

# NOTICES

## CANINE HEALTH BOARD

### Public Meeting

The Canine Health Board gives notice of its public hearing on Thursday, February 4, 2010, at 2 p.m., for the purpose of hearing several requests from commercial kennels for alternative access to exercise, under section 207(i)(5) of the Dog Law, and other matters as they may arise. The hearing will be held in the VIP Room of the Farm Show Complex, 2300 North Cameron Street, Harrisburg, PA 17110.

Hearings will be held for the following individuals/kennels: Bonnie Arndt, Arndt's Happy Tails; Joan Huber, Blythewood Kennel; Edwin Martin, Martin's Double E Kennel and Kevin Stroup, Possum Hollow Kennel.

JENNIFER MULLER,  
*Chairperson*

[Pa.B. Doc. No. 10-185. Filed for public inspection January 29, 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 12, 2010.

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

### BANKING INSTITUTIONS

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
1-4-2010	Macquarie Bank Limited Sydney, Australia  Indirect acquisition of 100% of the common stock of Delaware Management Trust Company, Philadelphia.	Effective
12-28-2009	Allen E. Ertel  Application for approval to acquire up to 18.0% of Woodlands Financial Services Company, Williamsport.	Filed
1-8-2010	J. Donald Steele, Jr., and Joanne K. Steele  Application for approval to acquire up to 35.0% of the common stock of Northumberland Bancorp, Northumberland.	Filed

### Branch Applications

#### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-8-2010	Somerset Trust Company Somerset Somerset County	2690 William Penn Avenue Suite 5 Johnstown Cambria County	Approved

#### Branch Relocations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-4-2010	Mifflinburg Bank and Trust Company Mifflinburg Union County	To: 2894 North Susquehanna Trail Shamokin Dam Snyder County	Effective

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
		<i>From:</i> 8 North Routes 11 and 15 Selinsgrove Snyder County	

**Branch Discontinuances**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-8-2010	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	9910 Frankford Avenue Philadelphia Philadelphia County	Filed
1-8-2010	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	2 Scott Street and Pavilion Avenue Riverside Burlington County, NJ	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
1-8-2010	First Commonwealth Bank Indiana Indiana County	Filed

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

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

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

STEVEN KAPLAN,  
*Secretary*

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## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Retention of a Professional Design Firm or Firms Project Reference No. FDC-500-915

#### *Introduction*

The Department of Conservation and Natural Resources (Department), is seeking proposals from interested and qualified professional design firms (Consultant), for an Open-End Contract or Contracts for various architectural, landscape architectural, and engineering design services. The contract or contracts will be for a 12-month period with four 12-month extensions possible. Projects will be assigned on an as-needed basis. The contract or contracts will be managed by the Department's Bureau of Facility Design and Construction.

The number of Open-End Contracts and the dollar amount of each contract shall be at the discretion of the Department for the first year. The extent of the work for the subsequent 4-years of the contract will be dependent on the availability of additional funds and additional projects for those years, also at the discretion of the Department.

Letters of Interest will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of professional design. If an individual, firm or corporation not authorized to engage in the practice of architecture and/or engineering desires to submit a letter of interest, said individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of architecture and/or engineering in this Commonwealth. The professional design firm may be an architectural/engineering firm, an engineering/architectural firm, an architectural firm with an engineering subconsultant, or an engineering firm with an architectural subconsultant.

#### *Background*

Established on July 1, 1995, the Department is charged with maintaining and preserving the 117 State Parks; managing the 2.1 million acres of State Forest land; providing information on the State's ecological and geologic resources; and establishing community conservation partnerships with grants and technical assistance to benefit rivers, trails, greenways, local parks and recreation, regional heritage parks, open space and natural areas.

The Bureau of Facility Design and Construction provides multidisciplinary facility and infrastructure technical support to the other bureaus in the Department in the areas of project design, project inspections, construction

management, contract administration, surveying and other technical advice and consultation. This Bureau is comprised of two Divisions: Design and Field Engineering.

The Bureau's Design Division is responsible for the development of architectural, landscape architectural, water and sanitary, bridge and roadway, and civil and environmental projects required to support the Department's facility construction and maintenance program. This Division is comprised of five Sections: Architectural Design, Landscape Design, Sanitary and Water Management, Bridges and Road Management, and Civil Design. In addition to project design, staff also provides technical architectural and engineering support and advice to assist field operations in State Parks and State Forests.

The Bureau also has four field offices: Northcentral Office in Emporium, Western Office in Moraine State Park; Southcentral Office in Shawnee State Park and Eastern Office in Nockamixon State Park. Each office is responsible for providing direct engineering and technical support to the State Parks and State Forests field operations staff in their area. Staff is responsible for project inspection and construction management to ensure contractor compliance with the construction contract documents.

#### *Scope of Services*

The open-ended design services work will primarily be architectural in nature but will also include building related sites, civil, landscape, structural, mechanical, plumbing and electrical. It may occasionally include other related engineering work such as bridges, roadway, alternative energy and utility infrastructure. Project types may include new construction and renovation, alteration, or addition to existing structures, while structure types cover a broad range of facilities typically found at State Parks and may include picnic pavilions, toilet facilities, shower houses, maintenance and storage buildings, visitor centers, and Park and Forest District office and administration buildings.

Many of the projects may be for buildings less than 5,000 square feet in size and small in terms of project scope. Construction budgets for typical projects have ranged from as low as \$25,000 to as high as \$7,000,000. The average construction budget is likely to be less than \$2,000,000. Consultants should give strong consideration to the typical project size when considering submitting for this RFP.

The services anticipated under the contract may include project planning, scoping and programming, budget estimating, site visits, existing facility review, assessment, and documenting, geotechnical investigations, site surveys, utility company coordination, cost/benefit analysis, life cycle cost analysis, computer energy and daylight modeling, conceptual design, design development, construction documentation including preparation of drawings and specifications, cost estimating, permit preparation and submission, construction administration including construction submission review and construction inspection, and existing building code and facility condition reviews. Permitting services may include PA UCC building permits, DER Chapter 105 sanitary permits, NPDES permits, erosion and sedimentation control plans, water encroachment permits, storm water management plans, and land development plans.

Work will be performed with a focus on environmentally sustainable design and construction principles and practices. Projects designed under this contract must

achieve a high level of environmental performance, durability and healthy indoor air quality through integrated design and sustainable practices, features and technologies. Designs should implement financially feasible and technologically sound strategies to conserve energy and to surpass current norms for water conservation, waste management and recycling. Furthermore the quality of the indoor environment (including quality of indoor air, light, acoustics and personal controllability of building systems) must be of primary consideration. Sustainability should be incorporated into the earliest design decisions. Projects may require LEED certification through the US Green Building Council.

Projects will be located throughout this Commonwealth. Travel to the project sites will be required. Project assignment will be through individual project Work Orders. The scope of the Work Order may range from full responsibility for all aspects of the design to a collaborative design effort with Department in-house staff where only one or more specific design disciplines are required. Work Orders may be for a single phase or portion of a project such as conceptual design, or for all phases of the entire project. The work shall be identified in the Work Order by a series of Tasks that encompass the full scope of the project. The number and description of the tasks will vary based on a project's scope and complexity. A typical Work Order will require formal submissions at the end of the Sketch (10%), Preliminary (50%), Pre-Final (95%) and Final (100%) design stages. Complexity may require more or less submissions for certain projects. The Consultant will be required to develop and maintain a detailed project schedule showing all related project tasks including design phases, submissions, review periods and timelines for required permits. The project schedule shall identify the critical path for completion of the project. A Bureau of Facility Design and Construction Project Coordinator will be assigned to each Work Order. The Coordinator may change from project to project. A Performance Review may be performed by the Project Coordinator at the completion of a Work Order and used in assigning additional projects to the Consultant.

Project fees associated with each Work Order will be negotiated individually within the bounds of the rates, terms and conditions established in the Professional Agreement. Most Work Orders will be negotiated as a lump sum maximum fee for defined tasks; however, some projects may be handled through Time and Expense Work Orders. Direct costs for travel and subsistence, shall be based on the current state rates. The Department will reimburse miscellaneous expenses such as copies, prints, sepias, postage and film at cost upon approval.

Payment for services on Lump Sum Work Orders shall be made when the work of an individual task is accepted and approved by the Department. Payment for partial task completion will be at the Project Coordinator's discretion. Payment on Time and Expense Work Orders shall be made at most monthly based on actual time expended on the project and expenses incurred.

The Department's standard contract method is multiple prime, design-bid-build although other nonbid construction methods, including construction by Department staff and volunteer organizations, may be used. The Consultant will be required to prepare construction documents appropriate to the construction method selected by the Department.

The Consultant will be required to submit project data and documents in both written and electronic form. Drawings will be required to comply with the Department's CAD Standard.

#### *Qualifications*

The Consultant shall have staff available to provide rapid services associated with assigned projects. The Consultant may be called upon to provide services on multiple projects at the same time. The Consultant shall have demonstrated knowledge of the building design and construction method.

The following minimum qualifications will be expected of all Consultants:

- Possess current professional registrations required to perform the required services.
- Be licensed to conduct business in the Commonwealth.
- Have sufficient staff or subconsultants experienced in the various required services.
- Have an established quality control and assurance program for checking documents for accuracy, consistency, coordination, quality and compliance with all necessary codes and regulations.
- Have specialized experience in the field of sustainable building design and a demonstrated ability to comprehensively integrate the concept of sustainability into the project.
- Have LEED certified designers as current members of staff and available for assigned projects.
- Have design capabilities in digital format. (AutoCAD)
- Have the ability to produce 3-dimensional drawings in AutoCAD to further illustrate design intent.

### **SPECIAL PROVISIONS CONCERNING DISADVANTAGED BUSINESSES AND ENTERPRISE ZONE BUSINESSES FOR REQUESTS FOR PROPOSALS**

#### *Disadvantaged Business Information*

The Commonwealth encourages participation by Small Disadvantaged Businesses as prime contractors, joint ventures, and subcontractors/suppliers, and by Socially Disadvantaged Businesses as prime contractors.

Small Disadvantaged Businesses are small businesses that are owned or controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages. The term includes: 1) Department of General Services Bureau of Minority & Women Business Opportunities (BMWBO)-certified Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) that qualify as small businesses; and 2) United States Small Business Administration (SBA)-certified Small Disadvantaged Businesses (SDBs) or 8(a) small disadvantaged business concerns.

Small businesses are businesses in the United States that are independently owned, are not dominant in their field of operation, employ no more than 100 persons, and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

Socially disadvantaged businesses are businesses in the United States that BMWBO determines are owned or controlled by a majority of persons, not limited to mem-

bers or minority groups, who are subject to racial or ethnic prejudice or cultural bias, but which do not qualify as small businesses. For a business to qualify as "socially disadvantaged," the offeror must include in its proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person's color, ethnic origin or gender.

Questions regarding this Program can be directed to the Department of General Services, Bureau of Minority & Women Business Opportunities, Room 611, North Office Building, Harrisburg, PA 17125, gs-bmwbo@state.pa.us, (717) 787-6708, fax (717) 772-0021.

Program information and a database of BMWBO-certified minority- and women-owned businesses can be accessed at [www.dgs.state.pa.us](http://www.dgs.state.pa.us), Keyword: BMWBO. The Federal vendor database can be accessed at [www.ccr.gov](http://www.ccr.gov) by clicking on Dynamic Small Business Search (certified companies are so indicated).

#### *Information Concerning Small Businesses in Enterprise Zones*

The Commonwealth encourages participation by small businesses whose primary headquarters facility is physically located in areas designated by the Commonwealth as Designated Enterprise Zones, as prime contractors, joint ventures and subcontractors/suppliers.

Small businesses are businesses in the United States that are independently owned, are not dominant in their field of operation, employ no more than 100 persons and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

There is no database or directory of small businesses located in Designated Enterprise Zones. Information on the location of *Designated Enterprise Zones* can be obtained by contacting Aldona M. Kartorie, Center for Community Building, Department of Community and Economic Development, 4th Floor, Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (717) 720-7409, fax (717) 787-4088, [akartorie@state.pa.us](mailto:akartorie@state.pa.us).

#### *Disadvantaged Businesses Information*

To receive credit for being a Small Disadvantaged Business or a Socially Disadvantaged Business, entering into a joint venture agreement with a Small Disadvantaged Business, or subcontracting with a Small Disadvantaged Business (including purchasing supplies and/or services through a purchase agreement), a company must include proof of Disadvantaged Business qualification in the Disadvantaged Business submittal of the proposal:

a) Small Disadvantaged Businesses qualifying as a result of MBE/WBE certification from BMWBO must provide a photocopy of their BMWBO certificate.

b) Disadvantaged Businesses qualifying as a result of certification from the United States Small Business Administration as an 8(a) or Small Disadvantaged Business must submit proof of Small Business Administration Certification. The owners of such businesses must also submit proof of United States citizenship.

c) Companies claiming Small Disadvantaged Business status, whether as a result of BMWBO certification or Small Business Administration certification as an 8(a) or Small Disadvantaged Business, must attest to the fact that the business has 100 or fewer employees.

d) Companies claiming Small Disadvantaged Business status, whether as a result of BMWBO certification or

Small Business Administration certification as an 8(a) or Small Disadvantaged Business, must submit proof that their gross annual revenues are less than \$20,000,000 (\$25,000,000 for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax or audited financial statement.

Companies claiming status as a Socially Disadvantaged Business must include in the Disadvantaged Business submittal of the proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person's color, ethnic origin or gender. The submitted evidence of prejudice or bias must:

- a) Be rooted in treatment which the business person has experienced in American society, not in other countries.
- b) Show prejudice or bias that is chronic and substantial, not fleeting or insignificant.
- c) Indicate that the businessperson's experience with the racial or ethnic prejudice or cultural bias has negatively impacted on his or her entry into and/or advancement in the business world.

BMWBO shall determine whether the contractor has established that a business is socially disadvantaged by clear and convincing evidence.

In addition to these verifications, this portion of the proposal should include the following information:

- The name and telephone number of your project (contact) person for the Small Disadvantaged Business(es).
- The company name, address, telephone number of the prime contact person for each specific Small Disadvantaged Business or Socially Disadvantaged Business included in the proposal. The contractor must specify the Small Disadvantaged Business(es) to which it is making commitments. The contractor will not receive credit by stating it will find a Small Disadvantaged Business after the contract is awarded or by listing several companies and stating it will select one later.
- The specific work, goods or services the Small Disadvantaged Business(es) will perform or provide.
- The location where the Small Disadvantaged Business(es) will perform these services.
- The time frame for the Small Disadvantaged Business(es) to provide or deliver the goods or services.
- The amount of capital, if any, the Small Disadvantaged Business(es) will be expected to provide.
- The form and amount of compensation each Small Disadvantaged Business will receive. In the Disadvantaged Business submittal of the proposal, provide the estimated dollar value of the contract to each Small Disadvantaged Business.
- The percent of the total value of services or products purchased/subcontracted under the proposal that will be provided by the Small Disadvantaged Business(es).
- In the case of a joint venture agreement, a copy of the agreement, signed by all parties, must be included in the Disadvantaged Business portion of the proposal. If subcontracting, a signed subcontract or letter of intent must be included in the Disadvantaged Business portion of the proposal.

- Include in the Disadvantaged Business Submittal any and all information concerning the contractor's proposed utilization of small businesses located in *Designated Enterprise Zones* as required by [Enter Section or Part # of the Enterprise Zone Small Business Utilization Response], Enterprise Zone Small Business Utilization Response.

The Disadvantaged Business submittal of the proposal must be clearly identified as Disadvantaged Business information and sealed in an envelope separately from the remainder of the proposal. Only one copy of the Disadvantaged Business section is needed.

The dollar value of the commitment to each Small Disadvantaged Business must be sealed in the same envelope with the Disadvantaged Business submittal of the proposal. The selected contractor's Disadvantaged Business commitment amount, name of the Disadvantaged Business, services to be provided including time frame for performing services will be included as a contractual obligation when the contract is executed.

Offerors may submit, within the same proposal envelope, alternate proposals for differing utilization of Small Disadvantaged Businesses or Socially Disadvantaged Businesses. For example, a proposal may be submitted by prime contractor with a Small Disadvantaged Business as a subcontractor while an alternate proposal may be submitted by the Small Disadvantaged Business as the prime contractor. If an alternate proposal is offered, it must include separately sealed Technical, Price and Disadvantaged Business submittals for the alternate. The alternate proposal will be scored separately. Only the higher-scored proposal (prime proposal or alternate proposal) will be eligible for participation for Best and Final Offers.

#### *Enterprise Zone Small Business Utilization Response*

To receive credit for being an enterprise zone small business or entering into a joint venture agreement with an enterprise zone small business or subcontracting with an enterprise zone small business, a company must include the following information in the Disadvantaged Business submittal of the proposal:

- Proof of the location of the business' headquarters (such as a lease or deed or Department of State corporate registration).
- Confirmation of the enterprise zone in which it is located (obtained from the local enterprise zone office).
- Proof of United States citizenship of the owners of the business.
- Certification that the business employs 100 or fewer employees.
- Proof that the business's gross annual revenues are less than \$20,000,000 (\$25,000,000 for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax or audited financial statement.

In addition to these verifications, this portion of the Submittal should include the following information:

- The company name, address, name and telephone number of the primary contact person for each Enterprise Zone Small Business included in the proposal. The contractor must specify the Enterprise Zone Small Business to which it is making commitments. The contractor will not receive credit by stating that it will find an Enter-

prise Zone Small Business after the contract is awarded or by listing several companies and stating it will select one later.

- The specific work, goods or services the Enterprise Zone Small Business will perform or provide.
- The location where the Enterprise Zone Small Business will perform these services.
- The time frame for the Enterprise Zone Small Business to provide or deliver the goods or services.
- The amount of capital, if any, the Enterprise Zone Small Business will be expected to provide.
- The form and amount of compensation each Enterprise Zone Small Business will receive. In the Disadvantaged Business portion of the proposal, provide the estimated dollar value of the contract to each Enterprise Zone Small Business.
- The percent of the total value of services or products purchased/subcontracted under the proposal that will be provided by the Enterprise Zone Small Business.
- In the case of a joint venture agreement, a copy of the agreement, signed by all parties, must be included in the Disadvantaged Business Submittal of the proposal. If subcontracting, a signed subcontract or letter of intent must be included in the Disadvantaged Business Submittal of the proposal.

The dollar value of the commitment to each Enterprise Zone Small Business must be sealed in the same envelope with the Disadvantaged Business Submittal of the proposal. The selected contractor's Enterprise Zone Small Business commitment amount, name of Enterprise Zone small Business, and services to be provided including time frame for performing services will be included as a contractual obligation when the contract is executed.

#### *Disadvantaged Business Participation*

The following options will be considered as part of the final criteria for selection:

Priority Rank 1. Proposals submitted by Small Disadvantaged Businesses.

Priority Rank 2. Proposals submitted from a joint venture with a Small Disadvantaged Business as a joint venture partner.

Priority Rank 3. Proposals submitted with subcontracting commitments to Small Disadvantaged Businesses.

Priority Rank 4. Proposals submitted by Socially Disadvantaged Businesses.

Each proposal will be rated for its approach to enhancing the utilization of Small Disadvantaged Businesses and/or Socially Disadvantaged Businesses. Each approach will be evaluated with Priority Rank 1 receiving the highest score and the succeeding options receiving scores in accordance with the previously-listed priority ranking.

To the extent that a proposal is submitted by a Small Disadvantaged Business or a Socially Disadvantaged Business, the Small Disadvantaged Business or Socially Disadvantaged Business cannot enter into subcontract arrangements for more than 40% of the total estimated dollar amount of the contract. If a Small Disadvantaged Business or a Socially Disadvantaged Business subcontracts more than 40% of the total estimated dollar amount of the contract to other contractors, the Disadvantaged Business Participation scoring shall be proportionally lower for that proposal.

#### *Enterprise Zone Small Business Participation*

The following options will be considered as part of the final criteria for selection:

Priority Rank 1. Proposals submitted by an Enterprise Zone Small Business will receive the highest score.

Priority Rank 2. Proposals submitted by a joint venture with an Enterprise Zone Small Business as a joint venture partner will receive the next highest score for this criterion.

Priority Rank 3. Proposals submitted with a subcontracting commitment to an Enterprise Zone Small Business will receive the lowest score for this criterion.

Priority Rank 4. Proposals with no Enterprise Zone Small Business Utilization shall receive no points under this criterion.

To the extent that a proposal is submitted as a prime contractor by an Enterprise Zone Small Business, the Enterprise Zone Small Business cannot enter into contract or subcontract arrangements for more than 40% of the total estimated dollar amount of the contract.

#### *Contract Requirements—Disadvantaged Business Participation and Enterprise Zone Small Business Participation*

Contracts containing Disadvantaged Business participation must also include a provision requiring the contractor to meet and maintain those commitments made to Disadvantaged Businesses and/or Enterprise Zone Small Businesses at the time of proposal submittal or contract negotiation, unless a change in the commitment is approved by the BMWBO. Contracts containing Disadvantaged Business participation and/or Enterprise Zone Small Business participation must include a provision requiring Small Disadvantaged Business subcontractors, Enterprise Zone Small Business subcontractors, and Small Disadvantaged Businesses or Enterprise Zone Small Businesses in a joint venture to perform at least 50% of the subcontract or Small Disadvantaged Business/Enterprise Zone Small Business portion of the joint venture.

Commitments to Disadvantaged Businesses and/or Enterprise Zone Small Businesses made at the time of proposal submittal or contract negotiation must be maintained throughout the term of the contract. Any proposed change must be submitted to BMWBO which will make a recommendation as to a course of action to the contracting officer.

If a contract is assigned to another contractor, the new contractor must maintain the Disadvantaged Businesses participation and/or Enterprise Zone Small Business participation of the original contract.

The contractor shall complete the Prime Contractor's Quarterly Utilization Report (or similar type document containing the same information) and submit it to the contracting officer of the agency that awarded the contract and BMWBO within 10 workdays at the end of each quarter the contract is in force. If there was no activity, the form must also be completed, stating "No activity in this quarter." This information will be used to determine the actual dollar amount paid to Small Disadvantaged Business and/or Enterprise Zone Small Business subcontractors and suppliers, and Small Disadvantaged Businesses and/or Enterprise Zone Small Businesses involved in Joint Ventures. Also, it is a record of fulfillment of the commitment your firm made and for which it received Disadvantaged Business and Enterprise Zone Small Business points.

NOTE: EQUAL EMPLOYMENT OPPORTUNITY AND CONTRACT COMPLIANCE STATEMENTS REFERRING TO COMPANY EQUAL EMPLOYMENT OPPORTUNITY POLICIES OR PAST CONTRACT COMPLIANCE PRACTICES DO NOT CONSTITUTE PROOF OF DISADVANTAGED BUSINESS STATUS OR ENTITLE A PROPOSER TO RECEIVE CREDIT FOR DISADVANTAGED BUSINESS UTILIZATION.

#### *Proposal Content*

Proposals must be complete in all respects as required in this section. A proposal will not be considered if it is conditional or incomplete; however, the Department reserves the right to waive any nonmaterial defects or omissions that in the Department's opinion does not constitute an omission of required information.

Proposals shall include the following items and information:

- Letter of Interest including the Consultant's Federal identification number and the project reference number.

- A description of the Consultant's understanding of the Department's needs and the services required. This description shall include why and how the Consultant is qualified to provide these services.

- A description of the Consultant's project approach and methodology, including the approach to the managerial, technical and administrative aspects of a project. Describe how the scope, schedule, budget and quality of a project are managed and controlled. Address communication and coordination strategies internal to the design team, with the client and with other outside agencies. Describe how an integrated design process is approached and has been used on past projects.

- A description of the Consultant's sustainable design experience, including specialized knowledge and expertise in as many of the following areas of sustainable design as possible: environmentally sound site design and planning, sustainability performance standards for the building, energy efficiency, water efficiency, indoor air quality, environmentally sound materials, construction waste management and prevention, low maintenance design and materials. Include a description of how sustainable design is made an integral part of the Consultant's building design process.

- A detailed description of the Consultant's quality control and assurance program, including how subconsultants are included in this program. Describe what steps are taken to assure accurate, fully coordinated construction documents. Provide the name of the person responsible for quality control and describe their qualifications to perform this task.

- A description of the Consultant's qualifications to complete the required services. Include firm history and experience on similar projects. Describe the resources of the firm, including number/discipline of personnel, ability to respond to schedule acceleration, etc. Describe roles and experience of proposed subconsultants.

- Résumés of personnel who will actually be involved in providing the services described herein to the Department. Describe their relevant experience, years of experience, what roles they will fill in providing the required services, and percent of time they will be committing to Department-assigned projects. The resumes must include their Professional Education and Professional Registrations and Licenses. Provide resumes of subconsultant's personnel.

- A description of the Consultant's ability to work on multiple projects of various sizes at the same time.

- A list of at least three of the Consultant's most recent completed projects similar to the projects anticipated under the contract. In addition to photographs and a descriptive narrative, the list shall include the client, contact person and contact information, the completion date, the estimated or actual total construction cost, the estimated or actual construction cost of the portion of work which the firm designed, the firm's Project Manager, and the names of all of the firm's personnel who made contributions to the project. If the Consultant has experience with LEED projects, at least one LEED project should be added to the list. In addition to the previous information, a summary of the sustainable features, the LEED rating achieved, and a description of the integrated design process shall accompany the LEED project.

- A standard DGS Form 150-ASP indicating the individual in charge. The Form 150-ASP is available by downloading from DGS Home Page on the Internet at <http://www.dgs.state.pa.us/>. On the lower left of the web site (Search DGS) type in Form 150-ASP. Written requests for a hard copy of Form 150-ASP should be addressed to the Selections Committee, Department of General Services, 3rd Floor, Arsenal Building, 18th and Herr Streets, Harrisburg, PA 17125. In addition, the Form 150-ASP can be obtained by means of e-mail by addressing your request to: [pbianchi@state.pa.us](mailto:pbianchi@state.pa.us).

- SERB information in a separate, sealed envelope.

Additional information may be included in the proposal at the Consultant's discretion if the Consultant feels it is pertinent to the review and evaluation of the Consultant's qualifications.

Cost or fee information should not be submitted as part of the proposal. Cost and fee information will be requested from Consultants deemed technically qualified and ranked high enough by the technical evaluation and selection process to be reasonably susceptible of being selected for award. Negotiation of these costs and fees between the Department and the Consultant may occur. Failure to reach an agreement on costs and fees may disqualify the Consultant from further consideration and constitute withdrawal from this RFP and forfeiture of any claims related to this RFP.

#### *Evaluation and Selection*

Companies interested in participating in the RFP process must submit qualifications. Selections will be made based on the qualifications of team members and the qualifications of the firm and their subconsultants. The best qualified team of design professionals that meet all parameters established will be selected for the project.

Each technical Proposal will be reviewed to determine responsiveness. Nonresponsive Proposals will be rejected without evaluation. Responsive Proposals will be evaluated by a Selection Committee, hereinafter referred to as the "Committee," established for this purpose. Such evaluation will be based upon the information provided by the firms. Although not mandatory, the Department reserves the right to conduct interviews with and/or request presentations from any of the Consultants. Interviews and presentations may not be requested of all Consultants. Consultants may be asked to produce additional documentation. Following the review process, firms will receive a final technical ranking.

The Department reserves the right to investigate the qualifications of any Consultant under consideration in-

cluding proposed subconsultants and parties otherwise related to the Consultant and require confirmation of information furnished by a Consultant, or require additional evidence of experience and qualifications to provide the services or otherwise discharge the obligations required by this RFP.

Consultants are advised that the lowest cost proposal will not necessarily be awarded the contract, as the selection will be based upon qualification criteria as determined by the Committee.

Selected Consultants will be required to execute the Department's Agreement for Professional Services. Failure to agree to the terms of this Agreement will constitute withdrawal from this RFP and forfeiture of any claims related to this RFP. The Department will begin negotiations with the Consultant ranked next qualified by the Committee.

The Department reserves the right to cancel or modify this RFP. This RFP does not commit the Department to award a contract. The final authority to award a contract rests with the Department.

Materials submitted with the response will become the property of the Department. No materials submitted will be returned.

The Committee will evaluate the Proposals against the following criteria:

- Consultant's experience on past projects of similar scope, type and size.
- Consultant's staff qualifications, experience, and ability to perform the required services, including available manpower to perform the required services. This includes the qualifications, experience and abilities of subconsultant's staff.
- Consultant's understanding of the problem and the services required.
- Consultant's project approach and methodology.
- Knowledge of and experiences with environmentally sustainable design and LEED accreditation.
- Consultant's quality control and assurance program and procedures.
- Equitable distribution of the contracts.
- SERB participation. (Note: SERB participation is evaluated by the Department of General Services and is not part of the technical review performed by the Committee; however, it is part of the total selection ranking.)

#### *Proposal Format*

Proposals are to be prepared in such a way as to provide a straightforward, concise description of capabilities to satisfy the requirements of this RFP. Proposals shall contain concise written material and illustrations that enable a clear understanding and evaluation of both the capabilities of the Consultant, and the characteristics and benefits of the services being proposed. Emphasis should be concentrated on conformance to the RFP instructions, responsiveness to the RFP requirements, and on completeness and clarity of content.

Proposals shall not exceed 8 1/2-inches by 11-inches, but may include folded pages of a larger size. Tabbed dividers dividing the information into logical parts with an associated table of contents are encouraged. Proposals shall be bound, or otherwise fastened to keep the pages in the intended order and in an orderly, organized fashion.

