Total Residual Chlorine	0.41		1.3
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,000/100 ml as a geometric average	

The proposed final effluent limits for Outfall 002 are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N (5-1 to 10-31) (11-1 to 4-30)	10 20		20 40
Total Phosphorus	0.5		1.0
Total Residual Chlorine	0.5		1.6
Stream Flow at Start of Discharge	Report		
Stream Flow at End of Discharge	Report		
Duration of Discharge	Report		
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a geometric average 2,000/100 ml as a geometric average	

Major Special Conditions

A 0.5 mg/l average monthly total phosphorus concentration and 2.08 pound per day average monthly total phosphorus mass loading are limits required for the Borough of Bally's discharge per the Green Lane Reservoir TMDL.

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

The EPA waiver is not in effect.

Application No. PA 0088404, Concentrated Animal Feeding Operation (CAFO), Kulp Family Dairy, R. D. 2, Box 142B, Martinsburg, PA 16662.

Kulp Family Dairy, LLC has submitted an NPDES permit renewal application for the Kulp Family Dairy, an existing dairy operation with its headquarters in North Woodbury Township, **Blair County**. The CAFO is situated near Clover Creek, Little Juniata River and Elk Run which are classified as high quality cold water fishery, warm water fishery and warm water fishery, respectively. The farm maintains an average animal population of approximately 3,651 animal equivalent units consisting of 1,910 milk cows, 240 dry cows, 120 bred heifers, 850 pre-bred heifers and 470 calves. There are six liquid manure storage facilities on the farm, three clay lined manure storage impoundments and three concrete storage structures. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department of Environmental Protection's (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department. You may make an appointment to review the Department's files by calling the File Review Coordinator at 717-705-4732.

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

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

PA0020788, Sewage, Borough of Derry, 114 East Second Avenue, Derry, PA 15627. This application is for renewal of an NPDES permit to discharge treated sewage from Derry Borough STP in Derry Borough, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 0.654 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅ May 1 to Oct 31 Nov 1 to Apr 30	20 25	30 37.5		40 50

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Suspended Solids	30	45		60
Ammonia Nitrogen				
May 1 to Oct 31	2.0	3.0		4.0
Nov 1 to Apr 30	5.5	8.3		11.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.1			0.3
Dissolved Oxygen	not less than 6.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0097047, Sewage, **Redevelopment Authority of Westmoreland County**, 2 North Main Street, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from Nike Site No. 37 Shaner Heights STP in Sewickley Township, **Westmoreland County**.

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

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
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0094617, Sewage, **Tim and Tina Strickland**, 2 Rose Garden, Smithfield, PA 15478. This application is for renewal of an NPDES permit to discharge treated sewage from Strickland Estates Mobile Home Park STP in Georges Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of York 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 Dunkard Valley Joint Municipal Authority.

Outfall 001: existing discharge, design flow of 0.03 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
May 1 to Oct 31	4.0			8.0
Nov 1 to Apr 30	6.0			12.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.07			0.15
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0034185, Sewage, **Dean R. Hurlbut**, 4751 Kendor Drive, Lower Burrell, PA 15068-9506. This application is for renewal of an NPDES permit to discharge treated sewage from High Meadows MHP STP in Allegheny Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 0.026 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
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)

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

WQM Permit No. 1509412, Sewerage, **East Marlborough Township**, 721 Unionville Road, Kenneth Square, PA 19348. This proposed facility is located in East Marlborough Township, **Chester County**.

Description of Action/Activity: Upgrade of existing pump station to serve the expansion of Unionville High School.

WQM Permit No. 0907406, Sewerage, **Amendment, Upper Makefield Township**, 1076 Eagle Road, Newtown, PA 18940. This proposed facility is located in Upper Makefield Township, **Bucks County**.

Description of Action/Activity: Amendment to the original WWTF.

WQM Permit No. 4609410, Sewerage, **Berks—Montgomery Municipal Authority**, 13 Municipal Drive, P. O. Box 370, Gilbertsville, PA 19525-0370. This proposed facility is located in Douglass Township, **Montgomery County**.

Description of Action/Activity: Upgrade of an existing sanitary sewer interceptor system.

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

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

Description of Proposed Action/Activity: Expansion and upgrade of the Borough of Stroudsburg wastewater treatment facility (Brodhead Creek Regional Facility) to increase the capacity from 2.5 MGD to 4.5 MGD, including a new outfall to McMichael Creek.

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

WQM Permit No. 2809405, Sewerage, **John A. Beiler, Jr.**, 8512 Newburg Road, Newburg, PA 17240. This proposed facility is located in Lurgan Township, **Franklin County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a small flow sewage treatment system to serve their single family residence located on South Robin Glen Drive.

WQM Permit No. 0609404, Sewerage, **Township of Spring**, 2850 Windmill Road, Reading, PA 19608. This proposed facility is located in Spring Township, **Berks County**.

Description of Proposed Action/Activity: Seeking approval to upgrade the current plant to NPDES requirements and expand the plant to Act 537 needs.

WQM Permit No. 2109201, Industrial Waste, Land O' Lakes, Inc., 405 Park Drive, Carlisle, PA 17015. This proposed facility is located in South Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking approval for a new discharge forcemain from Land O'Lakes' existing industrial WWTP to Mountain Creek is proposed to replace the existing forcemain. The location of the new forcemain outfall will be roughly 2,500 feet upstream of the existing outfall (which is along the lesser east branch of Mountain Creek) and about 400 feet upstream of the point where the creek bifurcates.

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

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

Description of Proposed Action/Activity: To amend/modify the initial design of the low pressure sewer collection system based pump specification changes.

WQM Permit No. 1001401, Sewerage, **Amendment No. 1, Prospect Borough**, 159 Monroe Street, Prospect, PA 16052. This proposed facility is located in Franklin Township, **Butler County**.

Description of Proposed Action/Activity: An amendment of a permit for the installation of automation improvements/modifications to an existing in-line flow equalization tank located in Prospect Borough.

IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)**V. Applications for NPDES Wavier Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)****VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1509042	201 Cosart Road, LLC 322 A Street Wilmington, DE 19801	Chester	Pennsbury Township	Brandywine Creek WWF, MF

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

Lehigh County Conservation District: Lehigh Agriculture Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, 610-391-9583.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023909021	Jaindl Land Co. Attn: David Jaindl 3150 Coffeetown Road Orefield, PA 18069	Lehigh	Upper Macungie Township	Tributary to Iron Run HQ-CWF, MF

Carbon County Conservation District: 5664 Interchange Road, Lehighton, PA 18235-5114, 610-377-4894.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021309005	Phase III Environmental Attn: Mr. Steve Hunts 405 Watson Park Boulevard Lehighton, PA 18235	Carbon	Palmerton Borough	Lehigh River TSF, MF

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

Washington County Conservation District, 602 Courthouse Square, Washington, PA 15301, (724-228-6774).

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056309002	Department of Transportation District 12 825 North Gallatin Avenue Ext. Uniontown, PA 15401	Washington	Somerset and South Strabane Townships	Little Chartiers Creek HQ-WWF

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>
Eugene Nolt 143 Kuntz Road New Holland, PA 17557	Lancaster	73.6	614.98	Hogs, beef	None	Renewal

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Permit No. 9996491, Public Water Supply.

Applicant	Nestle Waters North America, Inc.
Township or Borough	Hollis, ME
Responsible Official	Brian Boucher Quality Assurance Manager
Type of Facility	Out-of-State Bottled Water System
Application Received Date	December 11, 2009
Description of Action	Applicant requesting a permit amendment to use a new spring water source (Cold Spring) located in Poland Spring, ME. Bottled water to be sold in the Commonwealth under the brand names: Poland Spring Natural Spring Water, Deer Park Natural Spring Water, and Ice Mountain Natural Spring Water.

Permit No. 9996558, Public Water Supply.

Applicant	Nestle Waters North America, Inc.
Township or Borough	Stanwood, MI
Responsible Official	John Mill, Quality Control Manager
Type of Facility	Out-of-State Bottled Water System
Application Received Date	December 23, 2009
Description of Action	Applicant requesting Department of Environmental Protection approval to use a new spring water source (White Pine Springs) located in Evart, MI. The following bottled water brands are to be sold in the Commonwealth: Ice Mountain Natural Spring Water, Ice Mountain Distilled Water, Ice Mountain Drinking Water, Ice Mountain Fluoridated Water for Kids and Gerber Purified Water.

Permit No. 9996217, Public Water Supply.

Applicant **Nestle Waters North America, Inc.**

Township or Borough Poland Spring, ME

Responsible Official Jim Savoie
Quality Control Manager

Type of Facility Out-of-State Bottled Water System

Application Received Date December 11, 2009

Description of Action Applicant requesting Department of Environmental Protection approval to use a new spring water source (Cold Spring) located at Denmark/Fryeburg, ME. Bottled water to be sold in the Commonwealth under the brand names; Deer Park Natural Spring Water, Ice Mountain Natural Spring Water, Poland Spring Natural Spring Water, Poland Spring Sparkling Spring Water and Poland Spring Distilled Water.

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

Application No. 0909523, Public Water Supply.

Applicant **Pennsylvania-American Water Company**

Township Lower Makefield

County **Bucks**

Responsible Official David R. Kaufman
800 West Hersheypark Drive
Hershey, PA 17033

Type of Facility PWS

Consulting Engineer Pennsylvania-American Water Company
4 Wellington Boulevard
Wyomissing, PA 19610

Application Received Date December 2, 2009

Description of Action Reviewing of disinfection of water supplies to assure maximum safety to the consumer.

Application No. 5109507, Public Water Supply.

Applicant **Culligan Store Solutions, LLC**

Township City of Philadelphia

County **Philadelphia**

Responsible Official Jeanne Cantu
1030 Lone Oak Road
Suite 110
Eagan, MN 55121-2251

Type of Facility PWS

Consulting Engineer Culligan Store Solutions, LLC
1030 Lone Oak Road
Suite 110
Eagan, MN 55121-2251

Application Received Date December 2, 2009

Description of Action A drinking water system for processing using the following methods: Particle filtrations, carbon adsorption, reverse osmosis and ultraviolet light.

Application No. 4609527, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**

Township Whitemarsh

County **Montgomery**

Responsible Official Joseph Thurwanger
762 West Lancaster Avenue
Bryn Mawr, PA 19010-3489

Type of Facility PWS

Consulting Engineer C.E.T.
1240 North Mountain Road
Harrisburg, PA 17112

Application Received Date November 30, 2009

Description of Action Construction of a new station, including new submersible well pumps and new pitless adapters.

Application No. 1509513, Public Water Supply.

Applicant **Avon Grove Charter School**

Township Kemblesville

County **Chester**

Responsible Official Randy S. Eddinger
1697 Swamp Pike
Gilbertsville, PA 19525

Type of Facility PWS

Consulting Engineer Ruby Engineering
3605 Island Club Drive
Unit #9
North Port, FL 34288-6611

Application Received Date November 30, 2009

Description of Action Nitrate selective anion resin installed to reduce drinking water nitrates below the EPA primary health standard.

Application No. 1509509, Public Water Supply.

Applicant **Pennsylvania-American Water Company**

Township Caln

County **Chester**

Responsible Official David R. Kaufman
4 Wellington Boulevard
Suite 2
Wyomissing, PA 19610

Type of Facility PWS

Consulting Engineer Hatch Mott MacDonald
27 Bleeker Street
Milburn, NJ 07041-1008

Application Received Date August 13, 2009

Description of Action Interconnection with
Downingtown Municipal Water
Authority, including water main
and pump station.

Application No. 2309506, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**
Township Nether Providence
County **Delaware**
Responsible Official Marc A. Lucca
762 West Lancaster Avenue
Bryn Mawr, PA 19010-3402
Type of Facility PWS
Consulting Engineer Hatch Mott MacDonald
27 Bleeker Street
Millburn, NJ 07041-1008
Application Received Date July 24, 2009

Description of Action Construction of a new residuals
treatment facility to improve
dewatering of residuals at the
Crum Creek Water Treatment
Plant.

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

Application No. 1709506—Construction, Public Water Supply.

Applicant **Clearfield Municipal Authority**
Township or Borough Lawrence Township
County **Clearfield**
Responsible Official Jeffrey S. Williams
Official Manager
Clearfield Municipal Authority
107 East Market Street
Clearfield, PA 16830
Type of Facility Public Water
Supply—Construction
Consulting Engineer Mark V. Glenn, P. E.
Gwin, Dobson & Foreman, Inc.
3121 Fairway Drive
Altoona, PA 16602
Application Received December 24, 2009

Description of Action Addition of an ultraviolet light to
the Moose Creek Water
Treatment Facility's disinfection
process and the addition of
fluoridation to the water
treatment process.

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

Application No. 2509503, Public Water Supply.

Applicant **Albion Borough**
Township or Borough Albion Borough
Erie County
Responsible Official Scott Cleaver
Borough Council President

Consulting Engineer August E. Maas, P. E.
Hill Engineering, Inc.
8 Gibson Street
North East, PA 16401

Application Received Date 12/22/2009

Description of Action Additions/upgrades to the Gage
Road Water Plant including
chlorination system, pressure
filters, sequestering agent and
chlorine contact pipeline.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

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

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

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

Evelyn Sanders Townhomes Phase II, City of Philadelphia, **Philadelphia County**. Scott McGoldrick, Penn Environmental & Remediation, 2755 Bergey Road, Hatfield, PA 19440, Christine Paul, Women's Community Revitalization Project, 407 Fairmount Avenue, Philadelphia, PA 19123 on behalf of Christine Paul, Evelyn Sanders 2, LP, 407 Fairmount Avenue, Philadelphia, PA 19123 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of lead, inorganic. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia News* on November 23, 2009.

(Updated) Frazer Shop Center, East Whiteland Township, **Chester County**. Phil Gray, Phoenix GeoEnvironmental, LLC, 445 Bethlehem Pike, Colmar, PA 18915 on behalf of Michael Stapler, Metropol Properties, LP, P. O. Box 1189, Frazer, PA 19355 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of chlorinated solvent. The future use of the site will remain the same.

(Revised) 10 Dewberry Lane, Bristol Township, **Bucks County**. Jason Plucinski, REPSG, Inc., 6901 Kingessing Avenue, Philadelphia, PA 19142, Mark Kuczynski, REPSG, Inc., 6901 Kingessing Avenue, Philadelphia, PA 19142 on behalf of Cynthia Herrera, 10 Dewberry Lane, Levittown, PA 19055, Francis Drenzo, 10 Dewberry Lane, Levittown, PA 19055, Christine Dimmig, State Farm Fire and Casualty Company, 1 State Farm Drive, Concordville, PA 19331 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The site is currently developed a single residential property, which will remain the intended use of the site in the future.

Nueva Esperanza, City of Philadelphia, **Philadelphia County**. Jason Plucinski, REPSG, 6901 Kingessing Avenue, Suite 201, Philadelphia, PA 19142, Susan Shourds, REPSG, 6901 Kingessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Arthur Haywood, 4261 Corporation, 4261 North 5th Street, Philadelphia, PA 19140 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of chlorinated solvents. The future use of the site will remain the same.

Suramna Residence, Newtown Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Alice Hoffman, State Farm Insurance Company, P. O. Box 11, Concordville, PA 19331 on behalf of Stephan Saurman, 81 Vera Avenue, Newtown, PA 18940 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The future use of the site will be residential. A summary of the Notice of Intent to Remediate was reported to have been published in *The Bucks County Courier Times* on November 17, 2009.

Colonial Heritage Trailer Park, Doylestown Township, **Bucks County**. Staci Cottone, P. O. Box 370, Blue Bell, PA 19422 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The future use of the site will remain residential.

FDR Park Recreation Maintenance Building, City of Philadelphia, **Philadelphia County**. Leslie Thurman, BT Environmental Health Safety Consultants, Inc., 3984 Penn Avenue, Sinking Spring, PA 19608, Michael Bendetti, BT Environmental Health & Safety Consultants, Inc., 3984 Penn Avenue, Sinking Spring, PA 19608 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the releases of No. 2 fuel oil. The future use of the site will be the same.

Heilweil Parcel B, City of Philadelphia, **Philadelphia County**. Raymond Scheinfeld, P.G., Weston Solutions, Inc., 2 International Plaza, Suite 540, Philadelphia, PA 19113, Michael J. McCartney, City of Philadelphia, Division of Aviation, Philadelphia International Airport, Terminal E, Philadelphia, PA 19153 on behalf of Paul Masciantonio, Esq., 1806 Callowhill Street, Philadelphia, PA 19130 has submitted a Notice of Intent to Remediate. Groundwater and soil has been impacted with the release of chlorinated solvents. The future use of the property is anticipated to be for Philadelphia International Airport related commercial uses.

3222—3258 H Street, City of Philadelphia, **Philadelphia County**. Michelle Flowers, REPSG, Inc., 6901 Kingessing Avenue, Suite 201, Philadelphia, PA 19142, Mark Kuczynski, REPSG, Inc., 6901 Kingessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Steve Culbertson, Impact Services Corporation, 1952 East Allegheny Avenue, Philadelphia, PA 19134 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted the release of lead and No. 2 fuel oil. The future use of the site will be residential development.

375 Commerce Drive, Upper Dublin Township, **Montgomery County**. Thomas Jones, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Marc Weinberg, Weinberg Gamily Trust, 803 Camarillo Road, Suite C, Camarillo, CA 93012 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of chlorinated solvents. The proposed future use of the property, following redevelopment, will be for nonresidential commercial offices.

Crisop Property, Horsham Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Christine Dimmig, State Farm Insurance Company, P. O. Box 13, Concordville, PA 19331 on behalf of Francis and Judith Crispo, 302 Park Road, Amber, PA 19002 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The future use of the site will be residential. A Notice of Intent to Remediate was reported to have been published in *The Intelligencer* on December 18, 2009.

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

Hoffman Residence, 9 North Hand Street, Tower City Borough, **Schuylkill County**. Jeffrey Wynn, Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518 has submitted a Notice of Intent to Remediate (on behalf of his client, Carl Hoffman, 9 North Hand Street, Tower City, PA 17980), concerning the

remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a ruptured storage tank that was accidentally overfilled during a home heating oil delivery. The applicant proposes to remediate the site to meet the Statewide Health Standard. The intended future use of the property is to remain residential. 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.

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

Double Tree Convention Center Garage, City of Reading, **Berks County**. Hafer Environmental Services, Inc., P. O. Box 4418, Reading, PA 91606, on behalf of Reading Parking Authority, 613 Franklin Street, Reading, PA 19602, submitted a Notice of Intent to Remediate site soils contaminated with petroleum hydrocarbons from an unregulated underground storage tank. The site is being developed as a parking garage and will be remediated to the Site-Specific Standard.

Utz Quality Foods, Hanover Borough, **York County**. GEI Consultants, Inc., 18000 Horizon Way, Mount Laurel, NJ 08054, on behalf of Utz Quality Foods, Inc., 900 High Street, Hanover, PA 17331, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with gasoline from unregulated underground storage tanks. The site will remain commercial/industrial and will be remediated to the Site-Specific Standard.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

PLAN APPROVALS

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

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

10-284E: Seneca Landfill, Inc. (421 Hartmann Road, Evans City, PA 16033) for modification of plan approval 10-284D conditions with regards to start-up, shutdown and ceramic media curing procedures associated with the thermal oxidizer in Jackson Township, **Butler County**. This is a Title V facility.

10-359B: Keystone Midstream Services, LLC (10355 Westmoor Drive, Suite 250, Westminster, CO 80021-2579) for expansion of a natural gas processing facility at the former Rex Energy site in Forward Township, **Butler County**.

43-182B: John Maneely Co.—Wheatland Tube Division (One Council Avenue, P. O. Box 608, Wheatland, PA 16161-0608) for installation of a zinc metallizer unit and associated dust collector at their facility in Wheatland Borough, **Mercer County**. This is a Title V facility.

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.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104. Contact: Edward Braun, Chief—Telephone: 215-685-9476.

V04-011: Temple University—Health Sciences Campus (3401 North Broad Street, Philadelphia, PA 19140) for operation of a hospital, college, university and professional school in the City of Philadelphia, **Philadelphia County**. The Title V facility's air emission sources include the following: three (3) 74.6 MMBtu/hr boilers firing natural-gas (NG) or #6 fuel oil; one (1) 1.01 MMBtu/hr boiler firing NG or #2 fuel oil; one (1) 0.0947 MMBtu/hr boiler firing NG; four (4) fire pumps, each rated 250 kilowatt (kw) or less, firing #2 fuel oil; three (3) emergency generators, each rated 250 kw or less, firing natural gas; five (5) emergency generators, each rated 746 kw or greater, firing #2 fuel oil; and (10) emergency generators, each rated less than 500 kw, firing #2 fuel oil.

The operating permit will be reissued under the Pennsylvania Code Title 25, Philadelphia Code Title 3 and Air

Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Ave., Philadelphia, PA 19104. For further information, contact Mr. Edward Wiener (215) 685-9426.

Persons wishing to file protest or comments on the above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

Intent to Issue Operating Permits 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.

40-00009: Vertellus Health & Specialty Products, LLC (Route 611, P. O. Box 730, Delaware Water Gap, PA 18327) for manufacturing Industrial Organic Chemical in Delaware Water Gap Borough, **Monroe County**. The proposed State Only Operating Permit contains applicable requirements for emissions limitations, monitoring, recordkeeping, reporting, and work practice standards used to maintain facility compliance with Federal and State air pollution regulations.

39-00079: Bridesburg Foundry Co. (P. O. Box 269, Front and Grape Streets, Whitehall, PA 18052-0269) for operation of a copper foundry melt department in Whitehall Township, **Lehigh County**. This facility is currently operating under Operating Permit 39-308-002A. All permit requirements shall be included in the new State-Only (Natural Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping, and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

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

03-00050: Creekside Mushrooms, Ltd. (1 Moonlight Drive, Worthington, PA 16262-9730) for operation of Mushroom Production at Worthington Plant in West Franklin Township, **Armstrong County**. This is a State Only Operation Permit Renewal.

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

25-00954: National Fuel Gas Supply Corp.—Summit Station (520 Robison Road, Summit Township, PA) for a Synthetic Minor Permit to operate a natural gas compressor station in Summit Township, **Erie County**.

