

# NOTICES

## CANINE HEALTH BOARD

### Public Meeting

The Canine Health Board gives notice of its public meeting on Tuesday, February 23, 2010 at 11 a.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 meeting will be held in Room 309 of the

Department of Agriculture Building, 2301 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; and Nancy Redmond, Nancy's Nest.

JENNIFER MULLER,  
*Chairperson*

[Pa.B. Doc. No. 10-281. Filed for public inspection February 12, 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 26, 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, at 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

#### Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
1-25-2010	United-American Savings Bank Pittsburgh Allegheny County  Application for approval to convert from a state-chartered mutual savings bank to a state-chartered stock savings bank.	Approved

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
1-26-2010	First Niagara Financial Group, Inc. Buffalo, New York  Application for approval to acquire up to 19.9% of the common stock of Berkshire Bancorp, Inc., Wyomissing, and thereby indirectly acquire up to 19.9% of the common stock of Berkshire Bank, Wyomissing.	Filed

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
1-26-2010	First Niagara Financial Group, Inc. Buffalo, New York  Application for approval to indirectly acquire 100% of The Harleysville National Bank and Trust Company, Harleysville, in connection with the acquisition of 100% of Harleysville National Corporation, Harleysville.	Filed

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-11-2010	Susquehanna Bank Lititz Lancaster County	1800 Dual Highway Hagerstown Washington County, MD	Opened

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-26-2010	QNB Bank Quakertown Bucks County	<i>To:</i> 950 Millcreek Road Wescosville Lehigh County  <i>From:</i> 1042 Millcreek Road Wescosville Lehigh County	Filed

**SAVINGS INSTITUTIONS****Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-25-2010	ESSA Bank & Trust Stroudsburg Monroe County	1500 North Cedar Crest Boulevard Allentown Lehigh County	Filed

**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*

[Pa.B. Doc. No. 10-282. Filed for public inspection February 12, 2010, 9:00 a.m.]

**Actions on Applications**

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending February 2, 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****Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-28-2010	First Columbia Bank & Trust Co. Bloomsburg Columbia County	300 Market Street Berwick Columbia County	Opened

## NOTICES

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
2-1-2010	Graystone Tower Bank Lancaster Lancaster County	<i>To:</i> 800 Norland Avenue Chambersburg Franklin County  <i>From:</i> 488 Gateway Avenue Chambersburg Franklin County	Filed

**Branch Consolidations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
1-28-2010	Parkvale Savings Bank Monroeville Allegheny County	<i>Into:</i> 307 Fourth Avenue Pittsburgh Allegheny County  <i>From:</i> 200 Fifth Avenue Pittsburgh Allegheny County	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name and Location of Institution</i>	<i>Action</i>
1-28-2010	First CornerStone Bank King of Prussia Montgomery County  Amendment to the Fifth Article of the institution's Articles of Incorporation increases the aggregate number of shares of common stock which the institution is authorized to issue from 10,000,000 to 20,000,000.	Filed

**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*

[Pa.B. Doc. No. 10-283. Filed for public inspection February 12, 2010, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of March 2010**

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

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

such individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.12 to which was added 2.50 percentage points for a total of 6.62 that by law is rounded off to the nearest quarter at 6 1/2%.

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 10-284. Filed for public inspection February 12, 2010, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Availability of 2010 Regional Summer Schools of Excellence Grants

Applications for the 2010 Regional Summer Schools of Excellence Grants of \$6,000 to apply to the operation of enrichment projects serving academically and/or artistically talented/gifted youth during July and August of 2010.

#### 1. Eligibility Requirements

Funding is available on a competitive basis to intermediate units; school districts (serving students in more than one district, except in large cities); charter schools; career and technology centers (CTCs or AVTSs) colleges or universities; not for profit regional chapters or councils for the arts; culture and/or educational organizations or consortia of two or more of the previously listed. Applicants may apply for grants to launch new programs or expand or update existing programs.

#### 2. Application Deadline

Applications are due March 5, 2010.

#### 3. How to Apply

The grant guidelines and application will be available on the Department of Education's web site at [www.education.state.pa.us](http://www.education.state.pa.us). On the left side click on: Programs, Programs O-R, Regional Schools of Excellence, Request for Proposals.

#### 4. Questions Concerning the Grant Application:

Questions concerning the grant application or guidelines should be addressed to Tracy Malick, Education Administration Associate, Department of Education, Bureau of Teaching and Learning Support, 333 Market Street, 8th Floor, Harrisburg, PA 17126-0333, (717) 783-5670, [tmalick@state.pa.us](mailto:tmalick@state.pa.us).

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

[Pa.B. Doc. No. 10-285. Filed for public inspection February 12, 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.*

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0080845 (IW)	RRI Energy, Inc. 121 Champion Way Canonsburg, PA 15317	Blair County Catharine Township	Frankstown Branch Juniata River 11-A	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0003565 (Sewage) Non-Public	Morgan Advanced Materials and Technology 1118 East Second Street Coudersport, PA 16915	Potter County Eulalia Township	Mill Creek SWP16)	Y
PA0112941 (Sewage) Non-Public	Pro America/Cameron Division P. O. Box 391 Emporium, PA 15834	Cameron County Emporium Borough	Driftwood Branch Simmamahoning Creek SWP 8)	Y
PA0024538	Beech Creek Borough Authority STP P. O. Box 216 Beech Creek, PA 16822	Clinton County Beech Creek Borough	Beech Creek 9C	Y
PA0024341 (Sewage) Non-Public	Canton Borough Authority P. O. Box 237 Canton, PA 17724	Bradford County Canton Borough	Towanda Creek SWP 4C	Y
PA0228214 (Industrial Waste)	CCDA Waters LLC 217 AquaPenn Drive Howard, PA 16841	Centre County Boggs Township	Bald Eagle Creek 9-C	Y
PA0228800	Herndon Borough Jackson Township Joint Municipal Authority P. O. Box 381 Herndon, PA 17830-0381	Northumberland County Herndon Borough	Susquehanna River 6B	Y
PA0008036 (Industrial Waste)	Ingersoll Rand Athens Plant 101 N. Main Street Athens, PA 18810	Bradford County Athens Borough	Chemung River 4-B	Y

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

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

**PA0233897**, Non-Municipal Waste, SIC 4952, **Wade J. Robbins**, 273 Paradise Lane, Julian, PA 17844. This proposed facility is located in Huston Township, **Centre County**.

Description of Proposed Activity: The construction of an SFTF for an existing residence to replace a failing septic tank system. The receiving stream, Unnamed Tributary to Bald Eagle Creek, is in the State Water Plan watershed 9C and is classified for: HQ-CWF, MF. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on West Branch Susquehanna River and is 102 miles below the point of discharge.

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

Parameter	Mass (lbs/day)		Concentration (mg/l)		Instantaneous Maximum mg/l
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	
Flow (MGD)	Report				
CBOD <sub>5</sub>			10	20	
TSS			20	40	
TRC			monitor and report		
Fecal Coliforms			200 colonies/100 ml as a geometric mean		
pH (Std. Units)			6.0 to 9.0 at all times		

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

**PA0218120**, Sewage, **Dennis O'Hara**, 126 Walker Road, Apollo, PA 15613. This application is for renewal of an NPDES permit to discharge treated sewage from O'Hara Single Residence STP in Washington Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 0.0004 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub> Day	10			20
Suspended Solids	20			40
Fecal Coliform (5/1 to 9/30)	200/100 ml as a geometric mean			
(10/1 to 4/30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	Monitor and Report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0254169**, Sewage, **Consol Pennsylvania Coal Company, LLC**, P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323. This application is for issuance of an NPDES permit to discharge treated sewage from Enlow Fork Mine 3 North #5 Airshaft in East Finley Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Unnamed Tributary of Templeton Fork, which are classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is in West Virginia on the Ohio River.

Outfall 001: new discharge, design flow of 0.024 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub> Day	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5/1 to 10/31)	2.0			4.0
(11/1 to 4/30)	3.0			6.0
Fecal Coliform (5/1 to 9/30)	200/100 ml as a geometric mean			
(10/1 to 4/30)	2,000/100 ml as a geometric mean			

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Residual Chlorine	0.9			2.2
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0219215**, Sewage, **Donegal Township**, 34 North Liberty Street, West Alexander, PA 15376. This application is for renewal of an NPDES permit to discharge treated sewage from Donegal Township Sewage Treatment Plant in West Alexander Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Little Wheeling Creek, which are classified as a warm water fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the: Village of Bellaire, Ohio Water Department located on Ohio River approximately 3.2 miles down river from the mouth of Wheeling Creek.

Outfall 001: existing discharge, design flow of 0.064 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>-5</sub> Day	25			50
Suspended Solids	30			60
Ammonia Nitrogen (5/1 to 10/31)	2.0			4.0
(11/1 to 4/30)	5.0			10.0
Fecal Coliform (5/1 to 9/30)	200/100 ml as a geometric mean			
(10/1 to 4/30)	2,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0204609**, Sewage, **Susan R. Rosa**, 156 Shannon Lane, Ligonier, PA 15658. This application is for renewal of an NPDES permit to discharge treated sewage from Rosa Single Residence STP in Ligonier Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 0.0004 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>-5</sub> Day	25			50
Suspended Solids	30			60
Fecal Coliform (5/1 to 9/30)	200/100 ml as a geometric mean			
(10/1 to 4/30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	Monitor and Report			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

**PA0100021**, Sewage. **River Forks Restaurant, Inc.**, HC3 Box 9, Route 62S, Tionesta, PA 16353. This facility is located in Tionesta Township, **Forest County**.

Description of Proposed Activity: New NPDES permit replacing an expired permit for an existing discharge of treated sewerage. For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, Fluoride, Phenolics, Sulfate and Chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Public Water Supplier is located on the Allegheny River (Emlenton Water Company) and is approximately 55 miles below point of discharge. The receiving stream, the Allegheny River, is in watershed 16-E and classified for: Warm Water Fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0085 MGD.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
Fecal Coliform			
05/01—09/30		200/100ml as a geometric average	
10/01—04/30		2000/100ml as a geometric average	
Total Residual Chlorine	0.5		1.3
pH		6.0 to 9.0 standard units at all times	

XX—Monitor and report on monthly DMRs.

The EPA Waiver is in effect.

**PA0023175**, Sewage. **Kane Borough Authority (Kinzua Road STP)**, 112 Bayard Street, Kane, PA 16735. This existing facility is located in Wetmore Township, **McKean County**.

Description of Proposed Activity: Renewal of an existing NPDES permit to discharge treated sewage. The receiving streams Hubert Run (Outfalls 001 and 002) and an unnamed tributary to Hubert Run (Outfall 003) are in watershed 16-B and are classified for: Cold Water Fishes, aquatic life, water supply and recreation.

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

<i>Parameter</i>	<i>Loadings</i>		<i>Concentrations</i>		
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (MGD)	XX	XX			
CBOD <sub>5</sub>	313	500	25	40	50
Total Suspended Solids	375	563	30	45	60
NH <sub>3</sub> -N					
05/01—10/31	25		2		4
11/01—04/30	75		6		12
Fecal Coliform					
05/01—09/30			200/100ml as a geometric average		
10/01—04/30			2000/100ml as a geometric average		
Total Residual Chlorine			0.18		0.6
Chronic Whole Effluent Toxicity			1.18 TU <sub>c</sub>		
Dissolved Oxygen			minimum of 6 mg/l at all times		
pH			6.0 to 9.0 standard units at all times		

XX—Monitor and report on monthly DMRs.

Special Conditions:

TRC minimization.

Combined Sewer Overflow (Outfalls 002 & 003).

Whole Effluent Toxicity (WET) testing for the permit renewal.

Chronic WET testing requirements.

The EPA Waiver is not in effect.



**PA0037991**, Sewage, **Mainlines, Manholes and Wastewater Treatment, Inc.**, 9214 Tannery Road, Girard, PA 16417. This existing facility is located in Girard Township, **Erie County**.

Description of Proposed Activity: New/Transfer NPDES permit for an existing discharge of treated sewage. The receiving stream, an unnamed tributary to Lake Erie, is in watershed 15 and classified for: cold water fishes, migratory fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.08 MGD.

Parameter	Average Monthly (mg/l)	Concentrations	
		Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (MGD)	XX		
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N			
05/01—10/31	2.0		4.0
11/01—04/30	6.0		12.0
Phosphorus as "P"	1.0		2.0
Fecal Coliform			
05/01—09/30		200/100ml as a geometric average	
10/01—04/30		2000/100ml as a geometric average	
Total Residual Chlorine	0.24		0.57
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
pH		6.0 to 9.0 standard units at all times	

XX—Monitor and report on monthly DMRs.

The EPA Waiver is in effect.

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

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

**WQM Permit No. 1410401**, Sewerage, SIC 4952, **Wade J. Robbins**, 217 Paradise Lane, Julian, PA 16844. This proposed facility is located in Huston Township, **Centre County**.

Description of Proposed Action/Activity: The applicant is seeking coverage for the construction/operation of a SFTF for an existing residence to replace a failing septic tank system.

**WQM Permit No. WQG02080902**, Sewerage, SIC 4952, **Athens Township Authority**, 2523 Pennsylvania Avenue, Sayre, PA 18840. This proposed facility is located in Athens Township, **Bradford County**.

Description of Proposed Action/Activity: The CVS project is a proposed 1,151,000 sq. ft. distribution center, located on nine existing parcels totaling 148.8 acres within the original 184 acre Chemung Business Park. A proposed gravity sewer line consisting of 502 L.F. of 8" PVC piping and 18 L.F. of 10" PVC piping will connect the CVS Distribution center to a proposed pump station. The 2,380 gallon wet well submersible pump station transfers wastewater through 3,672 L.F. of 4" PVC force main to the existing sanitary sewer system.

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

**WQM Permit No. 6510401**, Sewerage, **City of Monessen**, Eastgate, 4th Floor, Monessen, PA 15062. This proposed facility is located in the City of Monessen, **Westmoreland County**.

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

**WQM Permit No. 1110401**, Sewerage, **Borough of Ferndale**, 109 Station Street, Johnstown, PA 15905-3957. This proposed facility is located in Ferndale Borough, **Cambria County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewer system replacement. The Pennsylvania Infrastructure Investment Authority (Pennvest) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department of Environmental Protection's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

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

*Lackawanna County Conservation District: 1300 Old Plank Road, Mayfield, PA 18433, 570-281-9495.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023510001	Great Bend Holdings, Inc. Attn: Sonny Singh P. O. Box 239 Harford, PA 18823	Lackawanna	Jefferson Township	West Branch Wallenpaupack Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023910001	Department of Transportation District 5-0 Attn: Gerald Fry 1002 Hamilton Street Allentown, PA 18101	Lehigh	Upper Saucon Township	Tributary to Saucon Creek CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024010001	Borough of Freeland Municipal Authority Attn: John Brogan 711 Birkbeck Street Freeland, PA 18224	Luzerne	Foster Township	Pond Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024509016	Arcadia Properties, LLC 100 Gateway Drive Suite 310 Bethlehem, PA 18017	Monroe	Tobyhanna Township	Tobyhanna Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024509017	Farda Associates Route 715 P. O. Box 130 Tannersville, PA 18372	Monroe	Pocono Township	Tributary to Pocono Creek HQ-CWF, MF

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

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

## NOTICES

*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>
PAI040009009(1)	Northeastern ITS Wilderness Fiber Installation Project 6779 Engle Road Suite D Middleburg Heights, OH 44130-7926	Centre, Northampton, Northumberland, Schuylkill, Snyder and Venango	Centre County Halfmoon, Patton, Rush and Worth Townships. Millheim and Port Matilda Boroughs Northampton Lower Nazareth Township. Northumberland Mt. Carmel Township Schuylkill Butler, Ryan, Walker and West Penn Townships Snyder Shamokin Dam Borough Venango Cranberry Township	Centre County Elk Creek EV/MF Laurel Run HQ-CWF/MF Sixmile Run HQ-CWF/MF Buffalo Run HQ-CWF/MF UNT Buffalo Run HQ-CWF/MF UNT Buffalo Run HQ-CWF/MF Bald Eagle Run TSE/MF UNT Buffalo Run HQ-CWF/MF Wetland ID W-CE-001 W-CE-002 W-CE-003 Northumberland Tributary to N.B. Shamokin Creek CWF/MF Schuylkill Tributary Mahanoy Creek CWF/MF Locust Creek CWF/MF Tributary Little Schuylkill River CWF/MF Tributary Little Schuylkill River CWF/MF Lizard Creek CWF/MF Wetland ID W-SC-002 Venango Halls Run CWF

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

*Greene County Conservation District, 19 South Washington Street, Waynesburg, PA 15370-2053, (724-852-5278).*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI053009002	Southwest Pennsylvania Water Authority 1442 Jefferson Road P. O. Box 187 Jefferson, PA 15344	Greene	Franklin Township	Wisecarver Run, a tributary to Browns Creek and Southfork Tenmile 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.

**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

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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. 5109504, Public Water Supply.**

Applicant	<b>Pure Water 2 Go</b>
Township	City of Philadelphia
County	<b>Philadelphia</b>
Responsible Official	Emmanuel Onwulata 178 West Grange Avenue Philadelphia, PA 19120
Type of Facility	PWS
Consulting Engineer	Barry Isett & Associates 85 South Route 100 and Kressler Lane Trexlerstown, PA 18087
Application Received Date	July 22, 2009
Description of Action	A retail water facility.

**Application No. 0910502, Public Water Supply.**

Applicant	<b>Aqua Pennsylvania, Inc.</b>
Township	Bristol

County **Bucks**  
 Responsible Official Joseph G. Thurwanger  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010

Type of Facility PWS

Consulting Engineer Aqua Pennsylvania  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010

Application Received Date January 19, 2010

Description of Action Painting interior and exterior of  
 2 MG water storage tank (Bristol  
 #1).

**Application No. 0909530**, Public Water Supply.

Applicant **Hilltown Township Water and  
 Sewer Authority**

Township Hilltown

County **Bucks**

Responsible Official James C. Groff  
 P. O. Box 365  
 Sellersville, PA 18960

Type of Facility PWS

Consulting Engineer Castle Valley Consultants  
 10 Beulah Road  
 New Britain, PA 18901

Application Received Date December 16, 2009

Description of Action A proposed to utilize Well No. 1A  
 as a public water supply in place  
 of the abandoned Well No. 1.

**Application No. 1509516**, Public Water Supply.

Applicant **Superior Water Company**

Township North Conventry

County **Chester**

Responsible Official Louise Knight  
 1885 Swamp Pike  
 Gilbertsville, PA 19525-9666

Type of Facility PWS

Consulting Engineer Entech Engineering, Inc.  
 4 South Fourth Street  
 P. O. Box 32  
 Reading, PA 19603

Application Received Date December 16, 2009

Description of Action Addition of ph and corrosion  
 control treatment equipment and  
 replacement of the existing gas  
 chlorination system with a liquid  
 chlorination system.

**Application No. 2309507**, Public Water Supply.

Applicant **Aqua Pennsylvania, Inc.**

Township Middletown

County **Delaware**

Responsible Official Joseph G. Thurwanger  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010

Type of Facility PWS

Consulting Engineer Aqua Pennsylvania, Inc.  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010

Application Received Date December 22, 2009

Description of Action Painting interior and exterior of  
 1.0 MG Hunter Street Tank.

**Application No. 1510502**, Public Water Supply.

Applicant **Aqua Pennsylvania**

Township Willistown

County **Chester**

Responsible Official William C. Ross  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010

Type of Facility PWS

Consulting Engineer Aqua Pennsylvania, Inc.  
 762 West Lancaster Avenue  
 Bryn Mawr, PA 19010

Application Received Date January 26, 2010

Description of Action Replacing the existing  
 below-ground Greentree booster  
 station with a prefabricated,  
 above-ground booster station.

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

**Permit No. 4407501**, Public Water Supply.

Applicant **Municipal Authority of the  
 Borough of Lewistown**

Municipality Armagh Township

County **Mifflin**

Responsible Official Craig Bubb, Superintendent  
 70 Chestnut Street  
 Lewistown, PA 17004-2216

Type of Facility Public Water Supply

Consulting Engineer Patrick J. Ward, P. E.  
 Uni-Tec Consulting Engineers,  
 Inc.  
 2007 Cato Avenue  
 State College, PA 16801

Application Received Date 3/29/2007

Description of Action Construction of Oak Street  
 Booster Pumping Station to  
 maintain system pressure to a  
 small development on Oak  
 Street.

**Permit No. 2209510**, Public Water Supply.

Applicant **Steelton Borough Authority**

Municipality Steelton Borough

County **Dauphin**

Responsible Official John M. DeSanto  
 Municipal Division Manager  
 123 N. Front Street  
 Steelton, PA 17113

Type of Facility Public Water Supply

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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

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

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

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

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

Consulting Engineer	Paul J. Navarro, P. E. Navarro and Wright Consulting Engineers, Inc. 151 Reno Avenue New Cumberland, PA 17070
Application Received Date	12/11/2009
Description of Action	Installation of a new transmission main from the filter plant to the distribution system, modifications to the raw water pump house, filter syphon system, clarifiers and replacement of the filter media.
<b>Permit No. 2810501</b> , Public Water Supply.	
Applicant	<b>Greenspring Valley Development, LLC</b>
Municipality	Antrim Township
County	<b>Franklin</b>
Responsible Official	Humberto Ho Principal 5709 Avery Park Drive Rockville, MD 20855
Type of Facility	Public Water Supply
Consulting Engineer	Randy Shearer, P. E. CEDG, Inc. 5000 Ritter Road Mechanicsburg, PA 17055
Application Received Date	1/11/2010
Description of Action	The Construction of a new public water system to serve 119 units of Phase I of a 554 unit residential development.
<b>Permit No. 3610502</b> , Public Water Supply.	
Applicant	<b>Mt. Hope Nazerene Community</b>
Municipality	Rapho Township
County	<b>Lancaster</b>
Responsible Official	Joseph G. Mraz Administrator 3026 Mt. Hope Home Road Manheim, PA 17545-9529
Type of Facility	Public Water Supply
Consulting Engineer	Charles A. Kehew II, P. E. James A. Holley & Associates, Inc. 18 South George Street York, PA 17401
Application Received Date	1/25/2010
Description of Action	Convert UV disinfection to sodium hypochlorite disinfection system.

**Verdelli Farms Property**, Hummelstown Borough, **Dauphin County**. Herbert, Rowland and Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Verdelli Reality, P. O. Box 133, Hummelstown, PA 17036, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with No. 2 fuel oil from an underground storage tank. The site will be remediated to the Residential Statewide Health Standard. Intended future use of the property is unknown.

**K & R Realty Property**, Kutztown Borough, **Berks County**. GHR Consulting Services, Inc., 224 B South Maple Street, Ambler, PA 19002, on behalf of K & R Realty, 277 Fair Street, Kutztown, PA 19530, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil from an underground storage tank. The site, which will remain commercial, will be remediated to the Residential Statewide Health Standard.

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

**Sunoco-Montgomery**, Montgomery Borough **Lycoming County**. Aquaterra Technologies, Inc., 122 South Church Street, West Chester, PA 10382 on behalf of Sunoco, Inc. (R&M), 1109 Milton Street, Syracuse, NY 13204 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with petroleum hydrocarbon constituents. The applicant proposes to remediate the site to meet the Statewide Health Standard.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

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

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

##### *New Applications Received*

**Citiwaste, LLC**, 100-02 Farragut Road, Brooklyn, NY 11236. License No. PA-HC 0243. Effective October 19, 2009.

##### *Renewal Applications Received*

**Clean Harbors Environmental Services, Inc.**, 42 Longwater Drive, Norwell, MA 02061-1612. License No. PA-HC 0053. Received on September 14, 2009.

**Veolia ES Solid Waste of PA, Inc.**, 6330 Route 219, Brockway, PA 15824. License No. PA-HC 0199. Received on July 20, 2009.

**Healthcare Waste Solutions, Inc.**, 1281 Viele Avenue, Bronx, NY 10474. License No. PA-HC 0235. Received on October 1, 2009.

**University of Pittsburgh of the Commonwealth System of Higher Education**, Public Safety Building, 4th Floor, 3412 Forbes Avenue, Pittsburgh, PA 15260. License No. PA-HC 0183. Received on October 28, 2009.

**JPS Equipment Co., Inc.**, P. O. Box 788, Edgemont, PA 19028-0788. License No. PA-HC 0142. Received on November 2, 2009.