#### *Proposal Submission*

Only technical proposals are to be submitted at this time. The scope and fees for individual task orders will be negotiated after the contract is awarded.

Consultants electing to respond to this RFP are responsible for all costs incurred in the preparation and submission of the proposals; demonstrations; interviews; preparation of responses to questions and requests for additional information; for contract discussions; or for anything in any way related to this RFP. The Department is not liable for any costs incurred by the Consultant in response to this RFP and the Consultant, including all subconsultants and related parties, disclaims and voluntarily and knowingly waives any and all rights to reimbursement for any such costs.

Six copies of the Letter of Interest; six copies of the required forms and one copy of the SERB information must be received no later than 4 p.m. on March 8, 2010. The six copies shall be submitted in six complete sets that are individually bound. The assignment and services will be made to one or more of the firms responding to this notice. However, the Department reserves the right to reject all Letters of Interest submitted, cancel the solicitation requested under this notice, and/or readvertise solicitation for this service.

Firms interested in performing the required services for the project are invited to submit Letters of Interest to Eugene J. Comoss, P. E., Director, Bureau of Facility Design and Construction, Rachel Carson State Office Building, 8th Floor, 400 Market Street, P. O. Box 8451, Harrisburg, PA 17105-8451. Contact Michael Twigg at (717) 787-2401 for general information concerning the design work.

The Department disclaims any liability whatsoever to its review of the proposals submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

JOHN QUIGLEY,  
*Acting Secretary*

[Pa.B. Doc. No. 10-187. Filed for public inspection January 29, 2010, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Proposed Grant Application by Department of Education under Part B of the Individuals with Disabilities Education Act for Federal Fiscal Year 2010

Public comment is invited regarding the Department of Education's (Department) proposed grant application under Part B of the Individuals with Disabilities Education Act (IDEA-B). The annual grant application provides assurances that the State's policies and procedures in effect are consistent with the Federal requirements to ensure that a free appropriate public education is made available to all children with a disability from age 3 to 21, including children who have been suspended or expelled from school. The current policies and procedures are available for viewing at <http://www.education.state.pa.us> (go to "Programs," go to "Special Education," go to "Funding Sources," go to IDEA-B Policies and Procedures 2009).



Section 300.165 of 34 CFR requires that the State provide notice, an opportunity for public comment and conduct public hearings. Each State must publish the proposed IDEA-B application and current policies and procedures related to IDEA-B. Copies of the proposed grant application and the current policies and procedures are available by viewing the documents on <http://www.pattan.net/regsforms/IDEA2004.aspx>. Alternative formats of the documents (for example, Braille, large print, cassette tape) can be made available to members of the public upon request. Moreover, public comment is welcomed in alternative formats such as Braille, taped comments and telephone comments for the disabled. Persons who are disabled and wish to submit comments by telephone, contact Beth Runkle, (717) 783-5768.

Written comments will be received until April 30, 2010. The written comments should be directed to Patty Todd, Special Education Adviser, Bureau of Special Education, Department of Education, 333 Market Street, 7th Floor, Harrisburg, PA 17126-0333.

Additionally, opportunity for oral testimony will be held by the Department, Bureau of Special Education, for individuals wishing to present oral testimony on the proposed IDEA-B application and the current policies and procedures. One written copy of oral testimony at the time of presentation would be appreciated. Presentations should be limited to 15 minutes.

Dates, locations and times for oral testimony regarding the proposed grant application and current policies and procedures are as follows:

- March 16, 2010 PaTTAN-King of Prussia  
200 Anderson Road  
King of Prussia, PA  
(4 p.m.—7 p.m.)
- March 17, 2010 PaTTAN-Harrisburg  
6340 Flank Drive  
Harrisburg, PA  
(4 p.m.—7 p.m.)
- March 18, 2010 PaTTAN-Pittsburgh  
3190 William Pitt Way  
Pittsburgh, PA  
(4 p.m.—7 p.m.)

To schedule an opportunity to present oral testimony, or for persons with a disability wishing to attend the public testimony and require an accommodation to participate in the proceedings, call Beth Runkle at (717) 783-5768 no later than March 12, 2010.

Following receipt of all written and oral comments, the Department will consider all comments and make any necessary modifications to the current grant application and to the current policies and procedures before submission of the grant application to the Secretary of the United States Department of Education.

GERALD L. ZAHORCHAK, D.Ed.,  
*Secretary*

[Pa.B. Doc. No. 10-188. Filed for public inspection January 29, 2010, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0008281 Amendment No. 3 (IW)	PPL Brunner Island, LLC Two North Ninth Street GENPL6 Allentown, PA 18101-1179	York County East Manchester Township	Susquehanna River 7-H	Y
PA0082643 (Sew)	Flatbush Golf Course, Inc. 940 Littlestown Road Littlestown, PA 17340	Adams County Union Township	UNT to Conewago Creek 7-F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0228133 IW	Department of Transportation Engineering District 2 1924 Daisy Street Ext. Clearfield, PA 16830	Cameron County Lumber Township	Driftwood Branch Sinnemahoning Creek 8A	Y
PA0024341 (Sewage) Non-Public	Canton Borough Authority P. O. Box 237 Canton, PA 17724	Bradford County Canton Borough	Towanda Creek SWP 4C	Y
PA0024538	Beech Creek Borough Authority STP P. O. Box 216 Beech Creek, PA 16822	Clinton County Beech Creek Borough	Beech Creek 9C	Y
PAS804804 (Sewerage)	Superior Plus Energy Services, LLC Rebersburg Bulk Plant 103 Broad Street Rebersburg, PA 16872	Miles Township Centre County	UNT to Elk Creek 6A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0039225	Blaine E. Rhodes, d/b/a B.E. Rhodes Sewer Company Route 8 P. O. Box 397 Reno, PA 16343	Sugarcreek Township Venango County	Allegheny River 16-E	Y
PA0000329	PA American Water Company 800 W. Hersheypark Drive Hershey, PA 17033-2400	Wayne Township Lawrence County	Slippery Rock Creek 20-C	Y

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

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

**PA0056065**, Sewage, SIC 8221, **Enserv, Inc. (Immaculata University)**, 1145 King Road, Immaculata, PA 19345. This facility is located in East Whiteland Township, **Chester County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from a sewage treatment plant serving Immaculata University and Camilla Hall. This is an existing discharge.

The receiving stream, an unnamed tributary to Valley Creek (Stream Code 01012), is in the State Water Plan Watershed 3F and is classified for: EV. The nearest downstream public water supply intake for Borough of Norristown, is located on the Schuylkill River.

The proposed effluent limits for Outfall 001 are based on a design flow of 97,770-gpd.

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum mg/l
CBOD <sub>5</sub>	8.0		10		20
Total Suspended Solids	8.0		10		20
Ammonia as N					
(05-01 to 10-31)	1.2		1.5		3.0
(11-01 to 04-30)	3.0		3.7		7.4
Dissolved Oxygen			Minimum of 7.0 mg/l at all times		
pH			Within limits of 6.0 to 9.0 Standard Units at all times		
Fecal Coliform			200 #/100 ml as a geometric mean, nor greater than 1,000 #/100 ml in more than 10% of samples		

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

1. Responsible Operator.
2. Abandon STP when Public Sewer Available.
3. Remedial Measures.
4. No Stormwater.
5. Obtain Property Rights.
6. Small Stream Discharge.
7. Change of Ownership.
8. Sludge Disposal.
9. TMDL/WLA Analysis.
10. Operator Training.
11. Certified Laboratory.

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

**Application No. PA 0261343**, Sewage, **Joshua Hill Sewer Company, LLC**, 929 Baltimore Street, Hanover, PA 17331. This facility is located in West Manheim Township, **York County**.

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

The receiving stream, a UNT to West Branch Codorus Creek, is in Watershed 7-H, and classified for warm water fishes, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Public Water Supply is located on the Susquehanna River, approximately 47.7 miles downstream. The discharge is expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.100 MGD are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>			
(5-1 to 10-31)	25	XXX	60
(11-1 to 4-30)	25	XXX	60
Total Suspended Solids	30	XXX	50
NH <sub>3</sub> -N			
(5-1 to 10-31)	1.5	XXX	5.0
(11-1 to 4-30)	4.5	XXX	9.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	

Parameter	Average	Average	Instantaneous
	Monthly (mg/l)	Weekly (mg/l)	Maximum (mg/l)
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	
Chesapeake Bay Requirements			
	Concentration (mg/L)		Mass (lbs)
	Monthly	Monthly	Annual
	Average		
Ammonia-N	Report	Report	Report
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	0
Net Total Phosphorus	XXX	Report	0

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

The EPA waiver is in effect.

**Application No. PA 0040860, Amendment No. 1, Industrial Waste, SIC Code 4953, Delaware County Solid Waste Authority (Rolling Hills Landfill), 583 Longview Road, Boyertown, PA 19512.** This facility is located in Oley and Earl Townships, Berks County.

Description of activity: The application is for an NPDES amendment to expand an existing discharge of treated industrial wastewater at Outfall 001 from 0.08 MGD to 0.120 MGD.

The receiving stream, Manatawny Creek, is in Watershed 3-C, and classified for cold water fishery, water supply, recreation and fish consumption. The nearest downstream public water supply intake is the Pennsylvania American Water System located on the Schuylkill River, approximately 21 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 0.08 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Dissolved Oxygen			Minimum of 5.0 at all times.		
pH			From 6.0 to 9.0 inclusive.		
Total Residual Chlorine			0.5	1.0	1.6
Total Suspended Solids	18	40	27	60	75
Total Dissolved Solids	20,016	40,032	30,000	60,000	75,000
Color			100	100	
a-Terpinol	0.013	0.028	0.019	0.042	0.042
Aniline	0.01	0.016	0.015	0.024	0.024
Benzoic Acid	0.049	0.079	0.073	0.119	0.119
Naphthalene	0.015	0.039	0.022	0.059	0.059
p-Cresol	0.01	0.016	0.015	0.024	0.024
Phenol	0.019	0.032	0.029	0.048	0.048
Pyridine	0.017	0.048	0.025	0.072	0.072
Arsenic	0.36	0.734	0.54	1.1	1.1
Chromium VI	0.029	0.057	0.043	0.086	0.108
Zinc	0.197	0.357	0.296	0.535	0.535
CBOD <sub>5</sub>	17	34	25	50	63
NH <sub>3</sub> -N					
(5/1 to 10/31) (Interim)	9	18	14	28	35
(11/1 to 4/30) (Final)	13	26	20	40	40
Fecal Coliform					
(5/1 to 9/30)			200/100 ml as 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 0.115 MGD are:

Parameter	Mass (lb/day)		Concentration (mg/l)		Instantaneous Maximum
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Dissolved Oxygen			Minimum of 5.0 at all times.		
pH			From 6.0 to 9.0 inclusive.		

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine			0.5	1.0	1.6
Total Suspended Solids	30	60	30	60	75
Total Dissolved Solids			See PART C E.		
Color				100	100
a-Terpinol	0.0186	0.033	0.016	0.033	0.033
Aniline	0.0145	0.024	0.015	0.024	0.024
Benzoic Acid	0.071	0.12	0.073	0.12	0.12
Naphthalene	0.022	0.059	0.022	0.059	0.059
p-Cresol	0.014	0.025	0.015	0.024	0.024
Phenol	0.028	0.046	0.029	0.048	0.048
Pyridine	0.025	0.072	0.025	0.072	0.072
Arsenic	0.52	1.06	0.54	1.1	1.1
Chromium VI	0.043	0.0816	0.043	0.086	0.086
Zinc	0.11	0.2	0.11	0.2	0.2
CBOD <sub>5</sub>	25	50	25	50	63
NH <sub>3</sub> -N	4.9	10	4.9	10	10
Fecal Coliform					
(5/1 to 9/30)			200/100 ml as geometric average.		
(10/1 to 4/30)			2,000/100 ml as a geometric average.		

Limits for Outfall 006 and the Stormwater Outfalls 002—005 and 008—010 will not change.

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

The EPA waiver is in effect.

**Application No. PA 0260738**, Industrial Waste, NAIC Code 327390, **Nitterhouse Concrete Products**, 2655 Molly Pitcher Highway, Chambersburg, PA 17202. This facility is located in Guilford Township, **Franklin County**.

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

The receiving stream, groundwater and unnamed tributaries to Conococheague Creek, is in Watershed 13-C, and classified for warm water fishes, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Hagerstown, MD located on the Potomac River, approximately 40 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.003 MGD are:

Parameter	Concentration (mg/l)		
	Average Monthly	Maximum Daily	Instantaneous Maximum
pH			Between 6.0 and 9.0 at all times
Total Dissolved Solids	500		1,000
Total Suspended Solids	Monitor & Report		

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

- Site wide Best Management Practices must be followed to ensure proper disposal of all water generated onsite.

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

The EPA waiver is in effect.

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

**PA0102784**, Industrial Waste. **Waste Treatment Corporation**, P. O. Box 1550, Warren, PA 16365. This existing facility is located in the City of Warren, **Warren County**.

Description of Proposed Activity: permit renewal for an existing discharge of treated industrial waste.

The receiving water is the Allegheny River. The receiving stream is in State Water Plan 16-B and is classified for the following uses: warm water fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a maximum flow of 0.213 MGD.

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow (MGD)		0.213			
Oil and Grease			15		30

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Total Suspended Solids			30		60
BOD <sub>5</sub>			53	163	163
Iron (total)			3	6	7.5
Barium			10	20	25
Manganese			2	4	5
Copper			0.757	0.865	1.893
Zinc			0.420	0.497	1.05
Acetone			7.97	30.2	30.2
Acetophenone			0.0562	0.114	0.141
2-Butanone			1.85	4.81	4.81
o-Cresol			0.561	1.92	1.92
p-Cresol			0.205	0.698	0.698
Phenol			1.08	3.65	3.65
Pyridine			0.182	0.37	0.455
2,4,6 -Trichlorophenol			0.106	0.155	0.265
Cadmium			0.049	0.098	0.123
Acrylamide			0.022	0.044	0.0055
Aluminum			4.0		8.0
Osmotic Pressure (mOs/Kg)			28,519	57,038	71,298
TDS	148,276	333,007			
Acidity				Less than	Alkalinity
Alkalinity			XX	XX	
Strontium			XX	XX	
Ammonia - N			XX	XX	
Silver			XX	XX	
Lead			XX	XX	
Benzene			XX	XX	
Selenium			XX	XX	
Sulfate			XX	XX	
Chloride			XX	XX	
Bromide			XX	XX	
Radium 226/228 (pCi/L)			XX	XX	
Gross Alpha (pCi/L)			XX	XX	
pH			XX	XX	

Within limits of 6.0 to 9.0 standard units at all times.

XX—Monitor and report on monthly DMRs.

The EPA waiver is not in effect.

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

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

**WQM Permit No. 4609411**, Sewerage, **East Norriton Township**, 2501 Stanbridge Street, East Norriton, PA 19401. This proposed facility is located in East Norriton Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a surge tank, pump station and force main to service the proposed Albert Einstein Medical Center.

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

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

**WQM Permit No. WQG02231001**, Sewerage, **Upper Providence Township Sewer Authority**, 935 North Providence Road, Media, PA 19063-1499. This proposed facility is located in Upper Providence Township, **Delaware County**.

Description of Action/Activity: Low pressure sanitary sewer extension utilizing individual and duplex grinder pumps.

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

**WQM Permit No. 0109404**, Sewerage, **CACO Three, Inc.**, P. O. Box E, Bowmansdale, PA 17008. This proposed facility is located in Huntingdon Township, **Adams County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a privately owned sewage treatment facility to serve the planned Peakview Residential Development located along SR 0094 (on the left side of the road) immediately south of an unnamed tributary to Latimore Creek.

**WQM Permit No. 2110401**, Sewerage, **Lawrence D. Hodges**, 25 Longview Drive, Mechanicsburg, PA 17055. This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking approval for construction/operation of a wastewater treatment plant to serve existing Hodges Mobile Home Park.

**WQM Permit No. 0110401**, Sewage, **Reading Township Authority**, 235 Browns Dam Road, New Oxford, PA 17350. This proposed facility is located in Reading Township, **Adams County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a new wastewater treatment facility to serve the Lauchmans Bottom residents.

**WQM Permit No. 6709202**, Industrial Waste, **PPL Brunner Island, LLC**, P. O. Box 221, Wago Road, York Haven, PA 17370-0221. This proposed facility is located in East Manchester Township, **York County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a new wastewater treatment plant.

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

**WQM Permit No. WQG02140904**, Sewerage, SIC 4952, **The Pennsylvania State University, Pennsylvania State University, WWTP Physical Plant Building**, University Park, PA 16802. This proposed facility is located in College Township, **Centre County**.

Description of Proposed Action/Activity: Construction of a submersible grinder pump station and force main to provide the new Nittany Lion softball field's lower-level facilities a way to convey wastewater to the existing sanitary system.

**WQM Permit No. 4910401**, Sewerage, SIC 4952, **Mount Carmel Municipal Authority**, 137 West 4th Street, Suite 4, P. O. Box 365, Mount Carmel, PA 17851-0365. This proposed facility is located in Mount Carmel Township, **Northumberland County**.

Description of Proposed Action/Activity: Construction of a suction lift pump station and force main to provide SEEDCO Industrial Park access to Mount Carmel Township's sanitary sewer system.

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

**WQM Permit No. 1610201**, Industrial Waste, **Ralph W. Emery**, 495 Main Street, Callensburg, PA 16212. This proposed facility is located in Callensburg Borough, **Clarion County**.

Description of Proposed Action/Activity: Construction of a groundwater remediation system for clean up of an underground storage tank leak at the Emery's Outlet service station.

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

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

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

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*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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056309004	Department of General Services 515 North Office Building Harrisburg, PA 17125	Washington	North Bethlehem Township	Little Chartiers Creek HQ-WWF

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

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

### **STATE CONSERVATION COMMISSION**

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

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs)

for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 92. This notice is provided in accordance with 25 Pa. Code Chapter 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Hillside Acres Bryan Cooper 335 Dotterer Road Lenhartsville, PA 19534	Berks and Lehigh	475	729.78	Swine, Farrow to Finish	NA	Renewal
Martin Farms 167 Overcash Road Chambersburg, PA 17202	Franklin	1,061	1,406.25	Dairy	HQ	New

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

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

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

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

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

listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

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

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

**Application No. 2310501, Public Water Supply.**

Applicant	<b>Chester Water Authority</b>
Township	Aston
County	<b>Delaware</b>
Responsible Official	Brian P. MacEwen 415 Welsh Street P. O. Box 467 Chester, PA 19016
Type of Facility	PWS
Consulting Engineer	Tank Industry Consultants, Inc. 7740 West New York Street Indianapolis, IN 46214
Application Received Date	January 6, 2010
Description of Action	Cleaning and repainting one 10 MG steel ground water storage tank (exterior).

**Application No. 0910501, Public Water Supply.**

Applicant	<b>Warrington Township</b>
Township	Warrington Township



County **Bucks**  
 Responsible Official Timothy J. Tieperman  
 852 Easton Road  
 Warrington, PA 18976  
 Type of Facility PWS  
 Consulting Engineer C.K.S. Engineering, Inc.  
 88 South Main Street  
 Doylestown, PA 18901  
 Application Received Date January 6, 2010  
 Description of Action Surface preparation and  
 repainting of an existing  
 1,000,000 gallon water storage  
 tank.

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

**Application No. 6409504, Public Water Supply.**

Applicant **Honesdale Consolidated  
 Water Co.**  
 1775 North Main Street  
 Honesdale, PA 18431  
 Township or Borough Honesdale Borough  
**Wayne County**  
 Responsible Official Roswell McMullen  
 Type of Facility Public Water System  
 Consulting Engineer Entech  
 4 S. Fourth Street  
 Reading, PA  
 Application Received Date 12/21/09  
 Description of Action Treatment of the Weidner well  
 water for manganese and  
 hydrogen sulfide.

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

**Application No. 4509509, Public Water Supply.**

Applicant **Aqua Pennsylvania Inc.**  
 (Hamilton Water System)  
 50 East Woodhaven Drive  
 White Haven, PA  
 Township or Borough Hamilton Township  
**Monroe County**  
 Responsible Official Patrick R. Burke  
 Type of Facility Public Water System  
 Consulting Engineer CET Engineering Services  
 1240 N. Mountain Road  
 Harrisburg, PA  
 Application Received Date 12/11/09  
 Description of Action The addition of Lily St well 2,  
 well house and treatment.

*Southcentral Region: Water Supply Management Pro-  
 gram Manager, 909 Elmerton Avenue, Harrisburg, PA  
 17110.*

**Permit No. 0609507, Public Water Supply.**

Applicant **Blue Mountain Water  
 Cooperative**  
 Municipality Tilden Township

County **Berks**  
 Responsible Official David J. Gettle, President  
 P. O. Box 373  
 Myerstown, PA 17067  
 Type of Facility Public Water Supply  
 Consulting Engineer David J. Gettle  
 Kohl Bros., Inc.  
 P. O. Box 350  
 Myerstown, PA 17067  
 Application Received Date 6/18/2009  
 Description of Action Addition of corrosion control and  
 upgrade of booster pumps.

**MINOR AMENDMENT**

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

**Application No. 3007226-MA8, Minor Amendment.**

Applicant **Zelienople Borough**  
 Township or Borough Zelienople Borough  
**Butler County**  
 Responsible Official Donald C. Pepe  
 Borough Manager  
 Type of Facility Public Water System  
 Application Received Date 01/11/2010  
 Description of Action Finished water storage project to  
 replace existing in-ground tanks  
 with 2 precast concrete 1,000,000  
 gallon water storage tanks.

**Application No. 1069502-T1-MA8, Minor Amend-  
 ment.**

Applicant **PA American Water Company**  
 Township or Borough Saxonburg Borough  
 Jefferson and Summit Townships  
**Butler County**  
 Responsible Official William H. Lage  
 Project Manager  
 Type of Facility Public Water System  
 Application Received Date 01/11/2010  
 Description of Action Install 12 inch main between  
 PAWC-Butler, and Saxonburg  
 along SR 2010.

**LAND RECYCLING AND  
 ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 1**

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

Sections 302—305 of the Land Recycling and Environ-  
 mental Remediation Standards Act (act) require the  
 Department of Environmental Protection (Department) to  
 publish in the *Pennsylvania Bulletin* an acknowledgment  
 noting receipt of Notices of Intent to Remediate. An  
 acknowledgment of the receipt of a Notice of Intent to

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

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

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

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

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

**1995 Highland Avenue Remediation Site**, 1995 Highland Avenue, Bethlehem Township, **Northampton County**. Andrew Hubley, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 has submitted a Notice of Intent to Remediation (on behalf of his client, J. G. Petrucci Co., Inc., 171 State Route 173, Suite 201, Asbury, NJ 08802), concerning the remediation of soil found to have been impacted by diesel fuel as a result of a release from a ruptured saddle tank on a tractor trailer at the site. The applicant proposes to remediate the site to meet the Statewide Health Standard. 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.

**Leeward Construction Route 611 Site**, Intersection of Route 611 and Wiscasset Road, Pocono Township, **Monroe County**. Martin Gilgallon and Dean Cruciani, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 have submitted a Notice of Intent to Remediate (on behalf of their client, Department of Transportation, Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18101), concerning the remediation of groundwater found to have been impacted by diesel fuel as a result of a release from a diesel fuel powered portable water pump and a 300-gallon, unregulated skid tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. The property will remain as a Route 611 right-of-way. A summary of the Notice of Intent to Remediate was published in *The Scranton Times*.

**Zaboy Property**, 1755 Old Franklin Hill Road, Lower Mount Bethel Township, **Northampton County**. Karl Pfizenmayer, Storb Environmental, Inc., 410 Easton Road, Willow Grove, PA 19090 has submitted a Notice of Intent to Remediate (on behalf of his client, Bonnie Zaboy, 1755 Old Franklin Hill Road, Bangor, PA 18013), concerning the remediation of soil found to have been impacted by heating oil as a result of a spill during fuel oil delivery. The applicant proposes to remediate the site to meet the Statewide Health Standard. The intended future use of the property is 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.*

**Service Oil Company/Aronson and Aronson-Stern Property**, Swatara Township, **Dauphin County**. GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011, on behalf of Raphael Aronson, Deborah Aronson-Stern and Service Oil Company, 3798 Paxton Street, Harrisburg, PA 17111-1412 submitted a Notice of Intent to Remediate site soils and groundwater contaminated with leaded gasoline from an underground pipeline. The site will be remediated to the Site-Specific Standard and future use will be industrial or commercial.

**Carlton Snack Foods**, Heidelberg Township, **York County**. GCI Environmental Services, Inc., 1250 East King Street, Lancaster, PA 17602 on behalf of Jeffrey Carl, 725 Oakwood Drive, Red Lion, PA 17356 and WR Real Estate Holdings, LLC, 6051 Carlton Avenue, Spring Grove, PA 17363, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with gasoline from non-regulated underground storage tanks. Future use of the property will be commercial. The site will be remediated to the Site-Specific Standard.

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

**Pellegrini Residence**, Concord Township, **Butler County**. AMEC Earth and Environmental, Inc., 502 West Germantown Pike, Suite 850, Plymouth Meeting, PA 19462 on behalf of Arthur A. and Christine Pellegrini, Sr., 153 Zion Church Road, Chicora, PA 16025 and Westfield Insurance, 800 Cranberry Woods Drive, Suite 150, Cranberry Township, PA 16066 has submitted a Notice of Intent to Remediate. A spill involving #2 Fuel Oil occurred when the feed/return line to the underground storage tank was damaged. The current and intended future use of the property is residential. The site is to be remediated to the Statewide Health Standard. The Notice of Intent to Remediate was published in *The Butler Eagle* on December 18, 2009.

**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.*

**43-354A: Terralinks, Inc.—Sand Processing Plant** (105 McQuiston Road, Jackson Center, PA 16133) for

construction of a sand processing plant consisting of a 13.6 MMBtu/hr fluidized bed dryer with associated hoppers, storage bins and screening operations in Jackson Township, **Mercer County**. The 50 tons per hour dryer and associated equipment will operate 2,000 hours per year/seasonal. Terralinks will limit annual production to 100,000 tons of sand per year.

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

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

**46-0262B: Penn Color, Inc.** (2755 Bergey Road, Hatfield, PA 19440) for installation of two (2) extruder machines at the Penn Color facility in Hatfield Township, **Montgomery County**. The production plant manufacturers pigment dispersions and color concentrates for commercial use. Penn Color is an existing facility, however, currently, there are no facility operating permits issued to this site. Facility Volatile Organic Compounds (VOC) and Particulate Matter (PM) emissions are below major facility thresholds for the Philadelphia Metropolitan Area; the facility is classified as a Synthetic Minor Facility. The new sources, two (2) extruder machines, Extruder E12 (Source ID 213) and Extruder E13 (Source ID 214), will be exhausted an existing dust collector (C205—Dust Collector, Dry Building Henschel) currently operating under Plan Approval No. 46-0262A. Plan Approval No. 46-0262B will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**36-03121D: Cadmus Journal Services, Inc.** (3575 Hempand Road, Lancaster, PA 17601) for installing another thermal oxidizer in their facility in West Hempfield Township, **Lancaster County**. The facility is presently covered by State-only permit no. 36-03121. The plan approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**26-00413A: Texas Eastern Transmission, LP**, (P. O. Box 1642, Houston, TX 77251-1642) to authorize VOC emission increases resulting from installation of an electric compressor rated at 20,000 bhp and a natural gas-fired space heater rated at 0.12 MMBtu/hr, as well as the uprate of an existing electric compressor to 14,300 bhp at their Uniontown Compressor Station in North Union Township, **Fayette County**.

In accordance with 25 Pa. Code §§ 127.44—127.46, the Department of Environmental Protection intends to issue Air Quality Plan Approval: PA-26-00413A to authorize VOC emission increases resulting from installation of an electric compressor rated at 20,000 bhp and a natural gas-fired space heater rated at 0.12 MMBtu/hr, as well as

the uprate of an existing electric compressor to 14,300 bhp at the Uniontown Compressor Station located in North Union Township, Fayette County. Additionally, allowable hours of operation of the existing group of 4 Ingersoll-Rand 1,100 bhp natural gas-fired compressor engines will be reduced to 100 hours per year each, site level emission limits will be revised, and emission limits will be established for each of the 2 existing Solar Mars 14,000 bhp natural gas-fired turbines during startup, shutdown, and low temperature conditions. Facility-wide emissions are limited by plan approval condition to 154 tons of NO<sub>x</sub>, 83 tons of CO and 49 tons of VOCs per year. Potential emissions for other air contaminants include 3.59 tons of SO<sub>x</sub>, 7.07 tons of PM/PM<sub>10</sub>, 2.74 tons of Formaldehyde and 8.97 tons of HAPs per year. The project will result in net decreases of 33.53 tons of NO<sub>x</sub>, 42.64 tons of CO, 1.34 tons of PM/PM<sub>10</sub>, and 2.42 tons of Formaldehyde and an increase of 5.65 tons of VOCs per year. Best Available Technology for the VOC increase is operation of all sources with existing controls, according to work practice standards, and through monitoring of facility throughputs. This authorization is subject to State regulations. Plan Approval has been conditioned to ensure compliance with all applicable rules. The facility currently operates under a Title V Operating Permit No. TV-26-00413. Once compliance with the Plan Approval is demonstrated, the provisions of this Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

#### OPERATING PERMITS

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

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

**06-05004: Baldwin Hardware Corp.** (P. O. Box 15048, Reading, PA 19612) for operation of a brass hardware manufacturing facility in the City of Reading, **Berks County**. This is a renewal of the Title V Operating Permit issued in 2005.

