

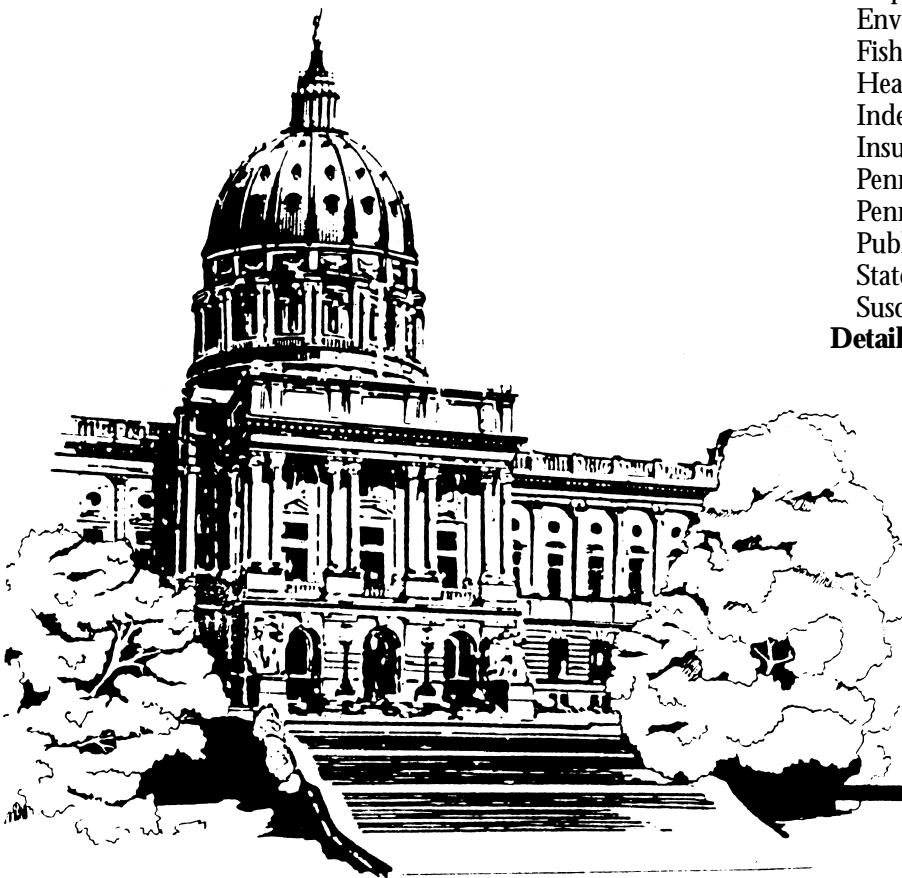
PENNSYLVANIA BULLETIN

Volume 37
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Administrative Office of Pennsylvania Courts
Department of Banking
Department of Education
Department of Environmental Protection
Department of Health
Department of Public Welfare
Department of Transportation
Environmental Quality Board
Fish and Boat Commission
Health Care Cost Containment Council
Independent Regulatory Review Commission
Insurance Department
Pennsylvania Council on Aging
Pennsylvania Public Utility Commission
Public School Employees' Retirement Board
State Conservation Commission
Susquehanna River Basin Commission

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**Latest Pennsylvania Code Reporter
(Master Transmittal Sheet):**

No. 394, September 2007

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

Adoption, Amendment or Repeal of Regulations

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

Bulletin before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

Pennsylvania Code

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

How to Find Documents

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2007.

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THE COURTS

Title 255—LOCAL COURT RULES

SCHUYLKILL COUNTY Amended Civil Rule of Procedure

Order of Court

And Now, this 14th day of August, 2007 at 1:30 p.m., the Court hereby amends and adopts Schuylkill County Civil Rule of Procedure No. 1915.4(f). The rule is amended for use in the Court of Common Pleas of Schuylkill County, Pennsylvania (21st Judicial District) and shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

The Prothonotary of Schuylkill County is Ordered and Directed to do the following:

- 1) File ten (10) certified copies of this Order and Rule with the Administrative Office of Pennsylvania Courts.
- 2) File two (2) certified copies of this Order and Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin* together with a diskette reflecting the text in the hard copy version.
- 3) File one (1) certified copy of this Order and Rule with the Pennsylvania Civil Procedural Rules Committee.
- 4) Forward one (1) copy to the Schuylkill County Law Library for publication in the *Schuylkill Legal Record*.
- 5) Keep continuously available for public inspection copies of this Order and Rule.