**Premier Medical Waste Transport, Ltd.**, 642 Willow Street, Pottstown, PA 19464. License No. PA-HC 0237. Received on November 23, 2009.

**Coast Medical Supply, Inc.**, 200 Turnillo Way, Suite 110, Tinton Falls, NJ 07712. License No. PA-HC 0214. Received on January 11, 2010.

#### HAZARDOUS WASTE TREATMENT, STORAGE & DISPOSAL FACILITIES

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

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

**PAR00030874. Copperhead Chemical Company, Inc.**, 120 River Road, Tamaqua, PA 18252. An application to renew the permit term and to increase the amount of waste treated from 100lbs/day to 200lbs/day in the middle pan of the Thermal Treatment Unit at Copperhead Chemical Company, Inc., located in Walker Township, **Schuylkill County**. The application was received in the Regional Office on December 17, 2009 and was deemed administratively complete as of February 1, 2010.

#### RESIDUAL WASTE GENERAL PERMITS

**Application(s) Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and the Beneficial Use of Residual Waste other than Coal Ash.**

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

**General Permit Application No. WMGR122. East Resources, Inc.**, 301 Brush Creek Road, Warrendale, PA 15086. General Permit Numbered WMGR122 is for the processing of wastewater (that is flow back gas well water—frac water) from various Marcellus Shale gas drilling operations at the Tioga County Tank Farm facility, to be located in the Covington Township, **Tioga County**. The flow back gas well water will be processed on-site at each well pad. The processed flow back gas well water will then be pumped/trucked to the Tioga County Tank Farm and blended with the fresh water stored for beneficial use in the extraction of natural gas from various Marcellus Shale gas drilling operations. Central Office received the application on November 18, 2009 and determined it administratively complete on January 27, 2010.

Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. Persons interested in obtaining more information about the general permit application may contact the Division at (717) 787-7381. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

### DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

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

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

**General Permit No. WMGR096NE003. Phase III Environmental (Former New Jersey Zinc Company West Plant),** 405 Watson Park Boulevard, Lehighton, PA 18235-9168. A General Permit Determination of Applicability (DOA) application submitted under General Permit #WMGR096NE003 for the beneficial use of approximately 10 million tons of regulated fill as construction material on 120 acres of land at the Former New Jersey Zinc Company, West Plant site located in Palmerton Township, **Carbon County**. The Determination of Applicability application was received in the Regional Office on January 19, 2010, and was deemed administratively complete on January 27, 2010. Persons interested in reviewing the general permit may contact William Tomayko, Program Manager, Waste Management Program, northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790, 570-826-2511. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**Permit Application No. 300176. Arcelormittal Plate, LLC,** 139 Modena Road, Coatesville, PA 19320-0911. This application is for the 10-year permit renewal in addition to some modification for the ArcelorMittal Residual Waste Landfill, an existing Class I captive residual waste landfill, formerly named ISG Plate, LLC, located at the intersection of PA Route 82 (Doe Run Road) and IMS Drive in East Fallowfield Township and Valley Township, **Chester County**. The application was received by the Southeast Regional Office on January 4, 2010.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**Permit Application No. 101587. North Schuylkill Transfer Station, LLC,** North Schuylkill Transfer Station, LLC, 10 Gilberton Road, Gilberton, PA 17934. A Permit Transfer and Renewal application to continue operation of this municipal waste transfer station, located in West Mahanoy Township, **Schuylkill County**. The application was received in the Regional Office on December 17, 2009; and was deemed administratively complete as of January 26, 2010.

### 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

**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.**

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

**01-05035A: Tucker Industrial Liquid Coatings, Inc.** (407 North Avenue, East Berlin, PA 17316) for operation of three (3) spray paint booths with dry panel filters for control of particulate matter emissions at their spray painting job shop (North Avenue Facility) in East Berlin Borough, **Adams County**. The sources have the potential to emit 27.9 tons VOC per year. The facility is subject to 40 CFR Part 63, Subpart M—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Miscellaneous Metal Parts and Products. The plan approval and subsequent Title V operating permit will include emission restrictions, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This notice is for a revised draft of this plan approval. A public hearing on the original draft of this plan approval was held on August 27, 2009 at the East Berlin Community Center.

**38-03014C: Pennsy Supply, Inc.** (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17105) for installation of a vertical shaft impact crusher, conveyor belt and fabric collector at their Millard Stone Processing Plant in North Londonderry Township, **Lebanon County**. The crushing plant is subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants. Particulate matter emissions from the plant are controlled by a wet suppression system and the installation of the new equipment will not impact plant emissions significantly. The plan approval and operating permit will contain emission limits along with work practices, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the 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.*

**30-00183A: EQT Gathering, LP** (225 North Shore Drive, Pittsburgh, PA, 15212) for installation of two (2) new 2,370-bhp Caterpillar/Ariel 3608 compressor units, one new 690-bhp emergency generator, seven (7) new tanks, expansion of the existing dehydration system and the existing 1340-bhp Caterpillar Model G3516 LE compressor at their Jupiter Compressor Station in Morgan Township, **Greene County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.45, the Department of Environmental Protection intends to issue Minor Source Plan Approval to allow the installation of two new 2,370-bhp Caterpillar/Ariel 3608 compressor units, one new 690-bhp emergency generator, seven new tanks, expansion of the existing dehydration system and the existing 1340-bhp Caterpillar Model G3516 LE compressor at the Jupiter Compressor Station, located in Morgan Township, **Greene County**. Best Available Technology at the facility will be met by control

of emissions from the Caterpillar/Ariel 3608 compressor units with CO/VOC oxidation catalysts, operation in conformance with manufacturer recommendations and good operating practices.

Emissions from the new process units are estimated to be 31.14 tons of NO<sub>2</sub>, 10.05 tons of CO, 10.04 tons of VOC, 1.85 tons of formaldehyde and total emissions of 9.98 tons of HAPs. Following completion of this project, emissions from this facility will be 50.73 tons of NO<sub>2</sub>, 34.12 tons of CO, 19.82 tons of VOC, 4.19 tons of formaldehyde and total emissions of 13.18 tons of HAPs. The proposed process units are subject to the applicable requirements of 25 Pa. Code, Chapter 127, related to construction, modification, reactivation and operation of sources, 40 CFR 60 Subpart JJJJ and 40 CFR 630 Subpart ZZZZ. The Plan Approval contains appropriate emission limitations, testing, monitoring, recordkeeping, reporting requirements, and work practice standards.

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

**10-284E: Seneca Landfill, Inc.** (421 Hartmann Road, Evans City, PA 16033) for modification of plan approval 10-284D conditions with regards to start-up, shutdown, and ceramic media curing procedures associated with the thermal oxidizer in Jackson Township, **Butler County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- The conditions from plan approval 10-284D issued on December 17, 2008, will remain in effect but are incorporated into this plan approval.
- The following are conditions relating to the shutdown and start-up procedures for the thermal oxidizer:
- Initial ceramic media curing or bake-out process:
  - A portion of the raw LFG will be directed to the thermal oxidizer with the thermal oxidizer operating at a temperature of approximately 200F. The remainder of the raw LFG will be routed to the main flare.
  - A gradual ramp-up in temperature (~ 200F per hour) will occur until the operating temperature of the thermal oxidizer reaches 1800F. A total of approximately 24 hours will be required for this curing process.
  - Thermal Oxidizer start-up procedure in event of power failure or system operational failure:
  - Same as part (a) above except since the refractory material will hold heat for many hours this should allow for higher temperature restarts.
- Raw LFG will be used to start-up the thermal oxidizer initially, before the remainder of the LFG processing system comes online.
- The main flare (C101) will be utilized during these isolated events until the thermal oxidizer reaches operating temperature at which point the main flare (C101) will be shut down.

- No raw LFG will be diverted directly to the thermal oxidizer during normal operating conditions (at operating temperature) as all raw LFG will run through the entire LFG processing system.
- In the event the LFG processing system needs to be shut down for maintenance or operational issues, a temperature ramp down process is required, at a rate of approximately 200F per hour (similar to the start-up rate), to allow the thermal oxidizer refractory media to gradually cool.

**43-354A: Terralinks, Inc.** (105 McQuiston Road, Jackson Center, Mercer, PA 16133) for construction and operation of a sand processing plant consisting of a 13.6 MMBtu/hr fluidized bed drier, a 21,000 CFM dry cyclone, a 21,000 CFM baghouse, and associated screens, hoppers and conveyors in the Township of Jackson, **Mercer County**.

Under 25 Pa. Code §§ 127.44 (a) and 127.424 (b), the Department of Environmental Protection (Department) intends to issue a Plan Approval for their plant located in the Township of Jackson, Mercer County. This plan approval will authorize the applicant to construct and operate a sand processing plant consisting of a 13.6 MMBtu/hr fluidized bed drier, a 21,000 CFM dry cyclone, a 21,000 CFM baghouse, and associated screens, hoppers and conveyors.

The facility will be limited to an annual production cap of 100,000 tons per year. Sand is drier in the natural gas fired fluidized bed dryer to a moisture content of 1–3 percent before being mixed with peat and/or fertilizer. Neither peat nor fertilizer will go through the drier. The plant will only operate during the months of March through the end of November. The silt-sized particles (fines) will be controlled by a 21,000 CFM dry cyclone and baghouse. The fines collected in the cyclone will be reintroduced into the final product via an enclosed mixing auger. Fines not collected by the cyclone will be controlled by a 99.9 percent removal efficient baghouse before exhausting to the atmosphere which is considered BAT.

The permittee shall maintain records of the production rate daily, monthly and annual based on a consecutive 12-month rolling period and daily magnehelic readings. Preventative maintenance inspections shall be performed based on manufacturer's recommendation and recorded in an on-site log for 5 years. The permittee shall not exceed 0.04 grains per dry standard cubic foot particulate matter. The Department reserves the right to require exhaust stack testing of any source as necessary to determine compliance with any applicable requirement. The permittee projects facility-wide emission to be: 13.2 TPY PMtotal; 3.14 TPY PM10; 1.4 TPY NOx; 1.1 TPY CO; 0.008 TPY SOx; 0.07 TPY VOC; 0.03 TPY HAPs. The source is not considered major pre-controlled, therefore, CAM is not applicable.

Copies of the application, Department's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address listed. To make an appointment, contact Records Management at 814-332-6340, for an appointment.

Persons wishing to provide the Department with additional information to be considered may submit the information in writing. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the following:

Name, address, and telephone number of the person submitting comments; identification of the proposed Plan Approval; No. 34-354A; and concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

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

#### OPERATING PERMITS

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

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

**06-05112: WBLF Acquisition Co., LLC—Western Berks Landfill** (455 Poplar Neck Road, Birdsboro, PA 19508) for operation of a municipal solid waste landfill in Cumru Township, **Berks County**. The landfill has the potential to emit the following: 10.1 TPY of particulate, 15.8 TPY of NOx, 52.6 TPY of CO, 5.7 TPY of VOC, 24 TPY of SOx and 4.2 TPY of HAPs. The facility is a Title V facility because it is subject to 40 CFR Part 60, Subpart WWW, Standards of Performance for New Stationary Sources. The facility is presently operating under the Plan Approval 06-05112A. The permit will include potential to emit limits. The permit will include monitoring, testing, recordkeeping, work practices and report requirements designed to keep the facility operating within all applicable air quality requirements.

**22-05005: NRG Energy Center Paxton, LLC** (100 North Tenth Street, Harrisburg, PA 17105-2151) for operation of four (4) boilers and two (2) engines at their steam-electric generation plant in the City of Harrisburg, **Dauphin County**. This is a renewal of the Title V Operating Permit issued in 2005.

**36-05017: Conestoga Wood Specialties Corporation** (245 Reading Road, East Earl, PA 17519-0518) for operation of their woodworking and surface coating facility in East Earl Township, **Lancaster County**. This is a renewal of the Title V operating permit issued in 2005.

**67-05041: Defense Distribution Depot Susquehanna Pennsylvania—DLA Enterprise Support Susquehanna PA—DESSP** (S Avenue and 3rd Street, Building 750-1, New Cumberland, PA 17070) for a heating boiler, emergency generators and other operations in Fairview Township, **York County**. This permit is a renewal of the facility's Title V operating permit issued in June 2005.

**67-05047: Republic Services of Pennsylvania, LLC—Modern Landfill** (4400 Mt. Pisgah Road, York, PA 17406) for their landfill in Fairview Township, **York County**. This permit is a renewal of the facility's Title V Operating pfermit issued in June 2005.

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

**10-00285: Waste Management Disposal Services of Pennsylvania Inc.—Northwest Sanitary Landfill** (1436 West Sunbury Road, West Sunbury, PA 16061-2934) for re-issuance of a Title V Operating Permit to operate a municipal waste landfill in Clay Township, **Butler County**. The primary emission sources include a municipal waste landfill, a parts washer and an emergency diesel generator.

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**Intent to Issue Operating Permits 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 19428. Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920.*

**09-00108: Bucks County Water & Sewer Authority—Totem Road Pump Station II** (910 Haunted Lane, Bensalem, PA 19020) for operation of a packed bed tower wet air scrubber to control odors from the sanitary sewage pump station in Bensalem Township, **Bucks County**. The system will emit 0.048 ton of hydrogen sulfide per year. The permit is for a non-Title V (State Only) facility. The facility's potential to emit criteria pollutants is less than major thresholds; therefore the facility is a Natural Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**15-00081: Johnson Matthey, Inc.** (1401 King Road, West Chester, PA 19380-01467) for renewal of a State-only operating permit for their facility in West Whiteland, **Chester County**. The facility's main sources include a metal melt room, a coated wire room (electroplating process), an acid metal-stripping room, two vertical packed tower scrubbers (chlorine scrubbers) and two vertical wet scrubbers (nitric scrubbers). The facility's potential to emit criteria pollutants is less than major thresholds; therefore the facility is a Natural Minor. The facility is a minor source of hazardous air pollutants. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00201: Kirk & Nice Funeral Home and Crematory** (80 Stenton Avenue, Plymouth Meeting, PA 19462) for operation of a human crematory unit in Whitmarsh Township, **Montgomery County**. The renewal permit is for a non-Title V (State-only) facility. The major source of air emissions is: one crematory unit. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**48-00053: Lifetime Doors, Inc.** (4111 Kesslerville Road, Easton, PA 18040-6633) a State-only operating permit for manufacturing of wood doors in Easton City, **Northampton County**. The proposed State-only operating permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting, and

work practice standards used to maintain facility compliance with Federal and State air pollution regulations.

**40-00045: Ralmark Co.** (P. O. Box 1507, Kingston, PA 18704-0507) for operation of a pulley manufacturing process and paint spray booth at their facility in Kingston Borough, **Luzerne County**. This is a renewal of a State-only operating permit.

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

**67-03031: Pennex Aluminum Co.** (50 Community Street, Wellsville, PA 17365) for operation of an aluminum extrusion manufacturing facility in Wellsville Borough, **York County**. The State-only operating permit will contain emission limits and work practice standards along with all monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. The facility is subject to 40 CFR Part 63, Subpart RRR - National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production.

**67-03071: PA State Pet Memorial at Golden Lake** (210 Andersontown Road, Mechanicsburg, PA 17055) operation of a pet crematory in Monaghan Township, **York County**. This action is a renewal of the State-only operating permit issued in 2005. The permit renewal will contain all of the emission limits and work practice standards along with all monitoring, recordkeeping and reporting requirements from the previous permit to ensure the facility complies with the applicable air quality regulations.

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

**10-00362: Endicott Interconnect Technologies, Inc.** (373 Saxonburg Boulevard, Saxonburg, PA 16056) for issuance of a Natural Minor Permit to operate a measuring and controlling devices manufacturing plant in Clinton Township, **Butler County**. The facility's major emission sources include one Methyl Chloride Batch Vapor Cleaning Machine with condenser. The source is subject to 40 CFR Part 63; Subpart T. II-VI Inc. sold this unit to the facility.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated above each application. Where a 401

Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

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

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

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

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

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

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields)

may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description below specifies the parameters. The limits will be in the ranges specified in Table 1.

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

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

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

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

*Coal Applications Received*

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

Table 1

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

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

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

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

**65100101 and NPDES Permit No. PA0251887. Britt Energies, Inc.** (2450 Philadelphia Street, Indiana, PA 15701). Application for commencement, operation and reclamation of a bituminous surface mine and auger mining, located in Derry Township, **Westmoreland County**, affecting 69.6 acres. Receiving streams: unnamed tributary to McGee Run and Conemaugh River, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: January 21, 2010.

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

**17100101 and NPDES No. PA0257265. Waroquier Coal Co.** (P. O. Box 128, Clearfield, PA 16830), commencement, operation and restoration of a surface mining and augering mine in Lawrence Township, **Clearfield County**, affecting 115.0 acres. Receiving stream(s): Clearfield Creek and Laurel Run classified for the following use(s): Cold Water Fishery and High Quality respectively. There are no potable water supply intakes within 10 miles downstream. Application received: January 13, 2010.

**17030120 and NPDES No. PA0243663. RES Coal, LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920), permit renewal of a bituminous surface mine located in Beccaria and Bigler Townships, **Clearfield County**, affecting 96.3 acres. Receiving stream(s): unnamed tributary to Banian Run classified for the following use(s): Coal Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 11, 2010.

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

**22041301R. Ladnar, Inc.** (1165 Trail Road, Hummelstown, PA 17036), renewal of an existing anthracite underground mine operation in Williams Township, **Dauphin County**, affecting 3.0 acres, receiving stream: none. Application received: January 26, 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.*

**E58-288. Hop Bottom Borough**, P. O. Box 75, Hop Bottom, PA 18824, in Hop Bottom Borough, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To: construct and maintain a channel protection project in 1,500 linear feet, Martins Creek (CWF, MF) impacting approximately 540 linear feet of stream with work consisting of 1 J-hook vane, 1 cross-vane and 2 single vane arm instream structures for sediment transportation within the stream; large rock toe protection; and a floodplain vegetated step in Martin's Creek. The project is approximately 400 linear feet in length in two locations which are separated by approximately 800 linear feet. The project is located on the south side of State Route 0167 approximately 0.1 mile northeast of its intersection with U.S. Route 001.1 (Hope Bottom, PA Quadrangle Latitude: 41° 42' 16"; Longitude: -75° 46' 01") and ends on the west side of Greenwood Street approximately 0.25 mile northwest of its intersection with State Route 0167 (Hop Bottom, PA Quadrangle Latitude: 41° 42' 16"; Longitude: 75° 45' 56") in Hop Bottom Borough, Susquehanna County.

**E52-218. Fawn Lake Forest Association**, 113 Bay Center Circle, Hawley, PA 18428, in Lackawaxen, **Pike County**, U.S. Army Corps of Engineers, Baltimore District.

To: construct and maintain a beach expansion that is 300 feet long by 50' wide at the coast of Westcolang Lake. The Project is located on south side of Wescolang Road approximately 1.80 miles northeast with its intersection

of State Route 0590 in Lackawaxen Township, Pike County. (Narrowsburg, PA Quadrangle Latitude: 41° 31' 00"; Longitude: 75° 2' 51").

**E45-535. John E. Fry**, 19 Dexter Drive North, Basking Ridge, NJ 07920, in Tobyhanna, **Monroe County**, U.S. Army Corps of Engineers, Philadelphia District.

General project description. To: construct and maintain a driveway crossing of tributary to Tunkhannock Creek consisting of a 36-inch diameter pipe depressed 12 inches below the existing streambed elevation and to construct and maintain a house in the floodway of the same tributary. The project is located within the residential development at Lake Naomi, Lot 37, Unit 1, Section 12, 130 feet West of the intersection of Long View Lane and Laurel Lane. (Pocono Pines, PA Quadrangle Latitude: 41° 06' 49"; Longitude: 75° 26' 21").

**E66-145. Mehoopany Creek Watershed Association**, P. O. Box 73, Mehoopany, PA 18629, in Forkston, **Wyoming County**, U.S. Army Corps of Engineers, Baltimore District.

To: construct and maintain a 5,300-foot long stream channel restoration project in Mehoopany Creek (CWF, MF) consisting of the following work: 6 rock cross vanes with excavated scour pools, 3 rock groin/channel plugs, 8 truncated rock vanes, 3 buried interlocked log groins, 7 boulder bank revetments, graded bankfull floodplain areas, excavation and backfill in various areas of the channel and embankments, and re-establishing the width and alignment of the historical stream channel at the upstream end of the the project. The project begins approximately 320 feet upstream from where Mehoopany Creek (CWF, MF) intersects Root Hollow Road Bridge and extends upstream from that point for approximately 5,300 linear feet. (Jenningsville, PA Quadrangle Latitude: 41° 31' 15"; Longitude: 75° 07' 36").

**E58-287. Cabot Oil and Gas Corporation**, 5 Penn Center West, Suite 401, Pittsburgh, PA 15276, in Brooklyn, Dimock & Springville Township, **Susquehanna County**, U.S. Army Corps of Engineers, Baltimore District.

To: construct and maintain 18 water obstructions and encroachments in and along Meshoppen Creek (CWF) and tributaries thereof, impacting approximately 50 linear feet of intermittent streams, and 1,280 linear feet of wetlands (PEM, PSS, POW and PFO). This work is associated with Cabot Oil & Gas Susquehanna Project Zone 4 which includes the installation of 41,817 linear feet of pipeline and access roads for natural gas well drilling pads. The project begins northwest approximately 4.50 miles from the intersection of State Route 0167 and U.S. Route 0011 on the west side of Balley Road in Brooklyn Township, Susquehanna County, and runs southwest ending northwest approximately 6.20 miles from the intersection of State Route 0374 and U.S. Route 0011 on the north side of E1 Johnson Road in Springville Township, Susquehanna County. (Hop Bottom and Springville, PA Quadrangle Latitude: 41° 44' 26"; Longitude: 41° 40' 9").

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

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

To: place and maintain fill in 0.22 acres of a 0.22 acre palustrine emergent wetland system for the purpose of constructing a contractor's yard for maintaining and parking up to 50 water tanker trailers, including parking for employees. This 14.26-acre parcel was previously the 'Perfection Oil' facility. The site is located approximately 1.0 miles north of the SR 0220/SR 0199 intersection, on the southeast side of SR 0199.

**E14-528. Anadarko E & P Company, LP**, P. O. Box 1330, Houston, TX 77251-1330. McCloskey Road Hayes Run Crossings, in Curtin Township, **Centre County**, ACOE Baltimore District (Snow Shoe SE, PA Quadrangle N: 41° 4' 45"; W: 77° 47' 17").

To: construct and maintain: twin 24-inch 50-foot long smooth bore CPP culverts with the associated clean rock fill and R-3 inlet/outlet protection, depressed six inches into the streambed in Hayes Run and in an unnamed tributary to Hayes Run; both sites are presently ford crossings, located 3/4 mile southeast on McCloskey Road from Orviston Mountain Road. The projects propose to impact 60 linear feet each of Hayes Run and in an unnamed tributary to Hayes Run, which are both classified as Exceptional Value streams.

**E14-530. Pennsylvania Department of Transportation**, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830. SR 2006, Section A01 Bridge Replacement and Stream Relocation in Harris Township, **Centre County**, ACOE Baltimore District (State College, PA Quadrangle Latitude: 40° 47' 47"; Longitude 77° 45' 38").

The applicant proposes to replace a single span, single lane I-beam bridge with a single span, two lane concrete box culvert over an Unnamed Tributary to Cedar Run (also known as Mackey Run). The proposed box culvert will be located approximately 150 feet north of the existing structure along the existing roadway alignment. Approximately 250 feet of stream will be relocated and will result in a loss of approximately 84 feet of stream. The stream relocation will eliminate two 90-degree curves as well as two culverts used to access the adjacent property. The stream relocation will utilize a natural stream design featuring a low flow channel and log structures to provide aquatic habitat and stream stability. The Unnamed Tributary to Cedar Run is classified as a Cold Water Fishery by Pa. Code, Chapter 93. This project does not propose to impact any jurisdictional wetlands.

**E18-452. Pennsylvania Department of Transportation**, Engineering District 2-0, 1924 Daisy Street Extension, Clearfield, PA 16830. SR 2004, Section A07 Bridge Replacement in Lamar Township, **Clinton County**, ACOE Baltimore District (Mill Hall, PA Quadrangle Latitude: 40° 04' 46"; Longitude 77° 28' 46").