**COAL AND NONCOAL MINING
ACTIVITY APPLICATIONS**

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the

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

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

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

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

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

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

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

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

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

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

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated previously each application within 30 days of this public notice. Comments received within the comment period will be considered in the final determinations regarding

the NPDES permit applications. Comments must include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

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

Coal Applications Received

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

Table 1

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
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.

11991301 and NPDES Permit # PA0215210, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201), to renew the permit for the Twin Rocks Mine in Blacklick Township, **Cambria County** and related NPDES permit. No additional discharges. Application received November 30, 2009.

30810703 and NPDES Permit # PA0092894, Consol PA Coal Company, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Coal Refuse Disposal Areas No. 1 and No. 2 in Richhill Township, **Greene County** to add acreage and two new NPDES discharge points to install facilities for fine coal slurry injection into Bailey Mine including a slurry pipeline and associated boreholes. Coal Refuse Disposal Acres Proposed 129.2. Receiving streams: Tributary 32706 to Owens Run and Unnamed Tributary 8 to Owens Run, both classified for the following use: WWF. Application received October 14, 2009.

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

56980102 and NPDES No. PA0234681, Hoffman Mining, Inc., P. O. Box 130, Friedens, PA 15541, revision of an existing bituminous surface and auger mine to change land use from woodland and wildlife habitat to unmanaged natural habitat in Shade Township, **Somerset County**, affecting 92.7 acres. Receiving stream(s): unnamed tributary to Oven Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received December 18, 2009.

56000103 and NPDES No. PA0235245, Hoffman Mining, Inc., P. O. Box 130, Friedens, PA 15541, revision of an existing bituminous surface and auger mine to change land use from woodland and wildlife habitat to unmanaged natural habitat in Shade Township, **Somerset County**, affecting 111.4 acres. Receiving stream(s): unnamed tributary to Oven Run to Stonycreek 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 December 18, 2009.

56010103 and NPDES No. PA0248789, Hoffman Mining, Inc., P. O. Box 130, Friedens, PA 15541, revision of an existing bituminous surface and auger mine to change land use from woodland and wildlife habitat to unmanaged natural habitat in Shade Township,

Somerset County, affecting 95.5 acres. Receiving stream(s): unnamed tributaries to/and Oven Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received December 18, 2009.

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

26090106 and NPDES Permit No. PA0251844. Amerikohl Mining, Inc. (1384 State Route 711, Stahlstown, PA 15687). Application for commencement, operation and reclamation of a bituminous surface mine, located in Springfield Township, **Fayette County**, affecting 194 acres. Receiving streams: unnamed tributaries to Indian Creek and Indian Creek, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: December 23, 2009.

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

17030113 and NPDES No. PA0243591. Rob Holland Enterprises, Inc. (52 Holland Lane, Curwensville, PA 16833) transfer of an existing bituminous surface mine with an insignificant permit boundary correction and permit renewal from Kenneth K. Rishel and Sons, Inc. (1229 Turnpike Avenue, Clearfield, PA 16830). This site is

located in Lawrence Township, **Clearfield County** and affects 47.9 acres. Receiving stream(s): Montgomery Creek to the West Branch Susquehanna River classified for the following uses: Cold Water Fishery and Warm Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received March 9, 2009.

17880126 and NPDES No. PA0116599. Waroquier Coal Co. (P. O. Box 128, Clearfield, PA 16830), permit renewal and revision to conduct mining operations within 100 feet of Township Road T-564 of an existing bituminous surface and auger mining permit located in Lawrence Township, **Clearfield County** affecting 295.4 acres. Receiving stream(s): unnamed tributaries to the West Branch Susquehanna River classified for the following use(s): Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received October 30, 2009.

Noncoal Applications Returned

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

40860302T2. 4P Realty, LP, (309 Main Street, Blakely, PA 18447), transfer of an existing quarry operation from Janet Beccaria in Lake Township, **Luzerne County** affecting 564.0 acres, receiving stream: none. Application received: August 6, 2008. Application denied: December 31, 2009.

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.

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

Permit No. 5074SM3 and NPDES Permit No. PA0121126. Valley Quarries, P. O. Box 2009, Chambersburg, PA 17201, renewal of NPDES Permit, Greene Township, **Franklin County**. Receiving stream(s): Conococheague Creek classified for the following use(s): cold water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received December 21, 2009.

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

3372SM24A and NPDES Permit No. PA0591963. Hanson Aggregates BMC, Inc. (2200 Springfield Pike, Connellsville, PA 15425). NPDES renewal application to an existing large noncoal surface mine, located in Bullsken Township, **Fayette County**, affecting 451.8

acres. Receiving streams: unnamed tributaries to Polecat Hollow and Breakneck Runs, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: December 23, 2009.

26990301 and NPDES Permit No. PA0202584. Vanderbilt Aggregates, LLC (P. O. Box 125, Uniontown, PA 15401). NPDES renewal application to an existing large noncoal surface mine, located in Dunbar and Vanderbilt Borough Townships, **Fayette County**, affecting 297 acres. Receiving streams: unnamed tributaries to Dickerson Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: December 23, 2009.

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

61830608. James T. Morrison (292 John Diamond Road, Franklin, PA 16323) Transfer of an existing large sandstone operation from James J. Morrison Construction in Cranberry Township, **Venango County** affecting 12.0 acres. Receiving streams: Unnamed tributary to the Allegheny River, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: December 24, 2009.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E06-650: Fiorino Grande, 2213 Quarry Road, West Lawn, PA 19609, Cumru Township, **Berks County**, ACOE Philadelphia District.

To construct and maintain: (1) a 6.0 inch depressed, 84.0 foot long, 10-foot by 5-foot concrete box culvert in an unnamed tributary to the Schuylkill River (WWF); (2) a 6.0 inch depressed, 86.0 foot long, 30-inch diameter RCP culvert pipe with an 8-inch diameter DIP water line utility crossing, an 8-inch diameter PVC sanitary sewer line utility crossing and a 15-inch RCP storm sewer utility crossing in and across an unnamed tributary to the Schuylkill River (WWF); and (3) an 8-inch diameter DIP water line utility line crossing and an 8-inch diameter PVC sewer line across an unnamed tributary to the Schuylkill River temporarily impacting 950.0 square feet

(0.0218 acre) of PEM wetlands (Reading, PA Quadrangle N: 8.1 inches; W: 3.2 inches, Latitude: 40° 17' 40"; Longitude: 75° 53' 52"), for the purpose of creating a residential and commercial subdivision in Cumru Township, Berks County.

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

E17-457. Department of Transportation, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830. SR 0879, Section A07 Bridge Replacement over Surveyor Run in Goshen and Girard Townships, **Clearfield County**, ACOE Baltimore District (Leontes, PA Quadrangle Latitude: 41° 04' 26"; Longitude: 78° 19' 37").

The applicant proposes to remove the existing bridge structure, construct, operate and maintain a new reinforced concrete box culvert. The existing structure is a three span concrete box beam bridge with a total span of 130 ft, skew of 90°, average underclearance of 35 ft and a roadway width of 38 ft. The proposed structure is a 16 x 13 ft reinforced concrete box culvert. The box culvert will be depressed one foot and include standard fish baffles. The box culvert will be attached to the adjacent railroad bridge using a tapered cast-in-place end-section. Surveyor Run is classified as a Cold Water Fishery and is affected by acid mine drainage. The project will permanently impact 82 ft of Surveyor Run, due to the box culvert placement, and temporarily impact 20 ft in channel alignment work. Stream impacts will be mitigated through the Clearwater Conservancy. No wetlands will be impacted by this project.

E17-458. Department of Transportation, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830. SR 0053, Section A08 Bridge Replacement over Clearfield Creek in Irvona Borough, **Clearfield County**, ACOE Baltimore District (Irvona, PA Quadrangle Latitude: 41° 04' 26"; Longitude: 78° 19' 37").

The applicant proposes to remove the existing bridge structure, construct, operate and maintain a new three span welded plate girder bridge. The existing structure is a two span pony truss bridge with a total span of 222 ft, skew of 30°, and an average underclearance of 12.57 ft. The proposed structure will be constructed upstream of the existing structure. The proposed structure is a three span welded plate girder bridge with a total span of 350 ft, skew of 30°, and an average underclearance of 16.6ft. The roadway grade will be raised approximately four feet to accommodate future adjacent Levee work. Clearfield Creek is classified as a Warm Water Fishery. The project proposes to temporarily impact 0.01 acre of wetland and will not permanently impact any jurisdictional wetlands. Additionally, mid-channel gravel bars will be removed to an elevation previously permitted under the Irvona Levee project.

E60-204. Department of Transportation, Engineering District 3-0, P. O. Box 218, Montoursville, PA 17754-0218. SR 0015, Section 110 Roadway Widening Project, Union Township, **Union County**, ACOE Baltimore District (Northumberland, PA Quadrangle N: 40° 54' 08"; W: 76° 50' 54").

Department of Transportation, Engineering District 3-0 proposes to upgrade the existing four lane roadway to a five lane roadway with a center turning lane. The roadway upgrades will include the replacement of the adjacent storm sewer system. The project will permanently impact 0.04 acre of wetland and relocate the

associated drainage system. The existing drainage system is 513 ft and the proposed is 507 ft. This project will not require mitigation. The project is located in Union Township, **Union County**.

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

E02-1625. Allegheny County Sanitary Authority (ALCOSAN), 3300 Preble Avenue, Pittsburgh, PA 15233. To replace a stream enclosure and enclose stream and install an inlet and outlet in Stowe and Kennedy Townships and McKees Rocks Borough, **Allegheny County**, Pittsburgh ACOE District (Pittsburgh West, PA Quad-range N: 17.25 inches; W: 10.89 inches, Latitude: 40° 28' 12"; Longitude: 80° 4' 42"). The applicant proposes to replace and maintain approximately 5,000 feet of 48" stream enclosure with a 60" HDPE stream enclosure, and to enclose approximately 190' of stream, and to install and inlet and outfall structure and other appurtenant works, on Pine Hollow Run, (5,100' of impact, WWF)

Deweyville Run (115' of impact, WWF) Chartiers Creek (20' of impact, WWF) and an Unnamed Tributary to Pine Hollow Run (20' of impact, WWF) all for the purpose of separating the sanitary sewer system from the storm sewer system.

DAM SAFETY

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

D24-044EA. Bendigo State Park, 533 State Park Road, Johnsonburg, PA 15845-0016. Project proposes to breach and remove Bendigo Dam across East Branch Clarion River (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 1,300 feet of stream channel. The dam is located approximately 1,600 feet northwest of the intersection of Bendigo (SR 1004) and Bendigo State Park Roads (Wilcox, PA Quadrangle Latitude: 41° 31' 41"; Longitude: -78° 37' 47").

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.

<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>
PAG2003605001R	Cornerstone Development Group One Market Way East York, PA 17401	Lancaster Township Lancaster County	UNT Conestoga River WWF	Y
PA0021865 (Sew)	Borough of Adamstown in Lancaster County 98 Lancaster Avenue Adamstown, PA 19501-0546	Lancaster County East Cocalico Township	Little Muddy Creek 7J	Y
PA0021717 (Sew)	Marietta-Donegal Joint Authority P. O. Box 167 Marietta, PA 17547	Lancaster County Marietta Borough	Susquehanna River 7G	Y
PA0070424 (Sew)	Caernarvon Township Municipal Sewer Authority P. O. Box 291 Morgantown, PA 19543	Berks County Caernarvon Township	Conestoga River 7J	Y

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

<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>
PA0252778 Sewage	Ricky G. and Rebecca J. Niemic 5821 Somerset Pike Boswell, PA 15531	Somerset County Jenner Township	UNT of South Fork Bens Creek	Y

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

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

NPDES Permit No. PA0070483, Industrial Waste, **Grand Central Sanitary Landfill, Inc.**, 1963 Pen Argyl Road, Pen Argyl, PA 18072. This proposed facility is located in Plainfield Township, **Northampton County**.

Description of Proposed Action: Issuance of an NPDES Permit, renewal.

NPDES Permit No. PAS602206, Industrial Stormwater, **Sibum's Auto Parts**, 932 Analomink Road, East Stroudsburg, PA 18301. This proposed facility is located in Stroud Township, **Monroe County**.

Description of Proposed Action/Activity: Issuance of an NPDES Industrial Stormwater Permit for an existing auto parts facility.

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

NPDES Permit No. PA0081191, Amendment No. 2, Sewage, **Ms. Laura Choi, Permits and License Agent**, Two North Riverside Plaza, Suite 800, Chicago, IL 60606-2682. This proposed facility is located in West Cornwall Township, **Lebanon County**.

Description of Proposed Action/Activity: Transfer of Permit for MHC PA Dutch Country LP.

NPDES Permit No. PA0081710, Amendment No. 2, Sewage, **Ms. Laura Choi**, Permits and License Agent, Two North Riverside Plaza, Suite 800, Chicago, IL 60606-2682. This proposed facility is located in Pequea Township, **Lancaster County**.

Description of Proposed Action/Activity: Transfer of Permit for MHC Circle M LP.

NPDES Permit No. PA0082228, Amendment No. 1, Sewage, **Hill Acres Mobile Home Park, LLC**, P. O. Box 251, Morgantown, PA 19543. This proposed facility is located in Rapho Township, **Berks County**.

Description of Proposed Action/Activity: Transfer of Permit.

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

NPDES Permit No. PA0263451, Industrial Waste, **Superior Well Service**, 1560 North Perry Highway, Fredonia, PA 16124-2714. This proposed facility is located in Fredonia Borough, **Mercer County**.

Description of Proposed Action/Activity: Issuance of a New NPDES permit for discharge of treated industrial waste and stormwater. This is a minor discharge.

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

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

WQM Permit No. 2209405, Sewage, **Swatara Township Authority**, 599 Eisenhower Boulevard, Harrisburg, PA 17111-2355. This proposed facility is located in Swatara Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of replacement of 1,300 feet of an 8-inch gravity collection system with a 10-inch gravity collection system.

WQM Permit No. WQG02010903, Sewage, **Oxford Township**, 780 Hanover Street, P. O. Box 86, New Oxford, PA 17350-0086. This proposed facility is located in Oxford Township, **Adams County**.

Description of Proposed Action/Activity: Construction/operation of pump station/sewer extension to serve the Summerfield subdivision flows going to the Oxford Township sanitary sewer collection system.

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

WQM Permit No. 3209402, Sewerage, **Indiana Borough**, 80 North Eighth Street, Indiana, PA 15701. This proposed facility is located in Indiana Borough, **Indiana County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of an interceptor sewer line.

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

WQM Permit No. 1009403, Sewerage, **Winfield Township**, 194 Brose Road, Cabot, PA 16023. This proposed facility is located in Winfield Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of a construction/operation of sewerage wastewater facilities.

WQM Permit No. 1001401, Sewerage, **Amendment No. 1, Prospect Borough**, 159 Monroe Street, Prospect, PA 16052. This proposed facility is located in Franklin Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of an amended permit for the installation of automation improvements/modifications to an existing in-line flow equalization tank located in Prospect Borough.

WQM Permit No. 3773412, Sewerage, **Amendment No. 1, Norman J. Cutri, d/b/a Twilight Mobile Home Park**, 1324 South Shore Drive, #601, Erie, PA 16505. This existing facility is located in Mahoning Township, **Lawrence County**.

Description of Proposed Action/Activity: Issuance of an amended permit for the addition of a sodium aluminate chemical feed to remove phosphorus from the Sewage Treatment Plant wastewater to meet the current effluent limitations in the new NPDES permit.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023909008	Kelly A. and Matthew S. Stubits 3608 East Grant Street Slatington, PA 18080	Lehigh	Heidelberg Township	Tributary to Jordan Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI036706005-1	Stuart Widom Conective Mid Merit, LLC P. O. Box 6066 92 DC 72 Newark, DE 19714	York	Peach Bottom Township	Susquehanna River Watershed 7-I WWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI061009002	Winfield Township 194 Brose Road Cabot PA 16023	Butler	Winfield and Buffalo Townships	Little Buffalo Creek HQ-TSF

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-2
Facility Location:

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Richland Township Bucks County	PAG200 0909041	Steeple Run, LP c/o AmeriCorp Homes One South State Street Newtown, PA 18940	Morgan Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Wrightstown Township Bucks County	PAG200 0904131-1-R	Toll Brothers, Inc. 250 Gibraltar Road Horsham, PA 19428	Newtown Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
New Hope Borough Bucks County	PAG200 0908035	Scannapieco Development Corp. 400 South River Road New Hope, PA 18938	Rabbit Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Fallowfield Township Chester County	PAG200 1509033	Doutrich Homes 333 Lincoln Highway East Parkasie, PA 17562	Sucker Run WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Brandywine Township Chester County	PAG200 1504014-R	Gambone Brothers Dev. Co. 1030 West Germantown Pike P. O. Box 287 Trooper, PA 19409	Unnamed Tributary Beaver Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Chester Delaware County	PAG2-02- 2309023	Delaware County Regional Water Quality Control Authority 100 East Fifth Street Chester, PA 19016-0999	Delaware River WWF-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>
Worcester Township Montgomery County	PAG2-02- 4609063	Rotelle Development Company 219 Nianatic Road Barto, PA 19514	Zacharias Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Lower Pottsgrove Township Montgomery County	PAG2-02- 4608139	Valley Forge Properties, LP 910 Germantown Pike Plymouth Meeting, PA 19462	Hartenstine Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Susquehanna Township Dauphin County	PAG2002209041	Custer Development Company 2805 Old Post Road Suite 200 Harrisburg, PA 17110	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Susquehanna Township Dauphin County	PAG2002209040	Stan Custer 2901 Linglestown Road, LLC 2805 Old Post Road Harrisburg, PA 17110	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
North Codorus Township York County	PAG2006709050	Robert L. Inners, II PH Glatfelter Company 228 South Main Street Spring Grove, PA 17362	West Branch Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Logan Township Blair County	PAG2000705002-R	Kettle Creek Partners, LP 301 Plum Creek Road P. O. Box 34 Roaring Spring, PA 16673	UNT to Sandy Run CWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814-696-0877, Ext. 5
Peach Bottom Township York County	PAG2006708069	Grimmel Farms, Inc. 3855 Federal Hill Road Jarrettsville, MD 21084	UNT to Broad Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Manheim Township York County	PAG2006709049	Loren D. Riebling 5191 Wood Mill Road Glennville, PA 17329	Codorus Creek—Gunpowder Falls WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Ontelaunee Township Berks County	PAG2000609058	Linda King 425 Kindt Corner Road Shoemakersville, PA 19555	Maidencreek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201
Harris Township Centre County	PAG2001406025(1)	Galen Dreibelbis Hawk Ridge Subd 65 Blue Course Drive Suite C1 State College, PA 16803	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue, Suite 4 Bellefonte, PA 16823 (814) 355-6817

<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>
City of Williamsport Lycoming County	PAG2004109009	Williamsport Sanitary Authority 253 West 4th Street Williamsport, PA 17701	West Branch of Susquehanna River WWF/MF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
Wellsboro Borough Tioga County	PAG2005909009	Steve Kramer Laurel Health System 32 Central Avenue Wellsboro, PA 16901	Morris Creek CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3
Delmar Township Tioga County	PAG2005909012	Mary Worthington GROW, Inc. 114 Main Street Wellsboro, PA 16901	UNT to Baldwin Run WWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3
Cambria County Cambria Township	PAG2001109014	Dr. Vincent DiLeo Central Cambria School District 208 School House Road Ebensburg, PA 15931	UNT South Branch Blacklick Creek CWF	Cambria County Conservation District 814-472-2120
Cranberry Township Butler County	PAG2001009014	Dave Sarver Sampson-Morris Group 2500 Eldo Road Suite Monroeville, PA 15146	Coal Run Creek WWF Brush Creek WWF	Butler County Conservation District 724-284-5270
Huntingdon County Borough of Broad Top City	PAG2093109007	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Unnamed Tributary to Shoup Run to Raystown Branch Juniata River WWF	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 814-472-1800

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
South Whitehall Township Lehigh County	PAR602245	South Whitehall Auto Salvage 2000 Minnich Road Allentown, PA 18104	Unnamed feeder to Jordan Creek TSF, MF	DEP—NERO 2 Public Square Wilkes-Barre, PA 18711 570-826-2511
Upper Saucon Township Lehigh County	PAR802215	Pitt Ohio Express, LLC 15 27th Street Pittsburgh, PA 15222	Unknown tributary to Saucon Creek CWF	DEP—NERO 2 Public Square Wilkes-Barre, PA 18711 570-826-2511
Mt. Pleasant Township Westmoreland County	PAR806230	UPS Freight 1000 Semmes Avenue Richmond, VA 23224	Sherrick Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

<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>
Quemahoning Township Somerset County	PAR606158	Kantner Iron and Steel, Inc. 365 Bassett Road Hooversville, PA 15936	Stonycreek River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Midland Borough Beaver County	PAR206133	WHEMCO—Steel Castings, Inc. 12th Street Midland, PA 15059	Ohio River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Operations Permit #1509515 issued to **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033.

(PWSID #1150166) East Vincent Township, **Chester County** on December 14, 2009, for the operation of Facilities approved under construction permit #1509512 for operation of new chlorine contact piping at Royersford Well 4.

Operations Permit #0909524 issued to **Springtown Water Authority**, P. O. Box 469, Springtown, PA 18081.

(PWSID #1090064) Springfield Township, **Bucks County** on April 1, 2009, for the operation of Facilities approved under construction permit #0908502 for the operation of the authority's 150,000-gallon water storage standpipe.

Operations Permit #1509514 issued to **2 Maplewood Mobile Home Park**, 205 South Caln Road, Coatesville, PA 19320.

(PWSID #1150017) West Brandywine Township, **Chester County** on December 1, 2009, for the operation of Facilities approved under construction permit #1506506 for the operation of Corrosion Control Treatment at Maplewood Mobile Home Park.

Operations Permit #0909525 issued to **Plumstead Township**, 5186 Stump Road, P. O. Box 387, Plumsteadville, PA 18949.

(PWSID #1090136) Plumstead Township, **Bucks County** on October 27, 2009, for the operation of Facilities approved under construction permit #0909506 for the upgrade to Country Green Wells MT-1 and MT-2.

Operations Permit #0909526 issued to **Plumstead Township**, 5186 Stump Road, P. O. Box 387, Plumsteadville, PA 18949.