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

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

**09-00209: Univar USA, Inc.** (4 Steel Road, Morrisville, PA 19067) submitted an initial application for a Non-Title V Facility, State-Only, Natural Minor Permit in Falls Township, **Bucks County**. Univar USA, Inc. is a chemical and allied products merchant wholesaler. The sources of emissions include: storage tanks and transfer stations. The facility has a combined VOC and HAP emission limit of 20 tons per year calculated on a 12-month rolling sum. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**46-00259: PPL Renewable Energy, LLC** (660 Thomas Road, Lafayette Hill, PA 19444) for a State-only, Synthetic Minor Operating Permit in Whitemarsh Township, **Montgomery County**. The company has one natu-

ral gas-fired I. C. engine rated at 2,311 HP, one 500 KW emergency diesel generator and three boilers rated at 4.0 MMBtu/hr each. The pollutant of concern is Nitrogen Oxides (NO<sub>x</sub>). The estimated NO<sub>x</sub> emissions are less than 24.90 tons per year with the proposed limits. The permit will include monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements.

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

**54-00037: Copperhead Chemical Co., Inc.** (120 River Road, Tamaqua, PA 18252) for operation of two (2) boilers, an acetone recovery system, and a pharmaceutical manufacturing process with associated air cleaning devices at their facility in Walker Township, **Schuylkill County**. This action is a renewal of the State-only (Natural Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

**48-00061: Haines & Kibblehouse, Inc.—Asphalt Plant** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) a renewal State-only operating permit for the ABE Materials—Easton Quarry in Lower Mount Bethel Township, **Northampton County**. The State-only operating permit includes emissions, monitoring, recordkeeping, reporting, testing and any additional conditions designed to ensure compliance with all applicable Federal and State air pollution control requirements.

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

**20-00040: Advanced Cast Products, Inc.** (18700 Mill Street, Meadville, PA 16335) for a Reissuance of the Title V Operating Permit. The facility is located in Vernon Township, **Crawford County**. The facility manufactures gray and ductile iron foundries casting products. The facility's major emission sources include preheating and charge, melting and transfer, pouring-cooling-shakeout, new grinding and goff, grinding and cleaning, shell core making and core drying, sand handling, heat treating-austemper operation, painting operation, air-makeup units (3), miscellaneous natural gas usage and two degreaser units. The facility is a major facility due to its potential to emit of particulate matter less than 10 microns in diameter. Therefore, the facility is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The facility is also subject to the Compliance Assurance Monitoring Rule found in 40 CFR Part 64.

**33-00141: National Fuel Gas Supply Corp.—Knox Compressor Station** (P. O. Box 2081, Erie, PA 16512) for the re-issuance of a Natural Minor Permit to operate a Natural Gas Compressor Station, at 157 Pump Station Road, in Knox Township, **Jefferson County**. The primary sources of emissions are the four (4) compressor engines used to move natural gas.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

#### *Coal Applications Received*

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

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Iron (Total)	1.5 to 3.0 mg/l	3.0 to 6.0 mg/l	3.5 to 7.0 mg/l
Manganese (Total)	1.0 to 2.0 mg/l	2.0 to 4.0 mg/l	2.5 to 5.0 mg/l
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l

Parameter	30-Day Average	Daily Maximum	Instantaneous Maximum
Aluminum (Total) pH <sup>1</sup>	0.75 to 2.0 mg/l	1.5 to 4.0 mg/l	2.0 to 5.0 mg/l
Alkalinity greater than acidity <sup>1</sup>		greater than 6.0; less than 9.0	

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

A settleable solids instantaneous maximum limit of 0.5 mg/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.*

**03851303 and NPDES Permit # PA0213462, McVillie Mining Company**, (301 Market Street, Kittanning, PA 16201-9642), to renew the permit for the Clementine Mine No. 1 in South Buffalo Township, **Armstrong County** and related NPDES permit. No additional discharges. Application received: October 21, 2009.

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

**07100101 and NPDES No. PA0262943. Heritage Mining Company, Inc.**, P. O. Box 125, Cresson, PA 16630 commencement, operation and restoration of a bituminous surface mine in Logan Township, **Blair County**, affecting 99.0 acres. Receiving stream(s): Kittanning Run and Glenwhite Run classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Altoona City Water Authority. Application received: January 5, 2010.

**56080108. NPDES No. PA0262692 and General Permit GP-12-56080108, PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, revision of an existing bituminous coal mining site to obtain coverage for coal processing under air quality general permit GP-12 in Brothersvalley Township, **Somerset County**, affecting 83.3 acres. Receiving stream(s): unnamed tributary to Blue Lick Creek and Swamp Creek classified for the following uses(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 5, 2010.

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

**03060103 and NPDES Permit No. PA0250911. Black Rock Coal Co., Inc.** (1107 University Drive, Dunbar, PA 15431). Application received for transfer of permit currently issued to State Industries, Inc., for continued operation and reclamation of a bituminous surface mine with associated noncoal mining and alkaline distribution, located in Burrell Township, **Armstrong County**, affecting 75.3 acres. Receiving streams: unnamed tributaries to Crooked Creek. Application received: January 5, 2010.

#### *Noncoal Applications Received*

*Effluent Limits*—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

Parameter	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 mg/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.*

**34092803. Quarry Cut, Inc.**, 77 Wells Road, Parker Ford, PA 19457, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Sprucehill Township, **Juniata County**, affecting 5.0 acres. Receiving stream(s): Hunters Creek and unnamed tributaries to Tuscarora Creek. Application received: December 24, 2009.

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

**4880501C6 and NPDES Permit No. PA0121681. Sreebs Slate & Stone Co., Inc.**, (6596 Sullivan Trail, Wind Gap, PA 18091), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Plainfield Township, **Northampton County**, receiving stream: Little Bushkill Creek, classified for the following use: High Quality-cold water fishery and migratory fishery. Application received: January 11, 2010.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33

U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E39-502. Department of Transportation, Engineering District 5-0**, 1002 Hamilton Street, Allentown, PA 18103-1013, in Upper Saucon Township, **Susquehanna County**, U.S. Army Corps of Engineers, Philadelphia District.

To place fill in a 0.27 acre of EV wetland; remove the existing structure; and to construct and maintain a single-span, pre-stressed concrete, spread box beam bridge having a normal span of 63.5 feet and a minimum underclearance of 5.3 feet over a tributary to Saucon Creek (CWF, MF); the proposed bridge will be located approximately 45 feet downstream of the current bridge location. The permittee is required to provide 1.1 acres of replacement wetlands. The project is located along SR 2045 (Center Valley Road), Segment 0050, Offset 0516, approximately 520 feet north of the SR 2045/SR 2028 intersection (Allentown East, PA Quadrangle Latitude: 40° 31' 29"; Longitude: -75° 23' 27").

**E58-285. Cabot Oil & Gas Corporation**, 900 Lee Street, Charleston, WV 25301, in Rush, Jessup and Dimmock Townships, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain 83 water obstructions and encroachments in and along Meshoppen Creek and tributaries thereof, impacting approximately 577 linear feet of

streams Elk Lake Stream (CWF, MF), Burdick Creek (CWF, MF), Shelp Creek (CWF, MF), South Branches of Wyalusing Creek (CWF, MF), East Branch of Wyalusing Creek (WWF, MF), Pettis Creek (WWF, MF), Roe Creek (CWF, MF), Stevens Creek (CWF), West Creek (CWF), White Creek (CWF), Crystella Lake, Big Elk Lake, Little Elk Lake, Indian Lake, Cope Pond and Unnamed Tributaries, and 1.62 acres of wetlands (PEM, PSS and PFO). This work is associated with Cabot Oil & Gas Susquehanna Project Zone 2 which includes the installation of 103,191 linear feet of pipeline and access roads for natural gas well drilling pads. The project is centroid is located approximately 5.21 miles from the intersection of SR 0706 and SR 0029 in and extends into Rush, Jessup and Dimmock Townships (Monroe West and Springville, PA Quadrangle Latitude: 41° 46' 17"; Longitude: -75° 56' 24").

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

**E22-556: The Harrisburg Authority**, 212 Locust Street, Suite 302, Harrisburg, PA 17101, Harrisburg City and Swatara Township, **Dauphin County**, ACOE Baltimore District.

To replace an existing 82-foot by 60-foot steel storage building with a 84-foot by 61-foot steel building, and to construct and maintain an 84-foot by 61-foot steel building with associated access and loading facilities in the floodplains of Spring Creek (CWF, MF) and the Susquehanna River (WWF), for the purpose of upgrading the existing wastewater treatment facility. The project is located near the intersection of SR 230 and Elliot Street (Steelton, PA Quadrangle N: 21.4 inches; W: 15.3 inches, Latitude: 40° 14' 28"; Longitude: 76° 51' 30") in Harrisburg City and Swatara Township, Dauphin County.

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

**E17-461. Department of Transportation, Engineering District 2-0**, 1924 Daisy Street Extension, Clearfield, PA 16830. SR 0219, Section 251 Intersection Improvements and Bridge Replacement Activities on SR 0830 in Sandy Township, **Clearfield County**, ACOE Baltimore District (Falls Creek, PA Quadrangle Latitude: 41° 08' 41"; Longitude: 78° 47' 48").

The applicant proposes to perform pavement reconstruction and the construction of a left turning lane on SR 0830 as well as the associated Bridge improvements. The project will include a superstructure replacement and substructure widening over Wolf Run and a complete structure replacement over Slab Run on SR 0830. The bridges will be replaced on the existing horizontal and vertical alignment. The roadway widening will result in sliver wetland impacts which will result in a total wetland impact of 0.58 acre. The wetland mitigation will require 0.77 acre replacement. The wetland mitigation will be debited from a nearby wetland bank. Wolf and Slab Runs are classified as Cold Water Fisheries.

**E59-492. Fortuna Energy, Inc.**, 337 Daniel Zenker Drive, Horseheads, NY 14845-1008. Water Obstruction and Encroachment Joint Permit Application, in Ward Township, **Tioga County**, ACOE Susquehanna River Basin District (Monroeton, PA Quadrangle N: 41° 42' 5"; W: 76° 57' 7").

To construct and maintain single cell, pre-cast concrete box culvert having a span of 21 feet and an underclearance of 7 feet within Fellows Creek (CWF). The box

culvert is located off Fellows Creek Road, 1.5 miles northwest of the intersection with River Road in Ward Township, Tioga County. This project proposes to permanently impact 60 linear feet of Fellows Creek, which is, designated a Cold Water Fishery and does not propose to impact any jurisdictional wetlands.

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

**E02-1626. Chris Castagnari**, 308 Thompson Run Road, Pittsburgh, PA 15237. To operate and maintain retaining wall in Ross Township, **Allegheny County**, Pittsburgh ACOE District (Glenshaw, PA Quadrangle N: 1.7 inches; W: 16.2 inches, Latitude: 40° 30' 34"; Longitude: 79° 59' 30"). The applicant proposes to operate and maintain a retaining wall approximately 150 feet long along the left back of Girty's Run (WWF). The wall was built after hurricane Ivan to stabilize the bank. The project is located along the southwest side of Babcock Boulevard at its intersection with Rosecliff Drive.

**E26-358. James J. Wild**, 1277 Brooklawn Drive, Pittsburgh, PA 15227. To construct a residential bridge in Saltlick Township, **Fayette County**, Pittsburgh ACOE District (Seven Spring, PA Quadrangle N: 7.9 inches; W: 15.7 inches, Latitude: 40° 02' 37"; Longitude: 79° 21' 44"). The applicant proposes to construct and maintain a bridge across Back Creek (CWF) to access the property. The bridge will span the stream channel.

**E30-229. Department of Transportation, District 12-0**, 825 N. Gallatin Avenue Extension, Uniontown, PA 15401-2105. To remove existing bridge and construct new bridge in Franklin Township, **Greene County**, Pittsburgh ACOE District (Waynesburg, PA Quadrangle N: 4.3 inches; W: 11.4 inches, Latitude: 39° 53' 57"; Longitude:

80° 12' 23"). The applicant proposes to remove the existing bridge and to construct and maintain a new bridge having a 100 ft span, 40 ft width, and underclearance of 12 ft over Browns Creek (HQ-WWF); and to place and maintain fill within a PEM/PSS wetland with a de minimis impact of 0.05 acre. The new bridge is located downstream and adjacent to the existing single span bridge.

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

**E25-734, Charlotte D. and Norman M. Martin**. Martin Property Wetland Fill, in Millcreek Township, **Erie County**, ACOE Pittsburgh District (Erie South, PA Quadrangle N: 42° 5' 41.5"; W: 80° 1' 48.07").

The applicant is proposing to fill 0.03 acre of PSS wetland for the construction of a single family residence at the southeast corner of Crabapple Drive and Cidermill Road. The project proposes to impact 0.03 acre of PSS wetland.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA36-022: Wilson's Enterprise, LLP, Keith Wilson**, 1230 West Main Street, Mount Joy, PA 17522-9592, Mount Joy Borough, **Lancaster County**, ACOE Baltimore District.

To restore and enhance 200.0 linear feet of an unnamed tributary (UNT) to Donegal Creek (CWF) for the purpose of enhancing the stream corridor at a point just east of the intersection of Musser Road and Wood Street (Columbia East, PA Quadrangle 20.7 inches North; 4.1 inches West, Latitude: 40° 6' 50" N; Longitude: 76° 34' 43" W) in Mount Joy Borough, Lancaster County.

## ACTIONS

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

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

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

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



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

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

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

### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0061000	Mr. John P. Gorel Executive Manager Village of Four Seasons Association, Inc. R. R. 2 Box 3350 Union Dale, PA 18470	Herrick Township Susquehanna County	East Branch Tunkhannock Creek 4F High Quality Cold Water Fishery	Y
PA0063029	Fountain Court Associates, LLC Metro Commercial Management Services, Inc. 303 Fellowship Road Suite 202 Mount Laurel, NJ 08054	Pocono Township Monroe County	Cranberry Creek High Quality Cold Water Fishes 1E	Y
PA0033529	Penn State University 101P Physical Plant Building University Park, PA 16802	Luzerne County Lehman Township	East Fork Harvey Creek Cold Water Fishes Watershed 5B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0221236	Robert L. Brocklehurst 306 Fox Mine Road Jackson Center, PA 16133-1434	Jackson Township Mercer County	Unnamed tributary to Fox Run 20-A	Y
PA0210820	Michael P. and Cheryl L. Nass 2670 Old State Road Waterford, PA 16441	Waterford Township Erie County	Unnamed tributary to Little Conneautee Creek 16-A	Y

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

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

**NPDES Permit No. PA0244031, Amendment No. 1, Sewage, Chadds Ford Township Sewer Authority**, 10 Ring Road, Chadds Ford, PA 19317. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the transfer of an existing permit for the Turner's Mill Sewage Treatment Plant, currently held by Chadds Ford Township to the Chadds Ford Township Sewer Authority.

**NPDES Permit No. PAG040141, Sewage, Thomas Kemmerer SRSTP**, 829 Haycock Run Road, Kintnersville, PA 18930. This proposed facility is located in Haycock Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 500 gdp of treated sewage into an Unnamed Tributary to Haycock Creek in Watershed 2D.

**NPDES Permit No. PAG040140, Sewage, Cynthia Robinson**, 1414 Newman Road, Pennsburg, PA 18073-1926. This proposed facility is located in Upper Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 400 gpd of treated sewage into an Unnamed Tributary to Perkiomen Creek in Watershed 3-E.

**NPDES Permit No. PAG040142**, Sewage, **Lisa F. Pratt**, 2109 Jacobs Sawmill Road, East Greenville, PA 18041. This proposed facility is located in Upper Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge 400 gpd of treated sewage into Molasses Creek in Watershed 3-E.

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

**NPDES Permit No. PA0026638**, Sewage, **Joint Municipal Authority of Wyomissing Valley**, 701 Old Wyomissing Road, Reading, PA 19611. This proposed facility is located in Reading City, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Wyomissing Creek in Watershed 3-C.

**NPDES Permit No. PA0083135**, Sewage, **Mr. David Sutton, Mifflin County School District**, 103 Green Avenue, Lewistown, PA 17044. This proposed facility is located in Derry Township, **Mifflin County**.

Description of Proposed Action/Activity: Cancellation of Permit.

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

**NPDES Permit No. PA0263613**, Sewage, **Robert Miller**, P. O. Box 203, Custer City, PA 16725-0203. This proposed facility is located in Bradford Township, **McKean County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for a new discharge of treated sewage.

**NPDES Permit No. PA0263583**, Sewage, **Heron Ridge Development Company, LLC**, 108 Deer Lane, Harmony, PA 16037. This proposed facility is located in Muddycreek Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for treated sewage discharge from a proposed housing development.

**NPDES Permit No. PA0210072**, Sewage, **Young Men's Christian Association of Greater Erie**, 31 West 10th Street, Erie, PA 16501-1401. This proposed facility is located in Girard Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for an existing discharge of treated sewage from a sewage treatment plant serving a seasonally operated campground: YMCA—Camp Sherwin.

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

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

**WQM Permit No. 1509410**, Sewerage, **Uwchlan Township Municipal Authority**, 715 North Ship Road, Exton, PA 19341. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

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

**WQM Permit No. 4686464**, Sewerage, Renewal, **Creek Lane Homeowners Association**, 456 Germantown Pike, Suite 2, Lafayette Hill, PA 19444. This proposed facility is located in Whitemarsh Township, **Montgomery County**.

Description of Action/Activity: Renewal of existing permit.

**WQM Permit No. WQG010030**, Sewerage, **Ms. Linda Copenhaver**, 200 West Montgomery Avenue, North Wales, PA 19454. This proposed facility is located in Marlborough Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a 500 gpd sewage treatment plant.

**WQM Permit No. 2303405**, Sewerage, Transfer, **Arbors at Edgemont Home Owners Associations**, 129 Columbus Avenue, Newtown Square, PA 19073. This proposed facility is located in Edgmont Township, **Delaware County**.

Description of Action/Activity: Transfer permit operations from Linnere Homes to Arbors at Edgmont Home Owner Association.

**WQM Permit No. 2309404**, Sewerage, **Chadds Ford Township Sewer Authority**, 10 Ring Road, Chadds Ford, PA 19317. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Action/Activity: Installation of new pumps and automatic influent screen and a influent flow equalization tank.

**WQM Permit No. 2309404**, Sewerage, **Chadds Ford Township Sewer Authority**, 10 Ring Road, Chadds Ford, PA 19317. This proposed facility is located in Chadds Ford Township, **Delaware County**.

Description of Action/Activity: New tertiary disk filter to the Ridings at Chadds Ford STP.

**WQM Permit No. 4609408**, Sewerage, **Franconia Sewer Authority**, 671 Allentown Road, P. O. Box 128, Franconia, PA 18924. This proposed facility is located in Franconia Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a the Earlington Pump Station and force main.

**WQM Permit No. 4607201**, Sewerage, **Realen Valley Forge Greenes Associates**, 1000 Chesterbrook Boulevard, Suite 100, Berwyn, PA 19312. This proposed facility is located in Upper Merion Township, **Montgomery County**.

Description of Action/Activity: Discharge of treated post-construction stormwater to groundwater through constructed gravity drains.

**WQM Permit No. 2309201**, Industrial, **FPL Energy Marcus Hook, LP**, 100 Green Street, Marcus Hook, PA 19601. This proposed facility is located in Marcus Hook Borough, **Delaware County**.

Description of Action/Activity: Installation of a dechlorination system designed to remove chlorine from cooling tower.

**WQM Permit No. 4609407**, Sewerage, **Upper Merion Municipal Utility Authority**, 175 West Valley Forge Road, King of Prussia, PA 19406. This proposed facility is located in Upper Merion Township, **Montgomery County**.

Description of Action/Activity: Upgrades to the existing pump station and installation of a new 16" force main.

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

**WQM Permit No. 2209401, Amendment 09-1**, Sewage, **Gratz Borough Municipal Authority**, 125 North Center Street, Gratz, PA 17030. This proposed facility is located in Gratz Borough, **Dauphin County**.

Description of Proposed Action/Activity: Permit amendment approval for the modification of sewerage facilities consisting of: Changing SBR tank dimensions from 14' by 78' by 12' to 14' by 78' by 13.5' and sludge holding tank dimensions from 10' by 12' by 14' to 12' by 12' by 14' and changing SBR blower size from 454 cfm at 4.6 psi to 632 cfm at 5.5 psi and sludge holding tank blower size from 85 cfm at 4.6 psi to 121 cfm at 5.1 psi. Distribution chamber deleted and influent chamber added in the pre-react zone.

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

**WQM Permit No. 1809401**, Sewage 4952, **Pine Creek Municipal Authority**, P. O. Box 608, Avis, PA 17721. This proposed facility is located in Pine Creek Township, **Clinton County**.

Description of Proposed Action/Activity: The applicant proposes to abandon their existing contact stabilization sewage plant and replace it with a tertiary sewage plant.

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

**WQM Permit No. 4209403**, Sewage, **Robert Miller**, P. O. Box 203, Custer City, PA 16725-0203. This proposed facility is located in Bradford Township, **McKean County**.

Description of Proposed Action/Activity: This permit approves construction and operation of sewage wastewater facilities.

**WQM Permit No. WQG028321**, Sewerage, **Sandy Lake Township**, 3086 Sandy Lake-Grove City Road, Sandy Lake, PA 16145. This proposed facility is located in Sandy Lake Township, **Mercer County**.

Description of Proposed Action/Activity: Issuance of a new Water Quality Management Part II General Permit for construction of a pressurized sewer extension with grinder pumps to replace malfunctioning on-lot systems.

**WQM Permit No. 1607402**, Sewerage, **Redbank Valley Municipal Authority**, 243 Broad Street, New Bethlehem, PA 16242. This proposed facility is located in New Bethlehem Borough, **Clarion County**.

Description of Proposed Action/Activity: Issuance of new Water Quality Management Permit for construction and operation of new sewers in the Cottage Hill and Route 66 corridors, a new flow equalization tank at the existing STP, and a new Grant Street Pump Station with new dry weather flow and wet weather flow force mains.

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

Description of Proposed Action/Activity: Issuance of a new Water Quality Management Part for construction of pumping and storage facilities to alleviate sewer system overflow and limit the peak flows to the wastewater treatment plant.

**WQM Permit No. WQG018729**, Sewerage, **Tammy Doughton**, 355 Leech Road, Greenville, PA 16125. This proposed facility is located in Sugar Grove Township, **Mercer County**.

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

**WQM Permit No. WQG018731**, Sewerage, **Robert F. Dovishaw**, 8450 Luther Road, Girard, PA 16417. This proposed facility is located in Fairview Township, **Erie County**.

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

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

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI010 907022	Milford Acquisitions, Inc. 1590 Canary Road Quakertown, PA 18951	Bucks	Richland	Tohickon/Unami Creeks TSF-HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 0909008	Solebury Township 3092 Sugas Road P. O. Box 139 Solebury, PA 18963-0139	Bucks	Solebury Township	Paunacussing Creek HQ-CWF
PAI01 1509016	Southeastern Pennsylvania Transportation Authority 124 Market Street Philadelphia, PA 19107	Chester	Malvern Borough	Valley Creek EV

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023508006	Karl Pfeiffenberger SLIBCO 222 Mulberry Street Scranton, PA 18503	Lackawanna	Archbald and Jessup Boroughs	Grassy Island Creek HQ-CWF, MF Tributary to Lackawanna River CWF, MF Laurel Run CWF, MF
PAI024809006	Terence O'Reilly, Jr. 65 Constitution Avenue Wind Gap, PA 18091	Northampton	Moore Township	Monocacy Creek HQ-CWF, MF
PAI026409006	Association of Property Owners of the Hideout, Inc. Attn: Mr. Ralph Graf 640 The Hideout Lake Ariel, PA 18436	Wayne	Lake Township	Wagnum Creek HQ-CWF, MF
PAI023909013	Lehigh Hills Route 100 Development, LP 559 Main Street Suite 300 Bethlehem, PA 18018	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF, MF Jordan Creek TSF, MF

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

*Centre County Conservation District: 414 Holmes Avenue, Suite 4, Bellefonte, PA 16823, (814) 355-6817.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041409011	Jeffrey Long Bontrager, Hackman & Long P. O. Box 140 Spring Mills, PA 16875	Centre	Haines Township	UNT to Elk Creek EV
PAI041409014	John Rhodes Centre Medical Sciences Building II 1300 Market Street P. O. Box 662 Lemoyne, PA 17043	Centre	College Township	Spring Creek HQ-CWF
PAI041409015	Ed Poprick State College Area School District 131 W. Nittany Avenue State College, PA 16801	Centre	Patton Township	Beaver Branch Spruce Creek HQ-CWF

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

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

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

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities

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

*General Permit Type—PAG-2*

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Newtown Township Bucks County	PAG200 0909101	David W. Fleming 158 Durham Road Newtown, PA 18940	Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Plumstead Township Bucks County	PAG200 0909100	Plumstead Township P. O. Box 387 Plumsteadville, PA 18949-0387	Deep Run Tohickon WWF-CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAG0200 4609006	Montgomery County Community College 340 DeKalb Pike Blue Bell, PA 19422	Unnamed Tributary Stony Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Norriton Township Montgomery County	PAG200 4609087	Department of Conservation and Natural Resources 2808 Three Mile Run Road Perkasie, PA 18944	Stony Creek WWF-TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Horsham Township Montgomery County	PAG0200 461002	Centocor, Inc. 920 Rt Highway 202 South Raritan, NJ 08869	Little Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Providence Township Montgomery County	PAG0200 4608172	Upper Providence Township 1286 Black Rock Road P. O. Box 406 Oaks, PA 19456	Unnamed Tributary Donny Brook TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Limerick Township Montgomery County	PAG0200 4608162	Sanatoga Interchange Assoc, LP 2701 Renaissance Boulevard 4th Floor King of Prussia, PA 19406	Sanatoga Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Whitpain Township Montgomery County	PAG200 4609092	Henkels & McCoy, Inc. 985 Jolly Road P. O. Box 950 Blue Bell, PA 19422	Stony Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Norristown Borough Montgomery County	PAG20200 4609063	Norristown Borough 234 East Airy Street Norristown, PA 19401	Stony Creek TSF-CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Whitpain Township Montgomery County	PAG20200 4608175	Laurence Genuardi 385 Hollow Lane Blue Bell, PA 19422	Prophecy Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Bethlehem Northampton County	PAG2004809010	Bethlehem Area School District Attn: Scott Gilliland 250 E. Fairview Street Bethlehem, PA 18018-4138	Tributary to the Lehigh River CWF, MF	Northampton County Conservation District 610-746-1971
West Lampeter Township Lancaster County	PAG2003609062	Bob Kettering Ketterline, Inc. 3121A Mt. Joy Road Mt. Joy, PA 17552	Conestoga River WWF-MF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
Union Township Lebanon County	PAG2003809017	Clyde Patches Brooke, LP 1501 East Cumberland Street Suite B Lebanon, PA 17042	Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042-9788 717-272-3908, Ext. 4
Bethel Township Lebanon County	PAG2003809018	James Heisey Fredericksburg Sewer & Water Authority 113 East Main Street Fredericksburg, PA 17026	Little Swatara Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042-9788 717-272-3908, Ext. 4
Sandy Township Clearfield County	PAG2001709008-1	Joe Varacallo Developac, Inc. 996 Beaver Drive DuBois, PA 15801	Beaver Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
City of Lock Haven Clinton County	PAG2001809002	Jason Mitchell J.C. Bar Properties, Inc. 3100 Market Street Camp Hill, PA 17011	Bald Eagle Creek WWF	Clinton County Conservation District 45 Cooperation Lane Mill Hall, PA 17751 (570) 726-3798
Mount Carmel Township Northumberland County	PAG2004910001	SEEDCO Industrial Park Pump Station and Force Main Routes 61 and 901 Mount Carmel Township, PA	Shamokin Creek WWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Lewis Township Northumberland County	PAG2004910002	Sensenig Mill Office 10705 State Route 44 Watsontown, PA 17777	UNT of Warrior Run	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Delaware Township Northumberland County	PAG2004910003	Weaver Subdivision Gearhart and Enterline Roads McEwensville, PA	UNT of Warrior Run	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Ralpho Township Northumberland County	PAG2004910004	Shepard Pond Estates 477 Blue Church Road Paxinos, PA 17860	UNT of Shamokin Creek CWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
West Chillisquaque Township Northumberland County	PAG2004910005	Dennis Reedy Integrity Land Residential Subdivision 197 Point Township Drive Northumberland, PA 17857	UNT West Branch Susquehanna River CWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Fayette County Georges Township	PAG2002608005	Nick Licciardi P. O. Box 2031 Uniontown, PA 15401	UNT to Muddy Run WWF	Fayette County Conservation District 724-438-4497

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Lancaster County Manheim Township	PAR803677	Lancaster Airport Authority 500 Airport Road Suite G Lititz, PA 17543	UNT to Conestoga River WWF Bachman Run TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County York City	PAR603534	Darrah's Automotive & Recycling 535-545 South Prospect Street York, PA 17403	UNT to Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County Manchester Township	PAR143518	C-P Converters, Inc. Aka C-P Flexible Packaging 15 Grumbacher Road York, PA 17406-9417	UNT to Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Adams County Mt. Pleasant Township	PAR603571	Hartlaub & Sons Used Auto Parts, Inc. 270 Kuhn Road Littlestown, PA 17340	UNT to South Branch Conewago Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
York County West Manchester Township	PAR123527	Frito-Lay, Inc. 3553 Gillespie Drive York, PA 17404	UNT to Codorus Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Dauphin County Middletown Borough	PAR803601	Department of Military and Veterans Affairs PA Air National Guard 62 Olmsted Boulevard Middletown, PA 17057	UNT to Susquehanna River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-4*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Berks County Bern Township	PAG043508	Michael McDermott 1113 Seifrit Lane Bernville, PA 19506	UNT to Plum Creek 3-C	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Sugar Grove Township Mercer County	PAG049553	Tammy Doughton 355 Leech Road Greenville, PA 16125	Unnamed tributary to Little Shenango River 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Fairview Township Erie County	PAG049555	Robert F. Dovishaw 8450 Luther Road Girard, PA 16417	Unnamed tributary to Elk Creek 15	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-7*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Penn Township Lancaster County	PAG073502	A&M Composting, Inc. 2022 Mountain Road Manheim, PA 17545	A&M Composting, Inc. Penn Township Lancaster County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*General Permit Type—PAG-8*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Hopewell Borough Bedford County	PAG08308	Borough of Hopewell P. O. Box 160 411 Broad Street Hopewell, PA 16650	Hopewell Borough Bedford County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*General Permit Type—PAG-9*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
St. Thomas Township Franklin County	PAG093550	May and Co., Inc. 197 Pioneer Drive St. Thomas, PA 17252	St. Thomas Township Franklin County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*General Permit Type—PAG-10*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
York County Peach Bottom Township	PAG103541	Mr. Randall Flowers Transcontinental Gas Pipe Line Company, LLC 2800 Post Oak Boulevard Level 17 Houston, TX 77056	UNT to Susquehanna River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

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

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

Persons aggrieved by any action may appeal under section 517 of Act 38, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the



Environmental Hearing Board, Second Floor, Rachael Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

#### CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Jay L. Bleacher 1173 Breneman Road Conestoga, PA 17516	Lancaster	450	534.6	Hogs	HQ	Approved
Alan Bleacher Bleacher Farms, LLC 2794 Safe Harbor Road Millersville, PA 17551	Lancaster	100	515.4	Layers, deer	NA	Approved
Mark Will Lexington Farm 306 East Lexington Road Lititz, PA 17543	Lancaster	48.9	431.5	Broilers, Hogs, Beef	NA	Approved
Lynn H. Royer Green Tree Farm 273 Greentree Road Elizabethtown, PA 17022	Lancaster	216.7	720.43	Dairy, Layers	NA	Approved
Dan and Gloria Hess Chickies Creek Farms, LLC 2537 Risser Mill Road Mount Joy, PA 17552	Lancaster	91.2	1,207.9	Layers, Dairy	NA	Approved
Shank's Hen House 4640 Lighthouse Road Chambersburg, PA 17202	Franklin	3	851.4	Layers	NA	Approved

#### PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

#### SAFE DRINKING WATER

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

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

**Permit No. 5109506**, Public Water Supply.

Applicant

**Philly's Water Store**  
6820 Rising Sun Avenue  
Philadelphia, PA 19111

Township City of Philadelphia  
 County **Philadelphia**  
 Type of Facility PWS  
 Consulting Engineer Bruce E. Brooks & Associates  
 2209 Chestnut Street  
 Philadelphia, PA 19103  
 Permit to Construct Issued October 6, 2009

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

**Permit No. 2520070**, Public Water Supply.

Applicant **Pennsylvania Utilities, Inc.**  
 Township or Borough Lehman Township  
**Pike County**  
 Responsible Official Ms. Jan Springman  
 Pennsylvania Utilities, Inc.  
 234 The Glen  
 Tamiment, PA 18371  
 Type of Facility Community Water System  
 Permit Issuance Date January 19, 2010  
 Description of Action PWS operation permit issued for corrosion control.