The applicant proposes to replace a single lane, two span, open grate steel girder bridge with a two lane, two span, pre-stressed concrete adjacent box beam bridge. The existing structure has a total span of 149 ft, skew of 58°, underclearance of 10.5 ft, and roadway width of 15.4 ft. The proposed structure has a total span of 162 ft, skew of 60°, underclearance of 10.5 ft, and a roadway width of 32 ft. Minor approach work will be required to account for a three feet horizontal alignment shift to the west. The proposed bridge is located over Fishing Creek. Fishing

Creek is classified as a High Quality-Cold Water Fishery by PA Code, Chapter 93. This project proposes to temporarily impact 0.02 acres of jurisdictional wetlands.

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

**E42-348, Pennsylvania General Energy Company, LLC**, 120 Market Street, Warren, PA 16365. Scaffold Lick Road Wetland Project, in Liberty Township, **McKean County**, ACOE Pittsburgh District (Keating Summit, PA Quadrangle N: 41° 42' 32.43"; W: 78° 13' 32.84").

The applicant is proposing to fill 0.2 acres of exceptional value wetlands with a geotextile layer and rock (for approximately 10 years) west and adjacent to the intersection of Scaffold Lick Road and Rock Run Road in Liberty Township, **McKean County** for roadway widening to allow access to Pennsylvania General Energy natural gas Well 2388 (DEP# 37-083-54476) and future gas well development. The applicant proposes a payment to the PA Wetland Replacement Fund and proposes to remove the fill when the widened road is no longer needed.

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## ACTIONS

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### 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**

*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>
PAS228302	Industrial Timber and Lumber Company 23925 Commerce Park Beachwood, OH 44122	Hickory Township Forest County	East Hickory Creek (Outfalls 001, 002, 003 and 005) and an unnamed tributary to East Hickory Creek (Outfall 004) 16-F	Y
PA0100510	Greenville Metals, Inc. 99 Crestview Drive Extension Transfer, PA 15154-1709	Pymatuning Township Mercer County	Unnamed tributaries to Shenango River 20-A	Y
PA0222798	Westline Inn, Inc. P. O. Box 7156 Mount Jewett, PA 16740-7156	Lafayette Township McKean County	Unnamed tributary to Kinzua Creek 16-B	Y
PA0020052	Eldred Borough Municipal Authority 3 Bennett Street Eldred, PA 16731	Eldred Borough McKean County	Allegheny River 16-C	Y

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

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

**NPDES Permit No. PA0026123**, Sewage, **Columbia Municipal Authority**, 308 Locust Street, Columbia, PA 17512-1121. This proposed facility is located in Columbia Borough, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to Susquehanna River in Watershed 7-G.

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

**NPDES Permit No. PA0002976**, Industrial Waste, **Zippo Manufacturing Company**, 33 Barbour Street, Bradford, PA 16701-1973. This proposed facility is located in Bradford Township, **McKean County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated industrial waste, non-contact cooling water and stormwater.

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

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

**WQM Permit No. 3909404**, Sewerage, **Lehigh Carbon Community College**, 4525 Education Park Drive, Schneeksville, PA 18078. This proposed facility is located in North Whitehall Township, **Lehigh County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for construction of sewage treatment plant improvements.

**WQM Permit No. WQG022216**, Sewerage, **Factoryville Borough and Clinton Township Joint Municipal Sewer Authority**, P. O. Box 277, Factoryville, PA 18419. This proposed facility is located in Factoryville Borough, **Wyoming County**.

Description of Proposed Action/Activity: Construction of a pump station and force main to convey wastewater from Keystone College to an existing sewer on College Avenue, with treatment provided at the Factoryville Borough and Clinton Township Joint Municipal Sewer Authority plant. Upon completion of this project the existing treatment plant at Keystone College will be removed from service.

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

**WQM Permit No. 0609403**, Sewage, **Maxatawny Township Municipal Authority**, 127 Quarry Road, Suite 1, Kutztown, PA 19530. This proposed facility is located in Maxatawny and Richmond Townships, **Berks County**.

Description of Proposed Action/Activity: Permit approval for the construction of sewerage facilities consisting of: collection system made up by six, eight and ten-inch diameter gravity sewers, low-pressure pumping systems along with two duplex submersible pump stations, and associated equipment and force mains. Construction authorized under permit cannot begin until the water quality management permit for the Maxatawny wastewater treatment plant is obtained from the Department of Environmental Protection.

**WQM Permit No. 0509201**, Industrial Waste, **Pennsylvania Fish & Boat Commission**, 450 Robison Lane, Bellefonte Lane, Bellefonte, PA 16823-9616. This proposed facility is located in East St. Clair Township, **Bedford County**.



Description of Proposed Action/Activity: Permit approval for the construction/operation of industrial facilities consisting of: construction of system to treat hatchery semi-recirculating aquaculture flows and effluent prior to discharge to channel to Dunning Creek, consisting of microscreening, biofiltration, and clarification.

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

**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 public sewers.

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

**WQM Permit No. WQG018733**, Sewerage, **Michael T. Moore**, 6050 Ruhl Road, Fairview, PA 16415. 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

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

*Allegheny County Conservation District, Lexington Technology Park, Building 1, Suite 102, Pittsburgh, PA 15208, (412-241-7645).*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056509005	Allegheny County Department of Public Works 501 County Office Building Pittsburgh, PA 15219	Allegheny	City of McKeesport	Monongahela River WWF

*Westmoreland County Conservation District, 218 Donohoe Road, Greensburg, PA 15601, (724-837-5271).*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056509004	Ted Decesare Patrisa Corporation 4241 William Penn Highway Murrysville, PA 15668	Westmoreland	Murrysville	Steeles Run 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>
City of Pottsville Schuylkill County	PAG2005409015	KM Real Estate, LP 2019 Mountain Pine Drive Mechanicsburg, PA 17050 and Pyramid Construction Services, Inc. 4425 Valley Road Suite 100 Box 249 Enola, PA 17025	West Branch Schuylkill River CWF, MF	Schuylkill County Conservation District 570-622-3742
Lancaster City Manheim Township Lancaster County	PAG2003609051	Franklin & Marshall College P. O. Box 3003 Lancaster, PA 17604-3003	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
Lancaster City Manheim Township Lancaster County	PAG2003609050	LCSWMA 1299 Harrisburg Pike P. O. Box 4425 Lancaster, PA 17604-4425	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
Lancaster City Manheim Township Lancaster County	PAG2003609049	Norfolk Southern Railway Company 110 Franklin Road SE Box 13 Roanoke, VA 24042-0013	Little Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 717-299-5361
Conewago Township Dauphin County	PAG2002209032	David L. Shaau Hor-Shaa, Inc. 31 Krall Road Myerstown, PA 17067	Hoffer Creek TSF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Lower Swatara Township Dauphin County	PAG2002209034	Ronald Paul Lower Swatara Township 1499 Spring Garden Drive Middletown, PA 17057	Susquehanna River WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Derry Township Mifflin County	PAG2004410001	DGB Properties, LP c/o Michael Glass 701 Creekside Lane Lititz, PA 17543	UNT to Kish Creek TSF	Mifflin County Conservation District 20 Windmill Hill No. 4 Burnham, PA 17009 717-248-4695
York Township York County	PAG2006706085-1	TTMT, LLC 3065 Honey Valley Road Dallastown, PA 17313	Mill Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Springettsbury Township York County	PAG2006704037-R	Rockview, LLC KCH Holding, Inc. 227 Granite Run Drive Suite 100 Lancaster, PA 17601	Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Berwick, Oxford and Conewago Townships Adams County Penn Township Hanover Borough York County	PAG2000109009	Steven A. Moore, P. E. Department of Transportation Engineering District 8-0 2140 Herr Street Harrisburg, PA 17103-6183	UNTs to South Branch Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
Oxford Township Adams County	PAG2000110001	John J. Burdis Hanover Toyota 1830 Carlisle Pike Hanover, PA 17331 and Gerald Richardson, President Hanover Building Systems, Inc. 6929 York Road Abbottstown, PA 17301	UNT to South Branch Conewago Creek WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 717-334-0636
Washington Township Berks County	PAG2000609060	Mark D. Stinley 391 Weinstein Road Bechtelsville, PA 19505	Middle Creek Swamp Creek Perkiomen Creek TSF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 610-372-4657 Ext. 201
Dublin Township Fulton County	PAG2002909005	Department of Transportation Engineering District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Fortune Teller Creek- UNT to Fortune Teller Creek CWF	Fulton County Conservation District 216 North Second Street McConnellsburg, PA 17233 717-485-3547 Ext. 122
South Lebanon Township Lebanon County	PAG2003809001	Earl Hess Homebuilders 15 Meadow Lane Lancaster, PA 17601	Quittapahilla Creek TSF-MF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 717-272-3908 Ext. 4
Wyalusing Township Bradford County	PAG2000810002	Ray Fleming Wyalusing Area School District 115 Main Street Wyalusing, PA 18853	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 6
Harris Township Centre County	PAG2001409010	Eric Stashak Kaywood North Subdivision 328 Government Place Williamsport, PA 17701	Cedar Run CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Harris Township Centre County	PAG2001409013	Olga Levi Levi Homes Rockey Farm Subdivision 196 Potters Lane Port Matilda, PA 16870	UNT to Spring Creek CWF Cedar Run CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817

<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>
Ferguson Township Centre County	PAG2001409014	Ed Poprick Ferguson Township Elementary School 131 West Nittany Avenue State College, PA 16801	Slab Cabin Run CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Patton Township Centre County	PAG2001409015	Scott Thigpen Chick-fil-A State College 5200 Buffington Road Atlanta, GA 30349	Susquehanna River Basin CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
College Township Centre County	PAG2001410001	Richard Swanger Marypenn Management, LLP 1375 Martin Street State College, PA 16803	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Scott Township Columbia County	PAG2001909008	Larry L. Krum 500 Tower Road Bloomsburg, PA 17815	Susquehanna River CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310 Ext. 102
Muncy Township and Muncy Creek Township Lycoming County	PAG2004108001 (1)	Brent Fish Fishlips, LLC 1868 Eat Third Street Williamsport, PA 17701	Wolf Run CWF	Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003
East Buffalo Township Union County	PAG2006010003	James D. Hostetler Bucknell University Physical Plant Lewisburg, PA 17837	UNT to Miller Run CWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Westmoreland County East Huntingdon Township	PAG2006509013	Greenridge Reclamation, LLC 234 Landfill Road Scottdale, PA 15683	UNT to Stauffer Run, Buffalo Run and Sewickley Creek WWF	Westmoreland County Conservation District 724-837-5271
Westmoreland County Allegheny Township	PAG2006509019	Allegheny Pointe Limited Partnership Brian McGeady 9349 Waterstone Boulevard Cincinnati, OH 45249	Pine Run WWF	Westmoreland County Conservation District 724-837-5271
Westmoreland County Derry Township	PAG2006509021	Derry Area School District Joseph Koluder, Jr. 982 North Chestnut Street Extension Derry, PA 15627-7600	Tributary to McGee McGee Run CWF	Westmoreland County Conservation District 724-837-5271
Westmoreland County Rostraver Township	PAG2006509022	Mon Valley Christian and Missionary Alliance Church 636 McKean Avenue Charleroi, PA 15022	Pollock Run WWF	Westmoreland County Conservation District 724-837-5271

*Facility Location:  
Municipality &  
County*

<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>
Westmoreland County Derry Township	PAG2006509024	IMI Development, LLC Tom Inselmini 142 Church Street Bradenville, PA 15620	Loyalhanna Creek WWF	Westmoreland County Conservation District 724-837-5271
Westmoreland County Washington Township	PAG2006509028	Municipal Authority of Washington Township 283 Pine Run Church Road Apollo, PA 15613	Pine Run WWF	Westmoreland County Conservation District 724-837-5271
Westmoreland County Unity Township	PAG2006509030	Jada View, LLC Tony Ferry 1725 Hunters Path Lane Pittsburgh, PA 15241	Tributary to Fourmile Run TSF	Westmoreland County Conservation District 724-837-5271
Sugarcreek Borough Venango County	PAG02006110001	David Mastrostefano Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602	Allegheny River CWF	Venango County Conservation District 814-676-2832

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

<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 Spring Garden Township	PAR213542	Glen-Gery Corporation— York Plant 1090 East Boundary Avenue York, PA 17405-0227	UNT Codorus Creek WWF 7H	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4800
Lancaster County East Hempfield Township	PAR123528	The Hershey Company, Y & S Candies 400 Running Pump Road Lancaster, PA 17603-2269	Brubaker Run WWF 7J	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4800

*General Permit Type—PAG-4**Facility Location:  
Municipality &  
County*

<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>
Perry County Rye Township	PAG043655	David Thomas 1458 Valley Road Marysville, PA 17053	UNT to Fishing Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Franklin County Fannett Township	PAG043524	Alice Meloy 22448 Path Valley Road Doyleburg, PA 17219	Burns Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Fairview Township Erie County	PAG049558	Michael T. Moore 6050 Ruhl Road Fairview, PA 16415	Trout Run 15	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Fox Township Elk County	PAG049563	Charles A. and Vondalee Swanson 114 Ridge Road Kersey, PA 15846	Little Toby Creek 17-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

General Permit Type—PAG-5

Facility Location:

Municipality & County	Permit No.	Applicant Name & Address	Receiving Water/Use	Contact Office & Phone No.
City of Washington Washington County	PAG056241	Coen Oil Company P. O. Box 34 1045 West Chestnut Street Washington, PA 15301	Chartiers Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000
McDonald Borough Washington County	PAG056242	Mike's Service Mart 222 State Route 980 McDonald, PA 15057	Robinson Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000

STATE CONSERVATION COMMISSION

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

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

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

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

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

CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

Agricultural Operation Name and Address	County	Total Acres	Animal Equivalent Units	Animal Type	Special Protection Waters (HQ or EV or NA)	Approved or Disapproved
J. Earl Breneman Franklin View Farm 1700 Prospect Farm Washington Borough, PA 17582	Lancaster	450	1,216.8	Dairy Broilers	NA	Approved
Geoffery Rohrer Meadow Lane Dairy 3392 Blue Rock Road Lancaster, PA 17603	Lancaster	945.5	1,136.86	Dairy Broilers	NA	Approved
Hershey Ag/ Lost Creek Farm 586 Benner Road McAlisterville, PA 17049	Juniata	151	982.5	Swine	NA	Approved/ Update to Act 38

## 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. 0909521, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 West Lancaster Avenue Bryn Mawr, PA 19010-3402
Township	Bristol
County	<b>Bucks</b>
Type of Facility	PWS
Consulting Engineer	CET Engineering Service, Inc. 1240 North Mountain Road Harrisburg, PA 17112
Permit to Construct Issued	November 02, 2009

##### Permit No. 0908511, Public Water Supply.

Applicant	<b>Borough of Quakertown</b> 35 North Third Street P. O. Box 727 Quakertown, PA 18951
Township	Richland
County	<b>Bucks</b>
Type of Facility	PWS

Consulting Engineer	CMX 200 State Highway 9 P. O. Box 900 Manalapan, NJ 07726
Permit to Construct Issued	October 02, 2008

##### Permit No. 1509505, Public Water Supply.

Applicant	<b>Pennsylvania America Water Company</b> 800 West Hersheypark Drive Hershey, PA 17033
Township	West Caln
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	Gannett Fleming, Inc. 650 Park Avenue King of Prussia, PA 19406
Permit to Construct Issued	March 27, 2009

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

##### Permit No. 3390090, Public Water Supply.

Applicant	<b>Green Acres Limited Partnership</b>
Township or Borough	Upper Macungie Township Lehigh County
Responsible Official	Tim Buechel, Park Manager Green Acres Mobile Home Park 8785 Turkey Ridge Road Breinigsville, PA 18031 610-398-2226
Type of Facility	Community Water System
Permit Issuance Date	January 25, 2010
Description of Action	Operations permit issued for incorporation of larger booster pumps installed at Green Acres Mobile Home Park.

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

**Operations Permit** issued to **Bedford Township Municipal Authority**, 4050037, Bedford Township, **Bedford County** on 1/27/2010 for the operation of facilities approved under Construction Permit No. 0508503 MA.

**Operations Permit** issued to **United Water Pennsylvania**, 7210054, Upper Allen Township, **Cumberland County** on 2/2/2010 for the operation of facilities approved under Construction Permit No. 2109502 MA.

**Operations Permit** issued to **East Petersburg Borough**, 7360135, East Petersburg Borough, **Lancaster County** on 2/2/2010 for the operation of facilities approved under Construction Permit No. 3609517 MA.

**Operations Permit** issued to **York Springs Municipal Authority**, 7010030, Huntingdon Township, **Adams County** on 2/2/2010 for the operation of facilities approved under Construction Permit No. 0109509 MA.

**Operations Permit** issued to **Triple Crown Corporation**, 7220070, Susquehanna Township, **Dauphin**

County on 2/2/2010 for the operation of facilities approved under Construction Permit No. 7220070.

**Operations Permit** issued to **Municipal Authority of the Borough of Lewistown**, 4440010, Armagh Township, **Mifflin County** on 2/2/2010 for the operation of facilities approved under Construction Permit No. 4407501.

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

**Permit No. 5909501**, Construction Public Water Supply.

Applicant	<b>Mansfield University</b>
Township or Borough	Mansfield Borough
County	<b>Tioga</b>
Responsible Official	Richard Nelson Mansfield University Brooks Maintenance Building 115 Sherwood Street Mansfield, PA 16933
Type of Facility	Public Water Supply— Construction
Consulting Engineer	Mark Glenn, P. E. Gwin, Dobson & Foreman, Inc. 3121 Fairway Drive Altoona, PA 16602
Permit Issued Date	January 27, 2010
Description of Action	Construction of a Pall Aria AP-4 continuous microfiltration plant, rehabilitation of the one million gallon reservoir, installation of a 1.67 million gallon tank (alternate bid) and upgrading of Well Nos. 1 and 3.

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

**Permit No. 1109503**, Public Water Supply.

Applicant	<b>Nanty Glo Water Authority</b> 1015 First Street, Suite 1 Nanty Glo, PA 15943
Borough or Township	Cambria Township and Nanty Glo Borough
County	<b>Cambria</b>
Type of Facility	Water treatment system
Consulting Engineer	Stiffler, McGraw & Associates, Inc. 19 North Juniata Street P. O. Box 462 Hollidaysburg, PA 16648
Permit to Construct Issued	January 19, 2010

**Permit No. 1109502**, Public Water Supply.

Applicant	<b>Greater Johnstown Water Authority</b> 640 Franklin Street P. O. Box 1407 Johnstown, PA 15907
Borough or Township	Upper Yoder Township
County	<b>Cambria</b>

Type of Facility	MAWC interconnection project
Consulting Engineer	Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street P. O. Box 853 Latrobe, PA 15650
Permit to Construct Issued	January 27, 2010

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

**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)**

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

*Plan Location:* Stamey Hill Road in Quincy Township, Franklin County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Quincy Township	7575 Mentzer Gap Road Waynesboro, PA 17268	Franklin County

*Plan Description:* The approved plan, entitled Stamey Hill Sewer Extension, provides for a sewer extension to serve 10 existing residential dwellings and 2 vacant lots. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Glen Rock Borough	P. O. Box 116, Glen Rock, PA 17327	York

*Plan Description:* The approved plan provides for the an upgrade of the existing 0.6 MGD Glen Rock Borough sewage treatment plant to a three phase nitrogen removal treatment process to satisfy the nutrient reduction requirements of the Chesapeake Bay Tributary Strategy. The Plan also proposes to construct new sludge digesters,



the conversion of the existing aerobic digesters into anoxic zones, modifications of the existing aeration basins and other facilities improvements. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

#### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

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

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

*Plan Location:* The proposed Timber Ridge development is located on the right and left side of the intersection of Royer Road, Mines Road and Deafy Hill Road in Huston and Woodbury Township, Blair County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Huston Township	1538 Sportsman Road Martinsburg, PA 16662	Blair County
Woodbury Township	6385 Clover Creek Road Williamsburg, PA 16693	Blair County

*Plan Description:* The plan was disapproved because the hydrogeologic study contained in the planning module documents submitted to the Department of Environmental Protection, and required by 25 Pa. Code Chapter 71, Section 71.62(c), does not adequately assess the impact of the proposed on-lot sewage disposal systems on the groundwater.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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

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

and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**1995 Highland Avenue Remediation Site, 1995 Highland Avenue, Bethlehem Township, Northampton County.** Andrew D. Hublely, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 has submitted a Final Report (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 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 Morning Call* on January 9, 2010.

**The Hideout, Lot 4510 Fairway Drive, Lake Township, Wayne County.** Paul Martino and William F. Schmidt, Pennoni Associates, Inc., 3001 Market Street, One Drexel Plaza, Philadelphia, PA 19104-2897 have submitted a Final Report (on behalf of their client Association of Property Owners of the Hideout, Inc., The Hideout, Box 640, Lake Ariel, PA 18436), concerning the remediation of soil and groundwater found to have been impacted by fuel oil as a result of a release from a 4,000-gallon, unregulated heating oil tank during the tank's removal process. The report documented attainment of the Residential Statewide Health Standard. A public notice regarding the submission of the Final Report was published in *The Wayne Independent* on December 31, 2009.

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

1215 Federal Street, City of Pittsburgh, **Allegheny County.** American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668 on behalf of Andrew Stewart, The Silk and Stewart Development Group, 5812 Darlington Road, Pittsburgh, PA 15217 has submitted a Risk Assessment/Cleanup Plan concerning remediation of site soil and groundwater contaminated with chlorinated solvents and other organics. The notice was published in the *Pittsburgh Post-Gazette* on January 27, 2010.

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

**Mastracola and Beltrante Residence, Swatara Township, Lebanon County.** Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of Robert Mastracola and Regina Beltrante, 325 Old Route

22, Fredericksburg, PA 17206, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil released from an aboveground storage tank. The report is intended to document remediation of the site to meet the Residential Statewide Health standard.

**Stanger Residence**, Swatara Township, **Dauphin County**. Herbert, Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Michael and Deborah Stranger, 910 Cardinal Drive, Harrisburg, PA 17111, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil released from an aboveground storage tank. The report was submitted within 90 days of the release. The site, which will remain residential, will be remediated to the Residential 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:

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

**Colonial Pipeline Brandywine Station**, Bethel Township, **Delaware County**. Kathy Fox, EA Engineering, Science and Technology, Inc., 1319 Woodbridge Station Way, Suite 200, Edgewood, MD 21040 on behalf of John Fago, Colonial Pipeline Company, 696 Mantua Grove Road, West Deptford, NJ 08066 has submitted a Remedial Investigation/Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents, pah's. The Remedial Investigation/Final Report was approved by the Department of Environmental Protection on January 7, 2010.

**Quici Residence**, City of Philadelphia **Philadelphia County**. Jeremy Bolyn, Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Gloria Quici, 5706 Florence Avenue, Philadelphia, PA 19143 has submitted a 90-day Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on January 6, 2010.

**Chester Stadium**, City of Chester **Delaware County**. Steve Johnson, Weston Solutions, Inc., 1400 Weston Way, West Chester, PA 19380, Dan Moran, TN Ward Company, 129 Coulter Avenue, Ardmore, PA 19003 on behalf of Michael Hare, FC Pennsylvania Stadium, LLC, 322 A Street, Suite 300, Wilmington, DE 19801 has submitted a Remedial Investigation Report concerning the remediation of site groundwater contaminated with inorganics. The Remedial Investigation Report was approved by the Department of Environmental Protection on January 5, 2010.

**Rossi Residence**, Abington Township **Montgomery County**. Jeremy Bolyn, Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Donald Rossi, 1341 Red Rambler Road, Rydal, PA 19034 has submitted a 90-day Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The 90-day Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on December 21, 2009.

**Crispo Property**, Horsham Township **Montgomery County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Christine Dimmig, State Farm Insurance Company, P.O. Box 13, Concordville, PA 19331 on behalf of Francis and Judith Crispo, 302 Park Rode, Ambler, PA 19002 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on January 6, 2010.

**Glasgow Beach Street Asphalt Plant**, City of Philadelphia, **Philadelphia County**. Craig Herr, RT Environmental Service, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of Brian Chabak, Glasgow, Inc., P. O. Box 1089, Glenside, PA 19038 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with pah's. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on December 31, 2009.