(PWSID #1090136) Plumstead Township, **Bucks County** on October 27, 2009, for the operation of Facilities approved under construction permit #0909507 for the upgrade to Summer Hill Wells 5, 6 and 7.

Operations Permit #0909527 issued to **Plumstead Township**, 5186 Stump Road, P. O. Box 387, Plumsteadville, PA 18949.

(PWSID #1090136) Plumstead Township, **Bucks County** on October 27, 2009, for the operation of Facilities approved under construction permit #0909508 for the upgrade to Cabin Run Wells 2 and 3.

Operations Permit #0909528 issued to **Plumstead Township**, 5186 Stump Road, P. O. Box 387, Plumsteadville, PA 18949.

(PWSID #1090136) Plumstead Township, **Bucks County** on October 27, 2009, for the operation of Facilities approved under construction permit #0909509 for the upgrade to Durham Ridge North Branch Wells NB-2 and NB-3.

Operations Permit #0909529 issued to **Bedminster Municipal Authority**, 432 Elephant Road, Perkasie, PA 18944.

(PWSID #1090104) Bedminster Township, **Bucks County** on December 8, 2009, for the operation of Facilities approved under construction permit #0909514 for sequestering Iron and Manganese at Wells A, E, 2 and 9.

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

Operations Permit issued to: **Pine Manor, LLC**, 7220029, Londonderry Township, **Dauphin County** on 1/4/2010 for the operation of facilities approved under Construction Permit No. 2208502.

Operations Permit issued to: **City of Lancaster**, 7360058, Manor Township, **Lancaster County** on 12/29/2009 for the operation of facilities approved under Construction Permit No. 3608516 E.

Operations Permit issued to: **Municipal Authority of the Borough of Lewistown**, 4440010, Juniata Terrace Borough, **Mifflin County** on 12/22/2009 for the operation of facilities approved under Construction Permit No. 4409501 MA.

Operations Permit issued to: **Grier School**, 4310022, Warriors Mark Township, **Huntingdon County** on 12/30/2009 for the operation of facilities approved under Construction Permit No. 3109502 MA.

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

Permit No. 1709503—Construction, Public Water Supply.

Applicant	Clearfield Municipal Authority
Township or Borough	Lawrence Township
County	Clearfield
Responsible Official	Jeffrey Williams, Manager Clearfield Municipal Authority 107 East Market Street Clearfield, PA 16830
Type of Facility	Public Water Supply—Construction
Consulting Engineer	James Potopa, P. E. Gwin Dobson & Foreman 3121 Fairway Drive Altoona, PA 16602
Permit Issued Date	January 5, 2010
Description of Action	Approves the Goshen Church West project, including approximately 26,500 LF of 8-inch diameter ductile iron piping, a pressure reducing vault and a 150,000 gallon welded steel finished water storage tank.

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

Operations Permit issued to: **Municipal Authority of the Borough of Derry**, 620 Chestnut Street, Derry, PA 15627, (PWSID #5650049) Derry Borough, **Westmore-**

land County on December 28, 2009, for the operation of facilities approved under Construction Permit # 4871-A9.

Permit No. 5609503MA, Minor Amendment. Public Water Supply.

Applicant	Conemaugh Township Municipal Authority Box 429 113 South Main Street Davidsville, PA 15928
Borough or Township	Paint and Quemahoning Townships
County	Somerset
Type of Facility	Blough waterline
Consulting Engineer	The EADS Group, Inc. 450 Aberdeen Drive Somerset, PA 15501
Permit to Construct Issued	December 31, 2009

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

Operations Permit issued to **Erie City Water Authority**, PWSID No. 6250028, City of Erie, **Erie County**, January 5, 2010, for the operation of the Johnson Reservoirs, as approved under construction permit 8875-W-T1-MA3, issued June 24, 2009.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location: on Harney Road in Germany Township, Adams County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Germany Township	P. O. Box 121 Littlestown, PA 17340	Adams County

Plan Description: The approved plan provides for the renovation of an existing dwelling into a 52 seat restaurant. The development will generate an estimated 1,054 gpd of wastewater tributary to a sandmound with advanced pre-treatment, including denitrification. The name of the project is Stevens Restaurant and the Department of Environmental Protection (Department) code # is B3-01916-186-2. The Department'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, authority or owner as appropriate.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

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

Quick Residence, City of Philadelphia, **Philadelphia County**. Jeremy Bolyn, Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Gloria Quici, 5706 Florence Avenue, Philadelphia, PA 19143 has submitted a 90 day Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

5500 Germantown Avenue, City of Philadelphia, **Philadelphia County**. Bill Schmidt, Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104 on behalf of Marc Guerin, Citizen Bank of Pennsylvania, 1701 JFK Boulevard, Philadelphia, PA 19103 has submitted a Final Report concerning remediation of site groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Saurman Residence, Newtown Township, **Bucks County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Alice Hoffman, State Farm Insurance Company, P. O. Box 11, Concordville, PA 19331 on behalf of Stephen Saurman, 81 Vera Avenue, Newtown, PA 18940 has submitted a Final Report concerning remediation of site soil contaminated

with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Chaddsford Collision, City of Philadelphia, **Philadelphia County**. Steven F. Coe, Brown Environmental Services Corporation, 301 South State Street, Suite S201, Newtown, PA 18940, Roman Iwskiw, Brown Environmental Services Corporation, 301 South State Street, Suite S201, Newtown, PA 18940 has submitted a Remedial Investigation/Risk Assessment and Cleanup Plan concerning remediation of site soil and groundwater contaminated with lead, unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standards.

Rossi Residence, Abington Township, **Montgomery County**. Jeremy Bolyn Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Donald Rossi, 1341 Red Ramble Road, Rydale, PA 19034 has submitted a 90-day Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Crispo Property, Horsham Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Christine Dimming, State Farm 38-P931-770, P. O. Box 13, Concordville, PA 19331 on behalf of Francis Crispo, 302 Park Road, Ambler, PA 19002 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Trans Material 0.46 Parcel, City of Philadelphia, **Philadelphia County**. Christopher Ward, RT Environmental Services, Inc., Pureland Complex, Suite 306, 510 Heron Drive, P. O. Box 521, Bridgeport, NJ 08014 on behalf of Senya Isayeff, CIRR-Keystone Community Alliance-West Goshen, 550 Union Street, West Chester, PA 19382 has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Background Standards.

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

Regan Property, 56 Flintlock Trail, Tobyhanna Township, **Monroe County**. Paul Martino, Pennoni Associates, Inc., One Drexel Plaza, 3001 Market Street, Philadelphia, PA 09104-2897 has submitted a Final Report (on behalf of his client, Christian Regan, 13 N. Morgan Avenue, Havertown, PA 19083), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result of a leaking aboveground storage tank. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submission of the Final Report was published in *The Pocono Record* on November 18, 2009.

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

Gichner Shelter Systems, Inc., York Township, **York County**. Synergy Environmental, Inc., 155 Railroad Plaza, 1st Floor, Royersford, PA 19468, on behalf of Dallastown Realty II, LLC, 490 East Locust Street, Dallastown, PA 17313, submitted a Final Report concerning site soils and groundwater contaminated with Inorganics, VOCs, SVOCs and PAHs. The report is in-

tended to document remediation of the site to meet the Residential Statewide Health Standard.

Priefert Logistics I-81 Diesel Fuel Spill, Southampton Township, **Franklin County**. Taylor GeoServices, Inc., 38 Bishop Hollow Road, Suite 200, Newtown Square, PA 19073, on behalf of Priefert Logistics, 2630 South Jefferson, Mount Pleasant, TX 75455 and Department of Transportation, Maintenance District 8-3, 619 North Franklin Street, Chambersburg, PA 17201, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel from a ruptured saddle tank. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the Residential Statewide Health Standard. Future use of the site is residential.

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

462 Lafferty Hollow Road, Foster Township, **McKean County**. The Palmerton Group, 6296 Fly Road, East Syracuse, NY 13057 on behalf of Pennzoil-Quaker State Company, 700 Milam Street, Houston, TX 77002 has submitted a Final Report concerning remediation of site soil contaminated with 1,3,4-trimethylbenzene, 1,2,4-trimethylbenzene, and 1,3,5-trimethylbenzene. The Final Report is intended to document remediation of the site to meet the Statewide Health Standard.

Wolfs Head Prop South Parcel OLD, Borough of Sugarcreek, **Venango County**. URS Corporation, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company, 910 Louisiana OSP 687, Houston, TX 77002 has submitted a Site Characterization (Remedial Investigation)/Risk Assessment Report concerning remediation of site soil and site groundwater contaminated with SPL, VOC, SVOC, and inorganic compounds. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

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

The Department has received the following plans and reports:

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

Mark II Associates, Inc. Property, Folcroft Borough, **Delaware County**. Terrance O'Reilly, TriState Environmental Management Services, Inc., 368 Dunksferry Road, Philadelphia, PA 19020, Eduard Eichen, The OAK Group, Inc., Waterfront Technology Center, 200 Federal Street, Suite 300, Camden, NJ 08103, on behalf of Cynthia Ray, Mark II Associates, Inc., 266 South 23rd Street, Philadelphia, PA 19103 has submitted a Remedial Investigation/Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Remedial Investigation/Final Report was disapproved by the Department of Environmental Protection on December 7, 2009.

The Hake Building, Eddystone Borough, **Delaware County**. Richard Werner, Environmental Consulting, Inc., 500 West Washington Street, Suite 375, Norristown, PA 19401 on behalf of Frank Hake, Hake HQ, LP, 1380 Wisteria Drive, Malvern, PA 19355 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Final report demonstrated attainment of the Statewide Health and Background Standards and was approved by the Department of Environmental Protection on December 17, 2009.

MA Bruder & Sons, City of Philadelphia, **Philadelphia County**. David R. Kerschner, P.G., KU Resource, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Kenneth H. Stroebel, The Sherwin-Williams Company, 101 Prospect Avenue, N.W. Cleveland, OH 44115-1075 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with other organics. The Final report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department of Environmental Protection on December 22, 2009.

Florence Titus Elementary, Warrington Township, **Bucks County**. Daniel Lewis, Spotts, Steven and McCoy, Inc., 1047 North Park Road, Reading, PA 10610-0307 on behalf of Michael Nickerson, Central Bucks School District, 320 West Swamp Road, Doylestown, PA 18901-2359 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on December 3, 2009.

USPS Truck Terminal Annex, City of Philadelphia, **Philadelphia County**. Christopher Orzechowski, P.G., Keating Environmental Management, Inc., 123 John Robert Thomas Drive, Exton, PA 19341, Brad A. Molotsky, Brandywine Cira South, LP, 555 East Lancaster Avenue, Suite 100, Radnor, PA 19087 on behalf of Kyle Rosato, University of Pennsylvania, 3101 Walnut Street, Philadelphia, PA 19104 has submitted a Final Report concerning the remediation of site soil and ground contaminated with chlorinated solvents. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on December 23, 2009.

Uptown Worthington, East Whiteland Township, **Chester County**. Jeff Walsh, Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Guy Wolfington, Malvern Hill Associates, LP, 2701 Renaissance Blvd., Fourth Floor, King of Prussia, PA 193406 has submitted a Final Report concerning the remediation of site groundwater contaminated with used motor oil. The Final Report demonstrated attainment of the Statewide Health Standards and was approved by the Department of Environmental Protection on December 17, 2009.

Linfield Industrial Park, Limerick Township, **Montgomery County**. Jim LaReginak Herbert Rowland & Grubick, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, Brenda O'Donnell Herbert Rowland & Grubick, Inc., 1820 Linglestown Road, Harrisburg, PA 17110 on behalf of Eugene Ostrecicher, Linfield Industrial Park, 527 Bedford Avenue, Brooklyn, NY 11211 has submitted a Final Report concerning the remediation of site soil contaminated with leaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on December 8, 2009.

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

Braden Airpark, 3800 Sullivan Trail, Forks Township, **Northampton County**. Thomas Martinelli, JMT Environmental Technologies, Inc., P.O. Box 22044, Lehigh Valley, PA 18002 submitted a Final Report (on behalf of his client, Lehigh-Northampton Airport Authority, 3311 Airport Road, Allentown, PA 18109-3040), concerning the remediation of soil found to have been impacted by aviation gas as a result of a release during an airplane crash. The report documented attainment of the Statewide Health Standard and was approved on December 17, 2009. The report was originally submitted within 90 days of the release.

Aden Property, 1828 Valley Forge Road, South Whitehall Township, **Lehigh County**. Gregg J. Walters and Mark W. Ellis, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final Report (on behalf of their clients, LaRoy and Ruth Aden, 1828 Valley Forge Road, Allentown, PA 18104), concerning the remediation

of soil found to have been impacted by No. 2 fuel oil as a result of a release from a leaking pressure gauge from a furnace/275-gallon aboveground storage tank system. The report documented attainment of the Statewide Health Standard and was approved on December 17, 2009.

Sarah Cohen Residence, 620 Carbon Street, Freeland Borough, **Luzerne County**. David A. Everitt, III and Mark W. Ellis, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final Report (on behalf of their client, Sarah Cohen, 620 Carbon Street, Freeland, PA 18224), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from an aboveground storage tank that had a broken fitting. The report documented attainment of the Statewide Health Standard and was approved on December 17, 2009.

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

49 West Chestnut Street Property, City of Lancaster, **Lancaster County**. Environmental Standards, Inc., P.O. Box 810, Valley Forge, PA 19482, on behalf of City of Lancaster, P.O. Box 1599, 120 North Duke Street, Lancaster, PA 17608, submitted a Final Report concerning remediation of site groundwater contaminated with leaded and unleaded gasoline. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on December 29, 2009.

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

Pennzoil Rouseville Refinery (Former Rouseville Refinery—Plant 2), Cornplanter Township, **Venango County**. URS Corporation, 501 Holiday Drive, Building #4, Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company, 12700 Northborough Drive, 300 E-11, Houston, TX 77067 and Honeywell, Inc., has submitted a Risk Assessment/Remedial Investigation Report concerning the remediation of site soil contaminated with separate phase petroleum liquids and petroleum refining related constituents including, but not limited to, Benzene, Toluene, Ethyl Benzene, Xylenes, Cumene, Methyl tert-Butyl Ether, Naphthalene, 1,2,4 Trimethylbenzene, 1,3,5 Trimethylbenzene, Fluorene, Anthracene, Phenanthrene, Pyrene, Benzo(a)anthracene, Chrysene, Benzo(a)pyrene, Benzo(g,h,i)perylene, Dibenzofuran, 1,2,3 Trichloropropane, 1,1,2,2-Tetrachloroethane, Arsenic, Iron, Thallium, Lead and site groundwater contaminated with separate phase petroleum liquids and petroleum refining related constituents including, but not limited to, Benzene, Toluene, Ethyl Benzene, Xylenes, Cumene, Methyl tert-Butyl Ether, Naphthalene, 1,2,4 Trimethylbenzene, 1,3,5 Trimethylbenzene, Fluorene, Anthracene, Phenanthrene, Pyrene, Benzo(a)anthracene, Chrysene, Benzo(a)pyrene, Benzo(g,h,i)perylene, Arsenic, Iron, Lead. The Risk Assessment/Remedial Investigation Report was approved by the Department of Environmental Protection on December 30, 2009.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits Approved 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.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

Permit Application No. 100022. Chrin Brothers Sanitary Landfill, Chrin Brothers Sanitary Landfill, Inc., 635 Industrial Drive, Easton, PA 18042. A Permit Renewal approval authorizing the continued operation of this municipal waste landfill located in Williams Township, **Northampton County**. The approval authorizes the extension of their permit to continue operations at the Chrin Brothers Sanitary Landfill until January 6, 2020. The Permit Renewal was issued by the Regional Office on December 28, 2009.

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.

54-329-006GP9: R.E. Pierson Construction Co. (P. O. Box 430, Woodstown, NJ 08098-0430) on December 29, 2009, to install and operate a portable I/C engine at their site at Middleport Materials in Walker Township, **Schuylkill County**.

54-329-007GP9: R.E. Pierson Construction Co. (P. O. Box 430, Woodstown, NJ 08098-0430) on December 29, 2009, to install and operate three (3) portable I/C engines at their site at Middleport Materials in Walker Township, **Schuylkill County**.

54-310-048GP3: R.E. Pierson Construction Co. (P. O. Box 430, Woodstown, NJ 08098-0430) on December 29, 2009, to install and operate a portable crushing operation at their site at Middleport Materials in Walker Township, **Schuylkill County**.

54-310-049GP3: R.E. Pierson Construction Co. (P. O. Box 430, Woodstown, NJ 08098-0430) on December 29, 2009, to install and operate a portable crushing operation at their site at Middleport Materials in Walker Township, **Schuylkill County**.

58-310-022GP3: Damascus 535 Quarry & Stone Products, LLC (R. R. 3, Box 324A-1, Montrose, PA 18801) on December 31, 2009, to construct and operate a Portable Crushing Operation with watersprays at their site in Silver Lake Township, **Susquehanna County**.

58-329-011GP9: Damascus 535 Quarry & Stone Products, LLC (R. R. 3, Box 324A-1, Montrose, PA 18801) on December 31, 2009, to installation and operate Diesel I/C Engines at their site in Silver Lake Township, **Susquehanna County**.

58-310-021GP3: Damascus 535 Quarry & Stone Products, LLC (R. R. 3, Box 324A-1, Montrose, PA 18801) on December 30, 2009, to construct and operate a Portable Crushing Operation with watersprays at their site in Middletown Township, **Susquehanna County**.

58-329-010GP9: Damascus 535 Quarry & Stone Products, LLC (R. R. 3, Box 324A-1, Montrose, PA 18801) on December 30, 2009, to install and operate Diesel I/C Engines at the site in Middletown Township, **Susquehanna County**.

58-399-007GP5: Chief Gathering, LLC (6051 Wallace Road Ext., Suite 210, Wexford, PA 15090) on December 29, 2009, to construct and operate of a Natural Gas Dehydration Facility at the site located in Springville Township, **Susquehanna County**.

58-399-005GP5: Appalachia Midstream Services, LLC (6100 North Western Avenue, P. O. Box 54382, Oklahoma City, OK 73154-1382) on December 31, 2009, to construct and operate a Natural Gas Dehydration Facility at their site in Auburn 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.

GP5-65-00934A: Kreibel Minerals, Inc. (P. O. Box 765, Clarion, PA 16214) on December 23, 2009, to operate one natural gas compressor engine and one natural gas dehydrator at their Lynn Compressor Station on Simpson Hollow Road, East Huntingdon Township, **Westmoreland 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.

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

67-03041E: County Line Quarry, Inc. (S. Front Street, Wrightsville, PA 17368) on December 29, 2009, to construct a new crushing plant in Wrightsville Borough, **York County**.

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

43-011F: Greenville Metals, Inc. (99 Crestview Drive Ext, Transfer, PA 16154) on December 23, 2009, to modify plan approval 43-011E to include the Drying Tube (Source 201) being controlled by the new baghouse (C205) in Pymatuning Township, **Mercer County**. This is a Title V facility.

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.

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

28-05002B: Letterkenny Army Depot (1 Overcash Avenue, Chambersburg, PA 17201-4150) on January 4, 2010, for their paint booth in Letterkenny Township, **Franklin County**. This plan approval was extended.

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.

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

28-05031: Chambersburg Borough (100 South 2nd Street, Chambersburg, PA 17201-2512) on December 30, 2009, for operation of two peak shaving stations to supply electrical power to their township and utility grids in Chambersburg Borough, **Franklin County**. This is a renewal of the State-only operating permit.

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

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

38-05037: Zimmerman Chair Shop (1486 Colebrook Road, Lebanon, PA 17042-9507) on December 23, 2009, for their wood furniture manufacturing operations in North Cornwall Township, **Lebanon County**. This State-only operating permit was modified to cap the actual and potential VOC emissions to less than 25 tons per year.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19404. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.

TVOP-23-00003: ConocoPhillips Co., Trainer Refinery (4101 Post Road, Trainer, PA 19061) a facility located in Trainer Borough, **Delaware County**. The facility's major emission points include varies refinery processes that emit major levels of nitrogen oxides (NO_x), carbon monoxide (CO), sulfur oxides (SO_x), particulate matter (PM), and Volatile Organic Compounds (VOCs).

ConocoPhillips will install about 200 feet of pipe to connect the existing light components pump to the existing blender railcar loading rack. This change allows ConocoPhillips to load light component blendstock into rail cars. This change is necessary due to the Energy Independence & Security Act of 2007 (EISA) that mandates an increasing volume of renewable fuels into the nation's fuel supply. The loading losses caused by loading to the railcars are collected and routed to the main flare. The de minimis emission rate increases due to this change are: 0.14 tons/yr VOC, 0.36 tons/yr CO, 0.07 tons/yr NO_x, and 0.003 tons/yr SO_x.

The emissions shall be calculated using loading losses equations and the industrial flare emission factors from the US EPA AP-42 document. The permit includes monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

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 Con-

trol 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

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

63813210 and NPDES Permit No. PA0615129. Pennsylvania Coal Reclamation, Inc. (P. O. Box 136, 619 Millers Run Road, Cuddy, PA 15031). Permit renewed for continued operation and reclamation of a bituminous surface mining/coal refuse reprocessing site located in Deemston Borough, **Washington County**, affecting 53.3 acres. Receiving streams: unnamed tributary to Ten Mile Creek to the Monongahela River. Application received: October 6, 2009. Renewal issued: December 28, 2009.

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

16040104 and NPDES Permit No. PA0242608. Reichard Contracting, Inc. (212 Olean Trail, New Bethlehem, PA 16242). Renewal of an existing bituminous strip operation in Porter Township, **Clarion County** affecting 62.8 acres. Receiving streams: Unnamed tributaries of Leatherwood Creek and Long Run. This renewal is issued for reclamation only. Application received: November 13, 2009.

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

17080117 and NPDES No. PA0257010. Beth Contracting, Inc. (815 Rock Run Road, Glen Campbell, PA 15742). Commencement, operation and restoration of a bituminous surface coal operation in Burnside Township, **Clearfield County** affecting 148.0 acres. Receiving stream(s): Rock Run and West Branch Susquehanna River, classified for the following uses: Cold Water Fishery and Warm Water Fishery, respectively. There are no potable water supply intakes within 10 miles downstream. Application received December 8, 2008. Permit issued December 15, 2009.