It is further *Ordered* that said rules as they existed prior to the amendment are hereby repealed and annulled on the effective date of said rules as amended, but no right acquired thereunder shall be disturbed.

By the Court

WILLIAM E. BALDWIN,
President Judge

SCHUYLKILL COUNTY COURT OF COMMON PLEAS CIVIL RULE REVISION

Sch.Co.R.C.P. 1915.4(f)

(f) If at the conclusion of the conciliation process the case remains contested, the Custody Conciliation Officer shall transfer the case to the Court for assignment to a Judge[.]; **except that actions for partial custody or visitation shall be assigned to a hearing officer and shall proceed in accordance with Pa.R.C.P. 1915.4-2.** As part of that transfer, the Custody Conciliation Officer shall prepare and file a report to the Court, with copies to the parties. The report shall include such information about the case as shall be directed by the Court. Any report by the Conciliation Officer will be filed with the Prothonotary, who shall seal the report to all except the Court and the parties.

[Pa.B. Doc. No. 07-1606. Filed for public inspection August 31, 2007, 9:00 a.m.]

DISCIPLINARY BOARD OF THE SUPREME COURT

Notice of Transfer of Attorneys to Inactive Status

Notice is hereby given that the following attorneys have been transferred to inactive status by Order of the Supreme Court of Pennsylvania dated July 18, 2007, under Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective August 17, 2007 for Compliance Group 3 due December 31, 2006.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been transferred to inactive status by said Order, was published in the appropriate county legal journal.

Addanki, Vasudev N.
Chicago, IL

Albert, Fredric I.
Irvine, CA

Appel, Edward George
Glendora, NJ

Bitzer, Virginia B.
Washington, DC

Brown, Robert David
Voorhees, NJ

Burns, Wendy
Lake Barrington, IL

Deak, Phoebe Leslie
Austin, TX

Delaney, Susan Elizabeth
Washington, DC

DiPasquale, Christopher E.
Nyack, NY

DiPietro, Ralph John
Silver Spring, MD

Fahy, James F.
Cherry Hill, NJ

Friedman, Steven L.
Lawrenceville, NJ

Greble, Deena Marie
Cherry Hill, NJ

Harris, Dawn Michelle
Trenton, NJ

Hauck, Bryan Glen
New Castle, DE

Hite, Christopher Davis
Upper Saddle River, NJ

Jones, Edythe Mae
Baltimore, MD

Kirkpatrick, Douglas Jordan
Washington, DC

Laine, Evan E.
Cherry Hill, NJ

Lehr, David Allan
Harwood, MD

Leodori, Paul Anthony
Medford, NJ

Maguigan, Holly
New York, NY

Marmon, James
Tarrytown, NY

Martin, LaJuan Frederick
Bowie, MD

Mello, Susan Marie
Newark, NJ

Mulligan, Patrick James
Dallas, TX

Naidech, Scott William
New York, NY

Padovani, Anthony
Hammonton, NJ

Perez, Mary Ellen
Dublin, OH

Phillips, David William
New York, NY

Rich, Archie Leon
Washington, DC

Sass, David John
Yardville, NJ

Scollo, John Philip
Bloomingdale, NJ

Turbessi, Mark Albert
Tavernier, FL

Vilas, Michael
New York, NY

Younger-Halliman, Sheila K.
Southlake, TX

ELAINE M. BIXLER,
Secretary
The Disciplinary Board of the
Supreme Court of Pennsylvania

[Pa.B. Doc. No. 07-1607. Filed for public inspection August 31, 2007, 9:00 a.m.]