**Permit No. 3480055**, Public Water Supply.

Applicant **Pennsylvania American Water**  
 Township or Borough Hamilton Township  
**Monroe County**  
 Responsible Official Paul A. Zielinski, Director  
 Environmental Management & Compliance  
 PA American Water  
 800 Hersheypark Drive  
 Hershey, PA 17033  
 Type of Facility Community Water System  
 Permit Issuance Date January 19, 2010  
 Description of Action Operation permit issued for work completed to Filter No. 2, under construction permit No. 4592506MA.

**Permit No. 2450034**, Public Water Supply.

Applicant **Brodhead Creek Regional Authority**  
 Township or Borough Stroudsburg Borough  
**Monroe County**  
 Responsible Official Kenneth R. Brown, Manager  
 Brodhead Creek Regional Authority  
 410 Stokes Avenue  
 East Stroudsburg, PA 18301  
 Type of Facility Community Water System  
 Permit Issuance Date January 19, 2010  
 Description of Action Operation permit issued following completion of work on the Dreher storage tank under PWS construction permit No. 4509502MA.

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

**Permit No. 0109506**, Public Water Supply.

Applicant **Bonneauville Borough Municipal Authority**  
 Municipality Bonneauville Borough  
 County **Adams**  
 Type of Facility New Well No. 13  
 (Sommerfield Subdivision)  
 Consulting Engineer Bruce Hulshizer, P. E.  
 Buchart-Horn, Inc.  
 445 West Philadelphia Street  
 York, PA 17401-3383

Permit to Construct Issued: 1/11/2010

**Permit No. 3609509**, Public Water Supply.

Applicant **Herr Mobile Home Park**  
 Municipality West Earl Township  
 County **Lancaster**  
 Type of Facility Convert iodine disinfection to sodium hypochlorite disinfection.  
 Consulting Engineer John G. Fuehrer II, P. E.  
 Fuehrer Associates, Ltd.  
 Box 541  
 Ephrata, PA 17522

Permit to Construct Issued: 12/21/2009

**Operations Permit** issued to: **Bonneauville Borough Municipal Authority**, 7010012, Bonneauville Borough, **Adams County** on 1/8/2010 for the operation of facilities approved under Construction Permit No. 0109501.

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

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

Applicant **Pennsylvania American Water Company**  
 Township or Borough White Deer Township  
 County **Union**  
 Responsible Official Mr. Scott Thomas  
 Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033  
 Type of Facility Public Water Supply—Operation  
 Consulting Engineer N/A  
 Permit Issued Date January 13, 2010  
 Description of Action Operation of the washwater tank at the White Deer Treatment Plant.

**Permit No. 5509501—Construction**, Public Water Supply.

Applicant **Freeburg Municipal Authority**  
 Township or Borough Freeburg Borough

County	<b>Snyder</b>
Responsible Official	Mr. Todd Hoffman Freeburg Municipal Authority P. O. Box 308 Freeburg, PA 17827
Type of Facility	Public Water Supply— Construction
Consulting Engineer	Paul Deardorff, P. E. JMT 220 St. Charles Way Suite 200 York, PA 17402
Permit Issued Date	January 15, 2010
Description of Action	Approves a Pall Aria AP-3 membrane microfiltration plant, disinfection, and cleaning chemical feeds.

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

**Operations Permit** issued to **H & H Property Investments, LLC, d/b/a Perry Lake Estates MHP**, PWSID No. 5100043, Lancaster Township, **Butler County**, January 6, 2010, for the operation of Well No. 4, as a permanent replacement source, as approved under construction permit 1007502, issued April 11, 2008.

**Operations Permit** issued to **JBT Petroleum, Inc., d/b/a Countryside Mobile Home Park**, PWSID No. 6200028, East Fairfield Township, **Crawford County**, January 12, 2010, for the operation of the newly constructed/modified water treatment system for Countryside MHP, as approved under construction permit 2008502, issued July 13, 2009. Transfer and Consolidation of Operations Permits issued to PA American Water Company, PWSID No. 5100069, Saxonburg Borough, Clinton and Jefferson Townships, Butler County, January 15, 2010, by operations permit no. 1090503-T1. Permit 1090503-T1 covers operation of water supply facilities including sources, raw water tank; transmission main; pH adjustment; gas chlorination; booster pump station; distribution system and 3 finished water storage tanks as identified and approved by former Saxonburg Permit Nos. 1090503, issued November 22, 1991; 1078502, issued November 30, 1978; 1094506, issued June 4, 1996 and 1094506-MA1, issued October 28, 2002. This action due to recent acquisition of the Saxonburg public water supply system.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
East Norriton Township	2501 Standbridge Street East Norriton, PA 19401-1616	Montgomery

*Plan Description:* On January 14, 2010, the Southeast Regional Office approved East Norriton Township's Act 537 Special Study. The Special Study provides for the following:

Planning approval is granted for a sewage pumping station (Einstein Pumping Station) and a force main, which will convey sewage flows from the Albert Einstein Regional Medical Center (Medical Center) property to an existing manhole in Germantown Pike, west of North Wales Road. The pumping station will be located in the western corner of the Medical Center property, southeast of Whitehall Road, and will have average design flows of 142,600 gallons per day. East Norriton Township must secure a Water Quality Management Permit from the Department for the construction and operation of the proposed sewage pumping station.

East Norriton Township commits to continuing its existing infiltration and inflow (I/I) reduction program and to rehabilitating the Germantown Pump Station force main as its comprehensive, long-term program to address capacity shortfalls in the Germantown Pump Station service area. East Norriton Township must obtain a Water Quality Management Permit for the rehabilitation of the Germantown Pump Station force main.

A 225,000 gallon surge storage tank will be constructed on the Medical Center property. Sewage will be pumped from the Einstein Pumping Station into the surge storage tank when the maximum flow rate in the upstream conveyance facilities exceeds 2,400 gallons per minute. The surge tank is considered a long-term best management practice that is complementary to the program outlined in Item 2 above. East Norriton Township must obtain a Water Quality Management Permit for the installation, operation and maintenance of the surge storage tank.

Sewage from the Sandra Lane Pumping Station will be diverted from the Germantown Pumping Station to the Einstein Pumping Station.

The Marion Avenue Pumping station will be decommissioned and the sewage flows from this pumping station and from North Whitehall Road will be rerouted to the gravity sewers in Barbara Drive.

**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:

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

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

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

**Cragle Property**, 27 Winola Road, Tunkhannock Borough, **Wyoming County**. James Sposito, James P. Sposito Associates, 11 Archbald Street, Carbondale, PA 18407 has submitted a Final Report (on behalf of his client, Ginger Cragle, 27 Winola Road, Tunkhannock, PA 18657), concerning the remediation of soil found to have been impacted by No. 2 heating oil as a result of an overflow of fuel being dispensed into a 275-gallon 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 *Wyoming County Press Examiner* on December 30, 2009.

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

**Albright College / Former Scrapyard**, City of Reading, **Berks County**. Synergy Environmental, Inc., 155 Railroad Plaza, Royersford, PA 19468, on behalf of Albright College, P. O. Box 15234, Reading, PA 19612-5234, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with PCBs, inorganics and organics. Albright College will utilize these parcels to expand their athletic facilities. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Harley-Davidson Motor Company Operations, Inc.**, Springettsbury Township, **York County**. SAIC, 6310 Allentown Boulevard, Harrisburg, PA 17112, on

behalf of Harley-Davidson Motor Company, 3700 West Juneau Avenue, Milwaukee, WI 53208, submitted a Remedial Investigation Report for site soils contaminated with VOCs, PAHs, PCBs Inorganics. Groundwater will be addressed in a separate report. The applicant seeks to remediate the site to a combination of the Statewide Health and Site-Specific Standards.

**Former Pinto Tract**, South Middleton Township, **Cumberland County**. Alternative Environmental Solutions, Inc., 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of LIT Industrial Limited Partnership, 2650 Cedar Springs Road, Suite 850, Dallas, TX 75201, submitted a combined Remedial Investigation and Final Report for groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**Honeywell Farmers Valley Wax Plant Main**, Keating Township, **McKean County**. MACTEC Engineering & Consulting, Inc., Carnegie Office Park, Building 4, 700 North Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of Pennzoil Quaker State, d/b/a Shell Oil Products US, 910 Louisiana OSP 687, Houston, TX 77002 and Honeywell International, Inc., 101 Columbia Road, Morristown, NJ 07960 has submitted a Remedial Investigation/Risk Assessment Report concerning remediation of site soil contaminated with benzene, toluene, ethylbenzene, xylene and other organic constituents of gasoline as well as lead and site groundwater contaminated with benzene, toluene, ethylbenzene, xylene and other organic constituents of gasoline as well as lead. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Pellegrini Residence**, Concord Township, **Butler County**. AMEC Earth & Environmental, Inc., 502 West Germantown Pike, Suite 850, Plymouth Meeting, PA 19462 on behalf of Arthur A. and Christine Pellegrini, Sr., 153 Zion Church Road, Chicora, PA 16025 and Westfield Insurance, 800 Cranberry Woods Drive, Suite 150, Cranberry Township, PA 16066 has submitted a Final Report concerning remediation of site soil contaminated with ethylbenzene, naphthalene, toluene, 1,3,4-trimethylbenzene (1,2,4-trimethylbenzene), 1,3,5-trimethylbenzene. The report is intended to document remediation of the site to meet the Statewide Health 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:

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

**Former R & D Fuels/Nevin Kemmerling Trust Property**, 733 N. 17th Street, Allentown City, **Lehigh County**. Eric R. Strauss, Esquire, Worth, Magee & Fisher, PC, 2610 Walbert Avenue, Allentown, PA 18104 submitted a Final Report (on behalf of his client, Gary L. Weiland, 4159 Wilson Avenue, Bethlehem, PA 18020), concerning the remediation of soil found to have been impacted by used motor oil and No. 2 heating oil as a result of surface spills due to leaking trucks that had been parked on the site and leakage from an aboveground storage tank. The report documented attainment of the Statewide Health Standard and was approved on January 4, 2010.

**Tower 80 81, LLC**, 231 Tracey Lane, Butler Township, **Luzerne County**. Pierre O. McCoy, CMX, 1555 Bustard Road, Suite 50T, Lansdale, PA 19446 submitted a Final Report (on behalf of his client, Tower 80 81, LLC, 680 Kindermach Road, River Edge, NJ 07661), concerning the remediation of soil found to have been impacted by heating oil as a result of a release from an unregulated 275-gallon, aboveground storage tank. The report documented attainment of the Residential Statewide Health

Standard for soil and was approved on January 11, 2010.

**Northwestern Lehigh School District Maintenance Shop**, 6493 Route 309, Lynn Township, **Lehigh County**. Thomas J. Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 submitted a Final Report (on behalf of his client, Northwestern Lehigh School District, 6493 Route 309, New Tripoli, PA 18066), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a leaking, nonregulated underground storage tank. The report documented attainment of the Statewide Health Standard for soil and was approved on January 14, 2010.

**Former Artex, Inc. Property**, State Route 54 and Fairview Road, Rush Township, **Schuylkill County**. Andrew K. Markoski, P. G., Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19517 submitted a Remedial Investigation Report/Final Report (on behalf of his client, Hazleton Oil and Environmental, Inc., 300 South Tamaqua Street, Hazleton, PA 18201), concerning the remediation of soil and groundwater found to have been impacted by petroleum hydrocarbons due to a historical release from a former bulk petroleum storage and distribution facility. The report documented attainment of the Statewide Health Standard for soil and groundwater and was approved on January 12, 2010

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

**Village Greens Golf Course**, Sinking Spring Borough, **Berks County**. Liberty Environmental, Inc., 10 North 5th Street, Suite 800, Reading, PA 19601, on behalf of Traditions Development Corporation, 7159 Red Top Road, Hummelstown, PA 17036, submitted a Remedial Investigation Report and Cleanup Plan concerning site soils and groundwater contaminated with arsenic. The site will be remediated to a combination of Statewide Health and Site-Specific Standards. The Remedial Investigation Report and Cleanup Plan were approved by the Department of Environmental Protection on January 6, 2010.

**Cloister Office Building**, Borough of Ephrata, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Ephrata Community Hospital, 169 Martin Avenue, Ephrata, PA 17522, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil released from an unregulated underground storage tank. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department of Environmental Protection on January 11, 2010.

**Supervalu Distribution Center**, City of Harrisburg, **Dauphin County**. Property Solutions, Inc., 323 New Albany Road, Moorestown, NJ 08057 on behalf of KTR Capital Partners, LLC, Five Towers Bridge, Barr Harbor Drive, Suite 150, West Conshohocken, PA 19428, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with Inorganics, PAHs and VOCs. The applicant intends to remediate the site to meet the Statewide Health (Residential and Nonresidential) and Site-Specific Standards. The combined Remedial Investigation and Final Report was disapproved by the Department of Environmental Protection on January 12, 2010.

**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.**

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

**Permit No. 101696. Swanson Rail Transfer, LP,** 31 Tamarack Road, Mahopac, NY 10541. This permit is to construct and operate a new municipal solid waste (MSW) transfer facility known as the Swanson Rail Transfer Station located at 13 Pattison Avenue in the City of Philadelphia, **Philadelphia County**. This new facility is permitted to receive a maximum of 2,500 tpd of municipal and construction and demolition (C&D) waste by truck and then transferred offsite by rail to permitted facilities. The permit was issued by the Southeast Regional Office on January 15, 2010.

**AIR QUALITY**

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

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

**GP14-15-0092: James J. Terry Funeral Home** (736 East Lancaster Avenue, Downingtown, PA 19335) on January 14, 2010, to operate a human crematory in Downingtown Borough, **Chester County**.

**GP11-46-0039: Allied Recycling Co.** (1725 Limekiln Pike, Suite 3A, Dresher, PA 19025) on January 14, 2010, to operate a nonroad engine(s) in Limerick Township, **Montgomery County**.

**GP3-46-0083: Allied Recycling Co.** (1725 Limekiln Pike, Suite 3A, Dresher, PA 19025) on January 14, 2010, to operate a portable nonmetallic mineral processing plant Limerick Township, **Montgomery County**.

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

**GP3-67-03160: The Berg Corp.** (2519 Wilkens Avenue, Baltimore, MD 21223) on January 12, 2010, for a Portable Nonmetallic Mineral Processing Plant under GP3 at the Fypon site, Stewartstown Borough, **York County**.

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

**GP14-65-00985A: Eternal Life Cremation Services** (555E Valley Kitchen Drive, Mt. Pleasant, PA 15666) on January 6, 2010, to install and operate one Crematory Manufacturing & Service, Inc. Model No. Millennium III human crematory rated at 150 lbs per hour at their facility in East Huntingdon Township, **Westmoreland County**.

**GP5-30-00179B: Energy Corp. of America.** (1380 Route 286 Highway E, Suite 221, Indiana, PA 15701) on January 12, 2010, to allow installation and operation of three (3) Caterpillar G3516TALE, lean-burn natural gas-fired engines, rated at 1,340 Bhp each, with one (1) engine equipped with an exhaust catalyst, and one (1) NATCO dehydrator, rated at 0.275MMBtu/hr at the Cumberland Compressor Station in Cumberland Township, **Greene County**.

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

**GP5-20-297A: Laurel Mountain Midstream, LLC—Townville Compressor Station** (14499 Maplewood Road, Townville, PA 16360) on January 15, 2009, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Randolph Township, **Crawford County**. Previously permitted under Atlas Pipeline Pennsylvania, LLC.

**GP2-62-017D: United Refining Co.** (15 Bradley Street, Warren, PA 16365) on January 8, 2010, to construct a storage tank for volatile organic liquids (BAQ-GPA/GP-2) in Warren, **Warren County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

**23-0012A: Sunoco Chemicals, Inc.** (750 W. 10th Street, Marcus Hook, PA 19061) on January 14, 2010, to modify (3) three existing storage silos in Marcus Hook Borough, Sunoco Chemicals, Inc., **Delaware County**.

**46-0035E: SmithKline Beecham Corp., d/b/a GlaxoSmithKline** (709 Swedeland Road, King of Prussia, PA 19406) on January 14, 2010, to operate 750 kW diesel fueled internal combustion engine in Upper Merion Township, **Montgomery County**.

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

**40-399-064: Schott North America, Inc.** (400 York Avenue, Duryea, PA 18642-2026) on January 14, 2010, to install a shot blast booth with baghouse at their facility in Duryea Borough, **Luzerne County**.

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

**07-03038A: Amerway, Inc.** (3701 Beale Avenue, Altoona, PA 16601-1317) on January 15, 2010, for production of tin/lead alloy wire and bar solder for the big box building products retailers in the City of Altoona, **Blair County**.

**36-03171A: New Holland Concrete** (P. O. Box 550, Blue Ball, PA 17506) on January 6, 2010, for their concrete plant operations facility in East Earl Township, **Lancaster County**.

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

**32-00055F: EME Homer City Generation, LP** (1750 Power Plant Road, Homer City, PA 15748) on January 7, 2010, to construct and begin operation of a distillate oil-fired auxiliary boiler in replacement of two existing auxiliary boilers at Homer City Generating Station in Black Lick and Center Townships, **Indiana County**.

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

**20-303A: Crawford Central School District** (860 Thurston Road, Meadville, PA 16335) on January 13, 2010, to construct a new biomass combustion unit providing renewal energy to heat the Meadville Area Middle/High School, Crawford County Career & Technical Center and the Meadville Recreation Complex in the City of Meadville, **Crawford County**.

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

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

**09-0122C: Arkema, Inc.** (100 PA Route 413, Bristol, PA 19007) on January 11, 2010, to operate a new compounding line in Bristol Township, **Bucks County**.

**46-0158B: Colorcon Div.—BPSI** (415 Moyer Boulevard, West Point, PA 19486) on January 12, 2010, to operate a modification to the (PVSD) dryer No. 2 in Upper Gwynedd Township, **Montgomery County**.

**09-0189A: Eureka Stone Quarry, Inc.** (P. O. Box 249, Chalfont, PA 18914) on January 12, 2010, to operate nonmetallic mineral processing plant in Warrington Township, **Bucks County**.

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

**06-03134: Dietrich's Specialty Processing, LLC** (61 Vanguard Drive, Reading, PA 19606) on January 12, 2010, for their custom for ingredients and processing services in Exeter Township, **Berks County**. This plan approval was extended.

**06-05079E: United Corrstack, LLC** (720 Laurel Street, Reading, PA 19602-2718) on January 11, 2010, for commercial operation of their Evergreen Community Power Plant in the City of Reading, **Berks County**. This plan approval was extended.

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

**16-132H: Clarion Boards, Inc.** (143 Fiberboard Road, Shippensburg, PA 16245) on December 31, 2009, to modify plan approvals 16-132B and C conditions with regards to the RTO in Paint Township, **Clarion County**. These changes are due to the CO&A and are a result of the facility being major for VOC. This is a Title V facility.

**33-178A: Triangle Suspension Systems, Inc.** (1 Meter Street, Punxsutawney, PA 15767) on December 31, 2009, to install two (2) dip tanks and associated hoods, fans and at the facility site in Punxsutawney Borough, **Jefferson County**. This is not a Title V facility.

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

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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790. Contact: Norman Frederick, Facilities Permitting Chief—Telephone: 570-826-2507.*

**39-00055: B. Braun Medical, Inc.** (901 Marcon Boulevard, Allentown, PA 18109) on January 13, 2010, for renewal of a Title V Operating Permit to operate a surgical/medical instruments and apparatus manufacturing facility in addition to the modification to the permit to include an adjacent building formerly owner by SureFit, Inc. and permitted under permit number 39-00038, in Hanover Township, **Lehigh County**.

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

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

**46-00213: Cremation Society of Pennsylvania** (371 East Church Road, King of Prussia, PA 19406) on January 19, 2010, to operate a human crematorium in Upper Merion Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The main source of air emissions is one human crematorium, rated at 1.9 MMBTU/hr. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00137: Oehlert Brothers, Inc.** (1203 Township Line Road, Royersford, PA 19468) on January 19, 2010, for a State-only, Natural Minor Operating Permit Renewal in Limerick Township, **Montgomery County**. Oehlert Bros., Inc. is in the business of retail/wholesale sale of petroleum products and HVAC sales and service. The facility operates two gasoline storage tanks which are a source of volatile organic compounds (VOC). A vapor recovery system is installed on the tanks as a control device. This facility does not have the potential to exceed any Title V thresholds. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

**15-00124: MacKissic, Inc.** (1189 Old Schulykill Road, Parker Ford, PA 19457) on January 19, 2010, for issuance of a State-only Operating Permit to operate a Paint Spray Booth with Dry Particulate Filtering System and Infrared Oven in East Coventry Township, **Montgomery County**. The facility is synthetic minor for VOC and HAP. Plan Approval, 15-0124, is being incorporated into the facility synthetic minor operating permit, SMOP 15-0124. This Operating Permit shall include monitoring and recordkeeping requirements to ensure that this facility complies with all applicable air quality regulations.

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

**54-00075: D.G. Yuengling and Sons, Inc.** (310 Mill Creek Avenue, Pottsville, PA 17901) on January 10, 2010, for a new State-only Operating Permit for the operation of an aerobic reactor and three boilers in Port Carbon Borough, **Schuylkill County**.

**39-00093: ICO Polymers North America, Inc.** (6355 Farm Bureau Road, Allentown, PA 18106) on January 14, 2010, to operate a new plastic product manufacturing facility in Upper Macungie Township, **Lehigh County**.

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

**28-03026: Gish Logging, Inc.** (P. O. Box 282, Fort Loudon, PA 17224-9732) on January 11, 2010, for their wood waste-fired boiler and mechanical collector in Metal Township, **Franklin County**. This is a renewal of the State-only operating permit.

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

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

**09-00003: Superpac, Inc.** (1220 Industrial Boulevard, Southampton, PA 18966) on January 12, 2010, in Upper Southampton Township, **Bucks County**. The facility is a manufacturing-commercial printing processor, which operates other flexographic printing presses, numerous space heaters and various miscellaneous sources associated with printing and manufacturing. The facility is major for VOC emissions and an area source for HAP emissions. Administrative Amendment of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amendment incorporates terms and conditions from Plan Approval No. 09-0003B, which allows for the installation of an 8-station, 41-inch web width, central-impression flexographic printing press manufactured by Paper Converting Machine Company. The source is designated as Source ID 132 Flexo Printing Press CI-16. The permit will include monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

**15-00010: ArcelorMittal Plate, LLC** (139 Modena Road, Coatesville, PA 19320) On January 15, 2010, in the City of Coatesville, **Chester County**, for an Administrative Amendment to Title V Operating Permit No. TVOP-15-00010. TVOP-15-00010 has been amended to: 1) adjust the allowable pressure drop range for Source ID: C182; 2) correct administrative errors made under AUTH ID: 779975; and 3) re-incorporate a 250-kW emergency generator into Source ID 768. The Title V Operating Permit contains monitoring and recordkeeping requirements designed to keep the ink presses operating within the allowable emissions and all applicable air quality requirements.

**46-00061: Department of Correction—Graterford, SCI** (1 Prison Road, Graterford, PA 19426) On January

15, 2010, located in Skippack Township, **Montgomery County**. The permit is being amended for the implementation of energy efficiency modifications to the existing four (4) high-pressure steam boilers and associated boiler plant equipment as approved under Plan Approval 46-0061B, including Stack Heat Recovery, Blowdown Heat Recovery, and Combustion Control per the plan approval.

The proposed modifications do not require additional or modifications of any conditions in the current operating permit.

The facility is not subject to Compliance Assurance Monitoring (CAM) pursuant to 40 CFR Part 64. The administrative amendment of Title V Operating Permit for this facility is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

**46-00044: Glasgow, Inc.** (Church and Flint Hill Roads, King of Prussia, PA 19406) on January 15, 2010, for an Administrative Amendment to State-only (Synthetic Minor) Operating Permit No. 46-00044 for its McCoy Quarry facility, which is located in Upper Merion Township, **Montgomery County**. The Administrative Amendment incorporates the requirements of Plan Approval No. 46-0044A for relocation of the primary stone crushing operation and installation of a replacement primary crusher (with grizzly feeder) and associated equipment, scalping screen, and belt conveyors at the existing stone crushing plant at its facility.

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

**09-00142: ML35, LLC** (35 Runway Road, Levittown, PA 19057) On January 19, 2010, in Bristol Township, **Bucks County**. The operating permit was amended to incorporate the sources and requirements of general permit/plan approval 09-329-007GP into the facility's State-only operating permit. Administrative Amendment of State-only Synthetic Minor Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

**09-00175: Hanson Aggregates-BMC, Inc.** (825 Swamp Road, Penns Park, PA 18943) On January 19, 2010, a non-Title V facility located in Wrightstown Township, **Bucks County**. The Synthetic Minor Operating Permit No. 09-00175 has been amended to incorporate conditions from Plan Approval No. 09-0175, which is for the operation of a new tertiary crushing and screening plant (Source ID 241), new pit conveyors (Source ID 240), and a new storage silo (Source ID 800). As part of the installation of the new equipment, a previous tertiary crushing plant (Source ID 400), a screening and transfer house (Source ID 300A), and two (2) baghouses (Source IDs C300A and C400) were removed from the site. The Synthetic Minor Operating Permit contains monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

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

**11-0062: Quaker Sales Corp.** (P. O. Box 1128, Northern Cambria, PA 15714) using the De minimis Provisions of SOOP-11-00062, 25 Pa. Code § 127.449, for the addi-



tion of one non-metallic mineral processing plant and other recycled asphalt processing equipment on or about December 14, 2009 at their Northern Cambria Plant located at 336 Shawna Road, Susquehanna Township, **Cambria County**.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

### Coal Permits Actions

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

**56080103 and NPDES No. PA0262617. AMFIRE Mining Company, LLC**, One Energy Place, Latrobe, PA 15650 commencement, operation and restoration of a bituminous surface mine in Milford Township, **Somerset County**, affecting 105.5 acres. Receiving stream(s): unnamed tributaries to South Glade Creek to South Glade Creek to the Casselman River to the Youghiogheny River classified for the following use(s): warm water fisheries. There are no potable water supply intakes within 10 miles downstream. Application received: April 10, 2008. Permit issued: January 8, 2010.