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

54753035R4 and NPDES Permit No. PA0595608. N & L Coal Company, (R. R. 2, Box 24A, Shamokin, PA 17872), renewal of an existing anthracite surface mine operation in West Mahanoy Township, **Schuylkill County** affecting 103.16 acres, receiving stream: Mahanoy Creek. Application received: March 17, 2006. Renewal issued: January 4, 2010.

ABANDONED MINE RECLAMATION

Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, Telephone (814) 472-1815.

Primacy Bond Forfeiture PBF 56793078.3
Contract Awarded

Location Stoneycreek Township
Somerset County
Pennsylvania

Description	Act 181 WHS Coal Company— Brant Site SMP# 56793078
Contractor	Commonwealth Contracting, Inc. P. O. Box 66 135 Mine Road Boswell, PA 15531
Amount	\$128,400.00
Date of Award	December 30, 2009

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

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

46094123. KGA Drilling & Blasting, Inc. (1250 Conshohocken Road, Conshohocken, PA 19428), construction blasting for Regal Oaks pump station and sanitary sewer project in Upper Pottsgrove Township, **Montgomery County** with an expiration date of June 30, 2010. Permit issued December 28, 2009.

36094192. MD Drilling and Blasting, Inc. (88 Goldledge Avenue, Suite 2, Auburn, NH 03032), construction blasting for Holtwood Redevelopment Project/new PPL Power Plant in Martic Township, **Lancaster County** with an expiration date of May 31, 2012. Permit issued December 29, 2009.

48094112. American Rock Mechanics, Inc. (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Millrace Phase 4 in Palmer Township and Tatamy Borough, **Northampton County** with an expiration date of December 31, 2010. Permit issued December 31, 2009.

58094109. Meshoppen Blasting, Inc. (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Masso Well site in Auburn Township, **Susquehanna County** with an expiration date of January 31, 2010. Permit issued December 31, 2009.

59094110. Meshoppen Blasting, Inc. (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Masso Borrow Pit in Auburn Township, **Susquehanna County** with an expiration date of January 31, 2010. Permit issued December 31, 2009.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of

the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-940. Department of Transportation, 7000 Geardes Boulevard, King of Prussia, PA 19406, Haycock Township, **Bucks County**, ACOE Philadelphia District.

To remove the existing Sawmill Road Bridge and to construct and maintain in its place an approximately 28-foot long, 20-foot wide, and approximately 2.75-foot high box culvert across Kimples Creek (TSF).

The site is located approximately 1,100 feet west of the intersection of Sawmill and Old School Roads in Haycock Township, Bucks County (Quakertown, PA USGS Quadrangle N: 20.5 inches; W: 2.25 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)).

E23-451. Corinthian Yacht Club of Philadelphia, P. O. Box 366, Essington, PA 19029-0366, Tinicum Township **Delaware County**, ACOE Philadelphia District.

To construct and maintain the following Water Obstruction and Encroachment activities along Delaware River

(WWF/MF) associated with the proposed Marina improvements at the Corinthian Yacht Club of Philadelphia:

1) To remove portions of the existing upriver deteriorated solid fill crib structure.

2) To construct and maintain the proposed upriver pier, extending approximately 320 feet from the shoreline. The pier is 25-foot wide which widens out to 150-foot at the tee-head. The proposed 65-foot long pier will be supported by H-pile bents placed at 25-foot center to center. Two boat hoists will be installed at each end of the tee-head.

3) To construct and maintain the proposed 78-foot long, 15-foot wide fixed pier. The proposed timber pile bents will be supported at 10-foot center to center.

4) To install and maintain the proposed floating dock system consisting of:

- One 6-foot wide access boat ramp
- One 4-foot wide pedestrian ramp
- One 150-foot long, 8-foot wide main floating dock
- Three 80-foot long, 8-foot wide floating docks
- Two 50-foot long, 8-foot wide tee heads
- Three 21-foot long, 4-foot wide finger piers
- Sixteen 20-foot long, 10-foot wide floating dingy docks
- Ten 14-inch diameter timber piles will be utilized in installation of this floating dock.

5) To construct and maintain an approximately 90-foot long, 20-foot wide boat ramp.

6) To construct and maintain the proposed 144-foot long, 8-foot wide fixed pier and associated plastic sheet piling along the existing bulkhead.

The project is located along Delaware River in Tinicum Township, Delaware County (Bridgeport, PA-NJ USGS Quadrangle Latitude: N 39° 51' 38"; Longitude: W 75° 18' 24").

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)).

E46-1036. David's Bridal, 1001 Washington Street, Conshohocken, PA 19428, Whitmarsh Township, **Montgomery County**, ACOE Philadelphia District.

To construct and maintain an approximately 225-foot long, 3.75-foot high seawall levee along the Schuylkill River (WWF and MF) associated with the proposed David's Bridal parking lot modification project. The work also includes the construction and maintenance of an outfall structure.

The project is located approximately 570 feet southeast of the intersection of Elm and Lee Streets in Whitmarsh Township, Montgomery County (Norristown, PA USGS Quadrangle N: 13.41 inches; W: 5.14 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)).

E46-1046. Montgomery County Planning Commission, Montgomery Courthouse, 1 Montgomery Plaza, Swede and Airy Streets, Norristown, POA 19401, Upper Providence Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following Water Obstruction and Encroachment activities along the Schuylkill River and

Canal (WWF, MF) associated with the existing Schuylkill River Trail and Canal Towpath restoration project:

1. To maintain the surface of the existing 8-foot wide towpath and trail.

2. To rehabilitate and maintain the spillway between the Canal and the Schuylkill River. This work includes the construction and maintenance of a steel footbridge over the spillway.

3. To rehabilitate and maintain the substructure of the existing Red Bridge over an unnamed tributary to the Schuylkill River.

4. To stabilize and maintain segments of the banks of the Canal and the River.

The project commences at the Bridge Street Bridge over the Canal and ends approximately at the intersection of Providence and Langford Roads in Upper Providence Township, Montgomery County (Phoenixville, PA USGS Quadrangle N: 1.01 inches; W: 00.00 inch).

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)).

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

E50-245: Vincent G. Dick, Jr., 610 Pisgah State Road, Shermans Dale, PA 17090, Carroll Township, **Perry County**, ACOE Baltimore District.

To construct and maintain a 6.75-foot by 4.92-foot metal arch pipe culvert in an unnamed tributary to Sherman Creek (WWF) for the purpose of constructing a driveway for a single-family dwelling located at a point just east of the intersection of Pisgah State and Barrick Hill Roads (Shermans Dale, PA Quadrangle N: 10.75 inches; W: 8.75 inches, Latitude: 40° 18' 33"; Longitude: 77° 11' 16") in Carroll Township, Perry County.

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

E33-236, Brookville Borough, 18 Western Avenue, Suite A, Brookville, PA 15825-1540. Borough of Brookville Membrane Water Treatment Facility, **Jefferson County**, ACOE Pittsburgh District (Brookville, PA Quadrangle N: 41° 10' 19"; W: -79° 04' 34").

The applicant proposes to construct a 1.5 MGD water treatment facility involving to construct and maintain a water intake structure on North Fork Creek consisting of two 1.15' diameter screened stainless steel intake pipes, concrete debris deflector and a water line crossing of a UNT of North Fork Creek approximately 1,000' upstream of Brookville Waterworks Dam (D33-003). Project includes stormwater outfalls to North Fork Creek. North Fork Creek and UNT North Fork Creek are perennial streams classified as High Quality Cold Water Fisheries.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental

Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

12/10/09 REV

ESCGP-1 No.: ESX09-059-0011 Revision

Applicant Name: EQT Production

Contact Person: Hanna McCoy

Address: 625 Liberty Avenue, Suite 1700

City: Pittsburgh State: PA Zip Code: 15222

County: Greene Township(s): Morgan

Receiving Stream(s) and Classifications: Castile Run (WWF), other

12/16/09

ESCGP-1 No.: ESX09-051-0044

Applicant Name: Atlas Resources, LLC

Contact Person: Jeremy Hirtz

Address: 800 Mountain View Drive

City: Smithfield State: PA 15478

County: Fayette Township(s): Bullskin

Receiving Stream(s) and Classifications: Irish Run-WWF, other

12/10/09

ESCGP-1 No.: ESX069-059-0057

Applicant Name: Coal Gas Recovery, LLC

Contact Person: Joanne Reilly

Address: 158 Portal Road, P. O. Box 1020

City: Waynesburg State: PA Zip Code: 15370

County: Greene Township(s): Wayne

Receiving Stream(s) and Classifications: UNT to Roberts Run; UNT to Calico Run, Calico Run, other

12/9/09

ESCGP-1 No.: ESX09-125-0068

Applicant Name: Range Resources—Appalachia, LLC

Contact Person: Carla Suszkowski

Address: 380 Southpointe Boulevard, Suite 300

City: Canonsburg State: PA Zip Code: 15317

County: Washington Township(s): North Franklin

Receiving Stream(s) and Classifications: UNT to Chartiers Creek, other

12/18/09

ESCGP-1 No.: ESX09-059-0061

Applicant Name: Atlas Resources, LLC

Contact Person: Jeremy Hirtz

Address: 800 Mountain View Drive

City: Smithfield State: PA 15478

County: Greene Township(s): Greene and Monongehela

Receiving Stream(s) and Classifications: UNT to Whiteley Creek, other

12/9/09

ESCGP-1 No.: ESX09-063-0009

Applicant Name: Atlas Resources, LLC

Contact Person: Jeremy Hirtz

Address: 800 Mountain View Drive

City: Smithfield State: PA Zip Code: 15478

County: Indiana Township(s): Burnside and Montgomery

Receiving Stream(s) and Classifications: Powell Run, other

12/28/09 REV

ESCGP-1 No.: ESX09-125-0040 Revision

Applicant Name: Range Resources—Appalachia, LLC

Contact Person: Carla Suszkowski

Address: 380 Southpointe Boulevard, Suite 300

City: Canonsburg State: PA 15317

COUNTY Washington Township(s): Amwell

Receiving Stream(s) and Classifications: UNT to Bane Creek, other

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
10-62-005	United Refining Company 15 Bradley Street Warren, PA 16365-3299 Attn: Mr. Michael S. Roudybush	Warren	City of Warren	1 AST storing Isomerate	5,118,106 gallons

SPECIAL NOTICES

Notice of Certification to Perform Radon-Related Activities in this Commonwealth

In the month of November 2009, the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific

testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
A'nS Company, Inc.	P. O. Box 1145 Mechanicsburg, PA 17055	Testing
Stephen Beloyan	2 Field Court Wrightstown, NJ 08562	Testing
Francis Butler, Jr.	20 Thornridge Road Springfield, PA 19064	Testing
Ben Chamberlin	393 Chestnut Drive Boiling Springs, PA 17007	Testing
Darren Cocca Intelaspect, LLC	374 Cedar Waxwing Drive Warrington, PA 18976	Mitigation
Michael Conroy	201 Faculty Road Duncannon, PA 17020	Testing
Kevin Crane Crane Enterprises, Inc.	419 West 4th Street Suite 1 Williamsport, PA 17701	Testing
James DeBellis	2700 Cumberland Avenue Mount Penn, PA 19606	Mitigation
Chris Duphily	113 Fall Court Dingmans Ferry, PA 18328	Testing
Christopher Ford	2450 Brookdale Avenue Abington, PA 19001	Testing
Larry Grove	929 South High Street Suite 169 West Chester, PA 19382	Testing
Robert Haushalter, Jr. Volz Environmental Services, Inc.	1200 Gulf Lab Road Pittsburgh, PA 15238	Testing
Paul Inman	1615 C State Street East Petersburg, PA 17520	Testing
Mark Johnson	112 Salix Drive Bellefonte, PA 16823	Testing
Mark Kenschak	507 Waltham Lane Perkasie, PA 18944	Testing
John LoMonaco	102 Mink Lane Greentown, PA 18426	Testing
Richard D. Malin	2075 Haymaker Road Monroeville, PA 15146	Testing
John Mallon, Jr. Radon Detection & Control	P. O. Box 419 South Heights, PA 15081	Testing & Mitigation
Frank Marsico	5156 Kylock Road Mechanicsburg, PA 17055	Mitigation
Robert Raishart	778 Armel Hollow Road Latrobe, PA 15650	Testing
Keith Roe	1510 Gary Street Bethlehem, PA 18018	Testing
John Rogers	1129 Old Eagle Road Lancaster, PA 17601	Testing
Kenneth Schutter	117 Dennis Lane Phoenixville, PA 19460	Testing

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

Notice is hereby given that the Department of Environmental Protection (Department) (Greensburg District Mining Office, 8205 Route 819, Greensburg, PA 15601-7515; Phone: 724-925-5500) will hold a Public Hearing and Informal Conference for all interested persons wishing to make oral comments or to submit written comments on Purco Coal, Inc. (22 Van Vooris Lane, Monongahela, PA 15063) request for the issuance of NPDES application #0251674 located in Stewart Township, Fayette County, Purco has proposed to construct a passive treatment system and discharge treated wastewater while implementing best management practices in the course of their proposed surface mining activity. The receiving stream for the proposed treatment area is Jonathan Run to the Youghiogheny River. Chapter 93.4c(b)(1) lists

Jonathan Run as an Exceptional Value stream. The public notice for the application was published in the *Daily Courier* on May 5, 12, 19 and 26, 2009 and in the *Pennsylvania Bulletin* on July 11, 2009.

On February 22, 2010, a Public Hearing will be held at 1 p.m., at the Ohiopyle Stewart Community Center located at 15 Sherman Street, Ohiopyle, PA 15470.

The issues raised by the persons requesting the hearing include the determination of effluent limits, and antidegradation requirements.

The meeting will be divided into three sessions. The first will be a Department presentation of the permit application review process which will include site specific information on the proposed application. The second session will be an open house session where anyone will be able to discuss their concerns with the individual reviewers. And the third session will be a formal Public Hearing.

The rules of the public hearing session follow:

- 1) Please be prepared to sign in if you intend to speak in the hearing phase of the meeting.
- 2) The speakers will be called to speak in chronologic order from the sheet.
- 3) Each speaker will have 5 minutes to speak.
- 4) Each speaker will approach a podium or similar accommodation where they will speak in front of the audience.
- 5) The Department will not answer questions at the public hearing portion of the meeting.
- 6) Only one speaker may speak at a time.
- 7) A stenographer will be provided to record the speaker's comments for the record.

Further information can be obtained by contacting the Greensburg District Mining Office. Written comments will be received during the 7 day comment period after the hearing.

The draft effluent NPDES limits are technology based. These are high end limits based on the chart as follows:

Effluent Limits—The NPDES permit will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	0.05 mg/l	0.10 mg/l	0.13 mg/l
Manganese (total)	0.10 mg/l	0.20 mg/l	0.25 mg/l
Aluminum (total)	0.23 mg/l	0.46 mg/l	0.58 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

* The parameter is applicable at all times.

If you are a person with a disability wishing to attend this meeting and require an auxiliary aid, service or other accommodation to participate, call (724) 925-5500 and ask for Cathy Hillman, ADA Coordinator to discuss how your needs may be best accommodated. If needed, you may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (Voice Users) and request that your call be relayed to Cathy Hillman at (724) 925-5500.

The application, plans and other data are available at the Department of Environmental Protection, Greensburg District Office, Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601. For an appointment at the Greensburg District Office, call (724) 925-5500. Thomas Kovalchuk, Chief Permits and Technical Services Department of Environmental Protection.

[Pa.B. Doc. No. 10-112. Filed for public inspection January 15, 2010, 9:00 a.m.]

Availability of Technical Guidance

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

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

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper

copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

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

Changes to Technical Guidance Documents

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

Technical Guidance—Minor Revision

DEP ID: 550-2501-101. Title: Guidelines for Submitting Oil and Gas Well Bonds. Description: Technical Guidance

550-2501-101 sets forth instruction to bond applicants and financial guarantors for submitting proper documents and financial instruments for oil and gas well bonds. The guidance has been in effect since April 16, 2001. The Department is amending the version of the guidance posted on the Department's web site to incorporate changes to the forms entitled "Department Requirements for Execution of Bond Instruments" and "Guidelines for Submission of Collateral Letters of Credit." The revisions to the "Department Requirements for Execution of Bond Instruments" include bank officer signature clarifications; power-of-attorney requirements for surety company Agent signatures; and removal of unnecessary footnotes for bank by-laws. The revisions to the "Guidelines for Submission of Collateral Letters of Credit" include removal of the outdated wording for preprinted letters of credit in the Standard Letter section; and deletion of the overpayment litigation language in the Pennsylvania Financial Institution section. This action is intended to improve the public's understanding to available information and does not in any way affect the policies and procedures outlined in the April 16, 2001 guidance.

Effective date: January 16, 2010.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-113. Filed for public inspection January 15, 2010, 9:00 a.m.]

Pennsylvania's Climate Change Advisory Committee

The Department of Environmental Protection (Department) announces the following meetings of Pennsylvania's Climate Change Advisory Committee (Committee):

Tuesday, January 12, 2010, from 10 a.m. to 3 p.m.
Thursday, March 18, 2010, from 10 a.m. to 3 p.m.
Thursday, May 20, 2010, from 10 a.m. to 3 p.m.
Thursday, July 15, 2010, from 10 a.m. to 3 p.m.
Thursday, September 16, 2010, from 10 a.m. to 3 p.m.
Thursday, November 18, 2010, from 10 a.m. to 3 p.m.

The Committee meetings will be held in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

The Committee advises the Department regarding implementation of the provisions of the Pennsylvania Climate Change Act of 2008 (Act 70). The priorities for this Committee include developing pathways for implementation of greenhouse gas reductions; evaluating economic opportunities for mitigation strategies that were quantified in the Pennsylvania Climate Change Action Plan; and identifying goals for adaptation to climate change.

Questions concerning these meetings should be directed to Kim Hoover, Office of Energy and Technology Deployment, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 772-5161, khoover@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Kim Hoover at (717) 772-5161, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-114. Filed for public inspection January 15, 2010, 9:00 a.m.]

DEPARTMENT OF HEALTH

Approval of Drugs Which May Be Used by Certain Optometrists

Under the Optometric Practice and Licensure Act (act) (63 P. S. §§ 244.1—244.12), and specifically as the act was amended by the act of December 16, 2002 (P. L. 1950, No. 225) (Act 225), the Secretary of Health (Secretary) has the authority to approve drugs for use in the practice of optometry as the "practice of optometry" is defined in Act 225. The State Board of Optometry sent the Secretary a letter on November 16, 2009, and requested that the Secretary approve the use of the following drugs. Act 225 requires that the Secretary, within 90 days of the receipt of the list of drugs, and in consultation with the Physician General, approve or disapprove for good cause each drug. The Secretary has found good cause to approve the use of the following drugs in the practice of optometry:

- Bepotastine Besilate ophthalmic solution;
- Difluprednate ophthalmic emulsion;
- Ganciclovir ophthalmic, gel formulation only;
- Lidocaine HCL ophthalmic, gel formulation only.

The approval of the use of these drugs is effective upon publication of this notice in the *Pennsylvania Bulletin*.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape or Braille) should contact Janice Staloski, Director, Bureau of Community Program Licensure and Certification, 132 Kline Plaza, Suite A, Harrisburg, PA 17104, (717) 783-8665, for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-115. Filed for public inspection January 15, 2010, 9:00 a.m.]

Notice to Public of Proposed Lead-Based Paint Hazard Control Action Located Within the Floodplain

The purpose of this notice is to notify the public that the Department of Health is proposing to use Federal funds under the HUD Lead-Based Paint Hazard Control Grant Program within a FEMA designated 100-year floodplain. The proposed program would involve lead hazard control/reduction activities and associated minor rehabilitation on residential properties within the city limits of Johnstown, Harrisburg and the Counties of Allegheny and Fayette. The target areas contain floodplains and project sites could be located within Flood Zones A, AE, A1-A30 or A99 as designated by the FEMA Flood Insurance Rate Maps.

Project: Lead Hazard Control Program, Grant Number PALHB0440-09, \$3,070,000 award, Period of Performance: January 1, 2010—December 31, 2012.

Purpose: Funds will be used to provide assistance to income-eligible occupants to make units, which includes privately owned rental units as well as owner-occupied units, lead safe, with a priority on units occupied by families with children under age six. Units will be made

lead-safe through lead inspections, risk assessments and lead hazard control, including temporary relocation during hazard control work. Lead hazard control work will be completed through the use of interim controls or hazard abatement.

Location: See target area description.

All affected and interested agencies, groups and persons are encouraged to participate in this decision-making process for the proposed action in the floodplain. Written comments for consideration by the Commonwealth may be sent to Faith Blough or Cynthia Dundas, Program Administrators at the Department of Health, Bureau of Family Health, Division of Child and Adult Health Services, Health and Welfare Building, 7th Floor, East Wing, 625 Forster Street, Harrisburg, PA 17120. Only written comments mailed to the previous address will be accepted and must be received on or before January 25, 2010.

Information regarding the United States Department of Housing and Urban Development's regulations concerning floodplain management may be obtained by contacting: Karen Griego-West, Program Environmental Clearance Officer, Office of Healthy Homes and Lead Hazard Control, United States Department of HUD, 611 West 6th Street, Suite 805, Los Angeles, CA 90017, phone (213) 534-2458 (this is not a toll-free number). Hearing or speech challenged individuals may access this number through TTY by calling the toll-free Federal Information Relay Service at (800) 877-8339. E-mail: Karen.m.griego-west@hud.gov.

Persons with a disability who require an alternate format of this document (for example, large print, audiotape, Braille), or who wish to comment in an alternate format and seek assistance to do so, should contact Faith Blough or Cynthia Dundas, Public Health Program Administrators, Bureau of Family Health, Division of Child and Adult Health Services, Health and Welfare Building, 7th Floor, East Wing, 625 Forster Street, Harrisburg, PA 17120 at the address listed previously or (717) 772-2762, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 10-116. Filed for public inspection January 15, 2010, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Maximum Pennsylvania Workers' Compensation Payable

Based upon the Statewide Average Weekly Wage, as determined by the Department of Labor and Industry for the fiscal year ending June 30, 2009, the maximum compensation payable under sections 105.1 and 105.2 to the Workers' Compensation Act (77 P.S. §§ 25.1 and 25.2), shall be \$845 per week for injuries occurring on and after January 1, 2010. For purposes of calculating the

update to payments for medical treatment rendered on and after January 1, 2010, the percentage increase in the Statewide Average Weekly Wage is 1.1%.