SUPREME COURT

In Re: Honorable Michael Thomas Joyce Superior Court of Pennsylvania; No. 304; Judicial Administration; Doc. No. 1

Order

Per Curiam

And Now, this 17th day of August 2007, this Court has received notice of an indictment by the United States District Court for the Western District of Pennsylvania against the Honorable Michael Thomas Joyce, a judge of the Superior Court of Pennsylvania. In view of the compelling and immediate need to protect and preserve the integrity of the Unified Judicial System and the administration of justice for the citizens of this Commonwealth, the Honorable Michael Thomas Joyce is hereby

relieved of any and all judicial and administrative responsibilities as a judge of the Superior Court of Pennsylvania and ordered not to take any further administrative or judicial action whatsoever in any case or proceeding now or hereinafter pending in the Superior Court of Pennsylvania until further Order of this Court. This suspension shall be served with no diminution in salary or benefits.

This Order is without prejudice to the rights of the Honorable Michael Thomas Joyce to seek such relief in this Court for the purpose of vacating or modifying this interim Order. Pa. Const. Article V § 10(a); *In Re: Avellino*, 690 A.2d 1138 (Pa. 1997); and see, *In Re: McFalls*, 795 A.2d 367 (Pa. 2002).

[Pa.B. Doc. No. 07-1608. Filed for public inspection August 31, 2007, 9:00 a.m.]

In Re: Honorable Michael Thomas Joyce Superior Court of Pennsylvania; No. 304; Judicial Administration; Doc. No. 1

Amendatory Order

Per Curiam:

And Now, this 21st day of August 2007, this Court has received notice of an indictment by the United States District Court for the Western District of Pennsylvania against the Honorable Michael Thomas Joyce, a judge of the Superior Court of Pennsylvania. In view of the compelling and immediate need to protect and preserve the integrity of the Unified Judicial System and the administration of justice for the citizens of this Commonwealth, the Honorable Michael Thomas Joyce is hereby relieved of any and all judicial and administrative responsibilities as a judge of the Superior Court of Pennsylvania and ordered not to take any further administrative or judicial action whatsoever in any case or proceeding now or hereinafter pending in the Superior Court of Pennsylvania until further Order of this Court. This action will not result in any diminution in salary or benefits.

This Order is without prejudice to the rights of the Honorable Michael Thomas Joyce to seek such relief in this Court for the purpose of vacating or modifying this interim Order. Pa. Const. Article V § 10(a); *In Re: Avellino*, 690 A.2d 1138 (Pa. 1997); and see, *In Re: McFalls*, 795 A.2d 367 (Pa. 2002).

[Pa.B. Doc. No. 07-1609. Filed for public inspection August 31, 2007, 9:00 a.m.]

In Re: Assignment of Senior Judge to the Superior Court of Pennsylvania; No. 305; Judicial Administration; Doc. No. 1

Order

Per Curiam:

And Now, this 21st day of August, 2007, in accordance with the general supervisory powers vested in this Court by Article V, Section 10 of the Pennsylvania Constitution, Senior Judge Fred P. Anthony is hereby assigned to the Superior Court of Pennsylvania until further Order of this Court.

[Pa.B. Doc. No. 07-1610. Filed for public inspection August 31, 2007, 9:00 a.m.]

RULES AND REGULATIONS

Title 58—RECREATION

FISH AND BOAT COMMISSION

[58 PA. CODE CH. 61]

Fishing; Delaware River and River Estuary and the Conowingo Reservoir

The Fish and Boat Commission (Commission) amends Chapter 61 (relating to seasons, sizes and creel limits). The Commission is publishing this final-form rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

A. *Effective Date*

The final-form rulemaking will go into effect on January 1, 2008.

B. *Contact Person*

For further information on the final-form rulemaking, contact Jason E. Oyler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's website at www.fish.state.pa.us.

C. *Statutory Authority*

The amendments to §§ 61.2 and 61.4 (relating to Delaware River and River Estuary; and Conowingo Reservoir) are published under the statutory authority of section 2102(b) of the code (relating to rules and regulations).

D. *Purpose and Background*

The final-form rulemaking is designed to improve, enhance and update the Commission's fishing regulations. The specific purpose of the amendments is described in more detail under the summary of changes.