**32990105 and NPDES No. PA0235083. Thomas J. Smith, Inc.**, R. D. 1, Box 260D, Shelocta, PA 15774, permit renewal for reclamation only of a bituminous surface and auger mine in Burrell Township, **Indiana County**, affecting 210.3 acres. Receiving stream(s): unnamed tributaries to Tom's Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 13, 2009. Permit issued: January 11, 2010.

**11990102 and NPDES No. PA0235095. AMFIRE Mining Company, LLC**, One Energy Place, Latrobe, PA 15650, permit renewal for reclamation only of a bituminous surface and auger mine in Adams and Conemaugh Townships, and South Fork Borough, **Cambria County**, affecting 366.0 acres. Receiving stream(s): Little Conemaugh River, Bear Run, unnamed tributaries to and South Fork Branch of Little Conemaugh River classified for the following use(s): warm water fishery, cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Little Conemaugh River SWI. Application received: October 14, 2009. Permit issued: January 11, 2010.

**56950108 and NPDES No. PA0213195. Fieg Brothers**, 3070 Stoystown Road, Stoystown, PA 15563, revision

of an existing bituminous surface mine to change land use from woodland to pastureland and/or cropland in Brothersvalley Township, **Somerset County**, affecting 112.25 acres. Receiving stream(s): unnamed tributaries to Buffalo Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 27, 2009. Permit issued: January 12, 2010.

**56900113 and NPDES No. PA05989882. Fieg Brothers**, 3070 Stoystown Road, Stoystown, PA 15563, revision of an existing bituminous surface mine to change land use from woodland to pastureland and/or cropland in Brothersvalley Township, **Somerset County**, affecting 99.5 acres. Receiving stream(s): unnamed tributaries to and Hays Run; unnamed tributaries to Buffalo Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 27, 2009. Permit issued: January 12, 2010.

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

**30080201 and NPDES Permit No. PA0251470. Shannopin Materials, LLC** (308 Dents Run Road, Morgantown, WV 26501). Permit issued for commencement, operation and reclamation of a bituminous surface mining/coal refuse reprocessing site located in Monongahela Township, **Greene County**, affecting 39.0 acres. Receiving streams: unnamed tributaries to the Monongahela River. Application received: December 22, 2008. Permit issued: September 15, 2009.

**26090104 and NPDES Permit No. PA0251721. David L. Patterson, Jr.** (12 Shortcut Road, Smithfield, PA 15478). Permit issued for commencement, operation, and reclamation of a bituminous surface mining site located in Nicholson Township, **Fayette County**, affecting 43.6 acres. Receiving streams: unnamed tributaries to Cats Run. Application received: August 3, 2009. Permit issued: January 11, 2010.

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

**24990102 and NPDES Permit No. PA0241580. Tamburlin Brothers Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830) Renewal of an existing bituminous strip and auger operation in Fox Township, **Elk County** affecting 136.0 acres. Receiving streams: Limestone Run. Application received: November 19, 2009. Permit Issued: January 13, 2010.

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

**54840202R5. Penn Equipment Corp.**, (15 Main Street, Port Carbon, PA 17965), renewal of an existing anthracite coal refuse reprocessing operation for reclamation activities only in Branch Township, **Schuylkill County** affecting 50.0 acres, receiving stream: none. Application received: November 4, 2009. Renewal issued: January 12, 2010.

**54753038R4. Lensco Corporation**, (6500 Tollgate, Zionsville, PA 18092), renewal of an existing anthracite surface mine operation for reclamation activities only in Cass Township, **Schuylkill County** affecting 67.2 acres, receiving stream: none. Application received: November 24, 2009. Renewal issued: January 13, 2010.

**54940102R3. Gale Coal Co., Inc.**, (1441 Oak Road, Pottsville, PA 17901), renewal of an existing anthracite surface mine operation for reclamation activities only in

Blythe Township, **Schuylkill County** affecting 102.0 acres, receiving stream: none. Application received: June 17, 2009. Renewal issued: January 13, 2010.

*Noncoal Applications Returned*

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

**18092801. Benson W. Probst** (668 German Road, Lock Haven, PA 17745), commencement, operation and restoration of a shale operation located in Gallagher Township, **Clinton County** affecting 5.0 acres. Receiving stream(s): Queen Run East Branch, Susquehanna River. Application received: November 17, 2009. Permit returned: January 8, 2010.

*Noncoal Permits Actions*

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

**65092801. Gary M. Sukala** (1723 Ridge Avenue, Arnold, PA 15068). Permit issued for commencement, operation and reclamation of a small noncoal (sandstone and shale) surface mining site located in Lower Burrell City, **Westmoreland County**, affecting 4.0 acres. Receiving stream: Allegheny River. Application received: May 1, 2009. Permit issued: January 11, 2010.

**65900402 and NPDES Permit No. PA0591777. Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425). Transfer of permit formerly issued to Hanson Aggregates PMA, Inc., for continued operation and reclamation of a noncoal surface mining site (limestone quarry) located in Derry Township, **Westmoreland County**, affecting 1,303.0 acres. Receiving streams: unnamed tributaries to both and including Harbridge Run and Tannery Hollow. Application received: October 13, 2009. Transfer permit issued: January 12, 2010.

**65900403 and NPDES Permit No. PA0591866. Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425). Transfer of permit formerly issued to Hanson Aggregates PMA, Inc., for continued operation and reclamation of a noncoal surface mining site (limestone quarry) located in Unity and Cook Townships, **Westmoreland County**, affecting 139.8 acres. Receiving streams: unnamed tributaries to Ninemile Run. Application received: October 13, 2009. Transfer permit issued: January 13, 2010.

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

**08060814. Johnson Bros. Quarries** (R. R. 2, Box 278C, Towanda, PA 18548) transfer of an existing small noncoal flagstone operation in Terry Township, **Bradford County** affecting 3.0 acres. Receiving stream(s): Susquehanna River, Chesapeake. Application received: March 10, 2009. Permit issued: January 6, 2010.

**53090803. Tracy Crosby** (307 East Oak Street, Coudersport, PA 16915) commencement, operation and restoration of a bluestone operation in Roulette Township, **Potter County** affecting 1.0 acre. Receiving stream(s): Fishing Creek, Allegheny River. Application received: April 29, 2009. Permit issued: January 4, 2010.

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

**5975SM3A1C3 and NPDES Permit No. PA0223344. Eureka Stone Quarry, Inc.** (P. O. Box 249, Chalfont, PA 18914), renewal and update of NPDES Permit for discharge of treated mine drainage from a quarry operation

in Covington Township, **Lackawanna County**, receiving stream: Spring Brook. Application received: August 18, 2006. Renewal issued: January 12, 2010.

**5975SM3A1C4 and NPDES Permit No. PA0223344. Eureka Stone Quarry, Inc.** (P. O. Box 249, Chalfont, PA 18914), depth correction of an existing quarry in Covington Township, **Lackawanna County** affecting 118.8 acres, receiving stream: Spring Brook. Application received: July 9, 2008. Correction issued: January 12, 2010.

**58090812. Diaz Stone and Pallet, Inc.** (7686 State Route 167, Kingsley, PA 18826), commencement, operation and restoration of a quarry operation in Forest Lake Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: April 16, 2009. Permit issued: January 12, 2010.

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

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

*Blasting Permits Actions*

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

**66094003. Dynamic Drilling, LLC** (10373 Taylor Hawks Road, Herron, MI 46744) and George Klopff, (143 West Blade Drive, Pennsylvania Furnace, PA 16865), construction blasting for Wyoming South Seismic Survey 2D in Forkston Township, **Wyoming County** with an expiration date of April 30, 2010. Permit issued: January 13, 2010.

**66044004. Dynamic Drilling, LLC** (10373 Taylor Hawks Road, Herron, MI 46744) and George Klopff (143 West Blade Drive, Pennsylvania Furnace, PA 16865), construction blasting for Dimock 3D Seismic Survey in Nicholson, Meshoppen, Lemon and Washington Townships, **Wyoming County** with an expiration date of April 30, 2010. Permit issued: January 13, 2010.

**58094017. PGS Onshore**, (417 Grow Avenue, Montrose, PA 18801) and Omni Energy, (P. O. Box 3761, Lafayette, LA 70502), construction blasting for Friendsville 3D in Apolaccon, Bridgewater, Choconut, Forest Lake, Franklin, Great Bend, Jessup, Liberty, Middletown, New Milford, Rush and Silver Lake Townships and Friendsville, Great Bend, Hallstead, Little Meadows and Montrose Boroughs, **Susquehanna County** with an expiration date of December 31, 2010. Permit issued: January 13, 2010.

**22104101. Brubacher Excavating, Inc.** (P. O. Box 528, Bowmansville, PA 17507), construction blasting for Cameron Wood in Royalton Borough, **Dauphin County** with an expiration date of January 1, 2011. Permit issued: January 14, 2010.

**40104101. Austin Powder Northeast, LLC** (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Center Point in Jenkins and Pittston Townships, **Luzerne County** with an expiration date of January 6, 2012. Permit issued: January 14, 2010.

**67104102. J Roy's, Inc.** (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Joseph Road Subdivi-

sion in North Codorus Township, **York County** with an expiration date of January 6, 2011. Permit issued: January 14, 2010.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E51-237. Philadelphia Water Department**, Aramark Tower, 2nd Floor, 1101 Market Street, Philadelphia, PA 19107, City and County of Philadelphia, ACOE Philadelphia District.

To restore and maintain approximately 5,376 linear feet of severely eroded channel of Mill Run (Tributary to the Wissahickon Creek) and its tributary, utilizing fluvial geomorphologic principles (FGM) and natural stream channel design (NSCD). The site is located near the intersection of Old Line and Mill Roads (Germantown, PA USGS Quadrangle N: 12.1 inches; W: 15.5 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)).

**E46-1048. Donald Colosimo**, Montgomery County Roads and Bridges, One Montgomery Plaza, 6th Floor, Norristown, PA 19401, East Norriton Township, **Montgomery County**, ACOE Philadelphia District.

To extend and maintain the existing is 67.2 foot long, 8-footspan, and 8-foot rise, by approximately 51 feet on the downstream side across the Dry Run Branch of Stony Creek (TSF) associated with the construction of the proposed Albert Einstein Hospital.

The site is located approximately 500 feet southeast of the intersection of Germantown Pike and Whitehall Road (Lansdale, PA USGS Quadrangle N: 4.8 inches; W: 13.40 inches).

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

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

**E35-404. Carol Drive Realty, LLC**, 2020 Maple Road, Dalton, PA 18414. LaPlume Township, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To modify and maintain a 34-foot wide driveway crossing of a tributary to South Branch Tunkhannock Creek (TSF) and 0.12 acre of adjacent wetlands consisting of three 24-inch diameter pipes. Modifications include the installation of three additional 24-inch diameter pipes. The permittee is required to provide 0.24 acre of replacement wetlands. The project is located on the east side of Maple Road approximately 0.2 mile north of Turnpike Road (Dalton, PA Quadrangle Latitude: 41° 33' 09"; Longitude: 75° 44' 33") in LaPlume Township, Lackawanna County.

**E35-424. City of Carbondale**, One North Main Street, Carbondale, PA 18407, City of Carbondale, **Lackawanna County**, Army Corps of Engineers Baltimore District.

To remove a 4-story building, streambank retaining wall and the existing bridge; to construct and maintain a pre-stressed adjacent box beam bridge having a 50' 3" span and an 8' 4" minimum underclearance across the Lackawanna River (HQ-CWF); and to remove accumulated sediment in and along 100 feet of the Lackawanna River, 50-foot upstream and 50-foot downstream of the bridge. The project is located at the 6th Street Bridge over the Lackawanna River (Carbondale, PA Quadrangle Latitude: 41° 34' 19"; Longitude: -75° 30' 15") in the City of Carbondale, Lackawanna County. This project was previously authorized by Department Permit number E35-385 which expired prior to the commencement of construction.

**E58-283. Borough of Hop Bottom**, P.O. Box 175, Hop Bottom, PA 18824. Hop Bottom Borough, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To construct and maintain the Hop Bottom Creek/Martins Creek Improvement project with work consisting of removing a gravel bar and sediment deposits at the confluence of Hop Bottom Creek (CWF) and Martins Creek (CWF); constructing a sediment basin in the floodway and floodplain of Hop Bottom Creek and Martins Creek; and installing a log sill and root wads in Hop Bottom Creek. Excavation of the basin will impact a de minimis area of wetlands equal to 0.05 acre. The purpose of project is to encourage the deposition of bedload material from Hop Bottom Creek in the sediment basin in order to reduce sediment deposition in downstream urbanized areas.

The project is located on the west side of SR 0611 approximately 0.6 mile north of its intersection with SR 0167 (Hop Bottom, PA Quadrangle Latitude: 41° 42' 48"; -75° 46' 10") in Hop Bottom Borough, Susquehanna County (Hop Bottom, PA Quadrangle Latitude: 41° 42' 48"; Longitude: -75° 46' 10") in Hop Bottom Borough, Susquehanna County.

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

**E01-278: Porto Vecchio Properties, LLC**, 113 Westminster Road, Suite 200, Reisterstown, MD 21136, Hampton Village, Reading Township, **Adams County**, ACOE Baltimore District:

To construct and maintain: (1) a 6.0-foot by 2.5-foot by 74.0-foot long box culvert and its associated rip-rap and a 2-inch diameter sanitary sewer force main in an unnamed tributary to Conewago Creek (WWF) (Hampton, PA Quadrangle N: 10.1 inches; W: 7.0 inches, Latitude: 39° 55' 50"; Longitude: 77° 03' 00"); (2) a 12.0-foot by 5.0-foot by 58.0-foot long box culvert and its associated rip-rap and a 8-inch diameter sanitary sewer line in an unnamed tributary to Conewago Creek (WWF) (Hampton, PA Quadrangle N: 9.7 inches; W: 7.4 inches, Latitude: 39° 55' 41"; Longitude: 77° 03' 13"); (3) a 6.0-foot diameter by 87-foot long RCP and its associated rip-rap in an unnamed tributary to Conewago Creek (WWF) (Hampton, PA Quadrangle N: 9.2 inches; W: 7.2 inches, Latitude: 39° 55' 28"; Longitude: 77° 03' 06"); (4) a 6.0-foot wide pedestrian bridge with a single span of 50 feet with an underclearance of 6.0 feet across an unnamed tributary to Conewago Creek (WWF) and a 8.0-inch diameter sanitary sewer line strapped at the downstream end of the bridge (Hampton, PA Quadrangle N: 9.3 inches; W: 6.8 inches, Latitude: 39° 55' 33"; Longitude: 77° 02' 55"), all for the purpose of constructing a residential development called Shemon Property located about 2,000 feet southeast of the PA 394 and PA 94 intersection in Hampton Village, Reading Township, Adams County.

**E67-865: Texas Eastern Transmission, LP**, 890 Winter Street, Suite 300, Waltham, MA 02451, TEMAX and TIME III Projects, Chanceford, Hellam, Lower Chanceford, Lower Windsor and Windsor Townships, **York County**, ACOE Baltimore District.

To install and maintain 26.5 miles of 30-inch gas transmission line from existing piping in Hellam Township to where it will interconnect with existing pipeline facilities in Lower Chanceford Township. The project begins with the northern most crossing of Wildcat Run (WWF) (Columbia West, PA Quadrangle N: 8.48 inches; W: 1.54 inches, Latitude: 40° 02' 47.652"; Longitude: 76° 36' 48.995") and terminates at the southern most crossing of an unnamed tributary to Muddy Creek (TSF) (Holtwood, PA Quadrangle N: 9.55 inches; W: 5.13

inches, Latitude: 39° 48' 8.676"; Longitude: 76° 20' 16.835"). The project also crosses an unnamed tributary to Wildcat Run (WWF), unnamed tributaries to Kreutz Creek (WWF), Kreutz Creek (WWF), unnamed tributaries to Cabin Creek (WWF), Cabin Creek (WWF), Fishing Creek (TSF), unnamed tributaries to Fishing Creek (TSF), Beaver Creek (CWF), unnamed tributaries to Beaver Creek (CWF), Otter Creek (CWF), unnamed tributaries to Otter Creek (CWF), Mill Branch (WWF), unnamed tributaries to Mill Branch (WWF), South Fork Otter Creek (WWF), unnamed tributaries to Furnace Run (CWF), Furnace Run (CWF), unnamed tributaries to Oakland Run (CWF), Wallace Run (CWF), unnamed tributaries to Wallace Run (CWF), unnamed tributaries to Susquehanna River (WWF), Anderson Run (WWF) and unnamed tributaries to Anderson Run (WWF). The project will cross wetlands associated with Wildcat Run, Kreutz Creek, Fishing Creek, Beaver Creek, Otter Creek, Mill Branch, Furnace Run and the Susquehanna River. The project will impact a total of 692.0 linear feet of stream and 2.97 acres of wetland for the purpose of accessing new supplies of natural gas.

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

**E18-444. Pine Creek Municipal Authority**, P. O. Box 608, Avis, PA 17721. Water Obstruction and Encroachment Joint Permit, in Pine Creek Township, **Clinton County**, ACOE Susquehanna River Basin District (Jersey Shore, PA Quadrangle N: 41° 10' 21"; W: 77° 19' 17").

To construct and maintain a wastewater treatment plant in the floodway of the West Branch of the Susquehanna River. The treatment plant serves the Borough of Avis, Dunnstable, Pine Creek and Wayne Townships. The original plant was constructed in 1974. The treated effluent is discharged into an unnamed tributary to the West Branch of the Susquehanna River. The new plant is being built to upgrade equipment, meet new environmental regulations and accommodate future growth in the service area. The treatment units and main floor of the control building for the wastewater treatment plant are designed to be above the 100-year floodplain of the West Branch of the Susquehanna River. The project will displace 234,000 cu.ft. of water volume from the floodway. Total area of disturbance will be 2.00 acres. This project is located along the West Branch of the Susquehanna River, 5,800-feet southwest of the intersection of T-438, Maryland Avenue and T-519, 8th Street, (Jersey Shore, PA Quadrangle N: 41° 10' 21"; W: 77° 19' 17") in Pine Creek Township, Clinton County. This project proposes to have an impact on the West Branch of the Susquehanna River, which is designated a Warm Water Fishery, and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects."

**E18-449. Original Italian Pizza—Mill Hall**, 150 Hogan Boulevard, Mill Hall, PA 17751-1904. New Parking Lot in Bald Eagle Township, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle N: 41° 07' 02.66"; W: 77° 28' 26.31").

To construct and maintain a stormwater quality area and less than seven cubic yards of earthen fill in the 100-year floodway of Bald Eagle Creek behind the Original Italian Pizza Restaurant to facilitate the creation of additional parking in the 100-year flood fringe to compensate for parking lost to a highway expansion in front of the restaurant, located in the southeast corner of Draketown Road and Hogan Boulevard (Mill Hall, PA

Quadrangle N: 41° 07' 02.66"; W 77° 28' 26.31") in Bald Eagle Township, Clinton County. This permit was issued under Section 105.13(e) "Small Projects."

**E59-488. NFG Midstream Covington, LLC**, P. O. Box 2081, Erie, PA 16512. Water Obstruction and Encroachment Joint Permit, A3 Gathering Pipeline, in Bloss and Covington Townships, **Tioga County**, ACOE Baltimore

District (Blossburg, PA Quadrangle N: 41° 39' 34.58"; W: 77° 6' 5.02").

To construct, operate and maintain approximately 6 miles of 12" natural gas pipeline within the Tioga River watershed (Cold Water Fishery, MF). Construction of the pipeline will require seventeen (17) stream and eight (8) wetland crossings as follows:

<i>Stream Name / Wetland Type</i>	<i>Chapter 93 Designation</i>	<i>Latitude</i>	<i>Longitude</i>
~ Wetlands ~			
PEM/PSS/PFO	CWF	41° 43' 29.07"	77° 06' 48.38"
PEM/PSS	CWF	41° 42' 17.36"	77° 06' 43"
PEM	CWF	41° 43' 29.07"	77° 06' 42"
PEM	CWF	41° 42' 12.41"	77° 06' 40"
PEM/PSS	EV	41° 40' 18.64"	77° 06' 2.47"
PEM/PSS	EV	41° 39' 56.24"	77° 06' 4.95"
PEM	EV	41° 39' 42.7"	77° 06' 8.37"
PEM/PSS	EV	41° 39' 40.82"	77° 06' 7.62"
~ Streams ~			
UNT Tioga River	CWF	41° 44' 42.6"	77° 06' 51.66"
UNT Tioga River	CWF	41° 44' 37.72"	77° 06' 51.44"
UNT Marvin Creek	CWF	41° 43' 47.19"	77° 06' 47.94"
UNT Marvin Creek	CWF	41° 43' 41.79"	77° 06' 48.4"
Marvin Creek	CWF	41° 43' 31.88"	77° 06' 48.85"
UNT Marvin Creek	CWF	41° 43' 25.44"	77° 06' 48.07"
UNT Marvin Creek	CWF	41° 43' 25.01"	77° 06' 48.28"
UNT Tioga River	CWF	41° 43' 11.03"	77° 06' 32.11"
UNT Tioga River	CWF	41° 42' 53.24"	77° 06' 28.4"
UNT Tioga River	CWF	41° 42' 47.11"	77° 06' 30.69"
UNT Tioga River	CWF	41° 42' 46.31"	77° 06' 31.75"
UNT Tan Creek	CWF	41° 42' 17.36"	77° 06' 42.0"
Tan Creek	CWF	41° 42' 12.41"	77° 06' 40"
UNT Boone Run	CWF	41° 41' 2.83"	77° 07' 14.54"
UNT Johnson Creek	CWF	41° 39' 42.7"	77° 06' 8.37"
Johnson Creek	CWF	41° 39' 40.82"	77° 06' 7.62"
UNT Johnson Creek	CWF	41° 39' 40.04"	77° 06' 7.2"

All pipeline crossings shall be placed beneath streambeds and wetlands so there will be a minimum of 3 feet of cover between the top of the pipe and the lowest point in the streambed or wetland. Trench plugs or clay dikes shall be used at every waterway and wetland crossing to ensure the existing hydrology is not altered. As proposed, the project temporarily impacts 0.13 acre of wetland and 338 linear feet of stream. The project is centered north of SR 2016 approximately 1 mile west of the intersection with SR 0015 outside the Village of Arnot in Bloss and Covington Townships, Tioga County.

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

**E25-729, Corry Memorial Hospital Association**, 612 West Smith Street, Corry, PA 16407. Corry Memorial Hospital, in the City of Corry, **Erie County**, ACOE

Pittsburgh District (Columbus, PA Quadrangle N: 41° 56' 12.5"; W: 79° 36' 50.2").

The applicant proposes to construct and maintain an 80,000 square foot hospital building and associated parking and infrastructure at the northern terminus of Shady Avenue Extension (Columbus, PA Quadrangle N: 41° 56' 12.5"; W: 79° 36' 50.2") in the City of Corry, Erie County and Columbus Township, Warren County involving: 1) to fill 0.845 acre of PEM wetlands, 0.03 acre of PSS/PEM wetlands and 0.001 acre of PFO/PEM wetland; 2) to fill 0.38 acre of a 0.65 acre pond; 3) to construct and maintain a 100-foot long, 20-foot wide by 7-foot high precast concrete Con Span arch culvert in an unnamed tributary to Hare Creek having associated channel changes, riprap rock protection on the bed and banks for 40 feet upstream of the culvert and 50 feet downstream of the culvert and riprap rock protection on the stream bank and woody/shrubby perennial vegetation plants for a

length of 20 feet starting approximately 50 feet downstream of the culvert; 4) to construct a temporary road crossing of a UNT Hare Creek; 5) to construct and maintain a 0.90 acre wetland mitigation area; and 6) to construct and maintain various associated stormwater outfalls and utility line crossings. UNT Hare Creek is a perennial stream classified as a cold water fishery. The project proposes to directly impact 0.876 acre of wetland, 0.38 acre of open water and approximately 120 linear feet of perennial watercourse.

#### DAM SAFETY

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

**D15-395. Osborne Lagoon Dam. Oxford Area Sewer Authority**, 401 East Market Street, P. O. Box 380, Oxford, PA 19363. Reissue of expired permit to construct, operate, and maintain Osborne Lagoon Dam located in the watershed of Leech Run (TSF, MF), for the purpose of providing additional wastewater storage capacity in order to meet 80-day storage requirements per a Consent Order and Agreement with the Department of Environmental Protection (Oxford, PA Quadrangle N: 9.85 inches; W: 16.35 inches) in Lower Oxford Township, **Chester County**.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

ESCGP-1 # ESX09-015-0076  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Bradford Township(s) Herrick Township  
Receiving Stream(s) and Classification(s) Totem Lake, Camps Creek

ESCGP-1 # ESX09-015-0074  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Bradford Township(s) Standing Stone Township  
Receiving Stream(s) and Classification(s) Rummerfield Creek

ESCGP-1 # ESX09-015-0042(01) Major Revision  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Bradford Township(s) Wilmot Township  
Receiving Stream(s) and Classification(s) UNT to North Branch to Mehoopany Creek

ESCGP-1 # ESX09-015-0073  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Bradford Township(s) Terry Township  
Receiving Stream(s) and Classification(s) North Branch Sugar Run

ESCGP-1 # ESX09-015-0079  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Bradford Township(s) Troy Township  
Receiving Stream(s) and Classification(s) Mud Creek

ESCGP-1 # ESX09-015-0078  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Bradford Township(s) Towanda Township  
Receiving Stream(s) and Classification(s) UNT to Towanda Creek

ESCGP-1 # ESX09-115-0020  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Susquehanna Township(s) Auburn Township  
Receiving Stream(s) and Classification(s) Little Meshoppen Creek

ESCGP-1 # ESX09-015-0082  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Bradford Township(s) Albany Township  
Receiving Stream(s) and Classification(s) UNT to the South Branch of Towanda Creek

ESCGP-1 # ESX09-015-0032(01) Major Revision  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Bradford Township(s) Wysox Township  
Receiving Stream(s) and Classification(s) UNT to Susquehanna River

ESCGP-1 # ESX09-015-0081  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford Township(s) Terry Township  
 Receiving Stream(s) and Classification(s) Sugar Run

ESCGP-1 # ESX09-015-0080  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford Township(s) North Towanda Township  
 Receiving Stream(s) and Classification(s) Sugar Creek

ESCGP-1 # ESX09-115-0023  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Susquehanna Township(s) Auburn Township  
 Receiving Stream(s) and Classification(s) UNT to  
 Susquehanna River

ESCGP-1 # ESX09-113-0001  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Sullivan Township(s) Cherry Township  
 Receiving Stream(s) and Classification(s) Little  
 Loyalsock Creek

ESCGP-1 # ESX09-015-0058(01) Major Revision  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford Township(s) Wysox Township  
 Receiving Stream(s) and Classification(s) UNT to  
 Wysox Creek

ESCGP-1 # ESX09-015-0056(01) Major Revision  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford Township(s) Albany Township  
 Receiving Stream(s) and Classification(s) Tributary to  
 South Branch

ESCGP-1 # ESX09-015-0059(01) Major Revision  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford Township(s) Troy Township  
 Receiving Stream(s) and Classification(s) UNT to  
 Mud Creek

ESCGP-1 # ESX09-015-0060(01) Major Revision  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford Township(s) Wyalusing Township  
 Receiving Stream(s) and Classification(s) UNT to  
 Susquehanna River

ESCGP-1 # ESX09-015-0019(01) Major Revision  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address 100 1st Center  
 City, State, Zip Horseheads, NY 14845  
 County Bradford Township(s) Asylum Township  
 Receiving Stream(s) and Classification(s) Tributary to  
 Durrell Creek

ESCGP-1 # ESX09-015-0086  
 Applicant Name Fortuna Energy, Inc.  
 Contact Person Eric Potter  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford Township(s) Columbia Township  
 Receiving Stream(s) and Classification(s) UNT to  
 Beckwith Creek

ESCGP-1 # ESX09-015-0084  
 Applicant Name Fortuna Energy, Inc.  
 Contact Person Eric Potter  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford Township(s) Canton Township  
 Receiving Stream(s) and Classification(s) UNT to  
 Alba Creek

ESCGP-1 # ESX09-015-0083  
 Applicant Name Fortuna Energy, Inc.  
 Contact Person Eric Potter  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford Township(s) Wells Township  
 Receiving Stream(s) and Classification(s) UNT to  
 Beckwith Creek

ESCGP-1 # ESX09-015-0085  
 Applicant Name Fortuna Energy, Inc.  
 Contact Person Eric Potter  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford Township(s) Columbia Township  
 Receiving Stream(s) and Classification(s) UNT of  
 Mill Creek

ESCGP-1 # ESX09-015-0087  
 Applicant Name Fortuna Energy, Inc.  
 Contact Person Eric Potter  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford Township(s) Armenia Township  
 Receiving Stream(s) and Classification(s) Webier Creek  
*Southwest Region: Oil and Gas Program Manager, 400  
 Waterfront Drive, Pittsburgh, PA 15222-4745.*