**Stove Works Facility**, Hatboro Township **Montgomery County**. James F. Mullan, P.E., and Wesley P. Fitchett, P.G. Hocage Consultants, Inc., Engineering and Environmental Services, 987 Haddon Avenue, Collingswood, NJ 08108 on behalf of David Kilcoyne Apple Construction, Inc., 107 Lark Drive, Holland PA 18966 has submitted a Remedial Investigation/Risk Assessment Report concerning the remediation of site groundwater contaminated with inorganics. The Remedial Investigation/Risk Assessment Report was approved by the Department of Environmental Protection on January 19, 2010.

**Exelon Power Southwark Generation Station**, City of Philadelphia, **Philadelphia County**. David Kistner, URS Corporation, 335 Commerce Drive, Fort Washington, PA 19034, Dale David, Exelon Generation Company, 3901 North Delaware Avenue, Philadelphia, PA 19137 on behalf of Michael Fluehr, Delaware Avenue Enterprises, 3301 South Columbus Boulevard, Philadelphia, PA 19148 has submitted a Final Report concerning the remediation of site soil contaminated with no 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on January 5, 2010.

**Thomas Shallcross School**, City of Philadelphia, **Philadelphia County**. Gloria Hunsberger, Kleingelder, Inc., 180 Sherre Boulevard, Suite 3800, Exton, PA 919341 on behalf of Francie Locke, School District of Philadelphia, 440 North Broad Street, Philadelphia, PA 19130 has submitted a Final Report concerning the remediation of site soil contaminated with pah's. The Final Report demonstrated attainment of the Site Specific Standard and was approved by the Department of Environmental Protection on January 12, 2010.

**Blue Grass Plaza**, City of Philadelphia, **Philadelphia County**. Richard Werner, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401, on behalf of Lennard Katz, Blue Grass Mall Associates, 45-17 Marathon Parkway, Little Neck, NY 11362 has submitted a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Final Report did not demonstrate attainment of the Site Specific Standard and was disapproved by the Department of Environmental Protection on January 21, 2010.

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

**Kuzmiak Property**, 54 Degrot Road, Palmyra Township, **Wayne County**. Dean Cruciani and Martin Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 submitted a Final Report (on behalf of their client, Michael Kuzmiak, 1457 Purdy Turnpike,

Hawley, PA 18428), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of minor spills from an unregulated, 275-gallon heating oil aboveground storage tank. The report documented attainment of the Statewide Health Standard for soils and was approved on January 28, 2010.

**1995 Highland Avenue Remediation Site**, 1995 Highland Avenue, Bethlehem Township, **Northampton County**. Andrew D. Hubley, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 submitted a Final Report (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 report documented attainment of the Residential Statewide Health Standard for soils and was approved on January 28, 2010.

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

**Priefert Logistics I-81 Diesel Fuel Spill**, Southampton Township, **Franklin County**. Taylor Geo-Services, Inc., 38 Bishop Hollow Road, Suite 200, Newtown Square, PA 19073, on behalf of Priefert Logistics, 2630 South Jefferson, Mount Pleasant, TX 75455 and Department of Transportation Maintenance District 8-3, 619 North Franklin Street, Chambersburg, PA 17201, submitted a Final Report concerning remediation of site soils contaminated with diesel fuel from a ruptured saddle tank. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department of Environmental Protection on January 26, 2010.

**Interstate Container Facility**, City of Reading, **Berks County**. Alternative Environmental Solutions, 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Interstate Container, LLC, 100 Grace Street, P. O. Box 317, Reading, PA 19603, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils contaminated with No. 4 and No. 6 fuel oil from underground storage tanks. The combined report demonstrated attainment of the Site-Specific standard for soils, and was approved by the Department of Environmental Protection on January 28, 2010. A separate Final Report was submitted concerning remediation of groundwater contaminated with No. 4 and No. 6 fuel oils. The report demonstrated attainment of the Residential Statewide Health standard for groundwater, and was approved by the Department of Environmental Protection on January 28, 2010.

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

Rishel Truck Accident Crossroads Drive, Kelly Township, **Union County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Arlin Rishel, 2538 New Columbia Road, New Columbia, PA 17856 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on January 4, 2010

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

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

**Bestrans, Inc.**, 931 Red Toad Road, North East, MD 21901. **License No. PA-AH 0766.** Effective December 2, 2009.

**Freeport Transport Industries, Inc.**, 1200 Butler Road, Drawer A, Freeport, PA 16229. **License No. PA-AH 0767.** Effective December 3, 2009.

**Three Rivers Trucking, Inc.**, 3250 Country Road 427, Waterloo, IN 46793. **License No. PA-AH 0769.** Effective December 29, 2009.

**Goulet Trucking, Inc.**, P. O. Box 259, South Deerfield, MA 01373. **License No. PA-AH 0768.** Effective December 30, 2009.

*Hazardous Waste Transporter License Renewed*

**Lacy's Express, Inc.**, P. O. Box 130, Pedricktown, NJ 08067. **License No. PA-AH 0243.** Effective September 30, 2009.

**Superior Carriers, Inc.**, 711 Jorie Boulevard, Suite 101 North, Oak Brook, IL 60523. **License No. PA-AH 0686.** Effective September 30, 2009.

**Set Environmental, Inc.**, 450 Sumac Road, Wheeling, IL 60090. **License No. PA-AH S226.** Effective October 1, 2009.

**RSO, Inc.**, P. O. Box 1450, Laurel, MD 20725-1450. **License No. PA-AH 0578.** Effective October 1, 2009.

**Emerald Environmental Services, Inc.**, 1621 St Clair Avenue, Kent, OH 44240. **License No. PA-AH 0641.** Effective October 1, 2009.

**Environmental Industrial Services Corporation**, 288 Oak Grove Road, Swedesboro, NJ 08085. **License No. PA-AH 0457.** Effective October 6, 2009.

**Midwest Environmental Transport, Inc.**, 10163 Cincinnati-Dayton Road, Cincinnati, OH 45241. **License No. PA-AH 0368.** Effective October 27, 2009.

**The Environmental Service Group (NY), Inc.**, 177 Wales Avenue, Tonawanda, NY 14150. **License No. PA-AH S144.** Effective November 2, 2009.

**Veolia ES Industrial Services, Inc.**, 6151 Executive Boulevard, Huber Heights, OH 45424. **License No. PA-AH 0583.** Effective November 2, 2009.

**Mccutcheon Enterprises, Inc.**, 250 Park Road, Apollo, PA 15613-8730. **License No. PA-AH 0130.** Effective November 5, 2009.

**Fortress Trucking Limited**, 7079 Wellington Road 124, Guelph, ON N1H 6J3. **License No. PA-AH 0512.** Effective November 19, 2009.

**JMT Environmental Technologies, Inc.**, P. O. Box 22044, Lehigh Valley, PA 18002. **License No. PA-AH 0648.** Effective December 7, 2009.

**J & D Trucking, Inc.**, 3526 NW Boulevard, Vineland, NJ 08360. **License No. PA-AH 0652.** Effective December 7, 2009.

**Action Resources, Inc.**, 40 County Road 517, Hanceville, AL 35077. **License No. PA-AH 0650.** Effective December 8, 2009.

**Providence Environmental Concepts**, 312 Sharp Road, Columbia, SC 29203. **License No. PA-AH 0739.** Effective December 15, 2009.

**Dalmatian Transportation, Ltd.**, P. O. Box 926, Hebron, OH 43025. **License No. PA-AH 0740.** Effective December 15, 2009.

**MS Environmental Services, Inc.**, P. O. Box 1779, Norfolk, VA 23501. **License No. PA-AH 0724.** Effective January 4, 2010.

**Enviroserve, J.V. Limited Partnership**, 5502 Schaaf Road, Cleveland, OH 44131. **License No. PA-AH 0456.** Effective January 7, 2010.

**AERC.COM, Inc.**, 2591 Mitchell Avenue, Allentown, PA 18103-6609. **License No. PA-AH 0687.** Effective January 7, 2010.

**Frank's Vacuum Truck Service, Inc.**, 4500 Royal Avenue, Niagara Falls, NY 14303. **License No. PA-AH 0331.** Effective January 7, 2010.

**Environmental Services, Inc.**, 90 Brookfield Street, South Windsor, CT 06074-1262. **License No. PA-AH 0725.** Effective January 11, 2010.

**Price Trucking Corporation**, 67 Beacon Street, Buffalo, NY 14220. **License No. PA-AH 0371.** Effective January 13, 2010.

**Valley City Disposal, Inc.**, DBA Valley City, 1040 Market Street SW, Grand Rapids, MI 49503. **License No. PA-AH 0410.** Effective January 15, 2010.

**S-J Transportation Company, Inc.**, P. O. Box 169, Woodstown, NJ 08098. **License No. PA-AH 0015.** Effective January 21, 2010.

**U.S. Bulk Transport, Inc.**, 205 Pennbriar Drive, Erie, PA 16509. **License No. PA-AH 0408.** Effective January 22, 2010.

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

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

**Environmental Products & Services, Inc.**, 532 State Fair Boulevard, Syracuse, NY 13204. **License No. PA-AH 0327.** Effective December 10, 2009.

**Feccorp Corporation**, 7995 Allen Road, Canal Winchester, OH 43110. **License No. PA-AH 0515.** Effective January 7, 2010.

*Hazardous Waste Transporter License Voluntarily Terminated*

**Apollo Trade & Transport, Inc.**, 837 Boardman-Canfield Road, Suite 209, Boardman, OH 44512-4217. **License No. PA-AH 0728.** Effective December 16, 2009.

## INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

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

*Infectious and Chemotherapeutic Waste Transporter License Issued*

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

**Citiwaste, LLC**, 100-02 Farragut Road, Brooklyn, NY 11236. **License No. PA-HC 0243**. Effective October 19, 2009.

*Infectious and Chemotherapeutic Waste Transporter License Renewed*

**Clean Harbors Environmental Services, Inc.**, 42 Longwater Drive, Norwell, MA 02061-1612. **License No. PA-HC 0053**. Received on September 14, 2009.

**Veolia ES Solid Waste of PA, Inc.**, 6330 Route 219, Brockway, PA 15824. **License No. PA-HC 0199**. Received on July 20, 2009.

**Healthcare Waste Solutions, Inc.**, 1281 Viele Avenue, Bronx, NY 10474. **License No. PA-HC 0235**. Received on October 1, 2009.

**University of Pittsburgh of the Commonwealth System of Higher Education, Public Safety Building**, 4th Floor, 3412 Forbes Avenue, Pittsburgh, PA 15260. **License No. PA-HC 0183**. Received on October 28, 2009.

**JPS Equipment Co., Inc.**, P. O. Box 788, Edgemont, PA 19028-0788. **License No. PA-HC 0142**. Received on November 2, 2009.

**Premier Medical Waste Transport, Ltd.**, 642 Willow Street, Pottstown, PA 19464. **License No. PA-HC 0237**. Received on November 23, 2009.

**Coast Medical Supply, Inc.**, 200 Turnillo Way, Suite 110, Tinton Falls, NJ 07712. **License No. PA-HC 0214**. Received on January 11, 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. 101468. TransRiver Philadelphia, LLC**, 3600 South 26th Street, Philadelphia, PA 19145. This permit modification is for approving the reissuance of the existing permit for Girard Point Transfer Station from Republic Services, Inc. to TransRiver Philadelphia, LLC. The Girard Point Transfer Station is a municipal waste transfer facility located at 3600 South 26th Street in the City of Philadelphia, **Philadelphia County**. The permit was issued by the Southeast Regional Office on January 5, 2010.

**Permit No. 101477. TransRiver Philadelphia, LLC**, 2209 South 58th Street, Philadelphia, PA 19143. This permit modification is for approving the reissuance of the existing permit for 58th Street Transfer Station from BFI Transfer System of Pennsylvania, LLC to TransRiver Philadelphia, LLC. The 58th Street Transfer Station is a municipal waste transfer facility, formerly known as, Philadelphia Transcyclery facility, located at 2209 South 58th Street in the City of Philadelphia, **Philadelphia County**. The permit was issued by the Southeast Regional Office on January 5, 2010.

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

**Permit Application No. 100934. Blue Ridge Landfill Corp.**, located in Greene Township, **Franklin County**. The Department of Environmental Protection has reviewed the application for permit renewal for the operation of Blue Ridge Landfill, issued in accordance with Article V of the Solis Waste Management Act, 35 P. S. Sections 6018.101, et seq. This approves a permit renewal for Blue Ridge Landfill.

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

## AIR QUALITY

**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.*

**GP1-46-0239: John Middleton Co.** (418 West Church Road, King of Prussia, PA 19406) on January 27, 2010, authorized to install a 700 Hp (29.0 MMBtu/hr) natural gas-fired boiler under GP-1 for their facility in Upper Merion Township, **Montgomery County**.

**GP3-09-0091: Allied Recycling Co.** (1725 Limekiln Pike, Suite 3A, Dresher, PA 19025) on January 29, 2010, to operate a portable nonmetallic mineral processing plant in Falls Township, **Bucks County**.

**GP11-09-0020: Allied Recycling Co.** (1725 Limekiln Pike, Suite 3A, Dresher, PA 19025) on January 29, 2010, to operate a non-road engines in Falls Township, **Bucks 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.*

**54-329-008GP9: R. E. Pierson Construction Co.** (P. O. Box 430, Woodstown, NJ 08098-0430) on January 28, 2010, to install and operate a portable I/C engine at their site at Middleport Materials in Walker Township, **Schuylkill County**.

**54-329-009GP9: R. E. Pierson Construction Co.** (P. O. Box 430, Woodstown, NJ 08098-0430) on January 28, 2010, to install and operate three (3) portable IC engines at their site at Middleport Materials in Walker Township, **Schuylkill County**.

**54-310-050GP3: R. E. Pierson Construction Co.** (P. O. Box 430, Woodstown, NJ 08098-0430) on January 28, 2010, to install and operate a portable crushing operation at their site at Middleport Materials in Walker Township, **Schuylkill County**.

**54-310-051GP3: R. E. Pierson Construction Co.** (P. O. Box 430, Woodstown, NJ 08098-0430) on January 28, 2010, to install and operate a portable crushing operation at their site at Middleport Materials in Walker Township, **Schuylkill County**.

**58-399-008GP5: Cabot Oil & Gas Corp.** (5 Penn Center, Suite 401, Pittsburgh, PA 15276) on January 26, 2010, to construct and operate a Natural Gas Compressor engine at their Lewis No. 1 Well site Compressor Station site in Dimock Township, **Susquehanna County**.

**58-399-009GP5: Cabot Oil & Gas Corp.** (5 Penn Center, Suite 401, Pittsburgh, PA 15276) on January 26, 2010, to construct and operate a Natural Gas Compressor engine at their Lathrop Compressor Station site in Springville Township, **Susquehanna County**.

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

**GP3-36-05096: Pennsy Supply, Inc.** (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17105) on January 26, 2010, for a Portable Nonmetallic Mineral Processing Plant under GP3 in Paradise Township, **Lancaster County**.

**GP9-36-05096: Pennsy Supply, Inc.** (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17105) on January 26, 2010, for a Diesel or #2 fuel-fired Internal Combustion Engine under GP9 in Paradise Township, **Lancaster County**.

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

**GP5-26-00549A: Phillips Production Co.** (502 Keystone Drive, Warrendale, PA 15086) on January 29, 2010, to operate one natural gas compressor engine and one natural gas dehydrator at the Adams Compressor Station on Leisenring-Vanderbilt Road, Dunbar Township, **Fayette County**.

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

**GP5-27-038C: Catalyst Energy, Inc.,** Watson Farm Stripping Plant (800 Cranberry Woods Drive, Cranberry Township, PA 16066) on January 26, 2010, to operate a natural gas fired compressor engines (BAQ-GPA/GP-5) in Howe Township, **Forest 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.**

*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.*

**30-00055A: Shannopin Materials, LLC** (308 Dents Run Road, Morgantown, WV, 26501) on January 28, 2010, to issue a plan approval to allow construction of a coal slurry reclamation project and the construction of a coal/limestone barge loading/unloading facility at the Shannopin Dock Site in Monongahela Township, **Greene County**. Sources at this facility will include excavators, stockpiles, conveyors, transfer points, and end-loaders. Facility shall be limited to 625 tons/hour and a total throughput of 400,000 tons per 12 month rolling total. Annual emissions from the facility are estimated to be 46 tons of total particulate matter and 14 tons of PM10. BAT for this operation consists of dust suppression activities such as the use of water sprays, enclosures, roadway paving, tarping, truck wash and best operating practices.

**26-00500A: Alpha PA Coal Terminal, LLC** 106 (East Fredericktown Road, Luzerne Township, PA 15906) on January 22, 2010, to issue a Plan Approval to allow construction of a coal transfer terminal consisting of Stock Piles, Coal Conveyors, Barge Loading/Unloading Equipment, and Roadways at their facility in Luzerne Township, **Fayette County**.

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

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

**06-05037G: McConway & Torley LLC** (109 48th Street, Pittsburgh, PA 15201-2755) on January 29, 2010, for their steel foundry in Kutztown Borough, **Berks County**. This plan approval was extended.

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

**65-00837B: Dominion Transmission, Inc.,** Oakford Compressor Station (D.L. Clark Building, 501 Martindale Street, Suite 400, Pittsburgh, PA, 15212) on January 28, 2010, for additional time to evaluate and submit testing data following the retrofit of their twelve compressor engines with pre-combustion chambers and four of the engines with oxidation catalysts in Salem Township, **Westmoreland County**. This plan approval extension.

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

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

**23-00034: Villanova University** (800 East Lancaster Avenue, Villanova, PA 19085) on January 29, 2010, to operate four (4) boilers, 39 miscellaneous heaters, and 42 emergency generators at their facility in Radnor Township, **Delaware County**. The permit is for a Title V facility, and Villanova University is a major facility for

nitrogen oxide emissions. The operation of Boiler No. 3 and Boiler No. 4 is subjected to 40 CFR Part 60 Subpart Dc. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

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

**54-00011: PPL Martins Creek LLC**, Fishbach CTS (2 North Ninth Street, Allentown, PA 18101-1139) on January 27, 2010, for renewal of a Title V Operating Permit to operate an electric generating substation consisting of two (2) combustion turbines fired by #2 fuel oil in Norwegian Township, **Schuylkill 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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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: William R. Weaver, New Source Review Chief—Telephone: 717-705-4702.*

**06-03118: UGI Utilities, Inc.** (225 Morgantown Road, Reading, PA 19612-3009) on January 29, 2010, for their natural gas utility operation in the City of Reading, **Berks County**. This is a renewal of the State-only operating permit.

**36-03136: Sylvin Technologies, Inc.** (84 Denver Road, P. O. Box 308, Denver, PA 17517) on February 1, 2010, for their PVC pellet production facility in East Cocalico Township, **Lancaster County**. This is a renewal of the State-only operating permit.

**67-03125: York Hospital** (P. O. Box 15198, 1001 S. George Street, York, PA 17405-7198) on January 26, 2010, for operation of their three (3) boilers and five (5) diesel fired emergency generators in the City of York, **York County**. This is a renewal of the State-only operating permit.

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

**25-01022: Troyer, Inc.** (817 Route 97 South, Waterford, PA 16441) on February 2, 2010, for an initial Natural Minor Permit to operate a fried snack manufacturing facility in Waterford Township, **Erie County**. The facility's major emission sources include boiler, Heat and Control Inc., boiler, Weil Mclain, boiler, Bryan, continuous chip fryer, two kettle cookers and hot air popper. The facility is natural minor because the emissions of the pollutants from the facility are less than Title V emission threshold limits.

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

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

**06-05082: Dairy Farmers of America, Inc.** (100 McKinley Avenue, Reading, PA 19605-2199) on January 25, 2010, for their manufactured and marketed dairy products in Muhlenberg Township, **Berks County**. This State-only operating permit has been administratively amended due to a change of ownership. This is Revision No. 1.

**21-05012: Mt. Holly Springs Specialty Paper, Inc.** (1 Mountain Street, Mount Holly Springs, PA 17065-1406) on January 25, 2010, for their specialty paper manufacturing plant in Mount Holly Springs Borough, **Cumberland County**. This State-only operating permit was administratively amended due to a change of ownership. This is Revision No. 1.

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

**10-00281: II VI, Inc.** (375 Saxonburg Blvd. Saxonburg, PA 16056), issued on January 27, 2010, for an Administrative Amendment of the Natural Minor Operating Permit, to remove the Source ID No. 117: Batch Methylene Chloride Vapor Degreaser Machine from the permit through this administrative amendment. The Batch Vapor Degreaser Unit sold to Endicott Interconnect Technologies Inc. The facility is located in Clinton Township, **Butler County**.

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

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

**10-00079: BNZ Materials, Inc.** (191 Front Street, Zelenople, PA 16063) for their facility in Zelenople Borough, **Butler County**. The de minimis increase is a result of the installation of a cement fiberboard cutting operation. The Department of Environmental Protection has started a list of de minimis increases as prescribed in 25 PA Code 127.449(i).

Since the October 24, 2005 Title V Operating Permit issuance date, BNZ Materials has notified the Department of the following de minimis emission increases:

<i>Date</i>	<i>Source</i>	<i>PM10 (tons)</i>	<i>SOx (tons)</i>	<i>NOx (tons)</i>	<i>VOC (tons)</i>	<i>CO (tons)</i>
12/24/2009	Cement fiberboard cutting operation	0.06	0	0	0	0
Total Reported Increases		0.06	0	0	0	0

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

### *Coal Applications Returned*

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

**49080201. Black Diamond Mining, Inc.,** (P. O. Box 139, Elysburg, PA 17824), commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Mt. Carmel Township, **Northumberland County** affecting 9.5 acres, receiving stream: none. Application received: June 18, 2008. Application withdrawn: January 28, 2010.

### *Coal Permits Actions*

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

**17831601 and NPDES Permit No. PA0215317, River Hill Coal Company, Inc.** (P. O. Box 141, Kylertown, PA 16847), to renew the permit for Belford Siding in Karthaus Township, **Clearfield County** and related NPDES permit. No additional discharges. Application received: June 12, 2009. Permit issued: January 26, 2010

**32921601 and NPDES Permit No. PA0095117, Sprinkle Mills Tipple** (P. O. Box 343, Punxsutawney, PA 15767), to renew the permit for the Valier Coal Yard in North Mahoning Township, **Indiana County** and Perry Township, Jefferson County and related NPDES permit. No additional discharges. Application received: October 22, 2008. Permit issued: January 27, 2010.

**30831303 and NPDES Permit No. PA0013511, Cumberland Coal Resources, LP** (P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Center Township, **Greene County** to install five ventilation boreholes in longwall panel 58, Surface Acres Proposed 1.31. No additional discharges. Application received: June 9, 2009. Permit issued: January 28, 2010.

**32011301 and NPDES Permit No. PA0235636, AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650), to renew the permit for the Palmerton Mine in Burrell Township, **Indiana County** and related NPDES permit. No additional discharges. Application received: January 13, 2009. Permit issued: January 28, 2010.

**30841316 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company** (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Bailey Mine and Prep Plant in Aleppo Township, **Greene County** to add underground permit and subsidence control plan area acres for development mining. Underground Acres Proposed 721.7, Subsidence Control Plan Acres Proposed 721.7. No additional discharges. Application received: May 12, 2009. Permit issued: January 29, 2010.

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

**32090101 and NPDES No. PA0262731. Britt Energies, Inc.,** 2450 Philadelphia Street, Indiana, PA 15701, commencement, operation and restoration of a bituminous surface mine in Conemaugh Township, **Indiana County**, affecting 43.3 acres. Receiving stream(s): Sulfur Run and unnamed tributary to Sulfur Run classified for the following use(s): cold water fishery. The application includes stream encroachments to construct a stream crossing and E & S controls within the barrier of an Unnamed Tributary to/and Sulfur Run. There are no potable water supply intakes within 10 miles downstream. Application received: January 29, 2009. Permit issued: January 26, 2010.

**32940110 and NPDES No. PA0212962. Big Mack Leasing Company, Inc.,** R. D. #6, Box 231, Kittanning, PA 16201, permit renewal for reclamation only of a bituminous surface and auger mine in Young Township, **Indiana County**, affecting 27.5 acres. Receiving stream(s): Neal Run classified for the following use(s): trout stocked fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 28, 2009. Permit issued: January 26, 2010.