E. *Summary of Changes*

(1) *Section 61.2.* Three jurisdictions, New York, New Jersey and the Commonwealth, work in cooperative fashion in setting regulations for the Delaware River and the West Branch Delaware River because both are border waters. Differences in the rulemaking processes, license years and fisheries within different reaches may result in regulations being out of synchrony for a year or more. Jurisdictions attempt to provide consistency for anglers by minimizing regulatory differences among states. The Commission proposed the following changes to reconcile the differences among the jurisdictions.

Black bass regulations were adopted in 2006 on the Delaware River downstream of I-84 in New Jersey and this Commonwealth that include a 12-inch minimum length limit, 5 bass per day creel limit and a no-harvest, catch-and-immediate-release season that begins on the first Saturday after April 11 and extends through 12:01 a.m. on the first Saturday after June 11. These regulations provide an opportunity for competitive anglers to conduct "paper" or catch-measure-immediate release tournaments during the catch-and-release season. In 2006, New York adopted similar regulations on the section of the Delaware River upstream of I-84. The Commission currently manages this Commonwealth's section of the Delaware as a year-round season. Thus, New York and the Commonwealth have different black bass regulations in the upper part of the Delaware. Following the Commission's adoption of the more conservative regulations up-

stream of I-84, consistent harvest rules for black bass will apply throughout the entire Delaware River and West Branch Delaware River in this Commonwealth and all border jurisdictions.

In 2006, the Commission adopted new Statewide regulations for muskellunge and tiger muskellunge. These regulations, which went into effect on January 1, 2007, provide for a year-round season, a 40-inch minimum size limit, and a one-fish creel limit on Commonwealth inland waters. Currently, the regulations on the Delaware River consist of a year-round season, a 30-inch minimum size limit and a two-fish creel limit. On December 28, 2006, the Commission's Division of Fisheries Management staff discussed amending the regulations to provide for a 40-inch minimum size limit and a one-fish creel limit with staff from the New Jersey Division of Fish, Game and Wildlife and the New York Department of Environmental Conservation. Staff from both agencies stated their support for the changes in muskellunge and muskellunge hybrid regulations for the Delaware River. In New Jersey, the earliest the regulation changes would take effect is January 2008; in New York, the earliest the regulation changes would take effect is October 2008. Those agencies will initiate the process to make their regulations consistent upon action by the Commission to amend the minimum size limit to 40 inches and the daily limit to one.

Currently, there are a number of species that are not identified in § 61.2. For example, no panfish are listed in this section. The regulations in New Jersey and New York are inconsistent with each other and also are inconsistent with the Commonwealth's inland regulations. The Commission does not believe that it will be feasible to attempt to reconcile New York and New Jersey regulations with the Commission's regulations in the near future for those species not already listed under this section. Therefore, the Commission proposed that § 61.2 be amended to clarify that for all species not listed, the Commonwealth's inland regulations apply.

Finally, the Commission proposed that the introductory paragraph to § 61.2(d) be amended to make it clear that the regulations apply to the West Branch Delaware River as well as the main stem and other tributaries.

On final-form rulemaking, the Commission adopted the proposed amendments as set forth in the notice of proposed rulemaking.

(2) *Section 61.4.* The Commission currently manages two reservoirs that it shares as boundary waters with the state of Maryland: Youghiogheny Reservoir and Conowingo Reservoir. By agreement with Maryland, the Commission's regulations are applied to both states' portions of the Youghiogheny Reservoir and Maryland's regulations are applied to both states' portions of Conowingo Reservoir. Portions of the regulations currently in place for certain species on Conowingo Reservoir under § 61.4 are not consistent with the current Maryland regulations. Specifically, the harvest limit for trout is two per day in Maryland, as opposed to five per day as listed in § 61.4. There is a baitfish daily limit of 35 in Maryland, as opposed to no limit in § 61.4. The harvest of mussels and clams is prohibited in Maryland, and § 61.4 is silent. In Maryland, river herring (alewife and blueback herring) have an open season and no size or daily creel limits while § 61.4 disallows fishing for these

species. Maryland's regulations provide that there are no seasons, size or creel limits for those species not specifically listed in the regulations for Conowingo Reservoir. The Commission's regulations do not currently address this matter. Accordingly, the Commission proposed amendments to § 61.4.

On final-form rulemaking, the Commission adopted the proposed amendments as set forth in the notice of proposed rulemaking.