12/18/09

ESCGP-1 No.: ESX09-125-0070  
 Applicant Name: Atlas Resources, LLC  
 Contact Person: Jeremy Hirtz  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Washington Township(s): Amwell  
 Receiving Stream(s) and Classifications: Tenmile Creek,  
 Other

12/8/09

ESCGP-1 No.: ESX09-051-0043  
 Applicant Name: Atlas Resources, LLC  
 Contact Person: Jeremy Hirtz  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA 15478  
 County: Fayette Township(s): Redstone  
 Receiving Stream(s) and Classifications: UNT to  
 Saltlick Run, Other

11/30/09

ESCGP-1 No.: ESX09-125-0066  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Tal Oden  
 Address: P. O. Box 18496  
 City: Oklahoma City State: OK Zip Code: 73154-0496  
 County: Washington Township(s): Independence  
 Receiving Stream(s) and Classifications: UNT Cross  
 Creek (before Avella Intake), HQ, Cross Creek (beyond  
 Avella Watger Intake), WV Border-Ohio River

11/30/09

ESCGP-1 No.: ESX09-125-0065  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Tal Oden  
 Address: P. O. Box 18496  
 City: Oklahoma City State: OK Zip Code: 73154-0496  
 County: Washington Township(s): Cross Creek  
 Receiving Stream(s) and Classifications: UNT HQ-WWF  
 to UNT North Middle Fork, HQ-WWF to Cross Creek  
 HQ-WWF to Ohio River Pawv Border-WWF

12/15/09

ESCGP-1 No.: ESX09-059-0059  
 Applicant Name: Atlas Resources, LLC  
 Contact Person: Jeremy Hirtz  
 Address: 800 Mountain View Drive  
 City: Smithfield State: PA Zip Code: 15478  
 County: Greene Township(s): Jefferson  
 Receiving Stream(s) and Classifications: UNT to South  
 Fork Tenmile Creek, Other

12/15/09

ESCGP-1 No.: ESX09-125-0069  
 Applicant Name: Markwest Liberty Midstream &  
 Resources, LLC  
 Contact Person: Robert McHale  
 Address: 100 Plaza Drive, Suite 102  
 City: Atlasburg State: PA Zip Code: 15004  
 County: Washington Township(s): Independence  
 Receiving Stream(s) and Classifications: UNT to  
 Sugarcamp Run, HQ

12/16/09

ESCGP-1 No.: ESX069-125-0057  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Tal Oden  
 Address: P. O. Box 18496  
 City: Oklahoma City State: PA Zip Code: 73154-0496  
 County: Washington Township(s): Carroll  
 Receiving Stream(s) and Classifications: Monongahela  
 River/Middle Monongahela River Watershed, Other

12/17/09

ESCGP-1 No.: ESX09-003-0001  
 Applicant Name: Range Resources—Appalachia, LLC  
 Contact Person: Carla Suszkowski  
 Address: 380 Southpointe Boulevard, Suite 300  
 City: Canonsburg State: PA 15317  
 County: Allegheny Township(s): Plum  
 Receiving Stream(s) and Classifications: UNT to Little  
 Plum Creek, Other

12/12/09

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

12/23/09

ESCGP-1 No.: ESX09-059-0063  
 Applicant Name: EQT Production, LLC  
 Contact Person: Hanna McCoy  
 Address: 625 Liberty Avenue  
 City: Pittsburgh State: PA 15222  
 County: Greene Township(s): Morgan  
 Receiving Stream(s) and Classifications: Grimes Run/  
 Browns Run, Other

12/22/09 REV

ESCGP-1 No.: ESX09-059-0013-7  
 Applicant Name: CNX Gas Company, LLC  
 Contact Person: Kenneth Kormendy  
 Address: 200 Evergreene Drive  
 City: Waynesburg State: PA Zip Code: 15370  
 County: Greene Township(s): Morris  
 Receiving Stream(s) and Classifications: Bates Fork, HQ

12/23/09

ESCGP-1 No.: ESX09-059-0064  
 Applicant Name: EQT Production, LLC  
 Contact Person: Hanna McCoy  
 Address: 625 Liberty Avenue  
 City: Pittsburgh State: PA Zip Code: 15222  
 County: Greene Township(s): Morgan  
 Receiving Stream(s) and Classifications: Poverty Run/  
 Ruff Creek, Other

12/22/09

ESCGP-1 No.: ESX09-125-0073  
 Applicant Name: Range Resources—Appalachia, LLC  
 Contact Person: Carla Suszkowski  
 Address: 380 Southpointe Boulevard, Suite 300  
 City: Canonsburg State: PA Zip Code: 15317  
 County: Washington Township(s): Cross Creek/  
 Mt Pleasant  
 Receiving Stream(s) and Classifications: UNT to Cross  
 Creek, HQ

12/23/09

ESCGP-1 No.: ESX09-059-0062  
 Applicant Name: Chesapeake Appalachia, LLC  
 Contact Person: Tal Oden  
 Address: P. O. Box 18496  
 City: Oklahoma City State: OK Zip Code: 73154-0496  
 County: Greene Township(s): Aleppo  
 Receiving Stream(s) and Classifications: UNT to Hart's  
 Run to PA-WV Border, UNT to South Fork (TSF-WWF)  
 to Dunkard Fork (WWF) to PA-WV Border, Other

12/22/09

ESCGP-1 No.: Esx09-125-0072  
 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/South  
 Franklin  
 Receiving Stream(s) and Classifications: UNT to Fork of  
 Bane Creek, Other

1/4/10

ESCGP-1 No.: ESX09-059-0066  
 Applicant Name: Laurel Mountain Midstream  
 Contact Person: Tim Williams  
 Address: 1550 Coraopolis Heights Road, Suite 210  
 City: Moon Township State: PA 15108 County: Greene  
 Township(s): Dunkard  
 Receiving Stream(s) and Classifications: Whitely and  
 Dunkard Creek, Other



**SPECIAL NOTICES**

**Planning Grant Awards under Section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101**

The Department of Environmental Protection (Department) hereby announces the following grants to Counties pursuant to the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P. L. 556, Section 901 and Section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190 of 1996).

Planning grants are awarded to Counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by Sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund. Inquiries regarding the grant offerings should be directed to Ms. Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

JOHN HANGER,  
*Secretary*

**Act 101, Section 901 Planning Grant**

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Northcentral	Cameron	Cameron County	Waste Plan Revision	\$67,200

[Pa.B. Doc. No. 10-189. Filed for public inspection January 29, 2010, 9:00 a.m.]

**Pollution Control Technology Grant Program Final Criteria**

Section 304 of the Alternative Energy Investment Act of 2008 (73 P. S. § 1649.304) (Act 1 or Act) authorizes the Department of Environmental Protection (Department) to award a total of \$25 million for "pollution control technology projects" installed on electric generating units (EGUs) and cogeneration units that have an installed capacity of less than 500 MWper unit which utilize coal, as defined under 25 Pa. Code § 123.202, as their primary fuel.

The Act specifies that each unit owner or operator that applies for a grant is eligible to receive a pro rata share of the moneys allocated for pollution control technology projects based on criteria developed by the Department. In accordance with the Act 1, the criteria for the grant selection criteria were published in the *Pennsylvania Bulletin* on April 25, 2009, and submitted to the Pennsylvania Senate and House Environmental Resources and Energy Committees for review and comment.

Based on the comments received, the Department has modified the proposed eligibility criteria. The final criteria are summarized as follows:

- Grant applicants will be eligible to receive a pro rata share of the \$25,000,000 available for each eligible electric generating or cogeneration unit at a facility with an installed capacity of less than 500 MW that utilizes coal, as defined under 25 Pa. Code § 123.202 (relating to definitions), as its primary fuel.
- Eligibility is limited to pollution control technology constructed or installed on the units to comply with regulatory requirements including the Clean Air Interstate Rule, the Clean Air Mercury Rule, the Pennsylvania Mercury Rule under 25 Pa. Code Chapter 123, and SO<sub>2</sub> and NO<sub>x</sub> emission reduction requirements established under 25 Pa. Code Chapters 121, 129 and 145 (relating to general provisions; standards for sources; and interstate pollution transport reduction).
- The grant allocation will be based on the capital cost portion of each project.
- The owner or operator must have obtained a plan approval from the Department on or after January 1, 2006, but not later than December 31, 2009, and must have commenced construction or installed the controls no later than December 31, 2010.

The revised eligibility criteria and comment/response document are available online at <http://www.depweb.state.pa.us> (Keyword: Air Quality). When the grant funding is available, an announcement will be made in the *Pennsylvania Bulletin* and the grant application packet will be placed on the Department web site. Persons who have questions or need additional information, contact Dan Husted by e-mail at [dhusted@state.pa.us](mailto:dhusted@state.pa.us) or by telephone at (717) 772-3995.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-190. Filed for public inspection January 29, 2010, 9:00 a.m.]

**DEPARTMENT OF GENERAL SERVICES**

**Real Estate for Sale  
Northampton County**

The Department of General Services (Department) will accept bids for the purchase of 0.48-acre ± of land and building formerly known as the Easton Job Center located at 220 Ferry Street, City of Easton, Northampton County. Bids are due Tuesday, April 27, 2010. Interested parties wishing to receive a copy of Solicitation No. 94331 should view the Department's web site at [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call Lisa Kettering at (717) 787-1321.

JAMES P. CREEDON,  
*Secretary*

[Pa.B. Doc. No. 10-191. Filed for public inspection January 29, 2010, 9:00 a.m.]

## DEPARTMENT OF HEALTH

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

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.28(b) and 205.33(a) (relating to nurses' station; and utility room).

Laurelwood Care Center  
100 Woodmont Road  
Johnstown, PA 15905

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.67(k) (relating to electric requirements for existing and new construction).

Vincentian De Marillac  
5300 Stanton Avenue  
Pittsburgh, PA 15206

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

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

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

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

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-192. Filed for public inspection January 29, 2010, 9:00 a.m.]

### Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Thursday, February 4, 2010, from 10:30 a.m. to 3 p.m. in the large conference room of the Community Center, located on the 2nd Floor, Giant Food Store, 2300 Linglestown Road, Harrisburg, PA 17110.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Maureen Young, Administrative Assistant, Division of Child and Adult Health Services at (717) 772-2762, or for speech and/or hearing impaired persons

contact V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-193. Filed for public inspection January 29, 2010, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

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

Thursday, February 18, 2010  
10 a.m.—5 p.m.  
Department of Labor and Industry  
651 Boas Street, Room E-100  
Harrisburg, PA 17121

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

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

SANDI VITO,  
*Secretary*

[Pa.B. Doc. No. 10-194. Filed for public inspection January 29, 2010, 9:00 a.m.]

## DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

### Per Diem Rates at Pennsylvania State Veterans' Homes

The Department of Military and Veterans Affairs has established the following per diem rates for the costs of care for residents at Pennsylvania's six State Veterans' Homes. These per diem rates are effective January 1, 2010, until further notice.

<i>Hollidaysburg Veterans' Home</i>	
Nursing Care	\$275.96
Personal Care (Domiciliary)	\$179.26
<i>Pennsylvania Soldiers' and Sailors' Home</i>	
Nursing Care	\$310.61
Personal Care (Domiciliary)	\$144.74
<i>Southeastern Veterans' Center</i>	
Nursing Care	\$256.96
Personal Care (Domiciliary)	\$212.92
<i>Gino J. Merli Veterans' Center</i>	
Nursing Care	\$285.10
Personal Care (Domiciliary)	\$193.71

<i>Southwestern Veterans' Center</i>	
Nursing Care	\$261.59
Personal Care (Domiciliary)	\$187.49
<i>Delaware Valley Veterans' Home</i>	
Nursing Care	\$306.33
Personal Care (Domiciliary)	\$220.12

JESSICA L. WRIGHT,  
Major General, PAARNG,  
The Adjutant General

[Pa.B. Doc. No. 10-195. Filed for public inspection January 29, 2010, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Additional Class of Disproportionate Share Payments to Qualifying Teaching Hospitals

The purpose of this notice is to announce the Department of Public Welfare's (Department) intent to allocate funding for Fiscal Year (FY) 2009-2010 for disproportionate share hospital (DSH) payments to qualifying teaching hospitals that provide psychiatric services to Medical Assistance recipients. There will be no change in the current qualifying criteria or methodology for determining eligibility for these payments.

#### *Fiscal Impact*

The FY 2009-2010 fiscal impact, as a result of this additional class of DSH payments is \$500,000 (\$225,950 in State General Funds and \$274,050 in Federal Funds upon approval by the Centers for Medicare and Medicaid Services).

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. 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).

HARRIET DICHTER,  
Acting Secretary

**Fiscal Note:** 14-NOT-631. (1) General Fund; (2) Implementing Year 2009-10 is \$226,000; (3) 1st Succeeding Year 2010-11 is \$223,000; 2nd Succeeding Year 2011-12 is \$222,000; 3rd Succeeding Year 2012-13 is \$222,000; 4th Succeeding Year 2013-14 is \$222,000; 5th Succeeding Year 2014-15 is \$222,000; (4) 2008-09 Program \$426.822M; 2007-08 Program \$468.589M; 2006-07 Program \$513.020M; (7) Medical Assistance—Inpatient; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 10-196. Filed for public inspection January 29, 2010, 9:00 a.m.]

### Medical Assistance Program Outpatient Fee Schedule Revisions for Vision Services

The purpose of this notice is to announce the Department of Public Welfare's (Department) several changes to the Medical Assistance (MA) Program Outpatient Fee Schedule, effective with dates of service on and after March 1, 2010.

#### *Fee Schedule Revisions*

The Department is end-dating the following local procedure codes for vision services billed by optometrists and physicians. These procedure codes were previously end-dated for other types of providers: Y0012, Y0017, Y0034, Y2021, Y2411 and Y0090.

There are national procedure codes already on the MA Program Outpatient Fee Schedule that have replaced Y0012, Y0017, Y0034 and Y2021.

National procedure code V2770, defined as "occluder lens, per lens," is being added to the MA Program Outpatient Fee Schedule. This will replace local procedure code Y2411. Local procedure code Y0090 will not be replaced with a National procedure code, since there were only 6 claims paid from January 1, 2007, through July 30, 2009.

The following procedure codes for physical therapy services are being end-dated for optometrists: 97112, 97116 and 97530.

An MA Bulletin will be issued to optometrists and physicians who provide vision services and will include a crosswalk of the local procedure codes that are being end-dated and the National procedure codes and modifiers, as applicable, which are replacing them.

Services rendered on and after March 1, 2010, must be billed using the National procedure code and modifier, if appropriate.

#### *Fiscal Impact*

The end-dating of the local procedure codes is anticipated to be budget neutral and, therefore, these changes will have no fiscal impact.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revisions of the MA Program Fee Schedule.

Persons with a disability who require 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).

HARRIET DICHTER,  
Acting Secretary

**Fiscal Note:** 14-NOT-630. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 10-197. Filed for public inspection January 29, 2010, 9:00 a.m.]

# DEPARTMENT OF REVENUE

## Annual Inflation Adjustment; Pennsylvania Gaming Cash Flow Management

In accordance with 61 Pa. Code § 1001.8 (relating to State Gaming Fund transfers), the Secretary of Revenue announces that, for the year commencing January 1, 2010, the Annual Inflation Adjustment as proscribed in 4 Pa.C.S. § 1403(d) (relating to establishment of State Gaming Fund and net slot machine revenue distribution) is 3.0%.

Section 1403(c) of 4 Pa.C.S. requires the Department of Revenue (Department) to utilize the most recent consumer price index effective immediately prior to the date the adjustment is due to take effect. This adjustment was published by the United States Department of Labor, Bureau of Labor Statistics on January 15, 2010. Therefore, the Department is publishing notice of the annual inflation adjustment.

C. DANIEL HASSELL,  
*Acting Secretary*

[Pa.B. Doc. No. 10-198. Filed for public inspection January 29, 2010, 9:00 a.m.]

### Mega Millions® Terminal-Based Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 875.4 (relating to notice of terminal-based lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following terminal-based lottery game:

1. *Name:* The name of the terminal-based lottery game is Mega Millions®. The game will commence at the discretion of the Secretary and will continue until the Secretary publicly announces a suspension or termination date.

2. *Definitions:* The following words and terms, when used in this notice, have the following meanings, unless the context clearly indicates otherwise:

**Cross-Selling Agreement**—The agreement between the Mega Millions® Lotteries and the MUSL allowing the MUSL Mega Millions® Product Group member lotteries to sell the Mega Millions® game.

**Liability Cap**—An amount equal to 300% of Mega Millions® sales for a particular drawing or 50% of Mega Millions® sales for a particular drawing plus \$50,000,000, whichever is less.

**MUSL**—The Multi-State Lottery Association.

**MUSL Finance and Audit Committee**—The committee established by the Muti-State Lottery Association Agreement which, among other things, establishes the reserve accounts balances and may accelerate the payment of the jackpot category prize upon the death of a lottery winner.

**MUSL Mega Millions® Product Group**—The group of lotteries which have joined together to offer the Mega Millions® game under the terms of the Cross-Selling Agreement between the MUSL and the Mega Millions® Lotteries.

**Mega Millions®**—A terminal-based lottery game offered by the Mega Millions® Lotteries and the MUSL Mega Millions® Product Group.

**Mega Millions® drawing officials**—The personnel authorized by the Mega Millions® Lotteries to conduct and ensure the integrity of the Mega Millions® and the Megaplier® drawings.

**Mega Millions® Lotteries**—Lottery jurisdictions which are parties to the Mega Millions Lottery Agreement. This term does not include members of the MUSL Mega Millions® Product Group.

**Mega Millions® winning numbers**—Six numbers, the first five numbers from the field of numbers 1 through 56, and one number from the field of numbers 1 through 46, randomly selected at each Mega Millions® drawing, which shall be used to determine winning Mega Millions® plays.

**Megaplier® promotion**—A Mega Millions® game feature by which a player, for an additional wager of \$1 per play, can increase the set prize amount or pari-mutual set prize amount, as applicable, by a factor of two, three or four times depending upon the multiplier number that is drawn prior to a Mega Millions® drawing. The Megaplier® does not apply to the jackpot category prize.

3. *Price:* The price of a Mega Millions® play is \$1. Additional plays may be purchased at the discretion of the player. The Megaplier® promotion may be exercised, at the discretion of the player, for an additional \$1 per play.

#### 4. *Description of the Mega Millions® lottery game:*

(a) Mega Millions® is designed to give players the opportunity to win one prize in each play.

(b) For a \$1 purchase, the player gets a ticket containing one play. Each play shall consist of six numbers, the first five numbers selected from the field of numbers 1 through 56 and one number selected from the field of numbers from 1 through 46. During each Mega Millions® drawing, six Mega Millions® winning numbers will be selected from two fields of numbers in the following manner: five winning numbers from the field of numbers 1 through 56, and one winning number from the field of numbers 1 through 46.

(c) Players can win a prize, identified in section 7(b) (relating to prizes available to be won and determination of prize winners), by matching, in the same play, five, four, three, two or one of the five numbers selected from the field of numbers 1 through 56 and matching one number from the field of numbers 1 through 46, all within a single play, with the winning numbers selected from the field of numbers 1 through 56 and the one number selected from the field of numbers 1 through 46, in the Mega Millions® drawing in which the ticket is entered. Or players can win a prize, identified in section 7(b) (relating to prizes available to be won and determination of prize winners), by matching, in the same play, five, four or three of the five numbers selected from the field of numbers 1 through 56 with the winning numbers selected from the field of numbers 1 through 56, in the Mega Millions® drawing in which the ticket is entered. Or players can win a prize, identified in section 7(b) (relating to prizes available to be won and determination of prize winners), by matching, in the same play, one number from the field of numbers 1 through 46, with the one number selected from the field of numbers 1 through 46 in the Mega Millions® drawing in which the ticket is entered.

5. *Mega Millions® bet slip and ticket characteristics:*

(a) Mega Millions® bet slips shall be available at no cost to the player. Plays shall be selected in accordance with the instructions printed on the Mega Millions® bet slip. A Mega Millions® bet slip has no pecuniary or prize value and does not constitute evidence of the purchase of a ticket or the numbers selected. The use of mechanical, electronic, computer generated or any other nonmanual method of marking bet slips is not permitted.

(b) To purchase a ticket, the player shall remit to an authorized retailer the purchase price, submit the completed Mega Millions® bet slip or request the number selection through Quick Pick or manual terminal entry to have a ticket issued. The ticket shall contain six numbers, the first five numbers selected from the field of numbers 1 through 56 and one number selected from the field of numbers 1 through 46 for each play, the drawing date or range of dates for which the ticket is entered, the total cost of the bet, validation data and the Megaplier® promotion indication if applicable. On tickets containing multiple plays, each play will be identified by a letter prefix: A for the first play printed on the ticket; B for the second play printed on the ticket; C for the third play printed on the ticket; D for the fourth play printed on the ticket; and E for the fifth play printed on the ticket. The ticket shall be the only valid proof of the bet placed and the only valid receipt for claiming a prize. The ticket shall only be valid for the drawing date or range of dates printed on the ticket.

(c) Through the use of a bet slip the player may select up to five numbers from the field of numbers 1 to 56 and one number from the field of numbers 1 to 46 for each play purchased and select the number of drawings in which the plays are entered. Additionally, a player may exercise the Quick Pick option by indication on the bet slip. A \$1 wager entitles a player to play game A. A \$2 wager entitles a player to play games A and B. A \$3 wager entitles a player to play games A, B and C. A \$4 wager entitles a player to play games A, B, C and D. A \$5 wager entitles a player to play games A, B, C, D and E. Players are also given the option to select the Megaplier® promotion on the bet slip at the time of purchase for an additional \$1 per play.

(d) If Mega Millions® bet slips are unavailable, the designation of the drawing date or dates for which the ticket is entered, number selections or request for the Quick Pick option may be given to an authorized retailer for each play. The player may designate the Megaplier® promotion for an additional \$1 per play. The retailer shall manually enter the drawing date or dates for which the ticket is entered, number selections or Quick Pick selection and the Megaplier® promotion, if applicable, into the Lottery terminal.

(e) To purchase a ticket at a Lottery self-service terminal that dispenses terminal-based Lottery tickets, the player shall designate the drawing date or dates for which the ticket is entered, number selections and may exercise the Megaplier® promotion for an additional \$1 per play. The player may use a bet slip or the Quick Pick option at a Lottery self-service terminal that dispenses terminal-based Lottery tickets.

(f) A player may purchase plays for one through twenty-six consecutive drawings, commencing with the next scheduled drawing.

6. *Time, place and manner of conducting drawings.*

(a) Time of drawing. A Mega Millions® drawing will be held as determined and publicly announced by the Secretary.

(b) Place of drawing. Mega Millions® and the Megaplier® drawings will be conducted in locations selected by the Mega Millions® Lotteries.

(c) Manner of conducting drawings. The Mega Millions® drawing officials will select, at random, the Mega Millions® winning numbers, with the aid of mechanical devices or any other selection methodology as authorized by the Mega Millions® Lotteries. Prior to the Mega Millions® drawing, the Megaplier® number will be drawn.

7. *Prizes available to be won and determination of prize winners:*

(a) An amount equal to 50.00% of Mega Millions® gross sales for a Mega Millions® game drawing is anticipated to be reserved for prizes and allocated for payment of prizes as enumerated in sections 7(b) and 7(d) (relating to prizes available to be won and determination of prize winners).

(b) Determinations of the Mega Millions® prize winners for tickets correctly matching, in the same play, the winning numbers selected by the Mega Millions® drawing officials are:

(1) Holders of tickets upon which the player's five numbers selected from the field of numbers 1 through 56 and the player's one number selected from the field of numbers 1 through 46 matches the Mega Millions® winning numbers, in a single play, for the drawing in which the ticket is entered, shall be the winner of the jackpot category prize. Prize money allocated to the jackpot category prize will be divided into as many shares as there are winning jackpot category prize plays as provided in this section.

(i) Prior to each drawing, the Mega Millions® Lotteries shall determine the annuity jackpot category prize amount to be advertised. The official advertised annuity jackpot category prize amount, as determined by the Mega Millions® Lotteries, shall be the basis for determining the amount to be awarded for each Mega Millions® play matching all the Mega Millions® winning numbers.

(ii) If the sales support a jackpot that is at least \$12 million lower than the advertised annuity jackpot category prize amount, the resulting annuity jackpot category prize amount to be paid will be the highest fully funded million dollars plus \$12 million or the advertised annuity jackpot category prize, whichever is lower. In no event, however, shall the annuity jackpot category prize paid be less than the advertised annuity jackpot category prize of the immediately prior drawing in which there were no winning jackpot category prize plays.

(iii) The minimum Mega Millions® annuity jackpot category prize shall not be less than \$12 million divided by the number of plays entitled to a jackpot category prize.

(iv) If, in a Mega Millions® drawing, there are no winning Mega Millions® jackpot category prize plays, prize money allocated to that prize category will be carried forward and added to the amount allocated for the jackpot category prize in the next consecutive Mega Millions® drawing.

(v) If the annuity jackpot category prize divided by the number of Mega Millions® plays matching all the Mega Millions® winning numbers, is equal to or greater than \$1,000,000, the jackpot category prize will be paid as an

annuity as described in section 7(b)(1)(vi) unless the winner elects to receive the jackpot category prize in a single cash payment provided the election is made by the player within 60 days of the date the Lottery determines that a player is entitled to the jackpot category prize.

(vi) Annuity jackpot category prizes shall be paid in 26 consecutive annual installments. The initial payment shall be paid upon completion of internal validation procedures. The subsequent 25 payments shall be paid annually.

(vii) The amount of the jackpot category prize, if paid as a lump-sum cash payment, may be either the amount determined by multiplying the annuity jackpot category prize amount by a discount value set by the Mega Millions® Lotteries prior to each drawing, divided by the number of jackpot category prize winners, or the proceeds of the sale of bonds purchased to fund a particular winner's share of the annuity jackpot category prize amount. A winner has 60 days from the date the Lottery determines that a player is entitled to a jackpot category prize to elect in writing to irrevocably receive payment as a lump-sum cash payment.

(viii) In the event multiple Mega Millions® plays match all the Mega Millions® winning numbers in the same drawing, and the annuity Mega Millions® jackpot category prize divided by the number of winning jackpot category prize game plays is less than \$1,000,000, each Mega Millions® jackpot category prize winner shall be paid a lump-sum cash payment in an amount equal to the annuity jackpot category prize amount multiplied by a discount value set by the Mega Millions® Lotteries prior to each drawing, divided equally by the number of jackpot category prize winners.

(ix) If individual shares of the cash held to fund an annuity are less than \$250,000, the MUSL Mega Millions® Product Group, in its sole discretion, may elect to pay the winners their share of the cash allocated for the payment of the jackpot category prize. Prize payments may be rounded to the nearest one thousand dollars.

(x) In the event of the death of a lottery winner during the annuity payment period, the MUSL Finance & Audit Committee, in its sole discretion excepting a discretionary review by the MUSL Mega Millions® Product Group, may accelerate the payment of all of the remaining lottery proceeds to the estate of the lottery winner. The estate of the lottery winner shall petition the lottery of the jurisdiction in which the deceased lottery winner purchased the winning ticket to request acceleration. If such a determination is made, then securities and/or cash held to fund the deceased lottery winner's annuity prize may be distributed to their estate. The identification of the securities to fund the annuity prize shall be at the sole discretion of the MUSL Finance and Audit Committee or the MUSL Mega Millions® Product Group.

(2) Holders of tickets upon which the player's five numbers selected from the field of numbers 1 through 56 match the five winning numbers selected by the Mega Millions® drawing officials from the field of numbers 1 through 56, in a single play, for the drawing in which the ticket is entered, shall be the winner of a second category prize.

(3) Holders of tickets upon which four of the player's five numbers selected from the field of numbers 1 through 56 match four of the five winning numbers selected by the Mega Millions® drawing officials from the field of numbers 1 through 56 and the player's one number selected from the field of numbers 1 through 46 matches

the one number selected by the Mega Millions® drawing officials from the field of numbers 1 through 46, in a single play, for the drawing in which the ticket is entered, shall be the winner of a third category prize.

(4) Holders of tickets upon which four of the player's five numbers selected from the field of numbers 1 through 56 match four of the five winning numbers selected by the Mega Millions® drawing officials from the field of numbers 1 through 56, in a single play, for the drawing in which the ticket is entered, shall be the winner of a fourth category prize.

(5) Holders of tickets upon which three of the player's five numbers selected from the field of numbers 1 through 56 match three of the five winning numbers selected by the Mega Millions® drawing officials from the field of numbers 1 through 56 and the player's one number selected from the field of numbers 1 through 46 matches the one number selected by the Mega Millions® drawing officials from the field of numbers 1 through 46, in a single play, for the drawing in which the ticket is entered, shall be the winner of a fifth category prize.

(6) Holders of tickets upon which two of the player's five numbers selected from the field of numbers 1 through 56 match two of the five winning numbers selected by the Mega Millions® drawing officials from the field of numbers 1 through 56 and the player's one number selected from the field of numbers 1 through 46 matches the one number selected by the Mega Millions® drawing officials from the field of numbers 1 through 46, in a single play, for the drawing in which the ticket is entered, shall be the winner of a sixth category prize.

(7) Holders of tickets upon which three of the player's five numbers selected from the field of numbers 1 through 56 match three of the five winning numbers selected by the Mega Millions® drawing officials from the field of numbers 1 through 56, in a single play, for the drawing in which the ticket is entered, shall be the winner of a seventh category prize.