**32940107 and NPDES Permit No. PAPA0212911, Pitt Mining Company,** 423 Weiss Road, Sheloceta, PA 15774, permit renewal for reclamation only of a bituminous surface mine in Young Township, **Indiana County**, affecting 66.7 acres. Receiving stream(s): Craig Run and Gobblers Run to Crooked Creek to the Allegheny River, Whiskey Run to Blacklegs Creek to the Conemaugh River. There are no potable water supply intakes within 10 miles downstream. Application received: October 29, 2009. Permit issued: January 26, 2010.

**32000104 and NPDES Permit No. PA0235318, Alverda Enterprises, Inc.,** P. O. Box 87, Alverda, PA 15710, revision of an existing bituminous surface mine to change the land use from forestland to unmanaged natural habitat in Pine Township, **Indiana County**, affecting 57.3 acres. Receiving stream(s): unnamed tributary to Yellow Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 21, 2009. Permit issued: January 28, 2010.

**56920113 and NPDES No. PA0212300. Action Mining, Inc.,** 1117 Shaw Mines Road, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface mine in Summit and Elk Lick Townships, **Somerset County**, affecting 106.0 acres. Receiving stream(s): unnamed tributaries to/and Casselman River classified for the following uses(s): cold water fishery and warm water fishery. There are no potable water supply intakes 10 miles downstream. Application received: June 24, 2009. Permit issued: January 28, 2010.



**56990103 and NPDES No. PA0235172. Future Industries, Inc.**, P. O. Box 157, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 222.0 acres. Receiving stream(s): unnamed tributaries to/and Millers Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 18, 2009. Permit issued: January 28, 2010.

**56940101 and NPDES No. PA0212768. Future Industries, Inc.**, P. O. Box 157, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 205.9 acres. Receiving stream(s): unnamed tributaries to/and Buffalo Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: May 15, 2009. Permit issued: January 28, 2010.

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

**10010101. Ancient Sun, Inc.** (P. O. Box 129, Shippenville, PA 16254) revision to an existing bituminous strip operation to change the post-mining land use from forestland to pastureland/land occasionally cut for hay on the Patricia A. Moore property in Muddy Creek Township, **Butler County**. Receiving streams: Unnamed tributaries of Cheeseman Run. Application received: November 9, 2009. Permit Issued: January 26, 2010.

**33080105 and NPDES Permit No. PA0258547. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) revision to an existing bituminous strip operation to add 3.4 acres in Perry & Young Townships, **Jefferson County**. The new SMP acreage is 430.9 acres. Receiving streams: Three unnamed tributaries to Mahoning Creek. Application received: October 15, 2009. Permit Issued: January 22, 2010.

**1419-33080105-E-2. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Application for a stream encroachment to construct and maintain a haul road crossing over unnamed tributary No. 2 to Mahoning Creek in Perry and Young Townships, **Jefferson County**. Receiving streams: Three unnamed tributaries to Mahoning Creek. Application received: October 15, 2009. Permit Issued: January 22, 2010.

**1419-33080105-E-3. Original Fuels, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Application for a stream encroachment to construct and maintain a haul road crossing over unnamed tributary No. 3 to Mahoning Creek in Perry and Young Townships, **Jefferson County**. Receiving streams: Three unnamed tributaries to Mahoning Creek. Application received: October 15, 2009. Permit Issued: January 22, 2010.

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

**17803150 and NPDES No. PA0128295. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849), permit renewal of an existing bituminous surface and augering mine in Penn Township, **Clearfield County** affecting 434.5 acres. Receiving stream(s): unnamed tributary to Bell Run, unnamed tributary to Poplar Run classified for the following use(s): Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received: October 26, 2009. Permit issued: January 22, 2010.

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

**54030101R. Waldemar T. Fetterolf, Sr.**, (3092 Main Street, Locustdale, PA 17945), renewal of an existing anthracite surface mine operation for reclamation activities only in New Philadelphia Borough, **Schuylkill County** affecting 100.0 acres, receiving stream: none. Application received: January 19, 2010. Renewal issued: January 28, 2010.

*Noncoal Permits Actions*

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

**3572SM22. Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425). Transfer of permit formerly issued to Hanson Aggregates PMA, Inc., for continued reclamation only of a large noncoal surface mining site located in South Buffalo Township, **Armstrong County**, affecting 47.2 acres. Receiving stream: Allegheny River. Application received: October 13, 2009. Transfer permit issued: January 25, 2010.

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

**16090803. Pine Grove Enterprises, Inc.** (421 County Line Road, Venus, PA 16364) Commencement, operation and restoration of a small shale operation in Washington Township, **Clarion County** affecting 1.0 acre. Receiving streams: Unnamed tributary to McCauley Run. Application received: November 17, 2009. Permit Issued: January 22, 2010.

**42090804. Seals Service, Inc.** (5477 Route 446, Eldred, PA 16731) Commencement, operation and restoration of a small sand and gravel operation in Eldred Township, **McKean County** affecting 5.0 acres. Receiving streams: Allegheny River. Application received: October 1, 2009. Permit Issued: January 25, 2010.

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

**35080301. Airport Sand and Gravel Co., Inc.** (500 Sweetland Lane, West Wyoming, PA 18644), commencement, operation and restoration of a quarry operation in Benton, Lenox and Nicholson Townships, Lackawanna, Susquehanna and **Wyoming Counties** affecting 75.27 acres, receiving stream: Tunkhannock Creek. Application received: August 20, 2008. Permit issued: January 26, 2010.

**58090819. P. Scott Baldwin** (12160 State Route 106, Kingsley, PA 18826), commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: July 30, 2009. Permit issued: January 26, 2010.

**66090801. Frank Mazzone** (R. R. 1, Box 80, Falls, PA 18615), commencement, operation and restoration of a quarry operation in Clinton Township, **Wyoming County** affecting 2.0 acres, receiving stream: none. Application received: July 16, 2009. Permit issued: January 26, 2010.

**58080838. J. C. White**, (R. R. 1, Box 109B, Forest City, PA 18421), commencement, operation and restoration of a quarry operation in Clifford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: June 24, 2008. Permit issued: January 28, 2010.

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

### *Blasting Permits Actions*

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

**63104001. PGS Onshore, Inc.** (P. O. Box 397, Eighty Four, PA 15330). Blasting activity permit for seismic exploration located in Amwell, etc., Townships, **Washington County**, and Morgan, etc., Townships, **Greene County**, with an expected duration of four months. Permit issued: January 25, 2010.

**02094005. Trumbull Corporation** (1020 Lebanon Road, West Mifflin, PA 15122). Blasting activity permit for construction of the McCandless Crossing, located in McCandless Township, **Allegheny County**. The duration of blasting is for one year. Permit issued: January 29, 2010.

**30104001. Alex E. Paris Contracting** (P. O. Box 369 Atlasburg, PA 15004). Blasting activity permit for construction of the CNX Gas Site N-15 pond, located in Morris Township, **Greene County**. The duration of blasting is for one year. Permit issued: January 29, 2010.

**26104001. Green River Resources** (186 Dawn Drive, Columbia Falls, MT 59912). Blasting activity permit for the West Summit seismic Exploration, located in Springhill, Nicholson and Georges Townships, **Fayette County**. The duration of blasting is for one year. Permit issued: January 29, 2010.

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

**58104104. Meshoppen Blasting, Inc.** (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Cole Well site in Auburn Township, **Susquehanna County** with an expiration date of March 1, 2010. Permit issued: January 26, 2010.

**58014105. Meshoppen Blasting, Inc.,** (P. O. Box 127, Meshoppen, PA 18630), construction blasting for driveway to Cole Well site in Auburn Township, **Susquehanna County** with an expiration date of March 1, 2010. Permit issued: January 26, 2010.

**09104101. Schlouch, Inc.,** (P. O. Box 69, Blandon, PA 19510), construction blasting for Quakertown Giant Fuel Station in Quakertown Borough, **Bucks County** with an expiration date of January 27, 2011. Permit issued: January 29, 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 con-

struction 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

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

**E44-142: FAME Emergency Medical Services, Inc.,** 701 Valley Street, Lewistown, PA 17044, Lewistown Borough, **Mifflin County**, ACOE Baltimore District

To: fill 0.03 acre of wetland along the watershed of Kishacoquillas Creek (CWF) in order to improve the parking lot of the existing FAME Emergency Medical Services facility, located along the eastside of Valley Street (SR 1005) approximately 2,000 feet north from its intersection with Walnut Street (Lewistown, PA Quadrangle N: 20.18 inches; W: 9.74 inches, Latitude: 40° 36' 40"; Longitude: 77° 34' 13") in Lewistown Borough, Mifflin County.

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

**E17-459. James and Peggy Moore,** 1045 West Hanna Street, Houtzdale PA 16659. Unnamed Tributary to Beaver Run channel relocation, in Houtzdale Borough,

**Clearfield County**, ACOE Baltimore District (Houtzdale, PA Quadrangle N: 40° 49' 37"; W: 78° 21' 43").

Construct and maintain seventy-five feet of channel relocation with a cross section of two feet deep, two feet bottom width and one to one side slopes. The channel will be grass lined and have R-4 Rip-Rap outlet protection. The channel will terminate upslope of any wetlands. The excavated material will be placed in the existing channel. This project does not impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

**E02-139. Shaler Township**, 300 Wetzel Road, Pittsburgh, PA 15116, Shaler Township, **Allegheny County**. Applicant requesting a permit amendment to add Debris Facilities to the existing flood control project. The Borough of Etna will have joint responsibility to maintain the Debris Facility. Project is located on the Glenshaw, PA Quadrangle Latitude: 40° 30' 37" N; Longitude: 79° 56' 48" W.

#### DAM SAFETY

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

**D02-068A. Huntingdon Woods Retention Pond**. Precision Equities, 2559 Brandt School Road, Wexford, PA 15090. To: modify, operate and maintain Huntington Woods Detention Dam across a tributary to Pine Creek (CWF), for the purpose of providing additional capacity for stormwater detention by raising the crest of the dam (Emsworth, PA Quadrangle N: 19.9 inches; W: 11.6 inches) in Franklin Park Borough, **Allegheny County**.

**D48-149A. PPL Martins Creek, LLC, PPL Martins Creek, LLC c/o Steve Holler**, Two North Ninth Street, GenPl6, Allentown, PA 18101. To: modify the Martins Creek Ash Basin No. 4 across a tributary to Oughoughton Creek, impacting 0 acres of wetlands and 0 feet of stream channel, for the purpose of closing and deregulating Ash Basin No. 4 Dam. (Belvidere NJ, PA Quadrangle N: 10 inches; W: 16 inches) in Lower Mount Bethel Township, **Northampton County**.

*Southwest Regional Oil and Gas Manager. 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**95-7-60915-3. Range Resources—Appalachia, LLC**, 380 Southpointe Boulevard, Suite 300, Canonsburg, PA 15317. Project proposes to operate and maintain the Jon Day Impoundment Dam as a centralized impoundment to collect and store flow-back water, for the use and re-use of hydraulic fracturing water, from the Jon Day Unit Well No.1H, 2H, 3H, 4H, 5H, 6H, 7H, 8H, and future wells in the area (PA Quadrangle Latitude: N 40° 07' 22"; Longitude: W 80° 13' 02"), Amwell Township, **Washington 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 & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

ESCGP-1 # ESG09-105-0006

Applicant Name Ultra Resources, Inc.

Contact Person Belinda Salinas

Address 304 Inverness Way South, Suite 295

City, State, Zip Englewood, CO 80112-5828

County Potter

Township(s) West Branch Township

Receiving Stream(s) and Classification(s) Paul Hollow,

Tributary to South Branch Pine Creek

ESCGP-1 # ESG09-117-0059

Applicant Name Ultra Resources, Inc.

Contact Person Belinda Salinas

Address 304 Inverness Way South, Suite 295

City, State, Zip Englewood, CO 80112-5828

County Potter and Tioga

Township(s) West Branch Township (Potter County) and

Elk Township (Tioga County)

Receiving Stream(s) and Classification(s) Button Hollow,

Gross Hollow, Grim Hollow Secondary—South Branch

Pine Circle, Sliders Br, Elk Run

ESCGP-1 # ESG09-117-0058

Applicant Name Ultra Resources, Inc.

Contact Person Belinda Salinas

Address 304 Inverness Way South, Suite 295

City, State, Zip Englewood, CO 80112-5828

County Tioga

Township(s) Elk Township

Receiving Stream(s) and Classification(s) Maynard Hollow

Tributary to Elk Run

ESCGP-1 # ESX10-013-0001

Applicant Name Chief Oil & Gas LLC

Contact Person Michael Hritz

Address 6051 Wallace Road, Suite 210

City, State, Zip Wexford, PA 15090

County Blair

Township(s) Juniata Township

Receiving Stream(s) and Classification(s) UNT to Bob's

Creek Secondary—Juniata River

ESCGP-1 # ESX10-079-0001

Applicant Name WhitMar Exploration Company

Contact Person Brandt Temple

Address 555 17th Street, Suite 880  
City, State, Zip Denver, CO 80202  
County Luzerne  
Township(s) Lake Township  
Receiving Stream(s) and Classification(s) Harvey's Creek

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

ESCGP-1 # ESX09-015-0077  
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) South Branch of the Towanda Creek

ESCGP-1 # ESX10-015-0001  
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 Secondary—Susquehanna River

ESCGP-1 # ESX10-015-0005  
Applicant Name Chesapeake Appalachia, LLC  
Contact Person Eric Haskins  
Address 100 1st Center  
City, State, Zip Horseheads, NY 14845  
County Bradford  
Township(s) West Burlington Township  
Receiving Stream(s) and Classification(s) UNT to Sugar Creek Secondary—Sugar Creek

ESCGP-1 # ESX10-117-0007  
Applicant Name East Resources, Inc.  
Contact Person Jefferson Long  
Address 301 Brush Creek Road  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Sullivan Township  
Receiving Stream(s) and Classification(s) UNT to Corey Creek

ESCGP-1 # ESG09-117-0057  
Applicant Name Ultra Resources, Inc.  
Contact Person Belinda Salinas  
Address 304 Inverness Way South, Suite 295  
City, State, Zip Englewood, CO 80112-5828  
County Tioga  
Township(s) Elk Township  
Receiving Stream(s) and Classification(s) Thompson Hollow, Elk Run

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

ESCGP-1 # ESX09-013-0002(01)  
Applicant Name Chief Oil & Gas LLC  
Contact Person Michael Hritz  
Address 6051 Wallace Road, Suite 210  
City, State, Zip Wexford, PA 15090  
County Blair  
Township(s) Juniata Township  
Receiving Stream(s) and Classification(s) Bobs Creek Secondary—Juniata River

ESCGP-1 # ESX10-117-0010  
Applicant Name East Resources, Inc.  
Contact Person Jefferson Long

Address 301 Brush Creek Road  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Sullivan Township  
Receiving Stream(s) and Classification(s) UNT to Corey Creek

ESCGP-1 # ESX10-117-0011  
Applicant Name East Resources, Inc.  
Contact Person Jefferson Long  
Address 301 Brush Creek Road  
City, State, Zip Warrendale, PA 15086  
County Tioga  
Township(s) Rutland Township  
Receiving Stream(s) and Classification(s) Painter Run

ESCGP-1 # ESX09-115-0025  
Applicant Name Chief Gathering, LLC  
Contact Person Ted Wurfel  
Address 6051 Wallace Road Ext., Suite 210  
City, State, Zip Wexford, PA 15090  
County Susquehanna  
Township(s) Lathrop Township  
Receiving Stream(s) and Classification(s) Horton Creek Secondary—Tunkshannock Creek

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

12/30/09  
ESCGP-1 No.: ESX09-005-0009  
Applicant Name: EQT Production Company  
Contact Person: Todd Klaner  
Address: 455 Racetrack Road, Suite 101  
City: Washington State: PA Zip Code: 15301  
County: Armstrong Township(s): Plumcreek  
Receiving Stream(s) and Classifications: Cherry Run, WWF, Other

12/28/09  
ESCGP-1 No.: ESX09-059-0065  
Applicant Name: Coal Gas Recovery, LLC  
Contact Person: Joanne Reilly  
Address: 158 Portal Road  
City: Waynesburg State: PA Zip Code: 15370  
County: Greene Township(s): Jefferson  
Receiving Stream(s) and Classifications: UNT To Muddy Creek, Other

12/31/09  
ESCGP-1 No.: ESX09-125-0074  
Applicant Name: Antero Resources Appalachian Corporation  
Contact Person: Gerard Alberts  
Address: 1625 17th Street #300  
City: Denver State: CO Zip Code: 80202  
County: Washington Township(s): West Pike Run  
Receiving Stream(s) and Classifications: Little Pike Run, Other

1/11/10  
ESCGP-1 No.: ESX09-125-0076  
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): MT Pleasant  
Receiving Stream(s) and Classifications: South Fork Cross Creek, HQ

1/11/10  
ESCGP-1 No.: ESX09-063-0010  
Applicant Name: Atlas Resources, LLC  
Contact Person: Daniel Grove  
Address: 101 Mcquiston Drive

City: Jackson Center State: PA Zip Code: 16133  
 County: Indiana Township(s): Burrell and  
 West Wheatfield  
 Receiving Stream(s) and Classifications: UNT To  
 Conemaugh River, Other

1/4/10

ESCGP-1 No.: ESX09-007-0002

Applicant Name: EQT Production Company

Contact Person: Todd Klaner

Address: 455 Racetrack Road

City: Washington State: PA Zip Code: 15301

County: Beaver Township(s): Franklin and Marion

Receiving Stream(s) and Classifications: Connoqueness-  
 ing Creek, WWF, Other

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

ESCGP-1 #ESX09-083-0005

Applicant US Energy Development Corp

Contact Todd Witmer

Address 2350 North Forest Road

Getzville NY 14068

County McKean Township(s) Foster

Receiving Stream(s) and Classification(s) Bolivar Run  
 (CWF); Bennetts Brook (CWF)

ESCGP-1 #ESX09-053-0005

Applicant Titusville Oil & Gas Association, Inc.

Contact William Henderson

Address 16899 Jerusalem Corners Rd

Pleasantville PA 16341

County Forest Township(s) Harmony

Receiving Stream(s) and Classification(s) Dawson  
 Run (Other)

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## SPECIAL NOTICES

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### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of January 2010 the Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001-2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Joseph Cline	P. O. Box 1145 Mechanicsburg, PA 17055	Testing
George Conklin, IV Appalachian Environmental Group	1351 West Winter Road Loganton, PA 17747	Testing & Mitigation
John Farmer	657 Eastside Drive Landisville, PA 17538	Mitigation
Harold Henry	2820 West 23rd Street Erie, PA 16502	Testing
James Douglas	104 Oak Street Warren, PA 16365	Testing
Lawrence Heston	P. O. Box 467 220 North Mann Avenue Yeagertown, PA 17099	Testing
Edward Johnston	1902 Concord Road Ambridge, PA 15003	Testing
Daniel Jones	6 Chestwood Drive Connellsville, PA 15425	Testing
Kevin Kerwood	215 South Church Street Clifton Heights, PA 19018	Testing
Robert Lloyd	1698 Walnut Bottom Road Newville, PA 17241	Testing
Tim McDaniel	330 South Saint Elmo Street Allentown, PA 18104	Testing
Stephen Notwick	27 Jasmine Road Levittown, PA 19056	Mitigation
Dwayne Ott	311 Bell-Tip Road Tyrone, PA 16686	Testing
Frederick Ruziecki	P. O. Box 205 Wind Gap, PA 18091	Testing
David Scholtz	P. O. Box 118 Effort, PA 18330	Laboratory

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Gar Shoemaker	104 Valley View Drive Parkesburg, PA 19365	Testing
Reid Stever	824 Red Barn Lane Huntingdon Valley, PA 19006	Testing
Bruce Thomas	17 Fosterville Road Greensburg, PA 15601	Testing
James Weber	56 Bentwood Road Drums, PA 18222	Testing

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

Special Notice—Environmental Good Samaritan Act

**EGS65006. Loyalhanna Watershed Association, Inc.** (110 Andi Lane, Ligonier, PA 15658). Received an Environmental Good Samaritan project for the Latrobe Foundation Property Project, Phase III, to treat mine drainage pollution in Unity Township, **Westmoreland County**, affecting five acres. Receiving stream: Loyalhanna Creek, classified for the following use: WWF. EGS project proposal received: December 8, 2009.

[Pa.B. Doc. No. 10-286. Filed for public inspection February 12, 2010, 9:00 a.m.]

### Bid Opportunity

**BOGM 09-4, Cleaning Out and Plugging One Abandoned Gas Well, (Lori Lavorgna Property), Jefferson Hills Borough, Allegheny County.** The principal items of work include cleaning out and plugging one abandoned gas well, estimated to be 3,500 feet in depth, to Department of Environmental Protection specifications, preparing and restoring well site and mobilizing and demobilizing plugging equipment. This project issues on February 12, 2010, and bids will be opened on March 18, 2010, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for this project but a date has not been set. Use the contact information contained in this advertisement to find out more about the prebid. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-287. Filed for public inspection February 12, 2010, 9:00 a.m.]

### Bid Opportunity

**BOGM 09-14, Cleaning Out and Plugging Two Orphan Gas Wells, (Jason Fox and Darlene Wyatt Properties), Hempfield Township, Westmoreland County.** The principal items of work include cleaning out and plugging two orphan gas wells, estimated to be 3,600 feet in depth, to Department of Environmental Protection specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on February 12, 2010, and bids will be opened on March 23, 2010, at 2 p.m. Bid documents cost

\$10 per set and will not be mailed until payment has been received. A prebid conference is planned for this project but a date has not been set. Use the contact information contained in this advertisement to find out more about the prebid. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-288. Filed for public inspection February 12, 2010, 9:00 a.m.]

### Bureau of Oil and Gas Management Technical Advisory Board; Change of Meeting Date

The March 18, 2010, meeting of the Bureau of Oil and Gas Technical Advisory Board (TAB) has been rescheduled. The meeting will begin at 10 a.m., March 25, 2010, Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the meetings can be directed to Carol Daniels at (717) 772-2199 or cardaniels@state.pa.us. The agenda and meeting materials will be available through the Public Participation Center on Department of Environmental Protection's (Department) world wide web site at <http://www.depweb.state.pa.us>.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Carol Daniels directly at (717) 772-2199 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-289. Filed for public inspection February 12, 2010, 9:00 a.m.]

### State Board for Certification of Water and Wastewater Systems Operators; Rescheduling of Meeting Notice

The State Board for Certification of Water and Wastewater Systems Operators (Board) conference call meeting on Friday, March 26, 2010 at 10 a.m. has been rescheduled to Friday, March 19, 2010 at 10 a.m. as a regular Board meeting in the 2nd floor training room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17101. The purpose of the meeting is to finalize

comments for submittal to the Environmental Quality Board on final regulations for the Operator Certification Program.

Questions concerning the Board meeting can be directed to Cheri Sansoni at (717) 772-5158 or csansoni@state.pa.us. The agenda and meeting material for this meeting date will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Cheri Sansoni at (717) 772-5158, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users), or (800) 654-5988 (voice users), to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-290. Filed for public inspection February 12, 2010, 9:00 a.m.]

### Water Resources Advisory Committee; Special Meeting Notice

The Water Resources Advisory Committee (WRAC) will hold a special meeting on March 17, 2010 beginning at 9:30 a.m., Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The purpose of the meeting is to discuss the draft-final Chapter 102 Erosion and Sediment Control and Stormwater Management regulatory package and request formal action from WRAC to move the package on to the Environmental Quality Board.

The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us). Questions concerning this meeting should be directed to Marcus Kohl at (717) 783-7404 or mkohl@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Marcus Kohl at (717) 783-7404 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-291. Filed for public inspection February 12, 2010, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Home Care Agencies and Home Care Registries; Extension of deadline for licensure under 28 Pa. Code Chapter 611

The regulations governing licensure for home care agencies (HCAs) and home care registries (HCRs) were published 39 Pa.B. 6958 (December 12, 2009).

HCAs and HCRs, as defined in the regulations, must now be licensed by the Department of Health (Department) to provide home care services to individuals in their homes or other independent living environments.

An entity that is currently operating an HCA or HCR, or both, may continue to operate provided it submits an application for a license to the Department no later than March 31, 2010. An entity that is currently operating an HCA or HCR that has submitted an application for licensure may continue to operate a date as the Department may refuse the application for licensure. If the Department grants the application for licensure, the home care agency and/or home care registry may continue to operate in accordance with the requirements of the regulations at 28 Pa. Code Chapter 611 (relating to home care agencies and home care registries).