F. *Paperwork*

The final-form rulemaking will not increase paperwork and will create no new paperwork requirements.

G. *Fiscal Impact*

The final-form rulemaking will not have an adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no new costs on the private sector or the general public.

H. *Public Involvement*

A notice of proposed rulemaking was published at 37 Pa.B. 2692 (June 16, 2007). The Commission received a total of 21 public comments supporting the proposed amendments to § 61.2. Six of the comments supported a greater size limit on muskellunge with two specifically recommending a 50-inch minimum size limit. One comment supported the establishment of a no-kill fishery for muskellunge on the Delaware River. One comment supported more restrictive rules for trout and smallmouth bass on the Delaware River. The Commission received one public comment generally supporting the proposed amendments to § 61.4. Copies of all public comments were provided to the Commissioners.

Findings

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided, and the comments that were received were considered.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

Order

The Commission, acting under the authorizing statutes, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 61, are amended by amending §§ 61.2 and 61.4 to read as set forth in 37 Pa.B. 2692.

(b) The Executive Director will submit this order and 37 Pa.B. 2692 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 37 Pa.B. 2692 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on January 1, 2008.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

Fiscal Note: Fiscal Note 48A-193 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 07-1611. Filed for public inspection August 31, 2007, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CHS. 209 AND 209a]

Coal Mines

The Environmental Quality Board (Board) proposes to rescind Chapter 209 (relating to coal mines) and add Chapter 209a (relating to surface mining) to read as set forth in Annex A. The proposed rulemaking revokes existing, antiquated anthracite and bituminous safety regulations and replaces them with selected Federal safety regulations that will be adopted by reference. In addition, selected Federal safety regulations for industrial mineral mines will be adopted by reference.

This proposed rulemaking was adopted by the Board at its meeting of May 16, 2007.

A. *Effective Date*

This proposed rulemaking will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

B. *Contact Persons*

For further information, contact Joseph G. Pizarchik, Director, Bureau of Mining and Reclamation, P. O. Box 8461, Rachel Carson State Office Building, Harrisburg, PA 17105-8461, (717) 787-5103; or Marc Roda, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) website: www.dep.state.pa.us.

C. *Statutory Authority*

The amendments are proposed under the authority of:

1. Section 4.2 of the Surface Mining Conservation and Reclamation Act (SMCRA) (52 P. S. § 1396.4b) and section 11(a) of the Noncoal Surface Mining Conservation and Reclamation Act (NSMCRA) (52 P. S. § 3311(a)), which authorize the Department to promulgate regulations for the health and safety of those persons engaged in surface mining and for the protection of the general public.

2. Section 2(f) of the General Safety Law (43 P. S. § 25-2(f)), which requires, inter alia, operators of surface industrial mineral mines to adopt measures to protect persons working therein.

3. Sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-17 and 510-20), which authorize the Board to adopt regulations to prevent the occurrence of a nuisance and to promulgate rules and regulations necessary for the proper work of the Department.

D. *Background and Purpose*

The Department's surface mine safety program is implemented through surface mining conservation inspectors. As part of the mine inspection, the inspector identifies unsafe conditions and works with the operator to correct those conditions before an accident occurs. The inspector's ability to identify and correct unsafe condi-

tions is hampered by the inadequacy of the surface mining safety regulations in Chapter 209. Chapter 209, Subchapter A (relating to general safety in bituminous coal strip mines) is antiquated and differs from safety requirements established by the United States Department of Labor, Mine Safety and Health Administration (MSHA). This difference in standards is a source of confusion and jeopardizes safety at bituminous surface mines. Other than for blasting, there are no Department safety regulations for anthracite surface mines. Chapter 209, Subchapter B (relating to explosives in anthracite coal strip mines) is not only out-of-date, but also redundant. The use, storage and handling of explosives at anthracite surface mines is addressed by Chapters 88 and 211 (relating to anthracite coal; and storage, handling and use of explosives). There are no Department regulations specifying safety standards for surface industrial mineral mines.