SANDI VITO,
Secretary

[Pa.B. Doc. No. 10-117. Filed for public inspection January 15, 2010, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Changes to State Supplementary Payment Levels

The purpose of this notice is to announce the Department of Public Welfare's (Department) changes to the State Supplementary Payments (SSP) levels codified at 55 Pa. Code Chapter 299, Appendix A (relating to SSP payment levels) under 55 Pa. Code § 299.37 (relating to SSP payment level changes) and 20 CFR 416.2096 and 416.2097.

The Social Security Administration (SSA) established Supplemental Security Income (SSI) payment amounts as a national minimum assistance standard which does not take into account the differences in the cost of living throughout the country. States have the option to provide additional assistance through the SSP program to address these differences.

The Commonwealth opted to provide the SSP to eligible individuals. SSI recipients receive a separate SSI payment from SSA and an SSP benefit from the Commonwealth. Due to state budget limitations, the amount budgeted for SSP for State Fiscal Year (FY) 2009-2010 will not be enough to cover projected payments at the current pay rates. Further, the number of people who qualify for SSP has increased from 353,301 in July 2009 to approximately 362,383 anticipated for June 2010. Therefore, SSP payments that are administered by the Department for individuals and couples residing in independent living arrangements and households of another, will be reduced by the amounts set forth in Appendix A of this section. These decreased SSP payment levels are effective February 2010.

Based on the directive from the Governor and the General Assembly, the SSP for domiciliary care home was increased by \$45 effective October 1, 2007, and the SSP for personal care home was increased by \$45 effective July 1, 2006. All SSI recipients continue to be automatically eligible for Medical Assistance.

Fiscal Impact

Savings is estimated at \$9.403 million in FY in 2009-2010 with full-year implementation savings estimated at \$22.931 million in FY 2010-2011.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department at the following address: Edward J. Zogby, Bureau of Policy, Room 431, Health and Welfare Building, Harrisburg, PA 17105, or at ezogby@state.pa.us. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania

AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-629. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART II. PUBLIC ASSISTANCE MANUAL

Subpart I. OTHER INCOME MAINTENANCE PROGRAMS

**CHAPTER 299. SUPPLEMENTAL SECURITY INCOME PROGRAM AND STATE SUPPLEMENTARY PAYMENT PROGRAM
GENERAL PROVISIONS FOR STATE-ADMINISTERED OPTIONAL SSP**

§ 299.37. SSP payment level changes.

Revisions to the SSP payment levels will be published as a notice in the *Pennsylvania Bulletin* for codification in Appendix A.

**APPENDIX A
SSP Payment Levels**

	<i>Individual</i>	<i>Couple</i>
Residing in an Independent Living Arrangement	\$22.10	\$33.30
Residing in the Household of Another	\$25.53	\$38.44
Residing in a Domiciliary Care Home	\$434.30	\$947.40
Residing in a Personal Care Home	\$439.30	\$957.40

[Pa.B. Doc. No. 10-118. Filed for public inspection January 15, 2010, 9:00 a.m.]

**DEPARTMENT OF
TRANSPORTATION**

**Bureau of Highway Safety and Traffic Engineering;
Manual on Uniform Traffic Control Devices**

The Department of Transportation (Department), Bureau of Highway Safety and Traffic Engineering, under the authority contained in section 6103 of the Vehicle Code, 75 Pa.C.S. § 6103(c), gives notice that:

1) On December 16, 2009, the Manual on Uniform Traffic Control Devices (MUTCD) 2009 Edition Final Rule was published by the Federal Highway Administration in the *Federal Register*. The effective date of the Final Rule is January 15, 2010.

2) In accordance with 23 CFR 655.603(b)(3), States or other Federal agencies that have their own MUTCDs or Supplements shall revise these MUTCDs or supplements to be in substantial conformance with changes to the National MUTCD within 2 years of the effective date of the Final Rule for the changes. Substantial conformance of such State or other Federal agency MUTCDs or supplements shall be as defined in 23 CFR 655.603(b)(1).

3) 67 Pa. Code § 212.2(b) provides that, in accordance with section 6103(d) of the Vehicle Code, 75 Pa.C.S. § 6103(d), if the MUTCD is amended or modified by the Federal Highway Administration (FHWA), the amend-

ment will take effect on the effective date specified by the FHWA unless the Department publishes a notice in the *Pennsylvania Bulletin* stating that the amendment or modification will not apply.

4) The Department has determined that the MUTCD 2009 Edition includes a significant number of changes from the previous MUTCD 2003 Edition that will require considerable review.

5) To ensure that a comprehensive review of the MUTCD 2009 Edition can be performed without disruption to the regulated community that must comply with 67 Pa. Code Chapter 212 when installing and maintaining traffic control devices on public streets, highways, bikeways, and private roads open to public traffic, the Department gives notice that the amendments and modifications in the MUTCD 2009 Edition will not apply until such time as a comprehensive review can be accomplished and further Notice in the *Pennsylvania Bulletin* can be given regarding the new amendments and modifications.

6) Until such further notice is provided in the *Pennsylvania Bulletin*, the provisions of the MUTCD 2003 Edition shall continue to provide the standards applicable in this Commonwealth under 67 Pa. Code Chapter 212.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 10-119. Filed for public inspection January 15, 2010, 9:00 a.m.]

**INDEPENDENT
REGULATORY REVIEW
COMMISSION**

Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 645.5b).

The Commission has issued comments on the following proposed 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 withdraw.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-440	Environmental Quality Board Erosion and Sediment Control and Stormwater Management 39 Pa.B. 5131 (August 29, 2009)	11/30/09	12/30/09

Environmental Quality Board
Regulation #7-440 (IRRC #2783)
Erosion and Sediment Control and
Stormwater Management
December 30, 2009

We submit for your consideration the following comments on the proposed rulemaking published in the August 29, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

1. Whether the regulation represents a policy decision of such a substantial nature that it requires legislative review. (71 P.S. § 745.5b(b)(4))

In a letter dated November 30, 2009, Majority Chairperson of the House Environmental Resources and Energy Committee, Representative George, provided extensive comment expressing his “grave concern” with the proposed permit-by-rule option and calls upon the EQB to “remove it in its entirety.”

Individual letters were submitted by legislators in favor of riparian forest buffers, but requesting rigorous review of permits. These legislators include three members of the House Environmental Resources and Energy Committee, Representatives Houghton, Santarsiero and Vitali, along with Representatives Freeman, Grucela, Josephs, Lentz, McIlvaine Smith and Vereb. Representative Eachus also commented in support of riparian forest buffers.

In addition, a joint letter dated December 9, 2009, was submitted and signed by 18 members of the House of Representatives recommending that the EQB “withdraw this regulation in its entirety.” That letter was signed by Representative Hutchinson, Republican Chairperson of the House Environmental Resources and Energy Committee, five members of the House Environmental Resources and Energy Committee, Representatives Pyle, Causer, Vulakovich, Everett and Gabler, and by House of Representative members Stern, Oberlander, Stevenson, Kauffman, Roae, Cox, Swanger, Metcalfe, Brooks, Rock, Helm and Sonney. They state a general concern that the proposed regulation will hinder development and increase the costs to design and implement projects. In regard to riparian forest buffers, they “believe this would be a major shift in policy which would in effect, amount to a taking of property without legislative oversight or approval.” They are also concerned with the provisions for permit-by-rule, the effect on renewal of National Pollutant Discharge Elimination System (NPDES) permits and the increase of fees.

Senator Mary Jo White, Chairperson of the Senate Environmental Resources and Energy Committee, commented in favor of the permit-by-rule, opposing riparian forest buffers and requesting more information on the proposed fees.

In our determination of whether a regulation is in the public interest, the Commission must consider the criterion of “Whether the regulation represents a policy decision of such a substantial nature that it requires legislative review.” (71 P.S. § 745.5b(b)(4))

Despite the environmental benefits and preservation of the Commonwealth’s natural resources envisioned by the

proposed regulation, the regulation proposed by the EQB raises very significant concern regarding this criterion because its requirements:

- Are of interest to a total of 30 members of the Pennsylvania Senate and House of Representatives, most of whom oppose provisions in the regulation. Included among the legislators raising concerns are the leadership of the Senate and House Environmental Resources and Energy Committees.
- Impose significant costs and operational burdens on other state agencies;
- Significantly affect business, industry and farming in the Commonwealth;
- Raise significant problems and potential litigation relating to property ownership including land use, leases, rights of way, easements and maintenance;
- Increase operating costs and rates for electric and gas utility services and potentially affect their reliability;
- Impose requirements for perpetuity; and
- Impose significant economic impacts that appear to not have been considered by the EQB in its description of costs.

We acknowledge both the intent to enhance environmental protection and the public comments submitted in support of the regulation. At the same time, the EQB has not fully contemplated the regulation’s impact beyond its environmental benefit. Our specific concern relates to the breadth of the issues raised by commentators. Provisions in the EQB’s proposal significantly affect a multitude of persons, entities and their interests. For these reasons, we believe the regulation represents a policy decision of such a substantial nature that it requires legislative review. To satisfy this criterion, we recommend that the EQB submit this regulation, along with a full and balanced explanation of its impacts, for legislative consideration before proceeding with a final-form regulation.

2. Economic or fiscal impacts of the regulation. (71 P.S. § 745.5b(b)(1))

In the Preamble, the EQB describes extensive outreach in the development of this regulation in the section titled, “Public Participation and Outreach.” The Preamble also includes a section titled, “Compliance Costs” which states:

These regulatory revisions should not result in significant increased compliance costs for persons proposing or conducting earth disturbance activities. Moderate increased costs may be incurred due to: increased permit application fees for activities requiring permits; PCSM [Post Construction Stormwater Management] Plan licensed professional oversight and preparation of record drawings; and long-term operation and maintenance of PCSM facilities.

Generally, there may be cost savings as a result of eliminating the outdated and unnecessary requirements, while increasing the protection of this Commonwealth’s valuable water resources. Additionally, the emphasis in the proposed rulemaking on nonstructural “low-impact” stormwater management approaches should result in lower long-term operation and management costs. The permit-by-rule may provide the regulated community cost savings through a new permitting option that provides a definitive timeframe for review and determination of coverage.

Despite the public outreach conducted in developing this regulation, the EQB's evaluation of compliance costs is, by and large, discredited and contradicted by the comments submitted by other state agencies, associations and individual businesses. Many of these entities are listed by the EQB as stakeholders and part of its outreach in developing the proposed regulation. These public comments describe extensive impacts from the regulation. We strongly recommend that the EQB work directly with all of the commentators to explore and address economic and fiscal impact. The EQB should present its findings in the final-form regulation so that the public, state government, local government, the legislature and this Commission can evaluate the full impact of the costs imposed by the regulation in considering whether the final-form regulation is in the public interest.

Direct and indirect costs to the Commonwealth and to its political subdivisions

The direct and indirect costs to the Commonwealth must be evaluated. The Department of Transportation and the Department of Conservation and Natural Resources commented on their respective concerns with the regulation. As discussed, the Public Utility Commission is also affected by this regulation. We also believe there will be an impact on local government that was not fully evaluated.

The Department of Transportation comments are extensive, stating, among many issues, that the regulation will increase their agency's costs due to several provisions. Those concerns include the scope of the regulation, the effect on many miles of roadways along streams, forced purchase of land or acquisition of conservation easements, increased design and construction costs, the requirement for maintenance in perpetuity, site stabilization requirements, cover types required, studies, delays caused by required meetings, maintenance of roadways and bridges, potential increase in the length of bridges to accommodate required buffer areas and multiple permit fees.

Based on the impacts described by the Department of Transportation, we believe it is reasonable to conclude that there are similar impacts on any political subdivision that owns, builds and maintains roads along streams. We question, for example, how many miles of local roadways would be affected by the regulation and how that may affect local governments who must comply with the regulation's requirements. This information is needed for a full evaluation of the regulation's impact on local government.

The Department of Conservation and Natural Resources commented that permit fees may affect the viability of a project and that it is concerned it will not have the time or staffing resources to fulfill the requirement of Section 102.14(e)(5)(iv) that requires Department of Conservation and Natural Resources approval.

Additionally, while it did not comment, the Public Utility Commission would be affected by the proposed regulation. Costs for riparian forest buffers will be passed on to utility ratepayers according to the comment of the Energy Association of Pennsylvania. There are also safety, reliability and indirect cost concerns because the riparian forest buffer requirements contradict existing safety requirements that require utilities to keep gas and electric lines clear of woody brush.

The direct and indirect costs to the Commonwealth and its political subdivisions must be fully evaluated. The findings of this evaluation must be included with the submittal of the final-form regulation.

Direct and indirect costs to the private sector

The direct and indirect costs to the private sector must be evaluated. Many cost issues were raised by commentators, including, in alphabetical order:

- Energy Association of Pennsylvania,
- Marcellus Shale Committee,
- PennAg Industries Association,
- Pennsylvania Builders Association,
- Pennsylvania Chamber of Business and Industry,
- Pennsylvania Coal Association,
- Pennsylvania Farm Bureau,
- Pennsylvania Forest Products Association,
- Pennsylvania Oil and Gas Association, and
- Pennsylvania Waste Industries, Inc.

Among the many concerns raised, cost issues related to riparian forest buffers, burdensome permit-by-rule requirements, a multitude of property issues (for example, restriction of land use without compensation, leases, land acquisition, retroactive application of the regulation, the effect on agriculture in general and the effect on use of agricultural land), maintenance and restriction in perpetuity, studies, meetings, the definition of "animal heavy use areas," distinction from nutrient management regulations, permit fees, returning streams to "existing use," possible lack of public notice of stream classifications and the impact on the state forest industry. These public comments describe extensive direct and indirect costs to the private sector. The EQB must fully evaluate these costs. The findings of this evaluation must be included with the submittal of the final-form regulation.

Adverse effects on prices of goods and services and competition

Related to the direct and indirect costs is the effect on prices of goods, services and competition. There were many comments by associations whose ultimate concern is the effect on their businesses. The Energy Association of Pennsylvania stated costs would be passed on to ratepayers. Pennsylvania Waste Industries, Inc. outlined costs that would be passed on to consumers. The price of farm products would be affected if farmers lose the use of lands, and furthermore continue to pay taxes on that land. The Pennsylvania Builders Association stated the regulation would affect development. The Pennsylvania Forest Products Association commented that the regulation threatens the future viability of the state's forest products economy. The Pennsylvania Coal Association commented that if the regulation is applied to its members it would suffer a competitive disadvantage from coal produced in other states. The EQB should fully evaluate the effect of the regulation on the prices of goods, services and competition in Pennsylvania. The findings of this evaluation must be included with the submittal of the final-form regulation.

Nature of required reports, forms or other paperwork and the estimated cost of their preparation; Nature and estimated cost of legal and consulting services

There were many comments relating to these criteria. The comments include general concerns, such as the planning and implementation of earth disturbance activities could become an avenue for third-party attacks on any plan, implying increased legal costs. There are concerns with confusion and possible duplication between erosion and sediment control plans and post construction

stormwater plans. Commentators questioned the relationship between proposed Chapter 102 and existing regulations in other chapters. The comments include concerns with details such as the change of wording from a “stormwater event” to “measurable rainfall.” The regulation also includes requirements for preparation of plans by trained persons, evaluation of thermal impact, inspection reports, monitoring records, studies, meetings and oversight. Under Section 102.7(k), a licensed professional or designees must be onsite during critical stages of implementation of a Post Construction Stormwater Management (PCSM) Plan. The EQB should evaluate the costs imposed by the requirements that will require legal and consulting services. The EQB should also evaluate the cost of reports, forms and paperwork required to comply with the regulation.

In summary, relating to the criterion of economic and fiscal impact, the EQB should fully evaluate the compliance costs of the regulation described by the commentators along with any other impacts. The EQB should use this evaluation to present a comprehensive, accountable review of the persons and entities impacted by the final-form regulation and the costs imposed by the final-form regulation. We will review and consider these impacts in our determination of whether the final-form regulation is in the public interest.

3. Need for the regulation; Protection of the public health, safety and welfare and the effect on the Commonwealth’s natural resources. (71 P. S. § 745.5b(b)(2) and (3)(iii))

The Preamble states that:

... Since 1972, earth disturbance activities related to agricultural plowing and tilling, as well as, non-agricultural earth disturbance activities have been regulated under this chapter by requiring persons to develop, implement and maintain BMPs [best management practices].

The proposed amendments elaborated in this preamble, incorporate specific language which enhance requirements related to agriculture; clarify existing requirements for accelerated E & S control; incorporate updated Federal requirements; update permit fees; codify PCSM requirements; add requirements related to riparian forest buffers; and introduce a permit-by-rule option.

Several commentators challenged the need for the rulemaking. Commentators stated that existing regulation has been sufficient to protect Pennsylvania’s waters from erosion, sediment and stormwater. While the regulation may represent an upgrade of protection, the EQB should explain the specific problems the regulation addresses. For example, is there a documented widespread erosion, sediment control and stormwater problem that demonstrates the need for the regulation? The EQB should provide an explanation of the need for this regulation.

Additionally, the Department of Transportation requested an exemption provision for purposes of protecting the public safety on roadways. The Department of Transportation also contends that over time, a riparian forest buffer may produce large trees and debris that could block streams and flood roadways. The EQB should evaluate these concerns, explain the balance of protecting the environment versus the public safety of roadways, and amend the regulation as appropriate.

4. Water Resources Advisory Committee Issues.

The Water Resources Advisory Committee asked the EQB to solicit input on three issues. We commend the Water Resources Advisory Committee for the cogency of the three key issues it raised. The Water Resources Advisory Committee understood and anticipated the controversy of these three issues: permit-by-rule, long-term maintenance of PCSM and riparian forest buffers. For example, virtually the full spectrum of interested parties who commented on the permit-by-rule provision found the EQB’s proposal to be fatally flawed either in its protection of the environment or in its practicality for a potential permit holder. Given this insightful guidance, we request an explanation of what factors caused the EQB to override its advisory committee and move forward with the regulation without further consideration of these issues. We will consider the EQB’s response as part of our determination of whether the final-form regulation is in the public interest.

Scope of the permit-by-rule

It is clear from the comments of the Environmental Protection Agency, legislators and the public that these parties find the permit-by-rule, as proposed by the EQB, not acceptable to protect the environment or useful to potential permit holders. Majority Chairperson of the House Environmental Resources and Energy Committee, Representative Camille “Bud” George provided extensive comments on why the proposed permit-by-rule is not acceptable. Several other committee members and legislators also questioned this provision. The EPA commented that the permit-by-rule does not satisfy the Clean Water Act unless it meets 40 CFR 122.41. Many public comments in general support of the regulation also included opposition to the permit-by-rule provision. Entities who would actually be the permit holders find that the permit-by-rule has devolved to such a point that the attendant restrictions, conditions and timeframes have all but eliminated its usefulness. We recommend deleting the permit-by-rule provisions.

Responsibility for long-term PCSM operation and maintenance

In its Preamble, the EQB states that “assignment of long-term O & M responsibility for PCSM has been, and continues to be, a challenging issue for the Department [of Environmental Protection] and the regulated community.” The public comment on this regulation has raised a multitude of complex considerations including economic impact on projects, economic impact on land owners, subsurface leases, rights of way and many other considerations. Some commentators raised a reasonable question as to why there even needs to be long-term operation and maintenance for many projects that restore the soil to its pre-disturbance condition. The EQB should explain the need for long-term maintenance, why it is reasonable to extend it beyond soil stabilization on the project site and how the final-form regulation represents a legally viable, economical, reasonable and feasible assignment of responsibility.

Mandatory Riparian Forest Buffers

While riparian forest buffers may present a very good solution from an environmental perspective, as proposed by the EQB these buffers clearly raise many issues of cost, reasonableness and practicality. Based on public comment, including the Department of Transportation, the economic impact of riparian forest buffers has not been properly developed, represented or addressed. It raises issues that are in some cases indistinguishable

from the issues raised with long-term PCSM operation and maintenance including economic impact on projects, economic impact on land owners, land ownership rights, subsurface leases, rights of way, land use taking without compensation and many other considerations. We also question why this particular BMP rises to the level of regulation while the many other BMPs do not. The EQB should explain the need for riparian forest buffers in regulation and why they are mandated in certain circumstances over other potential BMPs. It should also provide a full explanation of their impact including the impact on state government, local government, land owners, lease holders, utilities, and taxes.

5. Relationship of Chapter 102 to other regulations, decisions and laws.

Several comments included concerns about the relationship of Chapter 102 to other chapters in Department of Environmental Protection (DEP) regulation including Chapters 78, 92, 93 and 105. The Pennsylvania Coal Association does not believe Chapter 102 applies to its members' operations because their operations are regulated by DEP's Bureau of Mining and Reclamation. In its comments on Section 102.4(b)(6) and 102.8(h), the Pennsylvania Chamber of Business and Industry lists several decisions by the Environmental Hearing Board. These decisions emphasize the importance of the relationship between different chapters under DEP regulation. Additionally, the Pennsylvania Oil and Gas Association cites an exemption of oil and gas activities from NPDES permitting in the Federal Energy Policy Act of 2005.

The EQB should explain how it considered decisions by the Environmental Hearing Board in the development of this regulation. The EQB should also explain how the regulated community, DEP and the Environmental Hearing Board can properly distinguish Chapter 102 from or integrate Chapter 102 with other chapters of regulation under DEP. It should add language to Chapter 102 to more clearly explain its relationship to or distinguish its requirements from other chapters.

6. Public comment and the need for an advanced notice of final rulemaking.

More than 1,300 comments were submitted in support of the regulation citing improved environmental benefits from requirements such as buffers. At the same time, many of those supportive comments included opposition to the permit-by-rule provisions. Additionally, the proposed regulation raised many serious concerns from legislators, state agencies and trade associations on a broad range of issues. Should the EQB wish to proceed, we suggest that prior to submittal of a final-form regulation, the EQB allow for public comment on its amended final-form regulation in the form of an advanced notice of final rulemaking. This will allow the EQB to discover and address remaining concerns with the regulation prior to submittal of a final-form regulation.