An entity that is established after the effective date of the regulations must obtain a license prior to providing home care services.

Application packets may be obtained by contacting the Division of Home Health at (717) 783-1379 and supplying a mailing address, and the Division will mail the packet to the address supplied. Alternatively, application packets may be obtained electronically. The applicant should go to [www.health.state.pa.us](http://www.health.state.pa.us) and click on the left side navigation bar titled "Facilities, Providers & Managed Care Plans" then click the navigation bar titled "Home Care Licensure Information."

The Department's web site contains additional information and links that may be helpful to the applicant. The Department's website contains a document addressing Frequently Asked Questions which may be accessed at [www.health.state.pa.us](http://www.health.state.pa.us) by clicking on the left side navigation bar titled "Facilities, Providers & Managed Care Plans" then clicking on the navigation bar titled "Home Care Agencies/Home Care Registries" which contains a document link for "Frequently Asked Questions about Home Care Agencies/Home Care Registries." The applicant can also contact the Department for a copy of the document which will be included in the application packet.

To access information pertaining to criminal background checks, go to [www.aging.state.pa.us](http://www.aging.state.pa.us), or contact the Department of Aging, Criminal History Background Check Unit, at (717) 265-7887. To access information pertaining to child abuse clearances, go to [www.dpw.state.pa.us](http://www.dpw.state.pa.us), or contact the Department of Public Welfare, ChildLine, at (717) 783-6211.

If you have any questions or would like more information regarding home care agencies, home care registries, and/or the HCA/HCR licensure program, please contact the Division of Home Health at (717) 783-1379.

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

EVERETTE JAMES,  
*Secretary of Health*

[Pa.B. Doc. No. 10-292. Filed for public inspection February 12, 2010, 9:00 a.m.]

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

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.7 (c) and (d) (relating to physician assistants and certified registered nurse practitioners).

Manorcare Health Services-Huntingdon Valley  
3430 Huntingdon Pike  
Huntingdon Valley, PA 19006  
FAC ID 053802

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

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

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

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address listed previously, or for speech and/or hearing impaired persons V/TT: (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-293. Filed for public inspection February 12, 2010, 9:00 a.m.]

### Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on March 4, 2010 from 9 a.m. to 3 p.m. The meeting will be held at the Giant Community Center, 2nd Floor, Giant Food Store, 3301 Trindle Road, Camp Hill, PA 17011.

For additional information, or if you are a person with a disability and desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Cyndi Malinen, Public Health Program Administrator, Division of Nutrition and Physical Activity, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA at (717) 787-5876, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 10-294. Filed for public inspection February 12, 2010, 9:00 a.m.]

## DEPARTMENT OF LABOR AND INDUSTRY

### Current Prevailing Wage Act Debarments

The contractors referenced have been determined to have intentionally violated the Pennsylvania Prevailing Wage Act (act) (43 P. S. §§ 165-1—165-17). This notice is published for the information and convenience of public bodies subject to the act. Under section 11(e) of the act (43 P. S. § 165-11(e)), these persons and firms; or any firms, corporations or partnerships in which either one of these contractors has an interest, shall be awarded no contract for 3 years after the date listed.

<i>Contractor</i>	<i>Address</i>	<i>Date of Debarment</i>
Richard A. Balsama, Individually	1127 Stratford Road Glenolden, PA 19036	2/1/2010
Tinney Rebar Services, Inc. and Jami R. Tinney, Individually	4 Industrial Park Drive Oakdale, PA 15071	1/26/2010

SANDI VITO,  
*Secretary*

[Pa.B. Doc. No. 10-295. Filed for public inspection February 12, 2010, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Medical Assistance Program Fee Schedule Revisions

#### *Purpose of Notice*

The Department of Public Welfare (Department) announces changes to the Medical Assistance (MA) Program Fee Schedule. These changes are effective for dates of service on and after March 1, 2010.

#### *Fee Schedule Revisions*

The Department is making updates to the MA Program Fee Schedule in response to requests received from providers and clinical reviews conducted by Department staff related to standards of practice, provider type/specialties, places of service and procedure code/modifier combinations.

#### *Procedure Code and Procedure Code/Modifier End-Dates and Additions*

The Department is end-dating the following radiological procedure codes because the radiopharmaceutical administration costs are included in the technical component fee for the service:

79005  
79101  
79445

The Department is end-dating the following diagnostic procedure codes because they are experimental procedures. MA regulations at 55 Pa. Code § 1141.59 (relating



to noncompensable services) set forth that payments will not be made for experimental procedures:

95060  
95065

The Department is end-dating the following computerized 3-D rendering procedure codes because the costs for these services are included in the technical component fee for the radiology service:

76976  
76377

The Department is end-dating the following procedure code for overnight oxygen saturation monitoring because the procedure is integral to the service being provided or included in the support component fee and should not be billed separately:

94762

The following radiological and diagnostic procedure codes will have the total component (no modifier) end-dated since the technical component fee for the service is included in the Diagnosis Related Group (DRG), Hospital Short Procedure Unit (SPU), the Ambulatory Surgical Center (ASC) or Special Treatment Room (STR) support component payment:

76001  
93640  
93641

The following radiological procedure code will have the technical component (TC modifier) end-dated since the technical component fee for the service is included in the DRG, ASC/SPU or STR support component payment:

76001

The following surgical procedure codes will have the 80 modifier end-dated since the services do not require an assistant surgeon:

36561  
58671  
69710

The following physical therapy procedure codes will have the SG modifier end-dated since they are non-surgical procedures and are not appropriate in an ASC/SPU:

97597  
97598  
97602

The following surgical procedure codes will have the SU modifier end-dated since they are not office procedures and can only be performed in ASC/SPU or inpatient setting:

25111  
26160  
31535  
43260  
58120

The following pulse oximetry procedure code will have the technical component (TC) and the professional component (26) pricing modifiers end-dated as this code represents only the technical component of the procedure consistent with the *Current Procedural Terminology, 2009 Standard Edition*, code book:

94761

The pricing modifiers (SG) and (26) are being added to the following surgical and diagnostic services currently designated as inpatient services, but which can safely be performed in an SPU or ASC, or both, depending on the procedure:

11983 (SG)  
64475 (SG)  
93640 (SG)  
93641 (SG)  
93640 (26)  
93641 (26)

*Fee Changes*

The Pennsylvania Medicaid State Plan (State Plan) specifies that maximum fees for services covered under the MA Program are to be determined on the basis of the following: fees may not exceed the Medicare upper limit when applicable; fees must be consistent with efficiency, economy and quality of care; and fees must be sufficient to assure the availability of services to recipients. The regulations at 55 Pa. Code § 1150.62(a) (relating to payment levels and notice of rate setting changes) also specify that the MA fees may not exceed the Medicare upper limit. Effective for dates of service on and after March 1, 2010, the following procedure codes will have the fee related to the SU modifier decreased to comply with these requirements:

<i>Procedure Code</i>	<i>Description</i>	<i>Current MA Fee (with SU modifier)</i>	<i>MA Fee Effective March 1, 2010 (with SU modifier)</i>
20220	Biopsy, bone, trocar, or needle; superficial (for example, ilium, sternum, spinous process, ribs)	\$683.80	\$155.01
38500	Biopsy or excision of lymph nodes; open, superficial	\$638.80	\$279.49
46230	Excision of external hemorrhoid tags and/or multiple papillae	\$660.80	\$218.20
55250	Vasectomy, unilateral or bilateral (separate procedure), including postoperative semen examinations	\$815.80	\$419.73
68420	Incision, drainage of lacrimal sac (dacryocystotomy or dacryocystostomy)	\$694.30	\$255.44

Effective for dates of service on and after March 1, 2010, the following diagnostic procedure code must be billed with modifier (26) with the associated fee of \$327.25:

<i>Procedure Code</i>	<i>Description</i>	<i>Current MA Fee (with no modifier)</i>	<i>MA Fee Effective March 1, 2010 (with 26 modifier)</i>
93641	Electrophysiologic evaluation of single or dual chamber pacing cardioverter-defibrillator leads including defibrillation threshold evaluation (induction of arrhythmia, evaluation of sensing and pacing for arrhythmia termination) at time of initial implantation or replacement; with testing of single or dual chamber pacing cardioverter-defibrillator pulse generator	\$574.79	\$327.25

### *Fiscal Impact*

It is anticipated that these revisions will result in minimal savings; therefore, there will be 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 Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received will be reviewed and considered for any subsequent revisions to the MA Program Fee Schedule.

Persons with a disability who require an auxiliary aid or service may submit comments using the Pennsylvania AT&T Relay Service (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

HARRIET DICHTER,  
*Acting Secretary*

**Fiscal Note: 14-NOT-634. No fiscal impact; (8) recommends adoption.**

[Pa.B. Doc. No. 10-296. Filed for public inspection February 12, 2010, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Bankroll

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Bankroll.

2. *Price:* The price of a Pennsylvania Bankroll instant lottery game ticket is \$2.

3. *Prize Play and Play Symbols:* Each Pennsylvania Bankroll instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11

(ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), Safe symbol (SAFE) and a Bankroll symbol (BANKROLL).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$20.<sup>00</sup> (TWENTY), \$40.<sup>00</sup> (FORTY), \$100 (ONE HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$100, \$400, \$1,000 and \$25,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 8,400,000 tickets will be printed for the Pennsylvania Bankroll instant lottery game.

#### *7. Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$25,000 (TWYFIVTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe symbol (SAFE), and a prize symbol of \$1,000 (ONE THO) appears under the Safe symbol (SAFE), on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$400 (FOR HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$400.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Safe symbol (SAFE), and a prize symbol of \$400 (FOR HUN) appears under the Safe symbol (SAFE), on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the

“WINNING NUMBERS” play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Safe symbol (SAFE), and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the Safe symbol (SAFE), on a single ticket, shall be entitled to a prize of \$40.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Bankroll symbol (BANKROLL), on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Safe symbol (SAFE), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the Safe symbol (SAFE), on a single ticket, shall be entitled to a prize of \$10.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Safe symbol (SAFE), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the Safe symbol (SAFE), on a single ticket, shall be entitled to a prize of \$5.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(p) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Safe symbol (SAFE), and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears under the Safe symbol (SAFE), on a single ticket, shall be entitled to a prize of \$4.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(r) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Safe symbol (SAFE), and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under the Safe symbol (SAFE), on a single ticket, shall be entitled to a prize of \$2.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches either of the “WINNING NUMBERS” play symbols and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

*When Any Of The Ten Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number. Win With Prize(s) Of:*

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 8,400,000 Tickets</i>
\$1 x 2	37.50	224,000
\$2 w/SAFE	30	280,000
\$2	30	280,000
\$1 x 4	75	112,000
\$2 x 2	75	112,000
\$4 w/SAFE	75	112,000
\$4	50	168,000
\$1 x 5	150	56,000
\$5 w/SAFE	150	56,000
\$5	75	112,000
\$1 x 10	750	11,200
\$2 x 5	750	11,200
\$5 x 2	750	11,200
\$10 w/SAFE	750	11,200
\$10	750	11,200
\$2 x 10	1,500	5,600
\$4 x 5	1,500	5,600
\$5 x 4	1,500	5,600
\$10 x 2	1,500	5,600
\$20 w/BANKROLL	83.33	100,800
\$20	1,500	5,600
\$4 x 10	4,000	2,100
\$5 x 8	4,000	2,100
\$10 x 4	4,000	2,100

When Any Of The Ten Your Numbers Match Either Winning Number, Win Prize Shown Under The Matching Number. Win With Prize(s) Of:

Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 8,400,000 Tickets
\$20 × 2	4,000	2,100
(\$20 w/BANKROLL) + \$20	701.75	11,970
\$40 w/SAFE	4,000	2,100
\$40	1,263	6,650
\$10 × 10	8,000	1,050
\$20 × 5	8,000	1,050
(\$20 w/BANKROLL) + (\$10 × 8)	6,000	1,400
(\$20 w/BANKROLL) + (\$20 × 4)	6,000	1,400
(\$40 × 2) + (\$4 × 5)	8,000	1,050
\$100	8,000	1,050
\$40 × 10	40,000	210
\$400 w/SAFE	40,000	210
\$400	40,000	210
\$1,000 w/SAFE	40,000	210
\$1,000	40,000	210
\$25,000	560,000	15

Get a "SAFE" (SAFE) symbol, win the prize under that symbol.

Get a "BANKROLL" (BANKROLL) symbol, win \$20.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Bankroll instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Bankroll, prize money from winning Pennsylvania Bankroll instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Bankroll instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania Bankroll or through normal communications methods.

C. DANIEL HASSELL,  
Acting Secretary

[Pa.B. Doc. No. 10-297. Filed for public inspection February 12, 2010, 9:00 a.m.]

### Pennsylvania 3-D Cash Cube

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania 3-D Cash Cube.

2. *Price:* The price of a Pennsylvania 3-D Cash Cube instant lottery game ticket is \$3.

3. *Play Symbols:* Each Pennsylvania 3-D Cash Cube instant lottery game ticket will contain one play area consisting of three separate games designated as "Game 1," "Game 2" and "Game 3." Each "Game" is played separately. The play symbols located in the three games are: Moneybag symbol (MNYBG), Pot of Gold symbol (PTGLD), Rabbit's Foot symbol (RBTFT), Horse Shoe symbol (SHOE), Star symbol (STAR), Diamond symbol (DMND), Clover symbol (CLOVER), Rainbow symbol (RNBOW) and Wishbone symbol (WSHBN).

4. *Prizes:* The prizes that can be won in this game are: \$3, \$6, \$9, \$15, \$30, \$90, \$300, \$1,000, \$3,000, \$30,000 and \$60,000. The player can win up to four times on each ticket.

5. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania 3-D Cash Cube instant lottery game.

6. *Determination of Prize Winners:*

(a) Holders of tickets in which three like play symbols appear in a complete column in "Game 3" and having a corresponding prize marker with a prize amount of \$60,000 appearing in that prize marker, on a single ticket, shall be entitled to a prize of \$60,000.

(b) Holders of tickets in which three like play symbols appear in a complete row in "Game 1" and having a corresponding prize marker with a prize amount of \$30,000 appearing in that prize marker, on a single ticket, shall be entitled to a prize of \$30,000.

(c) Holders of tickets in which three like play symbols appear in a complete column in "Game 1" and having a corresponding prize marker with a prize amount of \$3,000 appearing in that prize marker, on a single ticket, shall be entitled to a prize of \$3,000.

(d) Holders of tickets in which three like play symbols appear in a complete row in “Game 3” and having a corresponding prize marker with a prize amount of \$1,000 appearing in that prize marker, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets in which three like play symbols appear in either a complete row in “Game 2” or in a complete column in “Game 3” and having a corresponding prize marker with a prize amount of \$300 appearing in that prize marker, on a single ticket, shall be entitled to a prize of \$300.

(f) Holders of tickets in which three like play symbols appear in either a complete column in “Game 2” or in a complete row in “Game 3” and having a corresponding prize marker with a prize amount of \$90 appearing in that prize marker, on a single ticket, shall be entitled to a prize of \$90.

(g) Holders of tickets in which three like play symbols appear in either a complete row in “Game 1” or “Game 2” and having a corresponding prize marker with a prize amount of \$30 appearing in that prize marker, on a single ticket, shall be entitled to a prize of \$30.

(h) Holders of tickets in which three like play symbols appear in either a complete column in “Game 1” or “Game

3” and having a corresponding prize marker with a prize amount of \$15 appearing in that prize marker, on a single ticket, shall be entitled to a prize of \$15.

(i) Holders of tickets in which three like play symbols appear in either a complete column in “Game 2” or in a complete row in “Game 3” and having a corresponding prize marker with a prize amount of \$9 appearing in that prize marker, on a single ticket, shall be entitled to a prize of \$9.

(j) Holders of tickets in which three like play symbols appear in either a complete row in “Game 1” or “Game 2” and having a corresponding prize marker with a prize amount of \$6 appearing in that prize marker, on a single ticket, shall be entitled to a prize of \$6.

(k) Holders of tickets in which three like play symbols appear in either a complete column in “Game 1” or “Game 2” and having a corresponding prize marker with a prize amount of \$3 appearing in that prize marker, on a single ticket, shall be entitled to a prize of \$3.

7. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

<i>Scratch The Entire Cube. In Any Of The Three Games, Find 3 Like Play Symbols In A Complete Row Or Column And Win Prize Shown In The Marker Pointing To That Win. Win With Prize(s) Of:</i>			<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>			
\$3			\$3	16.67	432,000
	\$3		\$3	20	360,000
\$6			\$6	50	144,000
	\$6		\$6	50	144,000
\$3	\$3		\$6	50	144,000
	\$9		\$9	100	72,000
		\$9	\$9	100	72,000
\$3	\$6		\$9	100	72,000
\$15			\$15	200	36,000
		\$15	\$15	200	36,000
\$3	\$3	\$9	\$15	100	72,000
\$30			\$30	500	14,400
	\$30		\$30	500	14,400
\$6	\$9	\$15	\$30	500	14,400
\$15	\$6 + \$9		\$30	250	28,800
	\$90		\$90	1,200	6,000
		\$90	\$90	1,200	6,000
\$15 + \$30	\$30	\$15	\$90	1,143	6,300
	\$300		\$300	24,000	300
		\$300	\$300	24,000	300
		\$1,000	\$1,000	30,000	240
\$3,000			\$3,000	60,000	120
\$30,000			\$30,000	720,000	10
		\$60,000	\$60,000	1,440,000	5

Prizes, including top prizes, are subject to availability at the time of purchase.

8. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania 3-D Cash Cube instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

9. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania 3-D Cash Cube, prize money from winning Pennsylvania 3-D Cash Cube instant lottery game tickets will be retained by the

Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania 3-D Cash Cube instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

10. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

11. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. Such announcement will be disseminated through media used to advertise or promote Pennsylvania 3-D Cash Cube or through normal communications methods.

C. DANIEL HASSELL,  
*Acting Secretary*

[Pa.B. Doc. No. 10-298. Filed for public inspection February 12, 2010, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Finding Juniata County

Under section 2002(b), of The Administrative Code of 1929 (71 P.S. § 575(b)), the Director of the Bureau of Design makes the following written finding:

The Federal Highway Administration and the Department of Transportation are planning the construction of a

new vehicular bridge carrying SR 0035 over the Juniata River that connects Mifflin Borough to Mifflintown Borough in Juniata County. The project also will include the construction of a roundabout at the SR 0035/SR 3002 intersection; the replacement of the bridge carrying SR 0035, Section Z05 over the Norfolk Southern Railroad, and the replacement of the existing SR 0035 vehicular bridge with a pedestrian bridge.

Information describing the project, with the associated environmental analysis, is contained in the Environmental Assessment that was prepared for this project.

Based upon studies, there is no prudent and feasible alternative to the proposed action.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of the Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effects.

BRIAN G. THOMPSON, P. E.  
*Director  
Bureau of Design*

[Pa.B. Doc. No. 10-299. Filed for public inspection February 12, 2010, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Nursery Water Designations and Re-Designations

Under 58 Pa. Code § 67.1 (relating to nursery waters and exhibition areas), the Executive Director of the Fish and Boat Commission (Commission), with the approval of the Commission, may designate waters as nursery waters or exhibition areas to which the penalties of section 2106 of the Fish and Boat Code, 30 Pa.C.S. § 2106 (relating to fishing in hatchery or nursery waters) apply. The designation of waters as nursery waters or exhibition areas shall be effective upon posting of the waters after publication of a notice that the waters have been so designated in the *Pennsylvania Bulletin*.

The Commission has designated the following waters as nursery waters:

County	Water	Limits
Centre	Spring Creek	In Bellefonte from the trestle immediately above the falls downstream to the Lamb Street Bridge
Crawford	Pymatuning Lake	Sanctuary and spillway area
Elk	East Branch Clarion River	A section of the East Branch of the Clarion River where the East and West Branches meet to form the Clarion River upstream to the Venners Island Bridge (approximately 1/4 mile in length)
Erie	Godfrey Run	Entire stream
Erie	Crooked Creek	From Ables Road Bridge downstream to a wire just above the mouth (approximately 1/4 mile in length)
Erie	Trout Run	Entire stream including an unnamed tributary flowing from the Fairview State Fish Hatchery
Erie	Orchard Beach Run	Entire stream
Franklin	Dickey's Run	100 feet on the Mercersburg Sportsman's Association property
Franklin	Falling Springs Creek	From the US Route 30 bridge downstream approximately 300 feet to Walker Road
Potter	Commissioner Run	Located on Pennsylvania Historical and Museum Commission property
Potter	One Acre Pond	Located at Lumber Museum—Denton Hill State Park

The Commission has designated the following waters as nursery waters to protect spawning walleye and therefore has closed them to fishing from April 15 to the first Saturday in May:

<i>County</i>	<i>Water</i>	<i>Limits</i>
Crawford	Linesville Creek	From the mouth upstream to the Conrail Railroad Bridge north of State Route 6 in Linesville. (Annually from March 1 to the first Saturday in May)
Crawford	Padden (Finley) Creek	From the mouth upstream to Finley Bridge on State Route 6 (Annually from March 1 to the first Saturday in May)

The Commission has removed the following waters from its list of nursery waters:

<i>County</i>	<i>Water</i>	<i>Limits</i>
Carbon	Hock Run	From the source downstream to State Route 534 (Approximately one mile in length) No Longer Maintained; Cooperative Nursery Defunct
Cumberland	Middle Spring Creek	In Shippensburg No Longer Maintained
Erie	Elk Creek	Portions posted as temporary nursery waters for Chinook Salmon No Longer Maintained Or Needed
Huntingdon	Lake Raystown	Seven Points Marina fish display tank No Longer Maintained
Lancaster	Lititz Spring	A pool located in Lititz Spring Park No Longer Maintained
Potter	Allegheny River	200 foot area at the confluence of the Allegheny River and Mill Creek No Longer Maintained
Potter	Allegheny River	500 foot area from the Chestnut Street Bridge to the lower end of the flood control channel No Longer Maintained
Washington	Cross Creek Lake	Entire lake No Longer Maintained; Lake Open to Public Fishing
Wayne	Lake Wallenpaupack	Mangan Spring and Run and that portion of Mangan Cove into the lake for a distance of 150 yards from the high water mark No Longer Maintained; Cooperative Nursery Defunct

BRIAN P. BARNER,  
*Acting Executive Director*

[Pa.B. Doc. No. 10-300. Filed for public inspection February 12, 2010, 9:00 a.m.]

### 2010 List of Native Species for Purposes of 58 Pa. Code Chapter 79

Under 58 Pa. Code § 79.1 (relating to definitions), the Fish and Boat Commission (Commission) is publishing the following list of reptile and amphibian species and subspecies, where applicable, that the Commission has determined are native species for purposes of 58 Pa. Code Chapter 79 (relating to reptiles and amphibians). The Commission's regulations define "native species" as a reptile or amphibian species or subspecies, where applicable, that has not been introduced into this Commonwealth and occurs historically within the boundaries of this Commonwealth. The Commission's regulations go on to state that the Commission will from time to time publish in the *Pennsylvania Bulletin* a list of reptile and amphibian species and subspecies, where applicable, that it has determined to be native species.