This proposed rulemaking implements the Rendell Administration's initiative that the Department develop a "world class mine safety program." To implement this initiative, it is proposed to rescind Chapter 209 and add new standards for coal and industrial mineral surface mines in Chapter 209a. For the most part, the proposed rulemaking adopts by reference MSHA safety standards in 30 CFR Parts 56 and 77 (relating to safety and health standards-surface metal and nonmetal mines; and mandatory safety standards, surface coal mines and surface work areas of underground coal mines). By adopting the MSHA standards, the Department's safety standards are modernized and additional costs on operators are minimized. Finally, by eliminating inconsistencies between the Department's standards and the MSHA standards, the possibility for confusion in the field is minimized.

In proposing these amendments, the Department's goal is to provide the most improved safety at surface mines in this Commonwealth in the most cost effective and the least intrusive manner. The provisions of the MSHA regulations adopted by this proposed rulemaking are those that address the most significant risk to surface miners in this Commonwealth.

In 1999, the Pennsylvania State University (PSU) published a report entitled "Safety Conditions in Small Surface Bituminous Coal Mines in Pennsylvania." This report analyzed MSHA safety records for 1991-1996. The report's findings verify that the Department has selected the appropriate areas to emphasize for safety improvement.

Most of the MSHA violations identified by the PSU study fall within the substantive areas to be covered by these regulations. The substantive areas identified by the study are:

- Failure to maintain machinery or equipment in safe operating condition.
- Operation of equipment, which is not in a safe operating condition.
- Neglect in housekeeping.
- Fire hazards and failure to maintain firefighting equipment.

Even though the Department is not adopting all of the MSHA health and safety standards, the Department's inspectors will assist the operators in ensuring compliance with the MSHA regulations. If a Pennsylvania

inspector observes a violation of a MSHA safety regulation that the Commonwealth has not adopted, the Pennsylvania inspector will, as part of the Department's compliance assistance program, point out the condition and explain that it is a violation of a MSHA regulation and needs to be addressed.

On most surface mine sites, the Department conducts inspections more frequently than the MSHA. Effective safety programs rely on the principles of prevention and providing constant reminders of hazards to avoid complacency. With the proposed regulations in place, the higher awareness provided by the Department's inspections will help prevent accidents and result in a safer work environment at surface mines in this Commonwealth.

Interested permittees helped identify the concepts in this proposed rulemaking. In addition, the Department held 13 informational meetings attended by operators/management, consultants and miners. The following concerns and recommendations were discussed at the informational meetings:

1. The potential for the Department's interpretation or enforcement of a health or safety standard being inconsistent with the MSHA's interpretation or enforcement of the same health or safety standard.

2. The Department should not routinely notify the MSHA of violations or vice versa for the purpose of assessing penalties.

3. The Department's inspectors should be adequately trained in the MSHA health and safety standards prior to commencing enforcement.

4. If the surface mining safety regulations are to be upgraded, then adopting by reference the MSHA safety regulations is preferred to the Commonwealth creating regulations.

5. The Department should use proactive compliance assistance with emphasis on preventing accidents and use existing enforcement procedures rather than creating new ones or adopting the MSHA's enforcement procedures.

6. Accidents often result from conditions that may not be present or noticeable during the course of a routine Department inspection. Therefore, the Department should focus on outreach and training in addition to inspection and enforcement. The Department should develop an outreach program that emphasizes hazard recognition and is pertinent to specific jobs performed within a mine, for example, training workers who frequently work near highwalls to recognize signs of highwall instability.

At its meeting of January 25, 2007, the Mining and Reclamation Advisory Board (MRAB) considered this proposed rulemaking, as it applies to surface coal mining. The MRAB unanimously recommended that the Department move forward with the proposed rulemaking.

E. Summary of Regulatory Requirements

This proposed rulemaking rescinds Chapter 209 and adds Chapter 209a, Subchapters A—C (relating to surface coal mines; surface noncoal mines; and miscellaneous provisions).

Subchapter A. Surface Coal Mines

This subchapter specifies the safety standards applicable to surface mining activities as defined in the SMCRA. See § 209a.1 (relating to applicability). Tying this subchapter's applicability to surface mining activities as defined in the SMCRA ensures consistency in the scope of the safety and environmental programs.

§ 209a.2. Definitions.