7. Section 102.1. Definitions.—Need; Reasonableness; Clarity.

Agricultural plowing or tilling activity

Subsection (ii) states the term includes “no-till cropping methods.” What specifically are “no-till cropping methods”? Also, Subsection (ii) is confusing because it includes “no-tilling” under the defined term “tilling activity.” Also, the term “agricultural plowing and tilling” is used to describe exemptions throughout the regulation, including for example, Section 102.4(b). Therefore, “no-tilling” should be grouped together with the other activities. However, the EQB should consider replacing the term

“agricultural plowing and tilling activities” with another term that is clearer, but still encompasses the same activities.

Animal heavy use area

Several commentators believe this definition needs to be clarified regarding entrances and pathways used by animals to access keeping areas. The EQB should review this definition to evaluate the areas it needs to include and amend the definition as appropriate.

BMPs—Best management practices

The EQB has added the phrase “before, during, and after earth disturbance activities.” The addition of the phrase “after the earth disturbance activity” is open ended, particularly as it relates to earlier phrases such as “manage stormwater” and “reclaim and restore the quality of waters.” The EQB should explain why and how long BMPs must continue after earth disturbance activities.

Diversion

The word “offsite” may not be needed and would limit “diversions” to waters “offsite.” There may be instances when the clean runoff water comes from onsite. The EQB should explain the need for the word “offsite.”

E & S Plan—Erosion and Sediment Control Plan

The wording is amended from “identifying” BMPs to requiring “both drawings and a narrative that identifies” BMPs. Are drawings and a narrative needed for all plans? The EQB should explain the intent of this change and how the regulated community is expected to comply with it.

Additionally, the amended definition ends with “before, during and after earth disturbance activities.” Given the definition of “earth disturbance activities” why is it necessary to include the word “before”? Also, given the requirements under Post Construction Stormwater Plans, why is it necessary for the E & S Plan to address erosion and sediment after earth disturbance activities, particularly after the soil is stabilized? How long after the earth disturbance must the plan address?

Intermittent stream

This definition is not clear. What specifically is the meaning of the phrase “composed primarily of substrates associated with flowing water”? What degree of composition does “primarily” imply? Are “substrates associated with flowing water” specific types of soil and rock? Also, could the flow come from surface runoff and not groundwater discharges? The EQB should review this definition for clarity.

Licensed Professionals

We question the general description of “professional engineer” in that professional engineers cover a broad range of specialties, including electrical and mechanical engineers. We recommend limiting professional engineers to those who have the appropriate expertise.

Nondischarge alternative

There are two vague phrases in this definition. First, the phrase “preexisting stormwater volume” is not clear. Why is the word “preexisting” needed and what does it imply?

Second, it is not clear what standard is imposed by the phrase “environmentally sound and cost-effective.” The definition should clearly describe what constitutes a nondischarge alternative.

Perennial stream

What specifically is the meaning of the phrase “composed primarily of substrates associated with flowing waters”? What degree of composition does “primarily” imply? Are “substrates associated with flowing waters” specific types of soil and rock? The EQB should review this definition for clarity.

Point source

The Environmental Protection Agency (EPA) commented on concern with Subsection (iii), which excludes sheet flow. The EQB should review and comply with EPA’s concern.

PPC Plan—Preparedness, Prevention and Contingency Plan

What degree of “external factors” must a PPC plan accommodate?

Riparian forest buffer

There are four clarity concerns in this definition. First, it is not clear how the phrase “permanent vegetation” can be consistent with the phrase “natural state.” Natural acts, such as fires, floods and wildlife activities, destroy vegetation. Would the phrase “permanent area for natural vegetation” be clearer and sufficient?

Second, how can the standard of “predominantly native trees, shrubs and forbs” be measured?

Third, what is meant by the phrase “maintained in a natural state”? A “natural state” implies an area that is not “maintained.” Should the word “protected” be used rather than “maintained”?

Finally, the definition is vague because it does not specify what is meant by the alternative phrase “or sustainably managed.” If riparian forest buffers include management in anything other than a natural state, the regulation should clearly state what BMPs meet the alternative to “sustainably manage” a riparian forest buffer.

Road Maintenance activities

This term is defined in existing regulation as “Earth disturbance activities within the existing road cross-section, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches and other similar activities.” The term is used in the proposed regulation throughout Section 102.5. The Department of Transportation believes this definition is too vague and requests clarification. The EQB should review this definition for clarity.

Surface waters

Why is this definition needed in addition to the existing definition of “waters of this Commonwealth”? Having two very similar definitions can be confusing. The EQB should explain why both are needed and the difference that is intended between them.

8. Section 102.2. Scope and purpose.—Clarity; Reasonableness.

The Pennsylvania Chamber of Business and Industry, along with other commentators, asked for clarification regarding the scope of post construction stormwater management where the project is restored to preconstruction conditions. The EQB should add language to this section describing when an entity has satisfied the requirements of Chapter 102.

The Pennsylvania Coal Association commented with its interpretation that “mining activities permitted under the

Pennsylvania Department of Environmental Protection, Bureau of Mining and Reclamation need not obtain an Erosion and Sediment Control Permit. . . .” If this is the EQB’s intent, we recommend adding language to this section explaining that intent.

9. Section 102.4. Erosion and sediment control requirements.—Reasonableness; Need; Implementation procedures; Clarity.*Animal heavy use area*

The phrase “animal heavy use area” is added throughout Subsections (a) and (b). The EQB should explain the need to regulate animal heavy use areas and the reasonableness of the requirements.

Implementation procedures

Paragraph (b)(4) specifies requirements using the words “maximize” and “minimize” for requirements. These provisions are subjective. We question how these vague requirements can be met or implemented consistently by conservation districts. How can a conservation district discern at what point it must seek DEP approval of the proposed activity? We recommend that the EQB review this provision and amend it so that the requirements can be discerned from the regulation.

Reclaim and restore

Subparagraph (b)(4)(v) requires an earth disturbance activity, to the extent practicable, to “protect, maintain, reclaim and restore the quality of water” A commentator believes this could be read to place responsibility for water quality restoration on a project that did not cause the degradation. We agree that the words “reclaim and restore” imply either that the earth disturbance was allowed to be conducted incorrectly or that a higher duty is placed on the permit holder than may be reasonable. The same concern applies to Sections 102.8(b)(9) and 102.11(a)(2). The EQB should amend these provisions or explain why they are reasonable.

Volume and rate of runoff

Clause (b)(5)(iv) requires an E & S Plan to include the volume and rate of runoff. Since volume and rate are relative to rainfall, the regulation should include what rainfall parameters are to be used in this determination.

Measurable rainfall

Clause (b)(5)(x) deletes the phrase “measurable rainfall event” and replaces it with “stormwater event.” Commentators believe that “measurable rainfall event” is clearly understood and should be retained. The EQB should explain the need for the amendment.

The Energy Association of Pennsylvania requests that the EQB consider the nature of its multi-mile linear projects in relation to storms and inspections. The Department of Transportation has similar projects. We agree that inspection on a weekly basis after each stormwater event may be impractical in relation to these “linear” projects that may cover many miles, but only be several feet wide. The EQB should consider amending this provision to accommodate the types of projects described by the commentators.

In addition, a commentator questions the need for the requirement to complete a “written report documenting each inspection.” Would only requiring documentation of the inspections be sufficient?

Thermal impacts

Clause (b)(5)(xiii) requires an evaluation of the potential for thermal impacts to surface waters from earth

disturbance activities. Commentators state there is no guidance on how to meet this requirement. One commentator believes that rather than an evaluation they should only be required to identify the potential for thermal impacts. We recommend that the regulation clearly state what evaluation of thermal impacts will be acceptable to DEP.

Reports and records available at the site

In relation to Paragraph (b)(7), the Energy Association of Pennsylvania commented asking for flexibility on maintaining the E & S Plan, inspection reports and monitoring records onsite. It requests that the records be allowed to be kept electronically at a remote office. There is a similar requirement for agricultural operations in Paragraph (a)(8). The EQB should explain why records are needed onsite and consider allowing electronic records offsite.

10. Section 102.5. Permit requirements.—Need; Reasonableness; Economic impact; Feasibility; Clarity.

Applicability of permit requirements

Commentators, including the Home Builders Association of Southeastern Pennsylvania, appear to be confused as to whether they are affected by permit requirements. Paragraphs (a)(1) and (2) require a person to obtain “an individual NPDES permit or coverage under a general NPDES permit or NPDES permit-by-rule.” We recommend that the EQB review the permit requirements and make it clear to readers of the regulation whether they must obtain a permit and if so, what type.

Oil and gas activities and exemptions

The exemptions at the beginning of Paragraphs (a)(1) and (2) and Subsection (d) do not include the oil and gas industries. Commentators believe the oil and gas industries are exempt under the Clean Water Act. On the other hand, the Pennsylvania Council of Trout Unlimited commented in support of permitting oil and gas development. The EQB should explain why the exemption is not included in these provisions or add this exemption to these provisions.

Additionally, the Pennsylvania Oil and Gas Association requests clarification of Subsection (c) regarding whether it requires a general E & S permit. The EQB should make this amendment or explain why it is not needed.

Preconstruction meeting

Subsection (e) states “. . . a preconstruction meeting is required unless the permittee has been notified otherwise in writing by the Department or conservation district.” The Department of Transportation commented that this may overload DEP staff and delay projects. The EQB should explain the need for this meeting and how it would impact the timeline for completing a project.

Long-term maintenance of the PCSM Plan

Subsection (f) states:

A person proposing earth disturbance activities requiring a permit or permit coverage under this chapter shall be responsible to ensure implementation and long-term operation and maintenance of the PCSM Plan.

The Pennsylvania Builders Association and others commented on two concerns with this provision. First, who specifically is “a person proposing earth disturbance activity”? We agree that this needs to be made clear. For example, if a person contracts with a developer, is the

owner or developer responsible? We recommend that this provision clearly state who bears responsibility.

Our second concern, upon consideration of public comments, is with the requirement for “long-term operation and maintenance of the PCSM Plan.” This provision is vague and potentially unreasonable and cost prohibitive. What does the EQB mean by “long-term”? Who determines what “operation and maintenance” will be required? Can responsibility be transferred to another entity such as a local government? What if the party assigned responsibility is no longer in business? What if the PCSM plan for a property works as it was designed, but is later compromised by storm water from development elsewhere in the watershed? Until these concerns can be made clear and answerable, the person responsible cannot know what responsibility is assigned to them. Further, if these phrases are meant to be for perpetuity, Subsection (f) would essentially prohibit any activity because its risk and liabilities might be too great. The EQB should amend Subsection (f) to make it clear, but must also explain how Subsection (f) is feasible, reasonable, and how it would be implemented.

Applicability of exemption in Subsection (i)

Subsection (i) provides an exemption from an E & S Permit and NPDES Permit for activities covered by a permit under section 404 of the Clean Water Act. While supportive of this exemption, the Department of Transportation’s comments list four clarifications it seeks on the application of this exemption. We will review the EQB’s response in our consideration of whether the final-form regulation is in the public interest.

11. Section 102.6. Permit application and fees.—Economic impact; Reasonableness; Need; Clarity.

Pennsylvania Natural Diversity Inventory

Paragraph (a)(2) is amended to replace the Pennsylvania Natural Diversity Inventory (PNDI) with the Pennsylvania Natural Heritage Program (PNHP). The EQB should explain why this amendment was made and why the PNHP is the best resource for this information.

PPC Plan (Preparedness, Prevention and Contingency Plan)

Paragraph (a)(3) requires “a person . . . to prepare and implement a PPC plan . . .” The Department of Transportation commented that PPC Plans are prepared and implemented by contractors and not the person proposing the activity by a permit application. The Department of Transportation asked for an amendment stating the PPC Plan is a condition of the permit rather than a permit application requirement. We recommend that the EQB clarify this paragraph.

Permit fees

Commentators subject to these fees commented that the fees are excessive, particularly compared to the current fees. The Department of Transportation requested an exemption as the proposed fees would impose an estimated cost of \$300,000 to \$500,000 per year. Several legislators also commented that the fees may be excessive. A commentator also requested a multi-level fee structure that matches the fee to the size of the project. The EQB should explain how it calculated the fees in Subsection (b) and why they are appropriate.

Complete applications or NOI (Notice Of Intent)

Paragraph (c)(2) does not state how long DEP may take to make its determination and send notification. We note that this same provision only allows 60 days for the

applicant to make an application complete. We recommend requiring DEP to determine that an application is complete within a specified time frame. We also recommend that the regulation specify what happens if DEP does not meet that time frame.

Additionally, Paragraph (c)(2) only allows DEP to determine an application or NOI is incomplete. Can this function also be performed by a conservation district?

12. Section 102.7. Permit Termination.—Reasonableness; Economic impact; Clarity.

Written acknowledgement of an NOT (Notice Of Termination)

Subsection (c) states:

Until the permittee has received written acknowledgement [of] an NOT, the permittee will be responsible for compliance with the permit terms and conditions including operation and maintenance

Commentators are concerned that this action is open-ended and, without a response from DEP within a reasonable time, a person could be held responsible for unreasonable costs long after a project is completed. We agree that DEP should be required to respond in a reasonable time frame.

Also, the EQB should review the sentence quoted above and fix the grammatical error in the final-form regulation.

13. Section 102.8. PCSM requirements.—Economic impact; Need; Reasonableness; Clarity.

“Or other Department permit that requires compliance with this Chapter”

Relating to Subsection (a), the Pennsylvania Chamber of Business and Industry commented that the phrase “or other Department permit that requires compliance with this chapter” is extremely broad and would encompass many projects. It suggests that Subsection (a) be limited to earth disturbances that require an NPDES permit. We agree and recommend that the EQB amend this provision accordingly.

Minimize and maximize

Subsection (b) uses the vague terms “minimize” and “maximize.” These requirements are subjective. For example, under Paragraph (7) there could be considerable disagreement over whether a plan would “minimize soil compaction.” We recommend replacing these provisions with quantifiable standards.

Utilize other measures or controls

Paragraph (b)(8) is vague. It follows seven requirements and considerations, including Paragraphs (2) and (3) which require the plan to minimize stormwater runoff and volume. We also question why the concept of pollutants is included and what it implies. We recommend deleting Paragraph (8) or that it be amended to provide a specific standard for compliance.

A person trained and experienced in PCSM design methods and techniques

Subsection (e) is nonregulatory language. It imposes no definable level of expertise. It should either be deleted in its entirety or replaced with specific credentials for a person to design PCSM Plans.

Other supporting documentation

Subsection (f) states a PCSM Plan must contain “other supporting documentation.” How will a person know how

to comply with this requirement? We recommend deleting this phrase or providing detail in the regulation specifying what other information is required.

Immediate surrounding area

Paragraph (f)(1) requires a description of the “immediate surrounding area.” This is a vague requirement. The regulation should provide specific guidance on how far from the project the topographic features must be described.

Limitations of the soils and geologic formations

Paragraph (f)(2) requires a PCSM Plan to include “limitations of the soils and geologic formations.” Without a context to what is considered a “limitation,” the regulation is not clear. We recommend that the EQB amend this paragraph for clarity.

Past land uses

Paragraph (f)(3) requires the characteristics of “past, present and proposed land uses.” Why is the past use relevant and needed, and how far into the “past” must a plan go to comply? We recommend deleting the requirement for the characteristics of past land uses.

Supporting calculations and plan drawings

In subsection (f), Paragraph (8) requires “supporting calculations,” and Paragraph (9) requires “plan drawings.” The regulation should specify what supporting calculations and plan drawings are required.

“Long-term operation and maintenance schedule and inspection which provides for inspections” and “effective and efficient operation”

Paragraph (f)(10) requires a “long term operation and maintenance schedule which provides for inspection” and this schedule is “to ensure effective and efficient operation.” Both of these phrases are vague. What is “long-term”? Who does the inspections? What standards are to be used to determine “effective and efficient operation”? Paragraph (10) needs to be rewritten to establish binding norms for how it can be complied with and who is responsible for the requirements.

We further question the economic impact of Paragraph (f)(10). The EQB should include an estimate of the cost for long-term maintenance and inspection of PCSM Plans.

Thermal impacts

Similar to E & S Plans, Paragraph (f)(14) requires PCSM Plans to include an evaluation of the potential for thermal impacts to surface waters from earth disturbance activities. Commentators state there is no guidance on how to meet this requirement. One commentator believes that rather than an evaluation, they should only be required to identify the potential for thermal impacts. We recommend that the regulation clearly state what evaluation of thermal impacts will be acceptable to DEP.

Costs to comply with Subsection (g)

The Department of Transportation cited several specific concerns with the costs imposed by Subsection (g) and the effect of the requirements, including Paragraphs (1), (2) and (3). The Department of Transportation has provided suggested alternatives. The Pennsylvania Builders Association believes the provisions in Clauses (g)(2)(i) and (ii) are not reasonable and should be modified. The EQB should review these concerns and consider amendments to decrease costs and ease compliance. Also, the EQB should review Clauses (g)(2)(i) and (ii) and explain why they are needed.

The Department of Transportation also requests an exception to Subsection (g) to cover instances when standards may not be satisfied due to health, safety and welfare issues. The EQB should include this exception or explain why it is not needed.

Require additional information or BMPs

Paragraph (g)(6) is a broad provision that allows DEP to require additional information or additional BMPs. Why is this provision needed? How can a demand made under this provision be appealed?

Resubmittal of a PCSM Plan

Subsection (i) states:

Upon complaint or site inspection, the Department or conservation district may require that the PCSM Plan be submitted for review and approval to ensure compliance with this chapter.

Subsection (i) is redundant with Subsection (j). We recommend deleting Subsection (i).

Cost and Redundancy of Subsections (k) and (l)

Subsection (k) requires a licensed professional to be onsite during “critical stages” of implementation. The phrase “critical stages” is vague. Also, we question what phases of implementation are not critical. The regulation should state the specific periods a licensed professional must be onsite.

In addition, the requirement for a licensed professional to be onsite will be costly. The EQB should explain what need this serves and how much it will cost.

Finally, Subsection (l) requires a licensed professional to certify that the project was constructed properly. Why are both Subsections (k) and (l) needed?

Record drawings

Commentators stated that record drawings required in Subsection (l) are not applicable to all earth disturbance activities. The EQB should amend the language in Subsection (l) to only require record drawings if they were required to meet another requirement.

Responsibility of the landowner and covenants

Subsection (m) states the operation and maintenance of PCSM BMPs shall be “the responsibility of the landowner” and the deed for the property shall contain a covenant that runs with the land. The EQB should explain the need to regulate post construction activity to such a degree as to require deed amendments and covenants. The EQB should also explain how this is a viable way to protect the environment given the inherent presumption that all landowners can afford to maintain and rectify any failure of a BMP for perpetuity.

The Department of Transportation commented that its projects are along the roadway and within a right of way, and covenants could pose problems for future improvement of roadways. Therefore, the Department of Transportation requests an exemption. The EQB should either include an exemption or explain why it is not needed.

Additionally, the Pennsylvania Builders Association suggests that this provision instead require an easement. The EQB should consider using easements.

14. Section 102.11. General requirements.—Clarity. Mimic

Under Paragraph (a)(2), a person is required to “. . . maintain PCSM BMPs to mimic preconstruction stormwater runoff conditions” The word “mimic” is

vague. It implies a subjective imitation. We recommend replacing the word “mimic” so that the regulation sets a definable standard.

15. Section 102.14 Riparian forest buffer requirements.—Need; Economic impact; Reasonableness; Feasibility; Clarity.

Need, reasonableness, and economic and fiscal impact

This section requires riparian forest buffers for many earth disturbance activities. It encompasses all earth disturbances within 150 feet of EV waters and all permit-by-rule activities. Riparian forest buffers may be required by DEP and upgrades to existing riparian forest buffers may be needed. The rest of the subsections include management requirements, permanent protection and reporting requirements. Commentators believe this section is unjustifiably burdensome and ignores other BMPs. We also question why this BMP is needed in regulation while others are not. The EQB should explain the need for and reasonableness of Section 102.14. In addition, the EQB should explain the full economic impact of this provision and explain why it is cost effective.

Specific activities and areas affected

There are six concerns with Subsection (a). First, commentators are confused about which activities are affected. For example, the Department of Transportation requests four clarifications. The EQB should amend Subsection (a) to clearly identify the activities affected.

Second, Clause (a)(1)(ii) includes all permit-by-rule activities regardless of the circumstances. Why did the EQB include all permit-by-rule activities in all circumstances? In addition to evaluating the economic impact, the EQB should justify the need for and reasonableness of riparian forest buffers for all permit-by-rule activities.

Third, Paragraph (a)(1) also raises concern with its application to roadway, gas line and electric transmission line projects. The “boundary” of these projects is narrow and can be miles in length. Under Paragraph (a)(1), these projects would come within 150 feet of multiple rivers, streams, creeks, lakes, ponds and reservoirs. Several commentators question how it would be feasible to incorporate riparian forest buffers for this type of project. We agree that the impact of Paragraph (a)(1) is quite significant for these projects and may limit them. The EQB should explain how it considered this type of project in development of the regulation and why this provision is reasonable for these projects.

Fourth, the Energy Association of Pennsylvania commented that the requirements for riparian forest buffers would contradict safety and reliability of gas lines and electric lines. Gas lines and electric lines need to remain clear of trees and other woody plants. The EQB should consider the applicability of Section 102.14 to these projects and consider exempting them from the exclusive use of riparian forest buffers as a BMP.

Fifth, the Department of Transportation requests an exemption for public health and safety. It states that planting trees close to streams can, over time, become a source of flooding from large debris. We presume this concern would also apply to local governments who maintain roadways. The EQB should add an exception for public health and safety concerns.

Finally, Subsection (a) provides no allowance or recognition of other BMPs. As commentators stated, activities can occur in dense populations or along cliffs that would not be feasible for a riparian forest buffer. Why is a

riparian forest buffer the exclusive BMP that can be used for activities that fall under Subsection (a)?

Other approvals that may require a buffer

Paragraph (a)(2) states:

A riparian forest buffer may be required to be incorporated within the boundaries of a project site in accordance with this section by other rules, regulations, order, permit or other approval of the Department.

Paragraph (a)(2) is vague and its purpose is not clear. Under what circumstances will DEP require a riparian forest buffer rather than other BMPs? It appears this could be used as a de facto disapproval of a permit by imposing high costs on a project, even if that is not the EQB's intent. The EQB should either delete this paragraph or justify why it is needed.