(8) Holders of tickets upon which one of the player's five numbers selected from the field of numbers 1 through 56 matches one of the five winning numbers selected by the Mega Millions® drawing officials from the field of numbers 1 through 56 and the player's one number selected from the field of numbers 1 through 46 matches the one number selected by the Mega Millions® drawing officials from the field of numbers 1 through 46, in a single play, for the drawing in which the ticket is entered, shall be the winner of an eighth category prize.

(9) Holders of tickets upon which the player's one number selected from the field of numbers 1 through 46 matches the one number selected by the Mega Millions® drawing officials from the field of numbers 1 through 46, in a single play, for the drawing in which the ticket is entered, shall be the winner of a ninth category prize.

(c) An amount up to one percent of a MUSL Mega Millions® Product Group member's sales shall be placed in trust in one or more prize reserve accounts held by the MUSL Mega Millions® Product Group at any time that the MUSL Mega Millions® Product Group member's share of the prize reserve account or accounts is below the amounts designated by the MUSL Mega Millions® Product Group. The MUSL Mega Millions® Product Group, with approval of the MUSL Finance and Audit Committee, may establish a maximum balance for the prize reserve account or accounts. The MUSL Mega Millions® Product Group may determine to expend all or a portion of the funds in the accounts for the payment of prizes in

the game subject to the approval of the MUSL Finance and Audit Committee. The shares of a member of the MUSL Mega Millions® Product Group may be adjusted with refunds to the member from the prize reserve account or accounts as may be needed to maintain the approved maximum balance and shares of the MUSL Mega Millions® Product Group member. Any amount remaining in a prize reserve account at the end of this game shall be carried forward to a replacement prize reserve account or expended in a manner as directed by the MUSL Mega Millions® Product Group in accordance with jurisdiction law.

(d) Should total prize liability for all lotteries selling the Mega Millions® game, exclusive of jackpot category prize rollover from previous drawings, exceed the Liability Cap, the second through fifth category prizes shall be paid on a pari-mutuel basis, provided, however, that in no event shall the pari-mutuel prize be greater than the fixed prize. The amount to be used for the allocation of such pari-mutuel prizes shall be the Liability Cap less the amount paid for the jackpot category prize and the sixth through ninth category prizes. The California Lottery is excluded from this calculation for the second through ninth category prizes.

(1) In the event the Liability Cap is met, the amount to fund the jackpot category prize together with the amounts to fund the sixth through the ninth category prizes shall be first paid from the Liability Cap amount. The balance of the Liability Cap, after deducting the jackpot category prize and payment for the sixth through the ninth category prizes, shall be applied to the second through the fifth category prizes on a pari-mutuel basis in accordance with the following formula: The second category prize shall be an amount equal to 64.53% of the balance of the Liability Cap divided by the number of winners of a second category prize; the third category prize shall be an amount equal to 14.63% of the balance of the Liability Cap divided by the number of winners of a third category prize; and the fourth and fifth category prize shall be an amount equal to 20.84% of the balance of the Liability Cap divided by the number of winners of a fourth and fifth category prize.

(2) In the event the formula in section 7(d)(1) produces a prize amount for any category prize above that category

prize's normal fixed amount, then that prize shall be paid at its normal fixed amount rather than the pari-mutuel determined prize amount. In this event, the amount exceeding the normal fixed amount shall then be redistributed among the other pari-mutuel prizes according to the procedure established by the Mega Millions® Lotteries.

(e) All Mega Millions® prize payments, other than the jackpot category prize, will be made as a lump-sum cash payment.

(f) A winning Mega Millions® play is entitled only to the highest prize won by those numbers for the drawing in which the play was entered.

(g) For purpose of prize calculation with respect to a Mega Millions® second through fifth category pari-mutuel prize, the calculation may be rounded down so that prizes may be paid in multiples of one dollar.

(h) With respect to any Mega Millions® annuity jackpot category prize, the prize amount may be rounded to the next highest affordable multiple of one million dollars, prior to any division by the number of winning plays, based upon market rates at the time of the annuity purchase.

(i) The pool of funds used to pay prizes may be increased as necessary from funds authorized for the payment of prizes to meet the payment obligations in this section.

(j) The number of prize categories and the allocation of prize money among the prize categories may be changed at the discretion of the Mega Millions® Lotteries and change will be announced by public notice. Any such changes will apply prospectively to Mega Millions® drawings as of the date specified in the public notice.

(k) The Lottery shall not be responsible for Mega Millions® winning numbers reported in error.

8. *Probability of winning.* The following tables set forth all possible ways that a prize can be won in a single play, the corresponding prize, the probability of winning each prize and the percent of sales anticipated to be paid in prizes in each prize category:

<i>A Play Matching The Mega Millions® Winning Numbers</i>	<i>Category Prize</i>	<i>Prize</i>	<i>Probability Of Winning Per Play:</i>	<i>Percent (%) Of Sales Anticipated To Be Paid In Prizes</i>
Five numbers from the field of numbers 1 through 56 and one number from the field of numbers 1 through 46	Jackpot	Jackpot	1:175,711,536	31.8% (Actual)
Five numbers from the field of numbers 1 through 56	Second	\$250,000	1:3,904,700.80	6.4%
Four numbers from the field of numbers 1 through 56 and one number from the field of numbers 1 through 46	Third	\$10,000	1:689,064.85	1.45%
Four numbers from the field of numbers 1 through 56	Fourth	\$150	1:15,312.55	0.98%
Three numbers from the field of numbers 1 through 56 and one number from the field of numbers 1 through 46	Fifth	\$150	1:13,781.30	1.09%

<i>A Play Matching The Mega Millions® Winning Numbers</i>	<i>Category Prize</i>	<i>Prize</i>	<i>Probability Of Winning Per Play:</i>	<i>Percent (%) Of Sales Anticipated To Be Paid In Prizes</i>
Two numbers from the field of numbers 1 through 56 and one number from the field of numbers 1 through 46	Sixth	\$10	1:843.75	1.19%
Three numbers from the field of numbers 1 through 56	Seventh	\$7	1:306.25	2.29%
One number from the field of numbers 1 through 56 and one number from the field of numbers 1 through 46	Eighth	\$3	1:140.63	2.13%
One number from the field of numbers 1 through 46	Ninth	\$2	1:74.80	2.67%

9. *Unclaimed prizes.* All unclaimed jackpot category prize moneys will be returned to the lotteries selling Mega Millions® in the same ratio that each lottery contributed to the jackpot category prize.

10. *Megaplier® promotion.*

(a) The Megaplier® promotion shall be available in association with the Mega Millions® game and will continue until the Secretary publicly announces a suspension or termination thereof. The Megaplier® promotion will be conducted in accordance with the Mega Million® rules except that players may purchase the Megaplier® promotion for the chance to multiply set prizes won as a result of a Mega Millions® drawing by a number ranging from 2 to 4. The Secretary on occasion may announce, as a special promotion, multipliers greater than four. The Mega Millions® jackpot category prize will not be eligible for multiplication under the Megaplier® promotion.

(b) At the time of purchasing a Mega Millions® ticket from a Lottery retailer, a player may choose the Megaplier® promotion for an additional \$1 per play for each play on a Mega Millions® ticket. If a player chooses the Megaplier® promotion feature for any play on a ticket, every play on that ticket must participate in the promotion.

(c) Prior to the time of each Mega Millions® drawing, the Mega Millions drawing officials shall conduct a Megaplier® drawing which shall result in the selection of the Megaplier® number from among the following series of numbers: 2, 2, 3, 3, 3, 3, 3, 3, 3, 4, 4, 4, 4, 4, 4, 4, 4, 4, 4, and 4.

(d) Mega Millions® tickets that contain the Megaplier® promotion and one or more plays eligible for Mega Millions® set prizes, but not the jackpot category prize, identified in section 7 (relating to prizes available to be won and determination of prize winners), shall be entitled to a total set prize calculated by multiplying each Mega Millions® set prize by the Megaplier® number selected for the drawing in which the ticket was entered.

(e) Fifty percent of the Megaplier® sales shall be allocated for the payment of Megaplier® prizes. Any amount not used to pay multiplied prizes may be carried forward to subsequent draws or may be collected and placed in prize reserve accounts until the prize reserve accounts reach the amounts designated by the MUSL Mega Millions® Product Group.

(f) The odds of various Megaplier® numbers being selected in a Megaplier® drawing are:

<i>Megaplier®</i>	<i>Odds</i>
Two	1:10.5
Three	1:3
Four	1:1.75

(g) When the Mega Millions® second through fifth category prizes become pari-mutuel, the prize won will be calculated by multiplying the pari-mutuel prize value by the Megaplier® number.

(h) If the total of the Mega Millions® set prizes, as determined in section 7(b) and the multiplied Megaplier® set prizes, as determined in this section, awarded in a drawing exceeds the percentage of the sales allocated to the Mega Millions® set prizes and the multiplied Megaplier® set prizes, then the amount needed to fund the Mega Millions® set prizes and the Megaplier® multiplied set prizes awarded shall be drawn from the following sources, in the following order: (i) the amount allocated to the set prizes and carried forward from previous draws, if any; (ii) an amount from the reserve accounts not to exceed the lesser of 300% of draw sales or 50% of draw sales plus \$50 million. If, after these sources are depleted, there are not sufficient funds to pay the set prizes awarded, including multiplied prizes, then the prize levels two through five shall become a pari-mutuel prize, as set out in section 7(d). The funds dedicated to the payment of Mega Millions® set prizes and the multiplied Megaplier® set prizes shall be combined in the rare instance when the set prizes are paid on a pari-mutuel basis, so that the Megaplier® will remain in effect for all prize levels.

11. A Mega Millions® game ticket may not be purchased, and a prize will not be paid to a lottery board member, commissioner, officer or employee of a lottery jurisdiction selling Mega Millions®, or a spouse, child, brother, sister or parent residing as a member of the same household in the principle place of residence of any such person. A Mega Millions® game ticket may not be purchased, and a prize will not be paid to individuals prohibited by the MUSL Mega Millions Product Group or individuals identified in 61 Pa. Code § 871.17(b) (relating to purchase and prize restrictions).

12. Claims arising from Mega Millions® sales occurring in the Commonwealth shall be resolved exclusively with the Pennsylvania Lottery according to the laws of Pennsylvania.

13. The Lottery may conduct a separate retailer incentive program for retailers who sell Mega Millions® lottery tickets.



The conduct of the program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

C. DANIEL HASSELL,  
*Acting Secretary*

[Pa.B. Doc. No. 10-199. Filed for public inspection January 29, 2010, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## Notice of Comments Issued

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

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
57-268	Pennsylvania Public Utility Commission Natural Gas Distribution Company; Business Practices 39 Pa.B. 6078 (October 17, 2009)	12/16/09	1/15/10
7-441	Environmental Quality Board Air Quality Fee Schedules 39 Pa.B. 6049 (October 17, 2009)	12/21/09	1/20/10
7-447	Environmental Quality Board Flat Wood Paneling Surface Coating Processes 39 Pa.B. 6061 (October 17, 2009)	12/21/09	1/20/10

**Pennsylvania Public Utility Commission  
Regulation #57-268 (IRRC #2798)**

**Natural Gas Distribution Company;  
Business Practices**

**January 15, 2010**

We submit for your consideration the following comments on the proposed rulemaking published in the October 17, 2009 *Pennsylvania Bulletin*. Our comments

are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

**1. General.—Fiscal impact; Reasonableness; Implementation procedure; Feasibility; Need.**

*Preamble and Regulatory Analysis Form (RAF)*

The Preamble of this proposed regulation refers to the PUC report dated September 2008 and titled “Stakeholders Exploring Avenues for Removing Competition Hurdles” (SEARCH) (PUC Docket # I-00040103F0002). Page 11 of the SEARCH report includes this statement:

Differences among NGDC [natural gas distribution company] systems in regard to their organization and operation have been identified as a barrier to supplier entry and full participation in Pennsylvania’s retail natural gas market.

The Preamble includes similar language indicating that the “lack of uniformity in NGDC practices, operating rules and supplier tariffs was cited as a *possible* market barrier to supplier entry and participation.” (Emphasis added.) However, the Preamble and RAF submitted by the PUC with this proposed regulation do not explain, justify or quantify the impact of this “barrier” to suppliers. There are three concerns with this lack of information.

First, without a thorough explanation of this barrier and its impact, it is difficult to ascertain whether the provisions in this proposed regulation will effectively address the problem or provide a solution. Without a detailed description of the problem and its impact, how can the PUC identify effective methods for reducing or eliminating the barrier? Furthermore, how can the public or the Independent Regulatory Review Commission (IRRC) determine whether an implementation procedure is reasonable or feasible if the problem and solution are not clearly defined?

Second, commentators expressed concerns with the potential costs of various components of this proposed regulation for NGDCs and their ratepayers. These concerns will be further discussed below. The potential costs of this regulation are a significant concern because the PUC has not quantified the fiscal impact of the possible barrier that this regulation is intended to address. Without this information, we cannot determine the potential benefit if this regulation could reduce or eliminate the barrier. It is also difficult to determine whether any such benefits outweigh the costs in time and effort imposed on NGDCs and their ratepayers by this regulation. A related question is who will pay for the costs of this proposed regulation? Several commentators have also expressed concern over this question.

Finally, without a description and quantification of the impact of this market barrier, the question arises as to the need for this proposed regulation.

In the final-form regulation submittal, the PUC must explain and quantify the impact of any barrier to competition that this regulation is intended to remove or reduce. It must also describe how each provision in the regulation will effectively reduce or eliminate any barrier, and who will pay for the costs of the regulation. We will review the PUC’s response as part of our determination of whether the final-form regulation is in the public interest.

### *Stakeholder process*

The Preamble refers to a stakeholder process that will run *concurrently* with the rulemaking and will provide an additional avenue for public input. However, the Preamble also states that the PUC intends to complete the stakeholder process “no later than August 1, 2009.” This proposed regulation was published in the *Pennsylvania Bulletin* in October 2009, and it is our understanding that the stakeholder process has not yet been initiated. Given the numerous concerns expressed by commentators with this regulation, the PUC needs to initiate an extensive stakeholder process that includes meetings and opportunities for the review of and comments on draft revisions. It would be prudent for the PUC to complete this process before it moves to submit a final-form version of this regulation.

### *Applicable markets and consumers*

The question has been posed by commentators from all sectors of the natural gas market as to what or to whom this regulation would apply. One example of this concern was noted by Philadelphia Gas Works (PGW) in its comments on Sections 62.185(a) and (c). According to PGW, Section 62.185(a) applies to aspects of the retail natural gas market, while Subsection 62.185(c)(3) includes provisions that relate to wholesale customer supply. The PUC needs to clearly explain how the whole regulation will apply to all parties and sectors of the natural gas market and how each provision applies directly to NGDCs, natural gas suppliers (NGSSs) and consumers. The PUC should specifically identify the sectors and parties that will need to comply with each provision in the final-form regulation.

### *Consistency and overlap between two rulemakings*

According to the Preamble, the language in Section 62.184 is similar to that of language found in another PUC proposed rulemaking which appeared in the July 11, 2009 *Pennsylvania Bulletin*. See § 62.226 of proposed PUC Regulation #57-269 (IRRC #2772) (PUC Docket #L-2008-2069114). This is not the only similarity. In addition, Section 62.224(a)(8) of the earlier proposed regulation includes provisions concerning supplier coordination tariffs (SCTs). These tariffs are also addressed in this current proposed regulation in Section 62.185(b).

Promulgating two separate regulations with similar provisions and intent might lead to possible confusion and conflict between the two. The PUC should either explain the need for the two separate rulemakings, or give strong consideration to combining the two into one rulemaking.

### **2. Section 62.181. General.—Need; Clarity.**

There are three concerns with this section.

First, the section is titled “General,” which is not a standard title for a regulatory section. We recommend the title be changed to “Scope” or “Purpose.”

Second, several commentators are concerned with the first sentence, which reads:

The use of a common set of business practices, including standard supplier tariffs, facilitates the participation of NGSSs in the retail market, reduces the potential for mistakes or misunderstandings between NGSSs and NGDCs, and increases the efficiency in industry operations.

Commentators suggest that this sentence is a statement of opinion and improper for a regulation. We agree and recommend it should be deleted from the final-form regulation.

Finally, this section is redundant since it describes the rest of the proposed regulation and does not provide any unique information or directive. The *Pennsylvania Code & Bulletin Style Manual* states that this type of section should be used “only when needed to limit the applicability of the chapter.” See § 2.6., “Scope section,” *Pennsylvania Code & Bulletin Style Manual*, Fourth Edition, 2003. The PUC should either delete this section in its entirety, or clarify the language so that the section specifies and limits the applicability of the proposed regulation.

### **3. Section 62.182. Definitions.—Need; Clarity.**

It appears that the provisions contained in many of the definitions are vague or conceptual in nature. One example is provided by the comments of Columbia Gas of Pennsylvania, Inc. (Columbia), on the term “cash out” which does not include any financial reference. Several commentators offered suggestions for improving the descriptive quality of the definitions. The PUC should examine these comments, along with input from the stakeholder process, to clarify the definitions.

Several terms also are defined, but are not used in the regulation, including: “asset management;” “city gate;” and “uniform electronic transactions.” The PUC should either delete these terms from the final-form regulation or explain the need for their inclusion in this section.

#### *Asset management*

If the inclusion of a definition for this term is necessary, National Fuel Gas Distribution Corporation (National Fuel) notes that there already exists a definition for this term at the federal level. The definition should be consistent with federal provisions, and include the appropriate cross-reference.

#### *Business practices*

This definition refers to “business operations,” but it does not explain what type of operation is relevant or is included under this term. The final-form regulation should clarify this issue and provide examples.

### **4. Section 62.183. NGDC customer choice system operations plan.—Implementation procedures; Clarity.**

This section uses the term “customer choice system operations plan,” but the term has not been defined by statute or regulation. The final-form regulation should include a definition for this term.

In Subsection (a), NGDCs are instructed to submit a customer choice system operations plan for PUC “review to comply with this subchapter.” It is not clear what process will be used to review the submittal. Will the PUC approve the plan? If so, what is the process for notifying the NGDCs of the results of the review and will there be an opportunity for a response by an NGDC or an appeal? How long will the review process take? Subsection (b) requires NGDCs to serve copies of the plan on the Office of Consumer Advocate (OCA) and other parties. What will be the process for these parties to file comments?

Subsection (c)(3) refers to “communication standards,” but unlike the term “business standards” that is used in Subsection (c)(2), this term is not defined in Section 62.182. The final-form regulation should include a definition for this term.

### **5. Section 62.184. NGDC cost recovery.—Fiscal impact; Need; Implementation procedures; Clarity.**

This section explains the process for NGDCs to recover the costs of implementing and promoting natural gas competition. We have five concerns.

First, Section 1307(f) of the Public Utility Code (Code) already provides a detailed process for cost recovery. See 66 Pa.C.S.A. § 1307(f). While this section requires the PUC to promulgate regulations establishing the “time and manner of filing” tariffs reflecting costs, the language in this section of the regulation does not provide a clear picture of what the timing and manner are. Furthermore, Section 1307(h) of the Code provides a definition for “natural gas costs” which it appears does not include costs incurred from competition. Therefore, based upon the language of the Code and the vague language in the proposed regulation, it is unclear how these costs can be recovered as part of a 1307(f) filing, as Subsection (a) of the regulation intends. Therefore, this section should be revised to provide more detail about the cost recovery process and how it is aligned with the Code.

Second, the OCA questions whether it is appropriate to recover these costs from customers. As part of its revisions to this section, the final-form regulation should explain how the cost recovery process is beneficial to the regulated community, suppliers and consumers, and who should bear the costs.

Third, Subsection (a) uses the term “nonbypassable reconcilable surcharge,” but does not define it. The final-form regulation should include a definition for this term. This definition should specify what type of costs can be included in the surcharge.

Fourth, Subsection (c) requires surcharge recovery “on a per unit basis on each unit of commodity. . . .” How did the PUC decide to recover these costs strictly on a unit basis? The Preamble to the final-form regulation should clarify this issue.

Finally, in Subsections (e) and (f), what is the difference between a “revenue neutral adjustment clause” and a “revenue neutral adjustment clause rider?” The final-form regulation should clarify this issue.

**6. Section 62.185. Supplier coordination tariff, business practices and standards.—Fiscal impact; Reasonableness; Need; Implementation procedures; Clarity.**

*Subsection (a) General.*

The first sentence of this subsection reads:

The Commission [PUC] may adopt best business practices and standards that will facilitate supplier participation in the retail natural gas market and will direct NGDCs and NGSs to comply with the practices and standards.

This is very similar to the first sentence of Subsection (c) which reads:

The Commission [PUC] may establish best business practices and standards as necessary to implement the provisions of 66 Pa.C.S. Chapter 22 (relating to natural gas competition), and may direct their implementation by NGDCs and NGSs.

Neither sentence explains how uniform or best practices and standards will be determined. When and how will this “adoption” or “establishment” take place? What sort of process will be used? How will the public, NGSs and NGDCs be notified? Will there be a chance for public input? Will there be an opportunity for legislative and IRRC review? Will new requirements be phased in over a certain period of time or will they occur all at once? These are the types of provisions that should be addressed and developed via a stakeholder process with opportunities for review and comment on drafts, and included in the

regulation. Given that the PUC already has the authority to adopt practices and standards, what is the need for the language contained in these subsections? Similar concerns apply to Subsection (c).

*Subsection (b) Supplier coordination tariff.*

Subsection (b)(2) requires an NGDC to file an SCT with the PUC, but if the NGDC has an existing one, then they must file a tariff supplement. What is the difference between an SCT and a tariff supplement? If the purpose of this regulation and the concurrent stakeholder process is to provide consistency in SCTs, then why are NGDCs permitted to file tariff supplements? The final-form regulation should explain the need for tariff supplements.

*Subsection (c) Business practices and standards.*

The first sentence of this subsection is very similar to the first sentence of Subsection (a). Therefore it is redundant and raises the same questions. It is unclear how this process to establish or adopt “best business practices” will be implemented.

Subsection (c)(3)(ii) states that a span of 90% to 110% of the volume of gas nominated is an appropriate tolerance band. However, several commentators question the need for this span, and also whether there should be some flexibility with reaching the exact volumes. How did the PUC determine this was an appropriate span and has the PUC considered permitting span flexibility? In addition, what costs would be associated with this span? The final-form regulation should explain the fiscal impact associated with the implementation of tolerance bands and the justification for the specific span size.

Subsection (c)(3)(iv) refers to nomination cycles. However, Columbia, PECO Energy Company, and National Fuel each question the total number of actual nomination cycles. The regulation includes four North American Energy Standards Board (NAESB) nomination cycles, the timely cycle and at least one intraday cycle. However, these commentators indicate that the four NAESB cycles include the timely and intraday cycles. The final-form regulation should clarify the number of and connection between different nomination cycles.

*Subsection (d) Communication standards and formats.*

Subsection (d)(2) states that NGDCs may be required to install electronic bulletin boards, which are defined in Section 62.181 as a “computer system.” When would the PUC require such installations? It is our understanding that the term “electronic bulletin board” may be outdated and that most companies already have and use web-based systems. In these situations, what is the intent of this provision and what will the fiscal impact be?

Subsection (d)(3) requires communication standards and formats to be revised “in accordance with Commission [PUC] orders, policies and regulations.” To which orders, policies or regulations is this provision referring? When should these revisions occur? Who determines that these revisions must take place or which orders or regulations will apply? Finally, what will be the costs associated with these revisions? In their comments, UGI Distribution Companies refers to the “direct and indirect costs that can result from requiring changes in customer information systems.” The PUC should identify the actual costs and the fiscal impact of this provision. The final-form regulation should clarify these issues. Similar concerns apply to Subsection (b)(2).

**Environmental Quality Board  
Regulation #7-441 (IRRC #2800)**

**Air Quality Fee Schedules**

**January 20, 2010**

We submit for your consideration the following comments on the proposed rulemaking published in the October 17, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

**1. Calculation of the fee amounts.—Economic impact; Fiscal impact; Lesser standards for small sources; Reasonableness; Implementation procedures; Clarity.**

Commentators questioned the dollar amount of the fees in the proposed regulation and how the fee increases were developed. Commentators noted that the emission fee increases exceed the Consumer Price Index, that several of the fees may be excessive, particularly for smaller sources, and that owners of multiple sources may be unfairly affected. We have reviewed the “Fee Report Form” the EQB included with the proposed regulation. Under the heading “Fee Objective,” the EQB states “the proposed fees are calculated to cover the cost incurred by the Department [of Environmental Protection] in reviewing these activities.”

The Fee Report Form provides general information on the activities the fees will cover. However, we agree with the commentators that the EQB has not provided enough detail regarding the calculation of the dollar amount of the fees. Consequently, we are unable to fully determine whether each fee is a fair representation of the activities it covers. We recommend that the EQB provide with the final-form regulation the fully detailed calculation of each fee to establish that the fees are reasonable.

In addition, the increased fees and new fees affect the bottom line for any business. While we do not advocate a lesser environmental standard for smaller sources, the impact of the fees may be disproportionate for a smaller source’s budget. As part of the review of the economic impact of the regulation, we also recommend that the EQB consider the effect of the fee increases on smaller businesses and industries, and the feasibility of setting lower fees for them.

**2. Implementation and application of the fees.—Economic impact; Fiscal impact; Reasonableness; Implementation procedures; Clarity.**

In order to understand the full impact of the fees, it must be clearly understood when a fee will be required to be paid and what alternatives may be available. Related to questions about how the fees were developed, there were several comments relating to how the fees will be implemented, duplication of fees, excessive fees, multiple fees for owners of multiple sources and what actions would require the payment of fees. The issues raised by commentators include:

- Title V facilities already pay annual fees and some of the new fees duplicate activities that are already covered by the existing fees. The commentators believe they should either pay fees under Chapter 127 or 139, not both.
- The emission fee increase is excessive. Emission fees should continue to be calculated using the Consumer Price Index.

- Subsection 127.702(h) should require payment of a fee only if the modifications are initiated by the applicant, not when DEP requires modifications.

- Payment of fees should not be required when the action has no adverse environmental impact such as administrative amendments, minor modifications and transfer of ownership.

- The fees will have a disproportionate impact on facilities that have numerous continuous emission monitoring systems.

- How the fees will be implemented under Sections 127.703(j)(2), 127.703(e)(2), 127.704, 127.708, 139.201 and 139.202.

- Source test fees exceed the cost for a private testing firm to perform the same analysis. Therefore those who pay the fees should have the opportunity to contract with a private firm.

- The fiscal impact of the fee increases is affecting already completed budgets.

- Long-term contract holders are affected because the contracts cannot be adjusted to accommodate the fee increases.

- The fees associated with stack testing are too complicated.

In response to the commentator’s concerns, the EQB should explain how the fees will be implemented and why the circumstances that require payment of a fee are reasonable. We will evaluate the final-form regulation along with the EQB’s responses to the commentators concerns in our determination of whether the final-form regulation is in the public interest.

**3. Section 121.1. Definitions.—Reasonableness; Clarity.**

The definition of “observer” is vague. The phrase “staff qualified to observe testing” is not clear regarding what qualifications a person must have to be an observer. We recommend adding specific qualifications to this definition.

**4. Fees for the years 2005 to 2009.—Clarity.**

For clarity, the EQB should delete the obsolete fees for the years 2005 to 2009.

**Environmental Quality Board  
Regulation #7-447 (IRRC #2801)**

**Flat Wood Paneling Surface Coating Processes**

**January 20, 2010**

We submit for your consideration the following comments on the proposed rulemaking published in the October 17, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Environmental Quality Board (Board) to respond to all comments received from us or any other source.

**1. General.—Fiscal impact; Feasibility; Reasonableness.**

In the preamble and the Regulatory Analysis Form (#17), the Board estimates the compliance costs for non-complying facilities would range from \$28,842 to \$86,000, based on an operation changing from solvent-based coatings to water-based coatings. The Board specifically estimates that the costs for CraftMaster Manufac-

turing, Inc. (CraftMaster) would be \$28,842. However, CraftMaster asserts that there are some circumstances that would require installation of a control device which would be substantially higher in cost. In those situations, CraftMaster estimates that the cost would be closer to \$43,000 per ton of VOC reduction which, CraftMaster asserts, exceeds any known “reasonably available control technology” cost-effectiveness criterion.

CraftMaster further asserts that the additional costs of daily recordkeeping and enclosure of coatings and coatings-related wastes and clean-up materials have not been evaluated.

The Board should address the fiscal impact concerns raised by CraftMaster in the preamble and RAF that accompany the final-form regulation.

**2. Section 121.1. Definitions.—Clarity.**

*Non-regulatory language*

The second sentences in the definitions of “Decorative interior panel,” “Exterior siding” and “Exterior trim” contain non-regulatory language. These sentences would be more appropriate in the preamble and should be deleted from the definitions.

*MDF—Medium density fiberboard*

This definition contains the phrase “engineered wood panel product.” To improve clarity, we recommend the Board define this term in the final-form regulation.

*Tileboard*

Under this definition, what is a “premium interior wall paneling product”? We recommend that the Board define this term in the final-form regulation.

Also, Section 1.7(e) of the *Pennsylvania Code and Bulletin Style Manual* states that a “. . . term being defined may not be included as part of the definition.” Therefore, the word “Tileboard” at the beginning of the second sentence should be deleted.