<b>Scientific Name</b>	<b>Common Name</b>	<b>PA Status</b>
<i>Acris crepitans crepitans</i>	Northern Cricket Frog	S
<i>Agkistrodon contortrix</i>	Copperhead	S
<i>Ambystoma jeffersonianum</i>	Jefferson Salamander	S
<i>Ambystoma laterale</i>	Blue-spotted Salamander	S
<i>Ambystoma maculatum</i>	Spotted Salamander	A
<i>Ambystoma opacum</i>	Marbled Salamander	S
<i>Ambystoma tigrinum</i>	Eastern Tiger Salamander	X

Scientific Name	Common Name	PA Status
<i>Aneides aeneus</i>	Green Salamander	T
<i>Apalone mutica mutica</i>	Midland Smooth Softshell	X
<i>Apalone spinifera spinifera</i>	Eastern Spiny Softshell	A
<i>Anaxyrus americanus americanus</i>	Eastern American Toad	A
<i>Anaxyrus fowleri</i>	Fowler's Toad	S
<i>Carphophis amoenus amoenus</i>	Eastern Worm Snake	S
<i>Chelydra serpentina</i>	Snapping Turtle	A
<i>Chyrsemys picta marginata</i>	Midland Painted Turtle	A
<i>Chyrsemys picta picta</i>	Eastern Painted Turtle	A
<i>Clemmys guttata</i>	Spotted Turtle	S
<i>Clonophis kirtlandii</i>	Kirtland's Snake	E
<i>Coluber constrictor constrictor</i>	Northern Black Racer	A
<i>Crotalus horridus</i>	Timber Rattlesnake	C
<i>Cryptobranchus alleganiensis alleganiensis</i>	Eastern Hellbender	S
<i>Desmognathus fuscus</i>	Northern Dusky Salamander	A
<i>Desmognathus monticola</i>	Seal Salamander	A
<i>Desmognathus ochrophaeus</i>	Allegheny Mountain Dusky Salamander	A
<i>Diadophis punctatus edwardsii</i>	Northern Ringneck Snake	A
<i>Pantherophis alleghaniensis</i>	Eastern Ratsnake	A
<i>Emydoidea blandingii</i>	Blanding's Turtle	C
<i>Plestiodon anthracinus anthracinus</i>	Northern Coal Skink	S
<i>Plestiodon fasciatus</i>	Five-lined Skink	A
<i>Plestiodon laticeps</i>	Broadhead Skink	C
<i>Eurycea bislineata</i>	Northern Two-lined Salamander	A
<i>Eurycea longicauda longicauda</i>	Longtail Salamander	A
<i>Glyptemys insculpta</i>	Wood Turtle	S
<i>Glyptemys muhlenbergii</i>	Bog Turtle	E
<i>Graptemys geographica</i>	Map Turtle	A
<i>Gyrinophilus porphyriticus porphyriticus</i>	Northern Spring Salamander	A
<i>Hemidactylium scutatum</i>	Four-toed Salamander	A
<i>Heterodon platirhinos</i>	Eastern Hognose Snake	S
<i>Hyla versicolor</i>	Eastern Gray Treefrog	A
<i>Kinosternum subrubrum subrubrum</i>	Eastern Mud Turtle	S
<i>Lampropeltis triangulum triangulum</i>	Eastern Milksnake	A
<i>Liochlorophis vernalis</i>	Smooth Green Snake	S
<i>Necturus maculosus</i>	Mudpuppy	S



Scientific Name	Common Name	PA Status
<i>Nerodia sipedon sipedon</i>	Northern Water Snake	A
<i>Notophthalmus viridescens viridescens</i>	Eastern Red-Spotted Newt	A
<i>Opheodrys aestivus</i>	Rough Green Snake	E
<i>Plethodon cinereus</i>	Eastern Redback Salamander	A
<i>Plethodon glutinosus</i>	Northern Slimy Salamander	A
<i>Plethodon hoffmani</i>	Valley and Ridge Salamander	S
<i>Plethodon electromorphus</i>	Northern Ravine Salamander	S
<i>Plethodon wehrlei</i>	Wehrle's Salamander	A
<i>Pseudacaris crucifer</i>	Spring Peeper	A
<i>Pseudacris brachyphona</i>	Mountain Chorus Frog	S
<i>Pseudacris feriarum</i>	Upland Chorus Frog	S
<i>Pseudacris triseriata</i>	Western Chorus Frog	S
<i>Pseudacris kalmi</i>	New Jersey Chorus Frog	E
<i>Pseudemys rubriventris</i>	Redbelly Turtle	T
<i>Pseudotriton montanus montanus</i>	Eastern Mud Salamander	E
<i>Pseudotriton ruber ruber</i>	Northern Red Salamander	A
<i>Lithobates catesbeiana</i>	Bullfrog	A
<i>Lithobates clamitans melanotus</i>	Northern Green Frog	A
<i>Lithobates palustris</i>	Pickerel Frog	A
<i>Lithobates pipiens</i>	Northern Leopard Frog	S
<i>Lithobates sphenoccephalus utricularius</i>	Southern Leopard Frog	E
<i>Lithobates sylvatica</i>	Wood Frog	A
<i>Regina septemvittata</i>	Queen Snake	S
<i>Scaphiopus holbrookii</i>	Eastern Spadefoot	E
<i>Sceloporus undulatus</i>	Eastern Fence Lizard	S
<i>Sistrurus catenatus catenatus</i>	Eastern Massasauga	E
<i>Sternotherus odoratus</i>	Eastern Musk Turtle	A
<i>Storeria dekayi dekayi</i>	Northern Brown Snake	A
<i>Storeria occipitomaculata occipitomaculata</i>	Northern Redbelly Snake	A
<i>Terrepepe carolina carolina</i>	Eastern Box Turtle	S
<i>Thamnophis brachystoma</i>	Shorthead Garter Snake	S
<i>Thamnophis sauritus sauritus</i>	Eastern Ribbon Snake	S
<i>Thamnophis sauritus septentrionalis</i>	Northern Ribbon Snake	S
<i>Thamnophis sirtalis sirtalis</i>	Eastern Garter Snake	A
<i>Virginia pulchra</i>	Mountain Earth Snake	S
<i>Virginia valeriae valeriae</i>	Eastern Smooth Earth Snake	S

## Legend

A=Abundant

C=Candidate Species

E=Endangered Species

S=Species of special concern, rare, not common due to one or more of the following factors: range restriction, population decline, limited distribution, direct threats from habitat alteration, collection

T=Threatened Species

X=Extirpated, no longer occurs in PA

BRIAN P. BARNER,  
*Acting Executive Director*

[Pa.B. Doc. No. 10-301. Filed for public inspection February 12, 2010, 9:00 a.m.]

## HISTORICAL AND MUSEUM COMMISSION

### State Surplus Property Program; Deaccession Auction

The Historical and Museum Commission will be auctioning items deaccessioned from the permanent collection. These antique items, some museum quality, are being auctioned because they duplicate objects remaining in the collection, are in poor condition or do not pertain to the history of this Commonwealth. The public auction will be held in conjunction with the Department of General Services' Surplus Property Division, the morning of Saturday, March 6th, 2010, at Ziegler Auction Company's Hummelstown, PA facility ([www.zieglerauction.com](http://www.zieglerauction.com)). The auction will feature a variety of antique items, some museum quality, including: prints and engravings, tools and equipment related to agricultural, woodworking and mining industries, an assortment of 19th century household and merchandising objects, and railroad memorabilia, including equipment, timetables, prints, and models.

BARBARA FRANCO,  
*Executive Director*

[Pa.B. Doc. No. 10-302. Filed for public inspection February 12, 2010, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in 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, IRRC will provide a copy or you can obtain a copy from our website, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

### Final-Form

Reg. No.	Agency/Title	Received	Public Meeting
10-181	Department of Health School Immunizations; Communicable and Noncommunicable Diseases	1/28/10	3/11/10

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 10-303. Filed for public inspection February 12, 2010, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application For Approval to Acquire Control of Lebanon Mutual Insurance Company

Tuscarora Wayne Insurance Company has filed an application to acquire control of Lebanon Mutual Insurance Company, a Pennsylvania domiciled mutual property insurance company. The filing was made under the requirements set forth under the Insurance Holding Companies Act of 1921, (40 P. S. §§ 991.1402—991.1413).

Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, or [rbrackbill@state.pa.us](mailto:rbrackbill@state.pa.us).

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-304. Filed for public inspection February 12, 2010, 9:00 a.m.]

### Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Lycoming Community Care, Inc.

Lycoming Community Care, Inc. has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Woods' Edge At Valley View in Montoursville, PA. The initial filing was received on December 30, 2009, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act of 1984 (40 P. S. §§ 3201—3325).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or to syerger@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-305. Filed for public inspection February 12, 2010, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insured has requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insured's automobile policy. The hearing will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearing will be held in the Insurance Department's regional offices in Harrisburg, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

*Appeal of Thomas Crane; file no. 09-188-81113; Nationwide Affinity Insurance Company of America; Doc. No. P10-01-012; March 18, 2010, 10 a.m.*

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured

wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 10-306. Filed for public inspection February 12, 2010, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The Liquor Control Board Leases will expire:

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Bucks County, Wine & Spirits Store #0926 (Relocation), Doylestown, PA

*Lease expiration date:* October 31, 2010

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board a minimum of 12,000 up to approximately 15,000 net useable square feet of new or existing retail commercial space in a 2-mile radius of the Doylestown Shopping Center, Doylestown, PA.

*Proposals due:* February 19, 2010, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 7114 Ridge Avenue, Philadelphia, PA 19128-3250  
**Contact:** Robert Jolly, (215) 482-9670

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Montgomery County, Wine & Spirits Store #4660 (New Store), Dreshertown Road, Upper Dublin Township, PA

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 5,000 net useable square feet of new or existing retail commercial space in a 1-mile radius of Route 152 (Limekiln Pike) and Dreshertown Road, Upper Dublin Township, PA.

*Proposals due:* March, 5 2010, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 7114 Ridge Avenue, Philadelphia, PA 19128-3250  
**Contact:** Henry Blocker, Jr., (215) 482-9670

The Liquor Control Board Lease seeks the following new site:

Philadelphia County, Office Space/Training Academy #5156 (New Facility), Philadelphia, PA

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial office space/training academy within the County of Philadelphia that is easily accessible to public transportation.

*Proposals due:* March, 5 2010, at 12 p.m.

**Department:** Pennsylvania Liquor Control Board  
**Location:** Real Estate Division, 7114 Ridge Avenue, Philadelphia, PA 19128-3250  
**Contact:** Henry Blocker, Jr., (215) 482-9670  
 PATRICK J. STAPLETON, III,  
*Chairperson*

[Pa.B. Doc. No. 10-307. Filed for public inspection February 12, 2010, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

Public Meeting held  
 January 28, 2010

### Interim Order

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

*Relief Plan for the 814 NPA; Doc. No. P-2009-2112925*

*By the Commission:*

On June 9, 2009, the North American Numbering Plan Administrator NeuStar, Inc. (NANPA), in its role as the neutral third party NPA Relief Planner for Pennsylvania,<sup>1</sup> acting on behalf of the Pennsylvania telecommunications industry (industry) filed a petition with the Commission requesting approval of its plan for the 814 Numbering Plan Area (NPA or area code). According to the petition, the industry reached a consensus<sup>2</sup> to implement an all services distributed overlay for the geographic area covered by the 814 NPA which would create a new area code to service the area. Currently, the 814 NPA is projected to exhaust all available NXX codes<sup>3</sup> during the third quarter 2012.

Because the Commission has the ultimate authority to approve or reject a relief plan,<sup>4</sup> we entered an order on

<sup>1</sup> The NANPA is the entity that allocates numbering resources and monitors the viability of area codes to determine when all of the numbers available in the area code are nearing exhaust. The Industry Numbering Committee Guidelines provide that, when an area code is nearing exhaustion, the NANPA, which then becomes the NPA Relief Planner, convenes a meeting of the industry to discuss relief alternatives. *NPA Code Relief Planning & Notification Guidelines*, INC97-0404-016, reissued Nov. 8, 1999, at § 5.5. If the industry reaches a consensus, then its consensus plan is filed with the Commission and the Commission has an opportunity to take action at that point. *NPA Code Relief Planning & Notification Guidelines*, INC97-0404-016, reissued Nov. 8, 1999, at § 5.6.

<sup>2</sup> A consensus is established when substantial agreement has been reached. Substantial agreement means more than a simple majority, but not necessarily unanimity. *CLC Principles and Procedures*, May 1998, at § 6.8.8.

<sup>3</sup> NXX codes are the three digits following an area code. Hence, in 814-555-1212, 814 is the NPA and 555 is the NXX code. The unavailability of numbering resources and the need for new area codes occurs for several reasons. For example, more carriers are competing in the telecommunications market and to compete they require numbers to offer their customers.

<sup>4</sup> 47 CFR § 52.19 and *NPA Code Relief Planning & Notification Guidelines*, INC 97-0404-016, reissued Nov. 8, 1999, at § 2.10.

July 29, 2009, at the above docket number seeking comments on the industry's proposed relief plan. Comments by interested parties were due by September 8, 2009. Reply comments were filed by September 28, 2009. The Commission received comments from Representative Metzger, the Office of Consumer Advocate, residents within the 814 NPA and the industry. Several of these commenters requested that the Commission schedule public input hearings to further discuss the situation in the 814 NPA before rendering a final order on the industry consensus relief plan.

The Commission agrees that public input hearings would be a useful tool to help make this difficult decision. Therefore, the Commission hereby directs that the record in this matter will be re-opened for the purpose of accepting public input in the form of testimony related to the form of relief for the 814 NPA. The locations and times for the public input hearings are set forth in Attachment A to this order. An administrative law judge has been assigned to this matter for the purpose of facilitating the hearings. A transcript of the hearings will be made and then certified to the Commission which will make the final decision on this matter.

Participants in these hearings are reminded that the Federal Communications Commission (FCC) has significantly diminished the Commission's authority when deciding area code relief issues and has required the Commission to implement area code relief in a timely manner.<sup>5</sup> Therefore, the Commission can only accept testimony related to the form of relief<sup>6</sup> that should be implemented in the 814 NPA.

Finally, the Commission remains committed to the competitive process in the telephone industry and stands firmly resolved to ensure that all telecommunications carriers have adequate numbering resources so as to compete in the rapidly growing telecommunications marketplace in Pennsylvania. Reopening the record to receive public input will not preclude customers from receiving telecommunications services from providers of their choice because of a lack of numbering resources as the current relief plan proposed by the industry allows nineteen months for full implementation of the new NPA. The Commission's past experience with area code overlays is that they have been fully implemented within as little as six months. Therefore, temporarily delaying the current implementation schedule will not compromise the ability of area code relief to be implemented in the 814 NPA on a timely basis.

The policy of the Commission is to ensure that numbering resources, including area code relief planning, are made available on an equitable, efficient and timely basis in Pennsylvania while ensuring that the impact of proliferating new area codes on consumers is minimized to the extent possible; *Therefore,*

### *It is Ordered That:*

<sup>5</sup> *In the Matter of Petition for Declaratory Ruling and Request for Expedited action on July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, 717; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Memorandum Opinion and Order and Order on Reconsideration*, 13 FCC Rcd 190029 (1998) *recon. pending*.

<sup>6</sup> Pursuant to FCC regulations, new area codes can be introduced to relieve the shortage of numbers in an area code through the use of the following three methods:

- A geographic area code split, which occurs when the geographic area served by an area code is split into two or more geographical parts;
- An area code boundary realignment, which occurs when the boundary lines between two adjacent area codes are shifted to allow the transfer of some numbers from one area code to the other;
- Area code overlay, which occurs when a new area code is introduced to serve the same geographic area as an existing area code. 47 CFR § 52.19(c)(1)-(3).

1. The record in this proceeding shall be reopened for the limited purpose of accepting public input in the form of testimony at the public hearings as scheduled in Attachment A to this order.

2. The Secretary's Bureau shall publish a copy of this order and the public notice setting forth the time, place and subject of the public input hearings in the *Pennsylvania Bulletin*.

3. A copy of this order shall be posted on the Commission's web site at <http://www.puc.state.pa.us>.

4. A copy of this order shall be served to upon all the parties of record and upon the Office of Administrative Law Judge.

By the Commission,

JAMES J. McNULTY,  
Secretary

#### Attachment A

##### Petition of North American Numbering Plan Administrator

*Petition of the North American Numbering Plan  
Administrator on behalf of the Pennsylvania  
Telecommunications Industry for Approval of Numbering  
Plan Area Relief Planning for the 814 NPA.*

##### Public Input Hearing Notice

This is to inform that Public Input Hearings on the previously-captioned case will be held as follows:

Type: *Public Input Hearing*

Date: Monday, February 22, 2010 at 6 p.m.

Ramada Inn  
Ballroom C  
1 Sheraton Drive  
Altoona, PA 16601

Tuesday, February 23, 2010 at 6 p.m.  
Richland Township Events & Conference  
Center

176 Mount Airy Drive  
Johnstown, PA 15904

Wednesday, February 24, 2010 at 6 p.m.

Ramada Inn  
Grand Ballroom  
1450 South Atherton Street  
State College, PA 16801

*(Administrative Law Judge David A. Salapa  
will preside)*

Thursday, February 25, 2010 at 6 p.m.

Quality Inn & Suites  
8040 Perry Highway  
Erie, PA 16509

Thursday, March 4, 2010 at 6 p.m.

Somerset Fire Company  
340 West Union Street  
Somerset, PA 15501

Presiding: Administrative Law Judge Katrina

Dudnerdale  
Piatt Place  
301 Fifth Avenue  
Room 220

Pittsburgh, PA 15222  
telephone: (412) 565-3550  
fax: (412) 565-5692

Persons with a disability, wishing to attend the hearing, we may be able to make arrangements for special

needs. Call the scheduling office at the Pennsylvania Public Utility Commission at least 5 business days prior to the hearing to submit a request.

For those requiring an interpreter to participate in the hearings, we will make every reasonable effort to have an interpreter present. Call the scheduling office at the Public Utility Commission at least 10 business days prior to the hearing to submit a request.

- Scheduling Office: (717) 787-1399

- AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

[Pa.B. Doc. No. 10-308. Filed for public inspection February 12, 2010, 9:00 a.m.]

#### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by March 1, 2010. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.**

**A-2009-2139829. Auto Effects Motor Sports, Inc.** (191 9th Street, Monaco, Beaver County, PA 15061)—a corporation of the Commonwealth of Pennsylvania—in Group and Party service, in vehicles seating 11 to 15 passengers, including the driver, from points in Allegheny and Beaver Counties, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2010-2155661. Taxi Express, LLC** (403 North Newberry Street, Apartment 201, York, York County, PA 17401)—a limited liability corporation of the Commonwealth—in call or demand service, in York County. *Attorney:* Sandra Thompson, P. O. Box 2361, York, PA 17405.

**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 each application.**

**A-2010-2155021. Modern Motor Coaches, Inc. d/b/a Modern Piano Moving** (992 Highway D, Sullivan, MO 63080)—household goods in use, limited to pianos and organs, between points in Pennsylvania.

**A-2010-2155597. Sharp Estate Services LLC** (11155 Silverthorn Road, Edinboro, Erie County, PA 16412)—a limited liability corporation of the Commonwealth—household goods in use, between points in Pennsylvania.

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That George DeLallo Company, Inc., Respondent, maintains its principal place of business at 1592 Roseytown Road, Greensburg, PA 15601.

2. That Respondent was issued a Certificate of Public Convenience by this Commission on May 17, 1995 at Application Docket No. A-00111855.

3. That Respondent did not submit a PA PUC Assessment Report for calendar year 2006 and reported zero intrastate revenue for calendar year 2007. On April 6, 2009 this Commission received Respondent's 2008 Assessment Report, which was signed by Philip M. Polsinelli, an officer of the company. It also reported zero PA PUC regulated intrastate revenue. Therefore, Respondent abandoned or discontinued service without having first submitted a letter to this Commission containing a statement that the service is no longer being rendered.

4. That Respondent, by failing to submit a letter to this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(5) and 66 Pa.C.S. § 1102(a)(2) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Respondent's Certificate of Public Convenience at A-00111855.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Bureau of Transportation and Safety

NOTICE

A. You must file an Answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal

arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, a Secretarial Letter will be issued which imposes a penalty, including the revocation of your Certificate of Public Convenience.

C. If you file an Answer which admits or fails to deny the allegations of the Complaint, a Secretarial Letter will be issued which imposes a penalty, including the revocation of your Certificate of Public Convenience.

D. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. If you have questions regarding this Complaint, or if you would like an alternative format of this Complaint for persons with disabilities, please contact the Compliance Office at (717) 787-1227.

JAMES J. McNULTY,  
Secretary

[Pa.B. Doc. No. 10-309. Filed for public inspection February 12, 2010, 9:00 a.m.]

Public Meeting held  
January 28, 2010

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

*Interim Guidelines for the Filing of Electric Transmission  
Line Siting Applications; Doc. No. M-2009-2141293*

**Tentative Order**

*By the Commission:*

The current regulatory filing requirements utilized by this Commission for the siting of high voltage electric utility transmission lines are governed generally by sections 1102, 1501, and 2805 of the Public Utility Code and section 1511 of the Business Corporation Law, 66 Pa.C.S. §§ 1102, 1501, 2805; 15 Pa.C.S. § 1511. Detailed filing requirements for transmission siting applications appear in Chapter 57 of the Commission's regulations—specifically 52 Pa. Code §§ 57.71—57.76 (relating to procedures for siting transmission lines). The Commission's statutory authority under these provisions has been and continues to be sufficient for carrying out its responsibilities for evaluating the safety, adequacy and reliability of proposed high voltage transmission facilities.

The Commission believes the time is ripe to re-evaluate the relevancy and effectiveness of its current regulations and ascertain whether amendments should be considered to meet the needs of the evolving regulatory and energy environment. The current transmission siting regulations are more than thirty years old. Ongoing developments at the Federal level affecting transmission line siting, as well as our statutory obligation to maintain an adequate transmission infrastructure, require this Commission to re-examine its current transmission siting regulations. In particular, the Commission must insure that our regulations produce the data and other information needed to

make informed decisions in order to facilitate our statutory duty to maintain a transmission infrastructure that is adequate to meet the present and future energy needs of Pennsylvania consumers.

Accordingly, the Commission intends to open a rule-making proceeding under separate order in the near future to address this area. In the meantime, the Commission, by this Tentative Order, is proposing certain Interim Guidelines, which are designed to provide guidance to the industry and interested persons as to the information that the Commission believes is relevant and critical to our evaluation of future transmission line siting applications under section 1102, pending the completion of our rulemaking in this area. In this fashion, applicants and interested parties will know, in advance, the information that the Commission deems relevant and essential for its review and evaluation of proposed transmission lines.

#### *Procedural History*

The Commission's current regulatory standards for evaluating applications to site high voltage electric transmission lines were promulgated in 1978 at a time when transmission siting projects were primarily intrastate in nature. See *Re: Overhead Transmission Lines* 51 PAPUC 682 (1978); *Re: West Penn Power Company*, 54 PAPUC 319 (1980). These regulations have been modified over time with the most recent amendments occurring in 1999. Significant developments at the Federal level will have major impacts on how this Commission sites transmission lines in the future. Recently enacted provisions of the Energy Policy Act of 2005 (EPAAct of 2005), 16 U.S.C. § 824p, authorize the U.S. Department of Energy (DOE) to conduct congestion studies in consultation with affected states and to issue a report which designates any geographic area experiencing electric energy transmission constraints or congestion as a National Interest Electric Transmission Corridor (NIETC). On October 2, 2007, DOE announced the final designations of the Mid-Atlantic NIETC that includes most of Pennsylvania as well as large portions of other states in the Mid-Atlantic region.<sup>1</sup> In addition to the responsibilities given to DOE, the EPAAct of 2005 gave FERC federal backstop siting authority over the public utility siting process when a state has withheld approval of a state siting application for more than one year.<sup>2</sup>

FERC, pursuant to the requirements of EPAAct of 2005, recently issued Order 890 that requires a re-evaluation of interstate transmission siting practices with a view toward encouraging regional cooperation among the states in siting transmission facilities. A proceeding is currently underway to revise those standards at FERC Dkt. No. AD09-8-000.

Congress is currently considering energy legislation which would have the effect of expanding the FERC's role in the transmission siting process and correct what some believe are the legal deficiencies in the *Piedmont* holding. Finally, approximately 40 states (including Pennsylvania) within the eastern interconnection are participating in the Eastern Interconnection Planning Process as part of an effort sponsored by DOE and the FERC to encourage states to work collaboratively in addressing the national

need to improve the capacity and reliability of the electric transmission grid. This initiative, which is expected to conclude in 2013, will hopefully result in a coordinated federal-state approach to the siting of transmission facilities.

At the state level, this Commission has been faced with an increasing number of complex transmission siting applications. In *Re: Application of Allegheny Interstate Line Company* at Docket No. A-110172 (*TrAILCo*), the applicant sought authority to locate, construct, operate and maintain 500 kV transmission lines in Washington and Green Counties in southwest Pennsylvania. More recently, an application has been filed In *Re: Application of PPL Electric Utilities, Inc.*, at Docket No. A-2009-2082652 for authority to site the 500 kV Susquehanna-Roseland line.<sup>3</sup>

Current Commission transmission siting regulations have been in place since 1978 and do not reflect the many significant developments in the transmission arena that have occurred and are likely to occur in the future. This Commission is cognizant of the momentous changes impacting transmission siting at the federal level and believes that a thorough revision of its existing transmission siting requirements is in the public interest.