Existing buffer composition and existing site enhancement

Paragraph (a)(4) states:

An existing riparian forest buffer must: meet the requirements of subsection (d); consist predominantly of native trees and shrubs that provide at least 60% uniform canopy cover; noxious weeds and invasive species must be removed or controlled to the extent possible.

Paragraph (a)(5) is similar. These provisions go well beyond erosion and sediment control and stormwater management. These provisions impose retroactive regulation on existing buffers and costs. The Pennsylvania Coal Association asked if existing buffers will be grandfathered. We question the feasibility of expecting every landowner with an existing riparian forest buffer to invest the time and resources to analyze and upgrade their buffers.

In addition, the provisions are vague by requiring, but not specifying how to comply with requirements for "predominantly" native species, "at least 60% uniform canopy cover" and control of noxious weeds and invasive species "to the extent possible." How can these requirements be reasonably enforced?

We recommend deleting Paragraphs (a)(4) and (5). If they are maintained, the EQB needs to justify why they are needed and provide a fully detailed analysis of how many acres of land they affect in Pennsylvania and the costs they impose.

Buffer establishment

Paragraph (a)(6) states:

On sites with no native woody vegetation, a riparian forest buffer shall be established in accordance with this chapter.

This would require an upgrade over existing land use. We question why a permit holder who will temporarily disturb the soil would be required to then upgrade an area beyond its preconstruction condition. The EQB should delete Paragraph (a)(6) or explain the need for it.

Plan submission

Paragraph (a)(8) requires submission of a "plan for riparian forest buffer management." It is not clear what is required in the plan, other than it is supposed to describe how the plan will meet the requirements of this section. The regulation should set forth what an acceptable plan must include.

Average minimum widths

The Department of Transportation says it cannot comply with Subsection (d) due to ownership and rights issues. The Pennsylvania Chamber of Business and Industry, among others, strongly objects and describes the requirements as unreasonable and unachievable. Several commentators also question why Subsection (d) requires buffers on both sides of streams. The EQB should explain reasonableness of these provisions and how to comply with these provisions without incurring significant and perhaps prohibitive costs.

Additionally, it is not clear what "impaired waters" are in Paragraph (d)(2). The EQB should define this term.

Management requirements

Paragraph (e)(1) states:

Both existing and newly established riparian forest buffers, including wetlands and floodplains, shall be managed and maintained to enhance and maximize the unique value of these resources.

This is nonregulatory language and it should be deleted. Alternatively, this provision should be replaced with an enforceable standard.

Paragraph (e)(2) is vague by requiring, but not specifying how to comply with requirements for "predominantly" native species, "at least 60% uniform canopy cover" and control of noxious weeds and invasive species "to the extent possible." The EQB should amend this provision to state clear compliance standards and how to meet them.

The EQB should provide a cost estimate for complying with the five year requirement in Paragraph (e)(2).

Paragraph (e)(3) severely restricts land use in a riparian forest buffer. We agree with commentators that these restrictions will deter landowners from allowing any earth disturbances on their property because they will lose the use of their land. We recommend that the EQB review and reconsider the viability of riparian forest buffers in relation to the prohibitions listed in Paragraph (e)(3).

We have two concerns with Paragraph (e)(5). First, the Department of Conservation and Natural Resources is concerned that it may not be able to handle the volume of approvals required by Clause (iv). The EQB should explain why its regulation requires the Department of Conservation and Natural Resources approval for timber harvesting within riparian forest buffers.

Our second concern is that Clause (v) is unclear in allowing "passive recreational activities." What specifically are passive recreational activities?

Permanent protection of riparian forest buffers

Paragraph (f)(1) states:

Existing and newly established riparian forest buffers including access easements must be protected in perpetuity through deed restriction, conservation easement, local ordinance or permit conditions.

It appears that the requirement for protection in perpetuity goes far beyond protecting against erosion and sediment control and possibly stormwater management. We agree with commentators that this requirement is onerous for landowners and may require land acquisition by the permit holder. The EQB should explain how this requirement to protect the buffer in perpetuity is feasible, why it is reasonable to require protection in perpetuity and the cost it will impose on permittees and landowners.

Paragraph (f)(2) requires the boundary of the buffer to be clearly marked. The EQB should state in the regulation what is acceptable marking and its cost.

16. Section 102.15. Permit-by-rule for low impact projects with riparian forest buffers.—Economic impact; Reasonableness; Clarity.

Permit-by-rule exclusions

Paragraph (b)(4) is an exclusion that states:

The earth disturbance is being proposed or conducted by a person who has failed and continues to fail to comply or has shown a lack of ability or intention to comply with a regulation, permit and schedule of compliance or order issued by the Department.

This provision is not clear. For example, if a person was cited for past violations, there would be a record of that event and an ability to appeal the result. However, this provision penalizes the person for “lack of ability or intention to comply.” How will this provision be enforced and how can an action taken under it be appealed? The EQB should explain the intent of this provision, its reasonableness and how it would be enforced.

Permit conditions

The Department of Transportation cited several specific concerns with provisions in Subsection (c) that are similar to its concerns with Subsection 102.8(g) relating to meadow requirements, hydrologic routing analysis, presubmission checklists. We recommend that the EQB consider the concerns raised by the Department of Transportation and make amendments as appropriate.

Written E & S Plan, PCSM Plan and PPC Plan

Under Subsection (f), the registrant develops the PPC Plan. The Department of Transportation commented that this is inappropriate for contract jobs because the Department of Transportation cannot control the contractor's use of these materials. We recommend that the EQB clarify this paragraph.

17. Section 102.22. Site stabilization.—Economic impact; Reasonableness.

Temporary stabilization

Paragraph (b)(1) states:

Upon temporary cessation of an earth disturbance activity or any stage or phase of an activity where a cessation of earth disturbance activities will exceed 3 days, the site shall be immediately seeded, mulched, or otherwise protected from accelerated erosion and sedimentation pending future earth disturbance activities.

The Department of Transportation commented that it could have some extremely large areas that would not be active for three days and this requirement would be impractical and costly. The Pennsylvania Chamber of Business and Industry commented that this requirement would include holiday weekends and observes grass germination takes 10 days. We recommend that the EQB explain why coverage after 3 days is needed.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 10-120. Filed for public inspection January 15, 2010, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval to Acquire Control of AF&L Insurance Company and Senior American Life Insurance Company

AF&L Holdings, LLC has filed an application to acquire control of AF&L Insurance Company, a Pennsylvania domiciled stock casualty insurance company, and its subsidiary Senior American Life Insurance Company, a Pennsylvania domiciled stock life insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act of 1921 (40 P. S. §§ 991.1402—991.1413).

Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or e-mail rbrackbill@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-121. Filed for public inspection January 15, 2010, 9:00 a.m.]

Eligible Surplus Lines Insurer List

In accordance with section 1605(b) of The Insurance Company Law of 1921 (40 P. S. § 991.1605(b)), the Insurance Department hereby publishes the most recent Eligible Surplus Lines Insurer List. This list replaces in its entirety the Eligible Surplus Lines Insurer List as of July 21, 2009, published at 39 Pa.B. 4657 (August 1, 2009).

Person with any questions concerning this notice, contact Robert Brackbill, Chief, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, (717) 787-2735.

JOEL SCOTT ARIO,
Insurance Commissioner

As of Wednesday, January 6, 2010

Key No.	Company Name	Statutory Home Address
48123	ACE EUROPEAN GROUP LIMITED	100 LEADENHALL STREET LONDON, Great Britain EC3A 3BP

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10512	ADMIRAL INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10513	ADRIATIC INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
38980	AIG EXCESS LIABILITY INSURANCE COMPANY, LTD.	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
67489	AIX SPECIALTY INSURANCE COMPANY	103 FOULK ROAD SUITE 202 WILMINGTON, DE 19803
48099	ALLIANZ GLOBAL CORPORATE & SPECIALTY AG	KONIGINASTRASSE 28 MUNICH, Germany D80802
10516	ALLIANZ UNDERWRITERS INSURANCE COMPANY	2350 EMPIRE AVENUE BURBANK, CA 915043350
10535	ALLIED WORLD ASSURANCE COMPANY (U.S.) INC.	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10519	AMERICAN EMPIRE SURPLUS LINES INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10520	AMERICAN EQUITY INSURANCE COMPANY	2401 WEST PEORIA AVENUE PHOENIX, AZ 85029
36855	AMERICAN HEALTHCARE SPECIALTY INSURANCE COMPANY	425 W. CAPITOL AVENUE SUITE 1800 LITTLE ROCK, AR 72201
63828	AMERICAN MODERN SURPLUS LINES INSURANCE COMPANY	7000 MIDLAND BLVD AMELIA, OH 451022607
18146	AMERICAN SAFETY INDEMNITY COMPANY	201 ROBERT S. KERR AVENUE OKLAHOMA CITY, OK 731024267
10522	AMERICAN WESTERN HOME INSURANCE COMPANY	600 BANK OF OKLAHOMA PLAZA OKLAHOMA CITY, OK 73102
10524	APPALACHIAN INSURANCE COMPANY	1301 ATWOOD AVENUE JOHNSTON, RI 029190500
33748	ARCH EXCESS & SURPLUS INSURANCE COMPANY	10909 MILL VALLEY ROAD OMAHA, NE 68145
10587	ARCH SPECIALTY INSURANCE COMPANY	10909 MILL VALLEY ROAD OMAHA, NE 68145
81107	ARIEL REINSURANCE COMPANY LTD	5TH FLOOR VICTORIA PLACE HAMILTON, Bermuda HM 11
10588	ARROWOOD SURPLUS LINES INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
51442	ASPEN INSURANCE UK LIMITED	30 FENCHURCH STREET LONDON, ENGLAND, United Kingdom
35611	ASPEN SPECIALTY INSURANCE COMPANY	316 NORTH FIFTH STREET BISMARCK, ND 58502
22348	ASSICURAZIONI GENERALI S.p.A.	PIAZZA DUCA DEGLI ABRUZZI, 2 TRIESTE, Italy 34132
22349	ASSOCIATED ELECTRIC & GAS INSURANCE SERVICES LIMITED	THE MAXWELL ROBERTS BUILDING 4TH FLOOR HAMILTON, Bermuda HM11
10525	ASSOCIATED INTERNATIONAL INSURANCE COMPANY	TEN PARKWAY NORTH DEERFIELD, IL 60015
41586	ATLANTIC CASUALTY INSURANCE COMPANY	400 COMMERCE COURT GOLDSBORO, NC 27534

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10526	AUDUBON INDEMNITY COMPANY	C/O CORPORATION SERVICE COMPANY 506 SOUTH PRESIDENT STREET JACKSON, MS 39201
22371	AVIVA INTERNATIONAL INSURANCE LIMITED	ST. HELEN'S 1 UNDERSHAFT LONDON, Great Britain EC3P3DQ
41562	AXA CORPORATE SOLUTIONS ASSURANCE	4 RUE JULES LEFEBVRE PARIS, France 75009
59554	AXIS SPECIALTY EUROPE LIMITED	MOUNT HERBERT COURT 34 UPPER MOUNT STREET DUBLIN, Ireland 2
10536	AXIS SPECIALTY INSURANCE COMPANY	ONE STATE STREET SUITE 1700 HARTFORD, CT 06103
10592	AXIS SURPLUS INSURANCE COMPANY	303 WEST MADISON SUITE 500 CHICAGO, IL 60606
75458	BERKLEY REGIONAL SPECIALITY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 198011120
63055	BERKSHIRE HATHAWAY INTERNATIONAL INSURANCE LIMITED	BIRCHIN COURT FOURTH FLOOR LONDON, Great Britain EC3V 9DU
22369	BRITISH AVIATION INSURANCE COMPANY LIMITED	FITZWILLIAM HOUSE 10 ST. MARY'S AXE LONDON, Great Britain EC3ABEQ
10528	CANAL INDEMNITY COMPANY	400 EAST STONE AVENUE GREENVILLE, SC 29601
48319	CAPITOL SPECIALTY INSURANCE CORPORATION	1600 ASPEN COMMONS MIDDLETON, WI 53562
64641	CATLIN INSURANCE COMPANY (UK) LIMITED	3 MINSTER COURT MINCING LANE LONDON, United Kingdom EC3R 7DD
63239	CATLIN SPECIALTY INSURANCE COMPANY	160 GREENTREE DRIVE SUITE 101 DOVER, DE 19904
10529	CENTENNIAL CASUALTY COMPANY	2200 WOODCREST PLACE SUITE 200 BIRMINGHAM, AL 35209
10531	CENTURY SURETY COMPANY	465 N CLEVELAND AVENUE WESTERVILLE, OH 43082
10521	CHARTIS SPECIALTY INSURANCE COMPANY	300 SOUTH RIVERSIDE PLAZA SUITE 2100 CHICAGO, IL 606066613
10532	CHUBB CUSTOM INSURANCE COMPANY	C/O CORPORATION SERVICE COMPANY 1209 ORANGE STREET WILMINGTON, DE 198011120
72782	CINCINNATI SPECIALTY UNDERWRITERS INSURANCE COMPANY (THE)	BRANDYWINE VILLAGE 1807 NORTH MARKET STREET WILMINGTON, DE 198024810
18617	CLARENDON AMERICA INSURANCE COMPANY	601 EWING STREET SUITE C-8 PRINCETON, NJ 09650
10533	COLONY INSURANCE COMPANY	8720 STONEY POINT PARKWAY SUITE 300 RICHMOND, VA 23235

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10582	COLONY NATIONAL INSURANCE COMPANY	8720 STONEY POINT PARKWAY SUITE 300 RICHMOND, VA 23235
10534	COLUMBIA CASUALTY COMPANY	CNA PLAZA CHICAGO, IL 60685
22388	COMMONWEALTH INSURANCE COMPANY	595 BURRARD STREET SUITE 1500 BOX 49115 BENTALL TOWER THREE VANCOUVER, V7X 1G4
74670	COMPANION SPECIALTY INSURANCE COMPANY	51 CLEMSON ROAD COLUMBIA, SC 29229
52712	CRANBROOK INSURANCE COMPANY	2301 E.LAMAR BOULEVARD 5TH FLOOR ARLINGTON, TX 76006
37372	CRUM & FORSTER SPECIALTY INSURANCE COMPANY	2999 NORTH 44TH STREET SHITE 250 PHOENIX, AZ 85018
66658	CUMIS SPECIALTY INSURANCE COMPANY, INC.	2000 HERITAGE WAY WAVERLY, IA 50677
10600	DARWIN SELECT INSURANCE COMPANY	320 WEST CAPITAL STREET SUITE 1000 LITTLE ROCK, AR 722013525
37001	DISCOVER SPECIALTY INSURANCE COMPANY	200 NORTH LASALLE STREET CHICAGO, IL 60661
10541	EMPIRE INDEMNITY INSURANCE COMPANY	630 NE 63RD STREET OKLAHOMA CITY, OK 73105
63338	ENDURANCE AMERICAN SPECIALTY INSURANCE COMPANY	767 THIRD AVENUE FIFTH FLOOR NEW YORK, NY 10017
10542	ESSEX INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10543	EVANSTON INSURANCE COMPANY	TEN PARKWAY NORTH DEERFIELD, IL 60015
10544	EVEREST INDEMNITY INSURANCE COMPANY	CORPORATION TRUST CENTER 1209 ORANGE STREET WILMINGTON, DE 19801
10545	EXECUTIVE RISK SPECIALTY INSURANCE COMPANY	82 HOPMEADOW STREET SIMSBURY, CT 060707683
10547	FIREMAN'S FUND INSURANCE COMPANY OF OHIO	312 WALNUT STREET SUITE 1100 CINCINNATI, OH 45202
10548	FIRST FINANCIAL INSURANCE COMPANY	528 SOUTH FIFTH STREET SUITE 210 SPRINGFIELD, IL 627011822
10549	FIRST MERCURY INSURANCE COMPANY	ONE SOUTH WACKER DRIVE SUITE 2740 CHICAGO, IL 60606
10550	FIRST SPECIALTY INSURANCE CORPORATION	237 EAST HIGH STREET JEFFERSON CITY, MO 65102
18477	GEMINI INSURANCE COMPANY	CORPORATION TRUST CENTER 1209 ORANGE STREET WILMINGTON, DE 19801
10552	GENERAL SECURITY INDEMNITY COMPANY OF ARIZONA	2338 W. ROYAL PALM ROAD SUITE J PHOENIX, AZ 85021
10554	GENERAL STAR INDEMNITY COMPANY	695 EAST MAIN STREET P. O. BOX 10354 STAMFORD, CT 069042354

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10555	GENESIS INDEMNITY INSURANCE COMPANY	316 NORTH FIFTH STREET BISMARCK, ND 58501
58119	GEOVERA SPECIALTY INSURANCE COMPANY	4820 BUSINESS CENTER DRIVE SUITE 200 FAIRFIELD, CA 94534
44715	GLENCOE INSURANCE LIMITED	RENAISSANCE HOUSE, 8 EAST P. O. BOX HM 2527 HAMILTON, Bermuda HM GX
73754	GNY CUSTOM INSURANCE COMPANY	200 MADISON AVENUE NEW YORK, NY 100163904
10556	GOTHAM INSURANCE COMPANY	919 THIRD AVENUE 10TH FLOOR NEW YORK, NY 10022
10514	GREAT AMERICAN E & S INSURANCE COMPANY	THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10518	GREAT AMERICAN FIDELITY INSURANCE COMPANY	THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
10540	GREAT AMERICAN PROTECTION INSURANCE COMPANY	580 WALNUT STREET CINCINNATI, OH 45204
22412	GREAT LAKES REINSURANCE (UK) PLC	PLANTATION PLAN 30 FENCHURCH STREET LONDON, United Kingdom EC3M 3AJ
36489	GUILFORD INSURANCE COMPANY	528 SOUTH FIFTH STREET SUITE 210 SPRINGFIELD, IL 627011822
10557	GULF UNDERWRITERS INSURANCE COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
66133	HCC SPECIALTY INSURANCE COMPANY	201 ROBERT S. HERR AVENUE OKLAHOMA, OK 73102
78247	HISCOX SPECIALTY INSURANCE COMPANY INC.	416 SOUTH SECOND STREET GENEVA, IL 601340520
44169	HOMELAND INSURANCE COMPANY OF NEW YORK	1000 WOODBURY ROAD SUITE 403 WOODBURY, NY 11797
10559	HOUSTON CASUALTY COMPANY	13403 NORTHWEST FREEWAY HOUSTON, TX 77040
37373	HUDSON SPECIALTY INSURANCE COMPANY	17 STATE STREET 29TH FLOOR NEW YORK, NY 10004
10560	ILLINOIS EMCASCO INSURANCE COMPANY	717 MULBERRY STREET DES MOINES, IA 503093872
10561	ILLINOIS UNION INSURANCE COMPANY	525 WEST MONROE STREET CHICAGO, IL 60631
10562	INDIAN HARBOR INSURANCE COMPANY	CT CORPORATION SYSTEM 314 EAST THAYER AVENUE BISMARCK, ND 58501
10563	INEX INSURANCE EXCHANGE	216 WEST JACKSON BOULEVARD SUITE 975 CHICAGO, IL 60606
75461	INFRASSURE, LTD	UETLIBERGSTRASSE 134A P. O. BOX 5089 ZURICH, Switzerland CH8045