**3. Section 129.52c. Control of VOC emissions from flat wood paneling surface coating processes.—Feasibility; Need; Reasonableness; Clarity.**

*Subsection (d)*

CraftMaster asserts that the daily recordkeeping required under this subsection is burdensome with no known benefit. In the preamble to the final-form regulation, the Board should explain the basis and need for requiring daily recordkeeping.

*Subsection (e)*

This subsection is unclear as to what format the records should be maintained. Also, will requests for submission of records by the Department be made orally or in writing? These items should be clarified in the final-form regulation.

*Subsection (f)*

This subsection sets forth the application methods that are approved for use by surface coating operations (SCO). However, CraftMaster asserts that these are not the only technically feasible methods used by SCOs. It further states that airless sprays are used in many instances. The Board should consider adding airless sprays to the list, or explain why airless sprays should not be included.

*Subsections (h) and (i)*

These subsections contain work practice requirements for coating-related activities and cleaning materials, including requirements for enclosure of the related materi-

als. CraftMaster asserts that it is not technically feasible or cost-effective to enclose materials where coatings are water-based “complying coatings,” the cleaning material is limited to water and wastes are treated on-site. The Board should explain why it is necessary to fully enclose all coatings and coating-related waste materials.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 10-200. Filed for public inspection January 29, 2010, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission’s public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained on the web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
31-11	State Employees’ Retirement Board Death Benefits	1/14/10	2/25/10
4-91	Department of Community and Economic Development Industrialized Housing	1/14/10	2/25/10

*Final-Omitted*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-5322	State Board of Osteopathic Medicine Reduction of Biennial Renewal Fee for Osteopathic Physicians	1/14/10	2/25/10

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 10-201. Filed for public inspection January 29, 2010, 9:00 a.m.]

**INSURANCE DEPARTMENT**

**Application for Approval to Redomesticate to the Commonwealth of Pennsylvania by Amerin Guaranty Corporation**

Amerin Guaranty Corporation, a stock property insurance company, has submitted an Application for Redomestication, whereby it proposes to redomesticate from the State of Illinois to the Commonwealth of Pennsylvania. The filing was made under the requirements set forth under 15 Pa.C.S. §§ 4161 and 4162 (relating to Business Corporation Law of 1988). Persons wishing to

comment on the redomestication 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 the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, by fax (717) 787-8557, or e-mail cbybee@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-202. Filed for public inspection January 29, 2010, 9:00 a.m.]

### Surplus Lines Agents and Interested Parties; Export List of Insurance Coverages

In May 2009, the Insurance Commissioner (Commissioner) determined that certain insurance coverages were generally unavailable in the authorized market and declared those coverages as exportable. A list of exportable coverages was published at 39 Pa.B. 2511 (May 16, 2009). Accordingly, for those insurance coverages that are included on the export list, a diligent search among insurers admitted to do business in this Commonwealth is not required before placement of the coverages in the surplus lines market.

The Commissioner declared that the export list would remain in effect until revised or superseded by a subsequent list.

At this time, the Commissioner is soliciting comments regarding the current export list. Persons may request in writing that a coverage be added or removed from the list.

Persons wishing to comment on the Commissioner's current export list are invited to submit a written statement within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Office of Corporate and Financial Regulation, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us. After consideration of all comments received, the Commissioner will publish a notice in the *Pennsylvania Bulletin* providing a 15-day opportunity to comment on any proposed changes before formal publication of the revised list.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-203. Filed for public inspection January 29, 2010, 9:00 a.m.]

### Travelers Home and Marine Insurance Company; Homeowners; Rate Revision; Rate Filing

On January 11, 2010, the Insurance Department (Department) received from Travelers Home and Marine Insurance Company a filing for a rate level change for homeowners insurance.

The companies request an overall 6.02% increase amounting to \$3,173,000 annually, to be effective March 12, 2010, for new business and May 18, 2010, for renewal business.

Unless formal administrative action is taken prior to March 12, 2010, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). On the "At a Glance" tab, click on the link "Current Rate Filings."

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-204. Filed for public inspection January 29, 2010, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Application of PPL Electric Utilities Corporation

**A-2010-2152104. PPL Electric Utilities.** Application of PPL Electric Utilities filed under 52 Pa. Code Chapter 57, Subchapter G, for approval of the siting and construction of the Effort Mountain No. 1 and No. 2 138kV Taps in Chestnuthill and Polk Townships, Monroe County, PA.

**A-2010-2153061. PPL Electric Utilities Corporation.** Application of PPL Electric Utilities Corporation for a finding that a building to shelter control equipment at the Effort Mountain Substation to be constructed in Chestnuthill Township, Monroe County, PA, is reasonably necessary for the convenience or welfare of the public.

#### Notice

This is to inform you that an Initial Prehearing Conference on the previously-captioned case will be held as follows:

<i>Type:</i>	Initial Prehearing Conference
<i>Date:</i>	Tuesday, March 23, 2010
<i>Time:</i>	10 a.m.
<i>Location:</i>	Hearing Room 2 Plaza Level Commonwealth Keystone Building 400 North Street Harrisburg, PA 17120

*Presiding:* Administrative Law Judge Wayne L. Weismandel  
P. O. Box 3265  
Harrisburg, PA 17105-3265  
Phone: (717) 783-5452  
Fax: (717) 787-0481

Persons with a disability, and wish to attend the prehearing, the Pennsylvania Public Utility Commission (Commission) may be able to make arrangements for their special needs. Call the scheduling office at the Commission at least 2 business days prior to the conference.

- Scheduling Office: (717) 787-1399
- Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-205. Filed for public inspection January 29, 2010, 9:00 a.m.]

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### Electric Utilities

**A-2010-2152104. PPL Electric Utilities Corporation.** Application of PPL Electric Utilities Corporation filed under 52 Pa. Code Chapter 57, Subchapter G, For approval of the Siting and Construction of the Effort Mountain No. 1 and No. 2 138kV Taps in Chestnuthill and Polk Townships, Monroe 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 March 5, 2010. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* PPL Electric Utilities Corporation

*Through and By Counsel:* Paul E. Russell, Associate General Counsel, PPL Electric Utilities Corporation, Two North Ninth Street, Allentown, PA 18101

John H. Isom, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-206. Filed for public inspection January 29, 2010, 9:00 a.m.]

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### Electric Utilities

**A-2010-2153061. PPL Electric Utilities Corporation.** Application of PPL Electric Utilities Corporation for a Finding that a Building to Shelter Control Equipment at the Effort Mountain Substation to be Constructed in Chestnuthill Township, Monroe County, PA, is Reasonably Necessary for the Convenience or Welfare of the Public.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the

Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before March 5, 2010. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* PPL Electric Utilities Corporation

*Through and By Counsel:* Paul E. Russell, Associate General Counsel, PPL Services Corporation, Office of General Counsel, Two North Ninth Street, Allentown, PA 18106

David B. MacGregor, Esquire, Post & Schell, PC, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA 19103-2808

John H. Isom, Esquire, Post & Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-207. Filed for public inspection January 29, 2010, 9:00 a.m.]

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### Natural Gas

**A-2010-2153371. Laser Marcellus Gathering Company, LLC.** Application of Laser Marcellus Gathering Company, LLC for approval to begin to offer, render, furnish or supply natural gas gathering and transporting or conveying service by pipeline to the public in certain Townships of Susquehanna 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 March 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:* Laser Marcellus Gathering Company

*Through and By Counsel:* Daniel P. Delaney, Esquire, George A. Bibikos, Esquire, K & L Gates, LLP, 17 North Second Street, 18th Floor, Harrisburg, PA 17101

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-208. Filed for public inspection January 29, 2010, 9:00 a.m.]

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### 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 Commis-

sion, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by February 16, 2010. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2010-2152608. Ultra Transportation, Inc.** (73A Unit A Tracey Road, Huntingdon Valley, Montgomery County, PA 19006)—persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return. *Attorney:* David P. Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

**A-2010-2152783. Paul's Cab Service, Inc.** (735 Market Street, Sunbury, Northumberland County, PA 17801)—a corporation of the Commonwealth, persons, in paratransit service, for the Department of Public Welfare's Careerlink clients and patients of Evangelical Community Hospital, between points, and within a 15 air-mile radius of the Boroughs of Lewisburg, Milton, West Milton, Watsonstown, Mifflinburg, Montandon and Turbotville.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.**

**A-2010-2152582. Corporate Cars of Lehigh Valley, LLC** (15 Carbon Avenue, Pottsville, Schuylkill County, PA 17901)—a limited liability corporation of the Commonwealth—in limousine service, between points in Pennsylvania, which is to be a transfer of all rights authorized under the certificate issued at A-00112823 to John D. Salaki, t/d/b/a Private Limousine and Sedan Service, subject to the same limitations and conditions. *Attorney:* JoAnn L. Ruchlewicz, 1716 Olive Street, Reading, PA 19604.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.**

**A-2010-2152513. William Rose t/a Pack Rats Packing** (827 East Glenside Avenue, Wyncote, Montgomery County, PA 19093)—household goods in use, from points in Bucks and Montgomery Counties, and the City and County of Philadelphia, to points in Pennsylvania, and vice versa. *Attorney:* Richard T. Mulcahey, Jr., 1500 JFK Boulevard, Suite 1400, Philadelphia, PA 19102.

**Application 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 the application.**

**A-2010-2152555. Anna Phillips** (363 Wolfrock Road, Paradise, Lancaster County, PA 17562)—discontinuance of service and cancellation of her certificate—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor

vehicles, from points in the County of Lawrence, to points in Pennsylvania, and return.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-209. Filed for public inspection January 29, 2010, 9:00 a.m.]

**Tentative Default Order**

Public Meeting held  
January 14, 2010

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

*Pennsylvania Public Utility Commission, Law Bureau Prosecutory Staff v. Able Co., LTD.; C-20042415; A-120025*

**Tentative Default Order**

*By the Commission:*

On July 31, 2009, the Law Bureau Prosecutory Staff filed an Amended Formal Complaint against Able Co., LTD. (the Respondent), a gas utility certificated at A-120025. In the Complaint, Prosecutory Staff charged that the Respondent committed numerous violations of the Public Utility Code, the Commission's regulations and gas safety regulations contained in the Code of Federal Regulations (CFR). The CFR violations were discovered during a gas safety inspection on September 9, 2003. Since that time, the Respondent has yet to advise the Commission that it has completed any of the directives contained in the Gas Safety Division's non-compliance letter. In addition, the Formal Complaint alleged that the Respondent has failed to pay outstanding assessments and has failed to file annual assessment reports since 1990. Lastly, the Respondent has failed to file annual reports since 1995 and pay the accompanying penalties assessed in previous default orders relating to Respondent's failure to file annual reports.

As a result of Respondent's numerous and persistent violations, Prosecutory Staff sought a total civil penalty in the amount of \$167,000 as well as \$3,100 in outstanding penalties. In addition, the Prosecutory Staff sought an order directing Respondent to file all outstanding annual and assessment reports. Respondent was given 20 days from the date of service of the Complaint to file its answer.

It is important to mention that in addition to the outstanding complaints and penalties mentioned in the Formal Complaint, Respondent's compliance history includes a Default Order at C-2008-2036244 which resulted in a \$1,000 civil penalty for Respondent's failure to file its 2006 Annual Report. In addition, at C-2009-2130646, a Formal Complaint was instituted against Respondent for failure to file its 2007 annual Report. The Commission first attempted to serve Respondent on September 17, 2009. The Commission's second attempt to re-serve Respondent is dated November 19, 2009.

On July 27, 2009, the Deputy Sheriff of Jefferson County made personal service of the Complaint and Notice to Plead on Michael Harju, chief executive officer and statutory agent of the Respondent. In addition, the Commission attempted to serve the Respondent by certified mail on or about August 6, 2009, which was returned



unclaimed on September 2, 2009. The Commission then re-served the Complaint to the Respondent by First Class Mail on or about September 11, 2009, which was not returned.

We note that the only address for Respondent on file with the Commission is a P. O. Box. A physical address is not listed for Respondent. Several Formal Complaints and Default Orders sent by certified mail to Respondent for various violations have been returned to the Commission by the post office as unclaimed. The fact that Respondent has a long history of refusing to claim certified mail necessitated personal service in this case.

To date, more than 20 days have passed since service of the Complaint. No answer to the Complaint has been filed. No civil penalties or assessments have been paid and no annual or assessment reports have been filed on behalf of the Respondent. Accordingly, a Tentative Default Order sustaining Prosecutory Staff's Amended Formal Complaint and granting the requested remedy is appropriate in this case.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301. Based on Respondent's failure to file an answer to the Complaint or file its outstanding annual and assessment reports, we conclude that a civil penalty in the amount of \$170,100 is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of further penalties under Section 3301 of the Pennsylvania Public Utility Code, if Respondent seeks relief from this Default Order; *Therefore,*

*It is Ordered That:*

1. The allegations in the Law Bureau Prosecutory Staff's Amended Formal Complaint filed on July 31, 2009, are deemed admitted and the said Complaint is thereby sustained.

2. Able Co., LTD. is hereby directed to file all of its outstanding annual and assessment reports.

3. Able Co., LTD. is hereby directed to pay the outstanding fines instituted at C-20027732, C-20066097 and C-20077707 in the amount of \$3,000. Said payment shall be made by certified check payable to the Commonwealth of Pennsylvania and presented to the Commission within 20 days of the date of the entry date of the Commission's order.

4. Able Co., LTD. is hereby directed to pay a civil penalty in the amount of \$3,000 for failure to file its annual assessment reports since 1990 in violation of 66 Pa.C.S. § 501(c). Said payment shall be made by certified check payable to the Commonwealth of Pennsylvania and presented to the Commission within 20 days of the date of the entry date of the Commission's order.

5. Able Co., LTD. is hereby directed to pay a civil penalty in the amount of \$3,000 for failure to file its annual reports since 1995 in violation of 66 Pa.C.S. § 504. Said payment shall be made by certified check payable to the Commonwealth of Pennsylvania and presented to the Commission within 20 days of the date of the entry date of the Commission's order.

6. Able Co., LTD. is hereby directed to pay a civil penalty in the amount of \$1,000 for failure to comply with a Commission order directing payment of a penalty in the amount of \$100 at C-00014930 in violation of 66 Pa.C.S. §§ 510(c) and 3301. Said payment shall be made by certified check payable to the Commonwealth of Pennsylvania and presented to the Commission within 20 days of the date of the entry date of the Commission's order.

7. Able Co., LTD. is hereby directed to pay a civil penalty in the amount of \$160,000 for the various violations to the Commission's Gas Service regulations committed by Able Co., LTD as delineated in the Amended Formal Complaint filed under this Docket.

8. The total civil penalty that Able Co., LTD. is directed to remit to the Commonwealth of Pennsylvania is \$170,100.

9. Able Co., LTD. may not claim or include any amounts imposed under this Default Order as a recoverable expense in any future rate proceeding.

10. The Secretary serve a copy of this Default Order upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection, and also cause a copy of this Default Order to be published in the *Pennsylvania Bulletin* with a 20-day comment period.

11. If no objection or comments are filed with the Commission under this Docket within the 20-day comment period, the Default Order shall become final.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 10-210. Filed for public inspection January 29, 2010, 9:00 a.m.]

## PENNSYLVANIA STIMULUS OVERSIGHT COMMISSION

### Public Meeting

The next public meeting of the Pennsylvania Stimulus Oversight Commission is scheduled for Thursday, February 11, 2010. The meeting will be held at 11 a.m. in Conference Room D, 1st Floor, Judicial Center, 601 Commonwealth Avenue, Harrisburg, PA.

#### Parking Accomodations:

At 7th and Forster Streets the facility is open for general public parking 6 a.m. to 7 p.m., Monday through Friday with a cashier on duty 7:15 a.m. to 7 p.m. The facility is closed on all State holidays. Parking is available 24 hours daily, 7 days a week, including holidays, for monthly parkers only. The parking garage holds 1,182 spaces (including 15 handicap) and there are 152 spaces in the adjacent parking lot. Clearance height within the garage is 7 feet.

Seventh Street Garage and surface lot:

<i>Parking Garage Rates</i>	<i>Hourly</i>
2 hours or less	\$4.00
3 hours or less	\$6.00
4 hours or less	\$7.00
5 hours or less	\$8.00

<i>Parking Garage Rates</i>	<i>Hourly</i>
5 to 11 hours	\$15.00
11 to 24 hours	\$19.00

RONALD NAPLES,  
*Chairperson*

[Pa.B. Doc. No. 10-211. Filed for public inspection January 29, 2010, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

### Bureau of Professional and Occupational Affairs v. Kim Thi Luong; Doc. No. 0560-45-2008

On December 10, 2009, Kim Thi Luong, license no. CO262354, of Windsor Mill, MD, was revoked and ordered to pay a civil penalty of \$1,000, because she obtained her license by dishonest or unethical means.

Individuals may obtain a copy of the adjudication by writing to David Markowitz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Cosmetology'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.

JANET G. M. SANKO,  
*Chairperson*

[Pa.B. Doc. No. 10-212. Filed for public inspection January 29, 2010, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved the following list of projects, during the period of November 1, 2009, through December 31, 2009.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, srichardson@srbc.net, or mail inquiries to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

#### *Supplementary information*

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process set forth in 18 CFR 806.22(e) and (f) for the time period specified previously:

#### *Approvals By Rule Issued Under 18 CFR 806.22(e):*

1. Tyco Electronics Corporation, Lickdale Facility, ABR-20091222, Union Township, Lebanon County, PA; Consumptive Use of up to 0.080 mgd; Approval Date: December 18, 2009.

#### *Approvals By Rule Issued Under 18 CFR 806.22(f):*

1. East Resources, Inc., Pad ID: Stehmer 420, ABR-20091101, Delmar Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: November 15, 2009.

2. East Resources, Inc., Pad ID: Johnson 435, ABR-20091102, Shippen Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: November 16, 2009.

3. J-W Operating Company, Pad ID: Pardee & Curtin Lumber Co. C-09H, ABR-20091103, Shippen Township, Cameron County, PA; Consumptive Use of up to 4.500 mgd; Approval Date: November 16, 2009.

4. Citrus Energy, Pad ID: Procter & Gamble Mehoopany Plant 2 1H, ABR-20091104, Washington Township, Wyoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: November 16, 2009.

5. Fortuna Energy, Inc., Pad ID: Eick 013, ABR-20091105, Columbia Township, Bradford County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: November 16, 2009.

6. East Resources, Inc., Pad ID: Brown 425, ABR-20091106, Delmar Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: November 16, 2009.

7. East Resources, Inc., Pad ID: Barrett 410, ABR-20091107, Jackson Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: November 16, 2009.

8. East Resources, Inc., Pad ID: Starks 461, ABR-20091108, Richmond Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: November 16, 2009.

9. Chesapeake Appalachia, LLC, Pad ID: Doss, ABR-20091109, Albany Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: November 16, 2009.

10. East Resources, Inc., Pad ID: Yungwirth 307, ABR-20091110, Charleston Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: November 16, 2009.

11. East Resources, Inc., Pad ID: West 299, ABR-20091111, Richmond Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: November 16, 2009.

12. Chesapeake Appalachia, LLC, Pad ID: CSI, ABR-20091112, Burlington Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: November 16, 2009.

13. East Resources, Inc., Pad ID: Button 402, ABR-20091113, Jackson Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: November 16, 2009.

14. EXCO-North Coast Energy, Inc., Pad ID: Fidatti-Bianconi, ABR-20091114, Scott Township, Lackawanna County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: November 16, 2009.

15. Chief Oil & Gas, LLC, Pad ID: Teel Unit No. 1H, ABR-20091115, Springville Township, Susquehanna County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: November 16, 2009.

16. EOG Resources, Inc., Pad ID: Guinan IV, ABR-20091116, Springfield Township, Bradford County, PA; Consumptive Use of up to 0.999 mgd; Approval Date: November 18, 2009.

17. EOG Resources, Inc., Pad ID: Guinan 2H, ABR-20091117, Springfield Township, Bradford County, PA; Consumptive Use of up to 1.999 mgd; Approval Date: November 18, 2009.

18. Pennsylvania General Energy Company, LLC, Pad ID: COP Tract 724—Pad A, ABR-20091118, Gamble Township, Lycoming County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: November 19, 2009, including a partial waiver of 18 CFR 806.15.

19. EOG Resources, Inc., Pad ID: Hoppaugh 1V, ABR-20091119, Springfield Township, Bradford County, PA; Consumptive Use of up to 0.999 mgd; Approval Date: November 20, 2009.

20. EOG Resources, Inc., Pad ID: Hoppaugh 2H, ABR-20091120, Springfield Township, Bradford County, PA; Consumptive Use of up to 1.999 mgd; Approval Date: November 23, 2009.

21. EOG Resources, Inc., Pad ID: Hoppaugh 3H, ABR-20091121, Springfield Township, Bradford County, PA; Consumptive Use of up to 1.999 mgd; Approval Date: November 23, 2009.

22. EOG Resources, Inc., Pad ID: Lee 1H, ABR-20091122, Springfield Township, Bradford County, PA; Consumptive Use of up to 1.999 mgd; Approval Date: November 23, 2009.

23. EOG Resources, Inc., Pad ID: Lee 2H, ABR-20091123, Springfield Township, Bradford County, PA; Consumptive Use of up to 1.999 mgd; Approval Date: November 23, 2009.

24. EOG Resources, Inc., Pad ID: Lee 2H, ABR-20091124, Springfield Township, Bradford County, PA; Consumptive Use of up to 1.999 mgd; Approval Date: November 23, 2009.

25. Rice Drilling B, LLC, Pad ID: Ultimate Warrior No. 1, ABR-20091125, Upper Fairfield Township, Lycoming County, PA; Consumptive Use of up to 1.000 mgd; Approval Date: November 30, 2009.

26. Chief Oil & Gas, LLC, Pad ID: Hodge Unit Drilling Pad No. 1, ABR-20091201, Juniata Township, Blair County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: December 1, 2009.

27. Citrus Energy Corporation, Pad ID: Martin No. 1V, ABR-20091202, Sugarloaf Township, Columbia County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: December 1, 2009.

28. XTO Energy Incorporated, Pad ID: Jenzano, ABR-20090713.1, Franklin Township, Lycoming County, PA; Consumptive Use total of up to 3.000 mgd; Approval Date: December 1, 2009.

29. EOG Resources, Inc., Pad ID: Houseknecht 1H, ABR-20090423.1, Springfield Township, Bradford County, PA; Consumptive Use total of up to 1.999 mgd; Approval Date: December 2, 2009.

30. EOG Resources, Inc., Pad ID: Ward M 1H, ABR-20090421.1, Springfield Township, Bradford County, PA; Consumptive Use total of up to 1.990 mgd; Approval Date: December 2, 2009.

31. EOG Resources, Inc., Pad ID: Jones IV, ABR-20091203, Springfield Township, Bradford County, PA; Consumptive Use of up to 0.999 mgd; Approval Date: December 2, 2009.

32. Chief Oil & Gas, LLC, Pad ID: Teel Unit Drilling Pad No. 2H, ABR-20091204, Springville Township, Susquehanna County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: December 3, 2009.

33. Chief Oil & Gas, LLC, Pad ID: Teel Unit Drilling Pad No. 3H, ABR-20091205, Springville Township, Susquehanna County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: December 3, 2009.

34. East Resources, Inc., Pad ID: Chapman 237, ABR-20091206, Sullivan Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: December 8, 2009.

35. East Resources, Inc., Pad ID: Houck 433, ABR-20091207, Shippen Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: December 9, 2009.

36. Chesapeake Appalachia, LLC, Pad ID: Stoorza, ABR-20091208, Terry Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: December 9, 2009.

37. Chesapeake Appalachia, LLC, Pad ID: Roger, ABR-20091209, Auburn Township, Susquehanna County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: December 9, 2009.

38. Chesapeake Appalachia, LLC, Pad ID: Readinger, ABR-20091210, West Burlington Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: December 9, 2009.

39. Chesapeake Appalachia, LLC, Pad ID: Miller, ABR-20091211, Towanda Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: December 9, 2009.

40. Chesapeake Appalachia, LLC, Pad ID: Grippo, ABR-20091212, Terry Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: December 9, 2009.

41. Chesapeake Appalachia, LLC, Pad ID: Duffield, ABR-20091213, Tuscarora Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: December 9, 2009.

42. Chief Oil & Gas, LLC, Pad ID: Clear Springs Dairy Drilling Pad No. 1, ABR-20091214, Burlington Township, Bradford County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: December 14, 2009.

43. East Resources, Inc., Pad ID: Jenkins 523, ABR-20091215, Rutland Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: December 14, 2009.

44. East Resources, Inc., Pad ID: Pannebaker 515, ABR-20091216, Rutland Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: December 14, 2009.

45. East Resources, Inc., Pad ID: Starks 460, ABR-20091217, Richmond Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: December 14, 2009.

46. East Resources, Inc., Pad ID: Oldroyd 509, ABR-20091218, Rutland Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: December 14, 2009.

47. XTO Energy Incorporated, Pad ID: Hazlak, ABR-20090715.1, Franklin Township, Lycoming County, PA; Consumptive Use total of up to 3.000 mgd; Approval Date: December 14, 2009.

48. XTO Energy Incorporated, Pad ID: Temple, ABR-20090714.1, Moreland Township, Lycoming County, PA; Consumptive Use total of up to 3.000 mgd; Approval Date: December 14, 2009.

49. EOG Resources, Inc., Pad ID: Harkness 1V, ABR-20091219, Springfield Township, Bradford County, PA; Consumptive Use of up to 0.999 mgd; Approval Date: December 14, 2009.

50. EOG Resources, Inc., Pad ID: Harkness 2H, ABR-20091220, Springfield Township, Bradford County, PA; Consumptive Use of up to 1.999 mgd; Approval Date: December 14, 2009.

51. EOG Resources, Inc., Pad ID: Harkness 3H, ABR-20091221, Springfield Township, Bradford County, PA; Consumptive Use of up to 1.999 mgd; Approval Date: December 14, 2009.

52. Seneca Resources Corporation, Pad ID: T. Wivell Horizontal Pad, ABR-20090814.1, Covington Township, Tioga County, PA; Consumptive Use total of up to 4.000 mgd; Approval Date: December 18, 2009.

53. Cabot Oil & Gas Corporation, Pad ID: HibbardAM P1, ABR-20091223, Dimock Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: December 21, 2009.

54. Cabot Oil & Gas Corporation, Pad ID: HibbardAM P2, ABR-20091224, Dimock Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: December 21, 2009.

55. XTO Energy Incorporated, Pad ID: King Unit, ABR-20091225, Shrewsbury Township, Lycoming County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: December 22, 2009.

56. XTO Energy Incorporated, Pad ID: Booth, ABR-20091226, Shrewsbury Township, Lycoming County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: December 28, 2009.

57. Seneca Resources Corporation, Pad ID: Rich Valley 1V Pad, ABR-20091227, Shippen Township, Cameron County, PA; Consumptive Use of up to 0.500 mgd; Approval Date: December 28, 2009.

58. Citrus Energy Corporation, Pad ID: Farver No. 1V, ABR-20091228, Benton Township, Columbia County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: December 28, 2009.

59. Seneca Resources Corporation, Pad ID: Wolfinger, ABR-20091229, Shippen Township, Cameron County, PA; Consumptive Use of up to 0.500 mgd; Approval Date: December 28, 2009, including a partial waiver of 18 CFR 806.15.

60. Ultra Resources, Inc., Pad ID: Marshlands H. Bergey Unit No. 1, ABR-20091230, Gaines Township, Tioga County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: December 29, 2009.

61. Ultra Resources, Inc., Pad ID: Marshlands K. Thomas Unit No. 1, ABR-20091231, Elk Township, Tioga County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: December 29, 2009.

62. Ultra Resources, Inc., Pad ID: Lick Run Pad, ABR-20091232, Gaines Township, Tioga County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: December 29, 2009.

63. Ultra Resources, Inc., Pad ID: Hillside Pad, ABR-20091233, Gaines Township, Tioga County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: December 29, 2009.

64. Ultra Resources, Inc., Pad ID: Button B 901 Pad, ABR-20091234, West Branch Township, Tioga County, PA; Consumptive Use of up to 4.990 mgd; Approval Date: December 29, 2009.

65. EOG Resources, Inc., Pad ID: Kenyon 1V, ABR-20091235, Springfield Township, Bradford County, PA; Consumptive Use of up to 0.999 mgd; Approval Date: December 29, 2009.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808. Dated: January 19, 2010.

THOMAS W. BEAUDUY,  
*Deputy Director*

[Pa.B. Doc. No. 10-213. Filed for public inspection January 29, 2010, 9:00 a.m.]

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## THADDEUS STEVENS COLLEGE OF TECHNOLOGY

### Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for Project 09-0007 for snow removal from the main campus and branch campus. Bid specifications can be obtained from Nancy Froeschle at Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, fax (717) 299-7710 or froeschle@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,  
*President*

[Pa.B. Doc. No. 10-214. Filed for public inspection January 29, 2010, 9:00 a.m.]

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### Request for Bids

Thaddeus Stevens College of Technology is soliciting bids for Project 09-0008 for a uPrint 3D printer system package and for a clean station JR. Bid specifications can be obtained from Nancy Froeschle at Thaddeus Stevens College, 750 East King Street, Lancaster, PA 17602, (717) 299-7787, fax (717) 299-7710 or froeschle@stevenscollege.edu.

DR. WILLIAM E. GRISCOM,  
*President*

[Pa.B. Doc. No. 10-215. Filed for public inspection January 29, 2010, 9:00 a.m.]