In 2010, this Commission will be initiating a Proposed Rulemaking soliciting input from interested stakeholders in the promulgation of potential amendments to our regulations governing the siting of electric transmission facilities in Pennsylvania. For example, in § 57.72(c), the filing requirements regarding "need" are stated in general terms, "(5) A general statement of the need for the proposed HV line in meeting identified present and future demands for service, of how the proposed HV line will meet the need and of the engineering justifications for the proposed HV line."

52 Pa. Code § 57.72(c)(5). However, applicants in transmission line siting cases typically provide detailed exhibits and testimony that also address the appellate cases discussing factors relevant to the standard for determining the "need" for the transmission line. Other parties produce similarly detailed exhibits and testimony in response to the applicant's materials. The Commission has found this information to be useful and relevant in its review of these proceedings.

Pending the conclusion of this rulemaking process, the Commission, by this Tentative Order, is proposing to adopt specific Interim Guidelines for high voltage transmission line siting applications. The Interim Guidelines discussed below, and attached as Appendix A to this Tentative Order, are designed to supplement the existing Commission filing requirements at 52 Pa. Code §§ 57.71—57.76. The additional information requested by these Interim Guidelines is intended to aid in processing transmission siting applications in a timely fashion on a case by case basis. If the information outlined herein is provided in the initial filing, it will reduce the need for subsequent data requests, on a case by case basis, to develop the necessary record to process the application.

The Commission has the authority pursuant to 52 Pa. Code § 57.72 (15) to seek additional information as it "may require" to properly evaluate electric transmission siting applications. Consistent with that authority, the Commission intends to issue these Interim Guidelines which will be in effect pending the completion of a final rulemaking to revise the existing transmission regulations.

<sup>3</sup> This matter is currently pending before the Commission.

<sup>1</sup> The Mid-Atlantic NIETC designation is currently the subject of a consolidated appeal in the Court of Appeals for the 9th Circuit captioned as *The Wilderness Society et al v. U.S. Department of Energy et al* Dkt. No. 08-71074. The PAPUC is one of several states and/or state commission petitioners in that consolidated appeal.

<sup>2</sup> FERC's interpretation that this provision of EPAAct 205 applied to a state's denial of an application was reversed recently by the U.S. Court of Appeals for the Fourth Circuit in *Piedmont Environmental Council et al v. Federal Energy Regulatory Commission et al*, 558 F.3d 304. The matter is now the subject of a Writ of Certiorari to the U.S. Supreme Court.

Because the information requested in these Interim Guidelines is critical to an informed decision regarding proposed transmission siting applications, we are establishing a 45-day comment period from the effective date of this Tentative Order for interested parties to provide input on these proposed Interim Guidelines. We believe these Interim Guidelines will not impose an undue burden on prospective applicants because the information being requested is information that is normally gathered during the transmission planning process. Further, these Interim Guidelines do not supplant the traditional statutory requirements under 66 Pa.C.S. §§ 1102, 1501 and 2101 (relating to the requirements for Commission approval of certificates of public convenience, approval of transmission facilities generally and the approval of affiliated interest agreements) as well as section 1511 of the Business Corporation Law (BCL), 15 Pa.C.S. § 1511 (relating to the exercise of eminent domain authority).

Following consideration of filed comments, we will issue a Final Order that formally establishes these Interim Guidelines.

#### *Discussion*

The Commission believes the current regulations for siting high voltage electric transmission facilities, as contained in 52 Pa. Code §§ 57.71—57.76, should be reviewed and potentially amended. Hence, the Commission intends to initiate a Proposed Rulemaking in the near future to revise and update the existing regulations. Because the rulemaking process is lengthy and can take a year or more for new regulations to be fully implemented, the Commission believes that it is in the public interest to provide guidance to the industry and interested persons as to the information the Commission currently intends to evaluate in the context of future transmission siting applications, pending the completion of that rulemaking.

Accordingly, the Commission is issuing for comment Interim Guidelines to announce its intentions regarding the additional information that should be provided to determine whether granting the application/letter of notification for the siting of electric transmission facilities is “necessary or proper for the service, accommodation, convenience, or safety of the public.” If these proposed Interim Guidelines are adopted, applicants and interested parties will know, in advance, the information that the Commission deems relevant and essential for its review and evaluation of proposed transmission lines.

The Commission emphasizes that these proposed Interim Guidelines do not alter the legal standards to be met by prospective applicants pursuant to relevant provisions of the Public Utility Code under Chapter 11 (relating to the requirements for a certificate of public convenience); Chapter 15 (relating to the Commission’s power to prescribe standards of service and facilities) and Chapter 21 (affiliated interest requirements) or Section 1511 of the BCL (relating to eminent domain authority). Additionally, the proposed Interim Guidelines do not alter the traditional requirements for demonstrating “need” for the transmission facilities under our regulations and relevant appellate authority.

#### *A. Public Notice Filing Requirements*

It is a fundamental criterion for receipt of a Certificate of Public Convenience that the applicant, in addition to demonstrating both “public need” and financial and technical fitness, prove “legal fitness” by demonstrating a propensity to operate legally and safely.

The current filing requirements should be supplemented in regard to the information to be filed with the Commission and disseminated to the public and the media relative to proper notice to landowners impacted by the siting of a transmission line. To ensure adequate public notice, the Commission proposes that the following additional information be filed with the transmission siting application:

(1) A Code of Conduct or a summary of internal practices governing the manner in which public utility employees or their agents interact with affected landowners.

(2) Copies of information to affected landowners by the public utility through bill inserts, newspaper and website notices and radio and TV notices advising landowners to contact the Commission or OCA in the event of improper public utility employee/land agent practices as they relate to the siting of the proposed transmission line.

(3) Prior notice to the Commission Office of Communications and the statutory advocates of informational presentations by the public utility to affected landowners so that the Commission, OCA or other governmental entities can monitor the information being disseminated to affected landowners or can attend the presentations.

(4) Copies of all notices sent pursuant to 52 Pa. Code § 57.91.

#### *B. Eminent Domain Filing Requirements*

The Commission’s authority to grant eminent domain power derives from Section 1511(c) of the Business Corporation Law (BCL) 15 Pa.C.S. § 1511. Section 1511(c) empowers the Commission to grant a jurisdictional electric utility the power to condemn property for any reasonable purpose related to the provision of public utility service. Typically, transmission siting applicants file their application for eminent domain authority concurrently with applications for siting authorization. See 52 Pa. Code § 57.75(i).

Currently, the Commission has no specific regulations defining what information is required to be filed as part of an eminent domain application. In fact, the only regulation directly pertinent to the condemnation process appears at 52 Pa. Code § 57.91 (relating to the required notice to landowners of the possible exercise by the electric utility of eminent domain power). It is also important that accurate information be communicated to affected landowners about the potential exercise of eminent domain power. To address these concerns, the Commission proposes the following Interim Guidelines for applications for eminent domain authority:

(1) Public utility applicants should file for eminent domain authority separate from but simultaneously with the transmission siting application. Testimonial evidence in support of an eminent domain application should be filed with the eminent domain application.

(2) Notice of the eminent domain filing to affected landowners should be separate and prominent enough to put the landowner on notice to file a response or objection.

(3) As part of an eminent domain application, the public utility applicant should demonstrate with specificity the reason for exercise of condemnation power for each location, the precise location of the impacted property and full detail on the status of negotiations with landowners. Supporting maps or legal descriptions of the ROW, with defined widths, should be supplied with the application to the extent feasible.



(4) Transmission siting applicants should provide copies of internal operating procedures applicable to its employees or its agents responsible for interacting with affected landowners.

#### C. Exemption From Municipal Zoning Standards

Traditionally, public utility applicants for transmission line siting approval often request an exemption from local zoning requirements pursuant to Section 10619 of the Municipalities Planning Code (MPC), 53 P.S. § 10619 (relating to procedures for requesting exemptions from municipal zoning requirements). To qualify for the exemption, the public utility must only demonstrate that the site is necessary for the provision of service to the public and that the site is reasonable among the range of alternatives. The public utility must comply with the Commission's Policy Statement appearing at 52 Pa. Code § 69.1101 (relating to what the Commission must consider with reference to impacts of its decisions upon local comprehensive plans and zoning ordinances when siting an electric transmission line). No further regulatory requirements exist with regard to this Policy Statement that would necessarily guide the applicant on what type of information should be supplied in support of the Policy Statement.

The Commission believes more information should be supplied by future applicants in support of requests for exemption from local zoning requirements. Consequently, the Commission proposes the following Interim Guidelines regarding the information to be filed involving requests for exemption from municipal zoning requirements, as follows:

(1) Copies of comprehensive land use plans, zoning ordinances and other relevant documentation affected by the siting of the transmission line, buildings and facilities.

(2) A detailed strategy for compliance with these comprehensive plans and ordinances that demonstrate the applicant's best efforts to comply with the plan.

(3) Provision of metes and bounds or maps of facility sites.

(4) A procedure for providing notice to affected municipalities of the request for exemption.

Adequate notice to the municipality ensures that sufficient information is available and the municipality can properly evaluate and, if deemed necessary, challenge the application. All of this information is or should be routinely compiled by the utility applicant as part of the site planning process; thus, providing this information should not be burdensome.

#### D. Route Evaluation and Siting

Route evaluation and siting are critical issues in electric transmission proceedings. Under § 57.72(c) (3) and (10), the following elements must be considered for each high voltage transmission line:

(1) A general description for each alternative route.

(2) A description of the methodology for developing the alternative route.

(3) Comparison of relative merits of each route.

(4) Statement of reasons underlying the selection of the preferred route 52 Pa. Code § 57.72(c) (3) and (10).

Additionally, the applicant must address the impact that construction and operation of the high voltage line

will have on environmental, socioeconomic and cultural aspects of the impacted area. 52 Pa. Code § 57.72(c) (7) and (8).

The foregoing requirements are very general and do not provide specifically for provision of adequate detail relative to critical issues in route evaluation as follows:

(1) Emphasis on utilizing existing ROWs in the route evaluation process.

(2) Verification of the legal status of ROWs.

(3) Degree of reliance to be placed on Geographic Information System (GIS) data.

(4) Method of outreach to local organizations for assistance in identifying sensitive areas along the route.

(5) Timing of other regulatory approvals in relation to Commission site evaluations.

(6) Treatment of landowners along the various selected routes.

The Commission proposes that applicants submit the following information as part of the § 57.72(c) requirements:

(1) Transmission applicants should utilize, to the extent possible, a combination of transmission route evaluation procedures including high-level GIS data, traditional mapping (including US Geological Survey data and compilation) and analysis of site specific constraints raised by impacted landowners.

(2) Transmission applicants should demonstrate, with a reasonable degree of certainty, the legal status of claimed ROWs, to the extent settled or in litigation, before initiating an application for transmission siting authority. The applicant should provide the current status and continuing updates on ROW litigation or settlements during the course of the siting proceeding.

(3) Applicants should provide descriptions of all alternative routes considered together with a discussion of the relative merits of each, as part of the testimonial support. The discussion of the relative merits of each route should address the environmental, historical, cultural and aesthetic considerations and the comparative construction cost for each route. Descriptions of the proximity of alternative routes to residential and non-residential structures should be provided.

(4) Applicants should provide a summary of efforts made to contact and solicit assistance from local governmental entities and other organizations regarding identification of sensitive areas along the proposed routes.

#### E. Environmental Filing Requirements

Environmental impacts are a major factor to be considered under 52 Pa. Code § 57.72(c)(7). Applicants must secure regulatory approvals from a number of State and Federal agencies relative to environmental impacts of a transmission line. The Commission believes it is necessary and relevant that information regarding the status of these various regulatory approvals be provided as part of the Commission application.

To address these concerns during the pending Rule-making, the Commission proposes the following Interim Guidelines for provision of additional information as part of the formal application pursuant to 52 Pa. Code § 57.72(c)(7) as follows:

(1) Applicants should submit a matrix showing all required Federal, State and local government regulatory requirements, a time-line for receipt of those require-

ments and a status report on where individual compliance filings are in their approval process.

(2) Applicants should provide a matrix showing contact persons for each Federal, State and local agency from which regulatory approval is required and a record of when contacts were made regarding the proposed transmission line.

#### F. Health and Safety Considerations

Section 57.76(a) (2) requires the Commission to determine that the proposed transmission line “not create an unreasonable risk of danger to the health and safety of the public.” The Commission believes that additional information on health and safety issues should be submitted as part of the proposed Interim Guidelines as described below.

#### 1. Interim Guidelines for the Use of Herbicides and Pesticides

Vegetation management practices and the prudent use of herbicides can be a controversial issue in transmission siting proceedings. To address this concern, the Commission proposes that applicants for transmission lines provide a detailed vegetation management plan that includes the following components: (i) use of EPA-approved chemicals only in suitable portions of the ROW on an infrequent basis; (ii) application of chemicals only by trained professionals; (iii) aerial spraying only as a last resort with defined buffer zones around aquatic areas; (iv) provision of notice to affected landowners and (v) provision of landowner maintenance agreements to permit outlining the duties and responsibilities of landowners and the utility.

#### 2. Interim Guidelines For EMF Impacts

Transmission siting applications should include a detailed EMF mitigation procedure that includes design alternatives to minimize EMF and routing of lines to minimize exposure to populated areas.

#### G. Applicability to Letters of Notification

The Commission’s regulations at 52 Pa. Code § 57.72(d) set forth the requirements for filing a Letter of Notification (LON) for construction of a high voltage line that is to be located primarily in an existing utility right of way, along a public road or involves a line for which voltage is to be increased above its present levels so long as the size, character, design or configuration does not substantially alter the right of way. Additionally, an LON is appropriate when an HV line of two miles or less is proposed. The existing LON process provides an efficient and abbreviated mechanism for review and approving HV lines that do not present the degree of complexity and controversy as larger transmission lines. We have thoroughly reviewed the filing requirements for LONs pursuant to 52 Pa. Code § 57.72 (d)(4) and have determined that the proposed Interim Guidelines are applicable to any letter applications for LONs that are filed pending the conclusion of our proposed Formal Rulemaking. Based on our review of the proposed Interim Guidelines, we determine that LON applicants should continue to provide the information required in 52 Pa. Code § 57.72(d)(4)(i) (which includes the information required under 52 Pa. Code § 57.72(c)(1)—(3), (5) and (6) as well as § 57.72(d)(4)(ii)—(iv)). The only additional proposed Interim Guideline to which LON applicants would be subject relates to the EMF requirements which would now be submitted as part of the § 57.72(c)(6) filing requirement.

#### Conclusion

Due to potential changes in regulatory policy regarding transmission lines and our ongoing duty to maintain an adequate and reliable transmission infrastructure, the Commission intends to initiate a proposed rulemaking to update our existing regulations regarding the information to be filed in support of transmission siting applications. In the meantime, by this Tentative Order, the Commission is issuing for comment proposed Interim Guidelines, which, if adopted, will provide guidance to the industry and interested persons regarding the information that should be filed in future applications on a case by case basis pending the completion of our rulemaking; *Therefore,*

#### It Is Ordered:

1. That in the event this Tentative Order becomes final, all electric utilities applying for transmission siting shall apply pursuant to the instructions and procedures proposed herein as Interim Guidelines which shall be effective until the promulgation of Final Regulations governing the siting of electric transmission lines.

2. That comments to this Tentative Order shall be filed within 45 days of the date the Tentative Order is published in the *Pennsylvania Bulletin*.

3. That a copy of this Tentative Order together with Appendix A, and any accompanying statements of the Commissioners be served on all jurisdictional electric utilities, the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, legislative stakeholders, and shall be published in the *Pennsylvania Bulletin* and shall be posted on the Commission’s web page at <http://www.puc.state.pa.us>.

4. That if no adverse comments are filed to this Tentative Order by the end of the 45-day period, this Tentative Order shall become a Final Order by operation of law.

5. That the Commission’s contact for this matter is James Melia, Assistant Counsel of the Law Bureau, (717) 787-1859, e-mail: [jmelia@state.pa.us](mailto:jmelia@state.pa.us).

JAMES J. McNULTY,  
*Secretary*

#### Appendix A

#### Interim Guidelines for the Filing of Electric Transmission Line Siting Applications.

##### § 1. Scope.

(a) The Commission is adopting Interim Guidelines regarding the additional information that should be provided to determine whether granting an application and associated certificate of public convenience is “necessary or proper for the service, accommodation, convenience or safety of the public” 66 Pa.C.S. § 1103(a) (relating to requirements for obtaining a certificate of public convenience). The Commission seeks to ensure that adequate additional information is provided and to ensure the efficient and expeditious processing of transmission siting cases.

The Commission emphasizes that these Interim Guidelines do not alter the legal standards to be met by prospective applicants pursuant to relevant provisions of the Public Utility Code under Chapter 11 (relating to certificate of public convenience); Chapter 15 (relating to the Commission’s power to prescribe standards of service and facilities) and Chapter 21 (relating to affiliated interest requirements). The Interim Guidelines do not alter the traditional requirements for demonstrating

“need” for the transmission facilities under 52 Pa. Code § 57.72 and 57.76 (relating to requirements for the siting of transmission facilities).

### § 2. Public notice filing requirements.

Applications for electric transmission siting authority should include the following information with the initial application for siting approval demonstrating its efforts to fully notify impacted landowners regarding the transmission siting process:

(i) A Code of Conduct governing the manner in which public utility employees or their agents interact with affected landowners or copies of internal practices governing public utility employee/land agent contacts with landowners, or both.

(ii) Copies of information to affected landowners by the public utility including bill inserts, newspaper and website notices and radio and TV notices advising landowners to contact the Commission or OCA in the event of improper land agent practices.

(iii) Copies of all notices sent pursuant to 52 Pa. Code § 57.91.

Applicants should provide prior notice to the Commission Office of Communications of informational presentations to community groups by the public utility such that Commission, OCA and other governmental entities can attend meetings or obtain copies of information being disseminated at the presentations.

### § 3. Eminent domain filing requirements.

Applicants for eminent domain authority should follow the requirements below and provide the following information as part of the application:

(i) Public utility applicants should file for eminent domain authority as a separate filing but simultaneously with the associated transmission siting applications. Testimonial evidence in support of an eminent domain application should be filed with the application.

(ii) Notice of the eminent domain filing to affected landowners should be separate and prominent enough to put the landowner on notice to file a response or objection.

(iii) As part of an eminent domain application, the public utility applicant should present with specificity the reason for exercise of condemnation power for each location, the precise location of the impacted property and full details on the status of negotiations with landowners. Supporting maps or legal descriptions of the easement/right of way (ROW) to be condemned should be supplied to the extent feasible.

(iv) Transmission siting applicants should file a Code of Conduct or internal operating procedures applicable to its employees or its agents responsible for interacting with affected landowners.

### § 4. Exemption from municipal zoning standards.

Applications for exemption from municipal zoning requirements should include the following information with the application:

(i) Copies of comprehensive land use plans, zoning ordinances and other documentation relevant to the facilities affected by exemption request.

(ii) A detailed strategy for compliance with these comprehensive plans and ordinances that demonstrate the applicant's best efforts to comply with the plan.

(iii) Provision of metes and bounds or maps of facility sites.

(iv) A procedure for providing notice to affected municipalities of the request for exemption.

### § 5. Route evaluation and siting.

Applications for the siting of electric transmission lines should provide the following information as part of the § 57.72(c) filing provisions:

(i) Transmission applicants should utilize, to the extent possible, a combination of transmission route evaluation procedures including high-level GIS data, traditional mapping (including US Geological Survey data and compilation) and analysis of site specific constraints raised by impacted landowners.

(ii) Transmission applicants should fully document the legal status of claimed ROWs, to the extent settled or in litigation, as part of the application. The applicant should provide the current status and continuing updates on ROW litigation or settlements during the course of the siting proceeding.

(iii) Applicants should provide descriptions of all alternative routes considered together with a discussion of the relative merits of each, as part of the testimonial support. The discussion of the relative merits of each should address the environmental, historical, cultural, and aesthetic considerations of each route and the comparative construction cost associated with each alternative route. Descriptions of the proximity of alternative routes to residential and non-residential structures should also be provided.

(iv) Applicants should provide a summary of efforts made to contact and solicit assistance from local governmental entities and other organizations regarding identification of sensitive areas along the proposed routes.

### § 6. Environmental filing requirements.

Applications for siting of electric transmission lines should include as part of the filing requirement under 52 Pa. Code § 57.72(c)(7) the following information:

(i) A matrix showing all required federal, state and local government regulatory permitting or licensing requirements, a time-line for receipt of those requirements and a status report on individual compliance filings at the time of the application. The matrix should include a list of contact persons for each governmental agency. The applicant should provide an update on the status of the permitting/licensing requirements as the case progresses.

### § 7. Health and safety considerations.

(a) *Interim guidelines for the use of herbicides and pesticides.* Applicants for transmission line siting authority should provide a detailed vegetation management plan that includes the following components:

(i) Use of EPA-approved chemicals only in suitable portions of the ROW on an infrequent basis.

(ii) Application of chemicals only by trained professionals.

(iii) Aerial spraying only as a last resort with defined buffer zones around aquatic areas.

(iv) Provision of notice to affected landowners.

(v) Provision of landowner maintenance agreements that describe the duties and responsibilities of landowners and the utility.

(b) *Interim guidelines for EMF impacts.* Transmission siting applications should include a detailed EMF mitigation procedure that includes design alternatives to minimize EMF and routing of lines to minimize exposure to populated areas.

[Pa.B. Doc. No. 10-310. Filed for public inspection February 12, 2010, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 10-003.S, On-Call Marine Dive Inspection and Repairs at PRPA Piers, until 2 p.m. on Thursday, March 18, 2010. The bid documents can be obtained from the PRPA web site [www.philaport.com](http://www.philaport.com) and will be available February 23, 2010. PRPA is an Equal Opportunity Employer. Contractor must comply with all applicable EOE laws. A mandatory prebid job site meeting will be held March 4, 2010, 10 a.m. at PRPA's office 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134. Bidders must provide to the procurement department in writing (24 hours prior to the meeting), the names of individuals that will be attending, fax to (215) 426-6800, Attn: procurement department.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 10-311. Filed for public inspection February 12, 2010, 9:00 a.m.]

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 10-004.4, On-Call Electrical LMSR Connect/Disconnect at TMT, until 2 p.m. on Thursday, March 11, 2010. The bid documents can be obtained from the PRPA web site [www.philaport.com](http://www.philaport.com) and will be available February 16, 2010. PRPA is an Equal Opportunity Employer. The contractor must comply with all applicable EOE laws. A mandatory prebid job site meeting will be held February 25, 2010, 10 a.m. at PRPA's office 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134. Bidders must provide to the procurement department in writing (24 hours prior to the meeting), the names of individuals that will be attending, fax to (215) 426-6800, Attn: procurement department.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 10-312. Filed for public inspection February 12, 2010, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

### Bureau of Professional and Occupational Affairs v. Yen Nga Thi Vo; Doc. No. 0414-45-2009

On December 23, 2009, Yen Nga Thi Vo, license no. CQ111254, of Leominster, MA, 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.

SUZANNE PHILO,  
*Chairperson*

[Pa.B. Doc. No. 10-313. Filed for public inspection February 12, 2010, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations (CAOs), and Concentrated Animal Feeding Operations (CAFOs) and Volunteers Complying with Pennsylvania's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for odor management plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, therefore individuals interested in challenging this action should show this

notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

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**Odor Management Plan—Public Notice Spreadsheet—Actions**

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Mark Rohrbach 68 Rider Road Catawissa, PA 17820	Columbia Catawissa Township	597.56	Swine	Request to Rescind Approval	Rescinded Approval
Hillcrest Saylor Dairy Farms, LLC 3684 Kingwood Road Rockwood, PA 15557	Somerset Middlecreek Township	0 - manure storage only	Dairy	New	Approved
Jason Rupert 1893 Panther Valley Road Pine Grove, PA 17963	Schuylkill Wayne Township	97.4	Broiler	New	Approved
Dean Stoner 3110 Mount Joy Road Mount Joy, PA 17552	Lancaster Ralpho Township	155.34	Broiler	New	Approved

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 10-314. Filed for public inspection February 12, 2010, 9:00 a.m.]

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