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
28076	INTERNATIONAL INSURANCE CO OF HANNOVER, LTD	L'AVENIR OPLADEN WAY, BRACKNELL BERKSHIRE, Great Britain UK RG12 OPH
10564	INTERSTATE FIRE & CASUALTY COMPANY	33 WEST MONROE CHICAGO, IL 60603
70118	IRONSHORE INSURANCE LTD.	SWAN BUILDING 26 VICTORIA STREET HAMILTON, Bermuda HM12
10596	IRONSHORE SPECIALTY INSURANCE COMPANY	C/O LOW & CHILDERS P.C. SUITE 250 PHOENIX, AZ 85018
10566	ITT PACIFIC INSURANCE COMPANY	ONE HARTFORD PLAZA HARTFORD, CT 06155
10546	JAMES RIVER INSURANCE COMPANY	52 EAST GAY STREET COLUMBUS, OH 43215
75297	LANCASHIRE INSURANCE COMPANY	MINTFLOWER PLACE 8 PAR-LA-VILLE ROAD HAMILTON, Bermuda HM 08
80046	LANCASHIRE INSURANCE COMPANY (UK) LIMITED	LEVEL 11, VITRO 60, FENCHURCH STREET LONDON, United Kingdom EC3M 4AD
8967	LANDMARK AMERICAN INSURANCE COMPANY	201 ROBERT KERR AVENUE SUITE 600 OKLAHOMA CITY, OK 731024267
10567	LANDMARK INSURANCE COMPANY	2730 GATEWAY OAKS DRIVE SUITE 100 SACRAMENTO, CA 95833
45576	LANTANA INSURANCE LTD.	RENAISSANCE HOUSE 8-12 EAST BROADWAY HAMILTON, Bermuda HM 19
10569	LEXINGTON INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
22415	LIBERTY MUTUAL INSURANCE EUROPE LIMITED	3RD FLOOR, TWO MINSTER COURT MINCING LANE LONDON, United Kingdom EC3R 7YE
18457	LIBERTY SURPLUS INSURANCE CORPORATION	175 BERKELEY STREET BOSTON, MA 02117
22416	LLOYD'S (UNDERWRITERS AT)	ONE LIME STREET LONDON, Great Britain EC3M7HA
22417	LONDON AND EDINBURGH INSURANCE COMPANY LIMITED	8 SURREY STREET NORWICH NR1 3NG ENGLAND, Great Britain EC3M5BT
45736	MAIDEN SPECIALTY INSURANCE COMPANY	C/O CT CORPORATION SYSTEM 150 FAYETTEVILLE STREET RALEIGH, NC 27601
22418	MARINE INSURANCE COMPANY LIMITED	ST MARKS COURT. CHART WAY HORSHAM, WEST SUSSEX ENGLAND, Great Britain RH 12 1XL
22455	MARKEL INTERNATIONAL INSURANCE COMPANY LIMITED	THE MARKEL BUILDING 49 LEADENHALL STREET LONDON, Great Britain EC3A2EA
10570	MAX SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10527	MAXUM INDEMNITY COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
69016	MEDICAL MUTUAL LIABILITY INSURANCE SOCIETY OF MARYLAND	225 INTERNATIONAL CIRCLE HUNT VALLEY, MD 21030
75542	MERCHANTS NATIONAL INSURANCE COMPANY	250 MAIN STREET BUFFALO, NY 14202-4188
75518	MITSUI SUMITOMO INSURANCE COMPANY (EUROPE) LIMITED	6TH FLOOR—NEW LONDON HOUSE 6 LONDON STREET LONDON, United Kingdom EC3R 7LP
10553	MONTPELIER U.S. INSURANCE COMPANY	115 SOUTHWEST 89TH STREET OKLAHOMA CITY, OK 73139
10571	MT. HAWLEY INSURANCE COMPANY	9025 N. LINDBERGH DRIVE PEORIA, IL 61615
10572	NAMIC INSURANCE COMPANY, INC.	3601 VINCENNES ROAD INDIANAPOLIS, IN 46268
10573	NATIONAL FIRE & MARINE INSURANCE COMPANY	3024 HARNEY STREET OMAHA, NE 68131-3580
10574	NAUTILUS INSURANCE COMPANY	7233 E. BUTHERUS DRIVE SCOTTSDALE, AZ 85260
10575	NAVIGATORS SPECIALTY INSURANCE COMPANY	ONE PENN PLAZA 55TH FLOOR NEW YORK, NY 10119-0002
75182	NAXOS INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
10537	NOETIC SPECIALTY INSURANCE COMPANY	111 S. WACKER DRIVE CHICAGO, IL 60606-4410
10576	NORTH AMERICAN CAPACITY INSURANCE COMPANY	650 ELM STREET MANCHESTER, NH 03101-2524
79123	NORTH LIGHT SPECIALTY INSURANCE COMPANY	2775 SANDERS ROAD NORTHBROOK, IL 60062-7127
10584	NORTH POINTE CASUALTY INSURANCE COMPANY	10199 SOUTHSIDE BLVD BUILDING 1 JACKSONVILLE, FL 32256
10577	NORTHFIELD INSURANCE COMPANY	1270 OFFICE PLAZA DRIVE WEST DES MOINES, IA 50266
10578	NUTMEG INSURANCE COMPANY	ONE HARTFORD PLAZA HARTFORD, CT 06155
22421	OCEAN MARINE INSURANCE COMPANY LIMITED	ST. HELEN'S 1 UNDERSHAFT LONDON, Great Britain EC3P3DQ
10579	OLD REPUBLIC UNION INSURANCE COMPANY	307 NORTH MICHIGAN AVENUE CHICAGO, IL 60601
75544	OMEGA US INSURANCE, INC	C/O THE CORPORATION TRUST COMPANY 1209 ORANGE STREET WILMINGTON, DE 19801
58179	PENN-PATRIOT INSURANCE COMPANY	526 KING STREET ALEXANDRIA, VA 22314
74667	PRIME INSURANCE COMPANY	303 WEST MADISON #2075 CHICAGO, IL 60606
23150	PRINCETON EXCESS AND SURPLUS LINES INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
44436	PROASSURANCE SPECIALTY INSURANCE COMPANY, INC.	100 BROOKWOOD PLACE SUITE 500 BIRMINGHAM, AL 35209
10583	PROFESSIONAL UNDERWRITERS LIABILITY INSURANCE COMPANY	2180 SOUTH 1300 EAST SUITE 650 SALT LAKE CITY, UT 84106
75543	PROTECTIVE SPECIALTY INSURANCE COMPANY	1099 NORTH MERIDIAN STREET INDIANAPOLIS, IN 46204
22449	QBE INSURANCE (EUROPE) LIMITED	PLANTATION PLACE 30 FENCHURCH STREET LONDON, Great Britain EC3M 3BD
47448	QBE SPECIALTY INSURANCE COMPANY	314 EAST THAYER AVENUE BISMARCK, ND 58501
53074	QUANTA SPECIALTY LINES INSURANCE COMPANY	10 WEST MARKET STREET SUITE 450 INDIANAPOLIS, IN 46204
70898	REPUBLIC-VANGUARD INSURANCE COMPANY	2394 E. CAMELBACK ROAD PHOENIX, AZ 85016
10603	ROCKHILL INSURANCE COMPANY	2999 NORTH 44TH STREET SUITE 250 PHOENIX, AZ 85018
10589	SAFECO SURPLUS LINES INSURANCE COMPANY	SAFECO PLAZA 1001 FOURTH AVENUE SEATTLE, WA 98154
10590	SAVERS PROPERTY AND CASUALTY INSURANCE COMPANY	700 WEST 47TH STREET KANSAS CITY, MO 64112-1802
10591	SCOTTSDALE INSURANCE COMPANY	ONE NATIONWIDE PLAZA COLUMBUS, OH 43215
44276	SENECA SPECIALTY INSURANCE COMPANY	2999 NORTH 44TH STREET SUITE 250 PHOENIX, AZ 850187256
33514	SIRIUS INTERNATIONAL INSURANCE CORPORATION	BIRGER JARISGATAN 57B STOCKHOLM, Sweden SE 113 96
10565	SPECIALTY SURPLUS INSURANCE COMPANY	1 KEMPER DRIVE LONG GROVE, IL 60049-0001
10593	ST. PAUL SURPLUS LINES INSURANCE COMPANY	2711 CENTERVILLE ROAD SUITE 400 WILMINGTON, DE 19808
79898	STARR SURPLUS LINES INSURANCE COMPANY	500 WEST MONROE STREET 26TH FLOOR CHICAGO, IL 60661
10594	STEADFAST INSURANCE COMPANY	SUITE 202 32 LOOCKERMAN SQUARE DOVER, DE 19904
22453	SWISS RE INTERNATIONAL SE	2A, RUE ALBERT BORSCHETTE LUXEMBOURG, Luxembourg L1246
73071	TOKIO MARINE EUROPE INSURANCE LIMITED	150 LEADENHALL STREET LONDON, United Kingdom EC3V 4TE
40659	TORUS SPECIALTY INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801-1120
10597	TRAVELERS EXCESS AND SURPLUS LINES COMPANY	ONE TOWER SQUARE HARTFORD, CT 06183
54486	TT CLUB MUTUAL INSURANCE LIMITED	90 FENCHURCH STREET LONDON, United Kingdom ECM 4ST

<i>Key No.</i>	<i>Company Name</i>	<i>Statutory Home Address</i>
10598	TUDOR INSURANCE COMPANY	50 WASHINGTON STREET KEENE, NH 03431
10599	U. S. UNDERWRITERS INSURANCE COMPANY	316 NORTH FIFTH STREET SIXTH FLOOR BISMARCK, ND 58501
44120	UNITED NATIONAL CASUALTY INSURANCE COMPANY	5253 HOHMAN AVENUE PO BOX 1150 HAMMOND, IN 46320
10558	UNITED NATIONAL SPECIALTY INSURANCE COMPANY	411 EAST WISCONSIN AVENUE SUITE 700 MILWAUKEE, WI 53202
64798	UNITED SPECIALTY INSURANCE COMPANY	160 GREENTREE DRIVE SUITE 101 DOVER, DE 19904
79945	VALIANT SPECIALTY INSURANCE COMPANY	BRANDYNE VILLAGE 1807 NORTH MARKET STREET WILMINGTON, DE 19802
10605	VOYAGER INDEMNITY INSURANCE COMPANY	260 INTERSTATE NORTH CIRCLE NW ATLANTA, GA 30339
10607	WESTCHESTER SURPLUS LINES INSURANCE COMPANY	500 COLONIAL CENTER PARKWAY SUITE 200 ROSWELL, GA 30076
10608	WESTERN HERITAGE INSURANCE COMPANY	9200 E. PIMA CENTER PKWY SUITE 350 SCOTTSDALE, AZ 85258
10610	WESTERN WORLD INSURANCE COMPANY	50 WASHINGTON STREET KEENE, NH 03431
49219	WILSHIRE INSURANCE COMPANY	702 OBERLIN ROAD RALEIGH, NC 276050800
70201	WIND RIVER REINSURANCE COMPANY, LTD	PURVIS HOUSE VICTORIA PLACE HAMILTON, Bermuda HM 10
10604	XL SELECT INSURANCE COMPANY	1209 ORANGE STREET WILMINGTON, DE 19801
10611	ZC SPECIALTY INSURANCE COMPANY	400 WEST 15TH STREET SUITE 710 AUSTIN, TX 78701

[Pa.B. Doc. No. 10-122. Filed for public inspection January 15, 2010, 9:00 a.m.]

2009 Workers' Compensation Security Fund Assessment; Notice No. 2010-01

[Correction]

An error appeared in the notice at 40 Pa.B. 126. The Insurance Department Number was inadvertently omitted from the heading. The remainder of the notice is correct as follows:

The Act of July 1, 1937, P. L. 2532, No. 470, as amended 2000, (77 P. S. §§ 1051—1066), referred to as the Pennsylvania Workers' Compensation Security Fund Act (Act) was amended revising, *inter alia*, the assessment procedures of the Workers' Compensation Security Fund (Fund).

Section 1059 of the Act states, "If due to the payment of liabilities or claims, the balance of the fund is reduced

below \$500,000,000, the department shall require contributions to maintain the actuarial soundness of the fund and to restore, in a timely manner, the balance of the fund to a level at or above \$500,000,000." As of December 31, 2008, the Fund balance was \$469.7 million. Therefore, an assessment is required. The amount of the 2009 assessment will be 1% of your company's Pennsylvania 2008 net written workers' compensation premiums.

Section 165.7(b) of the regulations states, "Every carrier, doing the business of workers' compensation insurance in the Commonwealth, will be assessed, based on a prorata share of the total amount of net-written premiums of workers' compensation insurance reported as written in the previous calendar year's annual statement." Section 1054 of the Act defines net written premiums, "For the purposes of this act, "net written premi-

ums” shall mean gross written premiums, less return premiums on policies returned not taken and on policies cancelled.”

An invoice of your company’s pro rata share of the assessment is enclosed with a due date of March 31, 2010. If additional information is required, contact Laura S. Keller, Claims Manager, Workers’ Compensation Security Fund, 901 North 7th Street, Harrisburg PA 17102, (717) 783-8093.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 10-37. Filed for public inspection December 31, 2009, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor’s Office

Management Directive No. 310.36—Identifying, Recording, and Reporting Computer Software as a Capital Asset, Dated December 10, 2009.

Management Directive No. 530.23—State Employee Combined Appeal, Amended December 2, 2009.

Administrative Circular No. 09-17—Safety Guidelines for Live Holidays Trees and Decorations, Dated November 23, 2009.

Administrative Circular No. 09-18—Due Dates for Identifying, Recording, and Reporting Intangible Capital Assets, Dated December 10, 2009.

Administrative Circular No. 09-19—Computation of Interest Penalties, Act 1982-266 Amended, Dated December 22, 2009.

MARY JANE PHELPS,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 10-123. Filed for public inspection January 15, 2010, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for All Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law (31 P. S. § 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on February 16, 2010, at 10 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning a change in the formula for calculating the over-order premium as set out in Official General Order A-893.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board’s list of parties by: (1) having their attorney file with the Board on or before 12 p.m. on January 20, 2010, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 12 p.m. on January 20, 2010, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@state.pa.us.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on January 20, 2010, the petitioner shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the petitioner, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness’s area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on February 3, 2010, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on February 10, 2010, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

The Board may exclude witnesses or exhibits of a party that fails to comply with the previous requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 12 p.m. on February 5, 2010.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 10-124. Filed for public inspection January 15, 2010, 9:00 a.m.]

OFFICE OF GENERAL COUNSEL

Workers' Compensation Counsel—Commonwealth of Pennsylvania, Governor's Office of General Counsel

The Commonwealth of Pennsylvania, Governor's Office of General Counsel (OGC) is seeking to review qualifications from legal service providers to provide innovative, cost-effective outside counsel services to OGC and its agency clients (principally the Governor's Office of Administration and the Department of Labor and Industry) for workers' compensation matters. A Request for Qualifications and Proposals has been posted at the OGC web site at www.ogc.state.pa.us. Responses to that Request are due by 4 p.m. (Eastern Standard Time) on Wednesday, February 10, 2010. OGC will reject as nonresponsive all submissions received after this date and time. OGC expects to make all future appointments for workers' compensation engagements only to law firms identified and qualified through this evaluative process and thus strongly encourages any and all interested law firms which currently perform workers' compensation legal services for the Commonwealth, or are interested in doing so, to participate to ensure consideration of their qualifications to provide (or continue providing) such outside counsel services.

BARBARA ADAMS,
General Counsel

[Pa.B. Doc. No. 10-125. Filed for public inspection January 15, 2010, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error Act (40 P. S. § 1303.303), enacted on March 20, 2002, announces a meeting of the Authority's Board to be held at the Harrisburg Area Community College, One HACC Drive, Harrisburg, PA at 10 a.m. on Tuesday, January 26, 2010.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,
Executive Director

[Pa.B. Doc. No. 10-126. Filed for public inspection January 15, 2010, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Gas Service

A-2009-2150005. UGI Central Penn Gas, Inc. Application of UGI Central Penn Gas, Inc. for approval to begin to offer, render, furnish or supply gas utility service to the public in the additional territory of the Borough of Portland in Northampton County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before February 1, 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: UGI Central Penn Gas, Inc.

Through and By Counsel: Kent D. Murphy, Esquire,
460 North Gulph Road, King of Prussia, PA 19406

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-127. Filed for public inspection January 15, 2010, 9:00 a.m.]

Petition for Rescission; Doc. No. C-00019560

On November 13, 2009, Norfolk Southern Railway Company (Norfolk Southern) filed a Petition for Rescission of the Pennsylvania Public Utility Commission's (Commission) June 12, 1975 Order regarding prevention of run outs in the 400 and 500 classification yards of Conway Yard in Beaver County, PA. In its Petition, Norfolk Southern requests that the Commission rescind or amend its June 12, 1975 Order, Doc. No. 19560, to eliminate the requirement that Norfolk Southern use skates to prevent run outs, and allow Norfolk Southern to reassign the skatemen to other positions. Alternatively, Norfolk Southern requests that the Commission amend the June 12, 1975 Order to permit the placement and removal of skates by pull-out crews and other Norfolk Southern personnel, and allow Norfolk Southern to reassign the skatemen to other positions. A copy of Norfolk Southern's Petition is available at the Commission or through the Commission's web site, <http://www.puc.state.pa.us>.

Comments to Norfolk Southern's Petition may be filed within 20 days of the date of publication of this notice. Comments should be filed with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-128. Filed for public inspection January 15, 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 February 1, 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-2009-2149966. Supreme Transportation, Inc. (406 East Marshall Street, Norristown, Montgomery County, PA 19401), a corporation of the Commonwealth, persons in limousine service from points in Montgomery and Chester Counties to points in Pennsylvania, and return, excluding services that are under the jurisdiction of the Philadelphia Parking Authority.

A-2009-2150004. SMZ Ventures, Inc., t/a Medical Transport Services (MTS) (403 Jefferson Avenue, Tyrone, Blair County, PA 16686), a corporation of the Commonwealth, persons in paratransit service, primarily in stretchers and wheelchairs, between points in Blair, Centre and Huntingdon Counties.

A-2009-2150228. 4 Way Traffic, LLC (36 Osage Road, Claymont, DE 19703), a corporation of the State of Delaware and a registered limited liability company with the Commonwealth, persons in paratransit service, from points in the City and County of Philadelphia to points in Pennsylvania, and return.

A-2010-2150857. MED Express Ambulance, Inc., t/a MED Express Ambulance (7442 Rockwell Avenue, Philadelphia, PA 19111)—a corporation of the Commonwealth, persons, in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return. *Attorney:* Robert W. Small, Berlinger & Small, Suite 200, 1494 Old York Road, Abington, PA 19001.

A-2010-2151021. Bensalem Transport, Inc., t/a Diamond Cab Company (3300 State Road, Bensalem, Bucks County, PA 19020)—a corporation of the Commonwealth, persons, upon call or demand, in the Townships of Bensalem, Bristol, Falls, Lower Makefield, Lower Southampton, Middletown, and the Boroughs of Bristol, Hulmeville, Langhorne, Langhorne Manor, Morrisville, Penndel and Tullytown, all in Bucks County, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Rana M. Taj, Taj & Taj, Suite 206, The Constitution Building, 1950 Street Road, Bensalem, PA 19020.

A-2010-2151052. American Life Ambulance, LLC (3580 Progress Drive, No. O, Bensalem, Bucks County, PA 19020)—a limited liability company of the Commonwealth, persons, in paratransit service, between points in the Counties of Bucks, Philadelphia and Montgomery.

Applications of the following for the approval of the right and privilege to *discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.*

A-2009-2150022. Louis A. Galzerano, III, t/d/b/a Galzerano Limo Service (430 Radcliffe Street, Bristol, Bucks County, PA 19007), for discontinuance of service and cancellation of its Certificate as a common carrier, by motor vehicle, authorizing the transportation of persons in limousine service, for Louis A. Galzerano, II Funeral Home, between points in the Borough of Bristol, Bucks County, and from points in the said borough to other points in Bucks County, and vice versa and for Galzerano Funeral Homes which are located in the City and County of Philadelphia, between points in the City and County of Philadelphia; subject to the following condition: that the service authorized is limited to the transportation of persons attending funerals or in funeral processions.

A-2010-2150794. Pocono Limousine Service, Inc., (Route 611 N, P. O. Box 340, Mt. Pocono, Monroe County, PA 18344) a corporation of the Commonwealth—for the discontinuance of service and cancellation of its certificate as a common carrier, by motor vehicle, authorizing the transportation of persons in airport transfer service from points in the County of Monroe, and within an airline distance of ten statute miles of the limits thereof, to airport facilities within the said territory, and from points in said territory, to the Wilkes-Barre/Scranton Airport, located in the Township of Pittston, Luzerne County, the Allentown-Bethlehem-Easton Airport, located in the Township of Hanover, Lehigh County, and the Philadelphia International Airport located in the City and County of Philadelphia and the Township of Tinicum, Delaware County, and vice versa.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Thomas J. Melick;
Doc. No. C-2009-2127131

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 Thomas J. Melick, Respondent, maintains his principal place of business at 4727 Hatfield Street, Pittsburgh, PA 15201-2911.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on March 1, 1977, at Application Docket No. A-00099994.

3. That Respondent reported zero PA PUC intrastate revenue for calendar years 2006 and 2007. On March 30, 2009, this Commission received Respondent's 2008 Assessment Report, which was signed by Thomas J. Melick, owner of the company. It also reported zero PA PUC regulated intrastate revenue. Therefore, Respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered.

4. That Respondent, by failing to submit a letter to this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(5) and 66 Pa.C.S. § 1102(a)(2) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Respondent's Certificate of Public Convenience at A-00099994.

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). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, a Secretarial Letter will be issued which imposes a penalty, including the revocation of your Certificate of Public Convenience.

C. If you file an Answer which admits or fails to deny the allegations of the Complaint, a Secretarial Letter will be issued which imposes a penalty, including the revocation of your Certificate of Public Convenience.

D. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. 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.

JAMES J. McNULTY,
Secretary

[Pa.B. Doc. No. 10-129. Filed for public inspection January 15, 2010, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Condensed Statement of Changes in Net Assets

June 30, 2009 and 2008
AUDITED

	<i>Year to Date June 30, 2009</i>	<i>Year to Date June 30, 2008</i>
Total Revenues	\$ 7,070,460	\$ 6,078,628
Total Operating Expenses	\$ 25,271,069	\$ 25,133,392
Operating Gain (Loss)	\$ (18,200,609)	\$ (19,054,764)
Net Nonoperating Revenues (Expenses)	\$ 11,833,347	\$ 11,203,665
(Loss) Gain Before Capital Grants	\$ (6,367,262)	\$ (7,851,099)
Capital Grants and Appropriations	\$ 70,337,647	\$ 45,918,376
Change in Net Assets	\$ 63,970,385	\$ 38,067,277
Net Assets, Beginning of Year	\$ 90,083,951	\$ 52,016,674
Net Assets, End of Year	\$ 154,054,336	\$ 90,083,951

JAMES T. McDERMOTT, Jr.,
Executive

[Pa.B. Doc. No. 10-130. Filed for public inspection January 15, 2010, 9:00 a.m.]

STATE BOARD OF BARBER EXAMINERS

**Bureau of Professional and Occupational Affairs v.
Jeffrey L. Nelson; Doc. No. 1022-42-2008**

On August 21, 2009, Jeffrey L. Nelson, License No. BO-432236, of York, York County, was ordered to pay a civil penalty of \$500 because he operated a barber shop without a license.

Individuals may obtain a copy of the adjudication by writing to David Markowitz, Board Counsel, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Barber Examiner’s (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

L. ANTHONY SPOSSEY,
Chairperson

[Pa.B. Doc. No. 10-131. Filed for public inspection January 15, 2010, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Action on Odor Management Plans for Concentrated Animal Operations, and Concentrated Animal Feeding Operations and Volunteers Complying with Pennsylvania’s Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for odor management plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board’s rules of practice and procedure may be obtained from the Board. The appeal form and the Board’s rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/ Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Jonas Hershberger 492 Evergreen Road Luthersburg, PA 15848	Clearfield County Brady Township	71.3	Veal	New	12/8/2009

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 10-132. Filed for public inspection January 15, 2010, 9:00 a.m.]

THADDEUS STEVENS COLLEGE OF TECHNOLOGY

Request for Bids

Thaddeus Stevens College of Technology is soliciting proposals for Bid Proposal 09-0005 for trash and garbage removal from the main campus and branch campus. Bid documents can be obtained from Nancy Froeschle, Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, fax (717) 391-3557 or froeschle@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 10-133. Filed for public inspection January 15, 2010, 9:00 a.m.]

Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for Bid Proposal 09-0006 for 15 passenger van rental (approximately 4,000 miles) and van shuttle service between main campus and branch campus (approximately 100 hours per week during the school year). Bid documents can be obtained from Nancy Froeschle, Thaddeus Stevens College of Technology, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, fax (717) 391-3557 or froeschle@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,
President

[Pa.B. Doc. No. 10-134. Filed for public inspection January 15, 2010, 9:00 a.m.]