The definitions of "active workings," "berm" and "roll protection" in 30 CFR 77.2 (relating to definitions) are incorporated by reference. Of the terms defined in 30 CFR 77.2, only these three terms are used in the provisions in 30 CFR Part 77 that are incorporated by reference into Subchapter A.

"Competent person" is not in 30 CFR Part 77. Some of the MSHA regulations adopted by reference address specified duties, for example, preshift inspections, to be performed by a person possessing a certificate of qualification. Rather than creating a certification program, the Department is requiring these duties to be performed by a competent person. See § 209a.13 (relating to competent person).

§ 209a.3. Surface installations.

Nine of the regulations in 30 CFR Part 77, Subpart C (relating to surface installations) are incorporated by reference into Subchapter A. These regulations address the following issues: general requirements; safeguards to protect persons below overhead work areas; protection to prevent persons from falling in openings in surface work areas; the installation and maintenance of travelways in work areas; the installation and maintenance of ladders; illuminating the work area; storing materials at the surface installation; surge and storage piles; and hoisting of materials.

§ 209a.4. Safeguards for mechanical equipment.

Seven of the regulations in 30 CFR Part 77, Subpart E (relating to safeguards for mechanical equipment) are incorporated by reference into Subchapter A. These regulations address the following issues: falling object protective structures on mobile equipment; roll over protective structures on mobile equipment; the incorporation by reference of non-MSHA publications; the operation and maintenance of equipment; safeguards for persons working on or around raised equipment; the operation of shovels, draglines and tractors; and warning devices on mobile equipment.

§ 209a.5. Electrical equipment general.

Two of the regulations in 30 CFR Part 77, Subpart F (relating to electrical equipment general) are incorporated by reference into Subchapter A. These regulations address deenergizing electrical equipment prior to repair and repairing electrical distribution circuits and equipment.

§ 209a.6. Trailing cables.

The requirement that trailing cables are to be protected to prevent damage from mobile equipment in 30 CFR 77.604 (relating to protection of trailing cables) is incorporated by reference into Subchapter A.

§ 209a.7. Surface high-voltage distribution.

Three of the regulations in 30 CFR Part 77, Subpart I (relating to surface high-voltage distribution) are incorporated by reference into Subchapter A. These regulations address the following issues: the clearance above the ground of high-voltage distribution lines; the minimum distance that booms and masts are to be from high-voltage lines; and precautions to be taken when moving equipment in proximity to high-voltage lines.

§ 209a.8. Ground control.

Nine of the regulations in 30 CFR Part 77, Subpart K (relating to ground control) are incorporated by reference into Subchapter A. These regulations address the following issues: the removal of loose material from highwalls;

preventing of spoil material entering the pit; the use of benches to stabilize a highwall; the inspection and maintenance of highwalls, banks, benches and sloping terrain; the removal of loose rock from highwalls; persons working at highwalls; the inspection of drilling equipment; the movement of drilling equipment; and the operation of drilling equipment.

§ 209a.9. Fire protection.

Ten of the regulations in 30 CFR Part 77, Subpart L (relating to fire protection) are incorporated by reference into Subchapter A. These regulations address the following issues: the posting of signs warning against smoking or open flames; the storage of flammable liquids; the accumulation of combustible materials; the fueling of internal combustion engines; the provision of firefighting equipment; the type and capacity of fire fighting equipment; the location of fire fighting equipment; the examination and maintenance of fire fighting equipment; placing fire extinguishers where welding, cutting or soldering is occurring; and the safeguards to be taken when welding, cutting or soldering.

§ 209a.10. Auger mining.

Subsection (a) incorporates by reference into Subchapter A four of the regulations in 30 CFR Part 77, Subpart P (relating to auger mining). These regulations address the following issues: preventing the auger mining from posing a hazard to an adjacent underground mine; inspection of mining operation; safeguards to protect workers from falling rock; and operation of auger equipment.

Subsection (b) establishes minimum requirements for using benches to stabilize the highwall. The Department has the authority, on a case-by-case basis, to require more stringent benching requirements. Also, on a case-by-case basis, operators can request the Department to approve less stringent benching requirements.

The MSHA regulations do not contain specific requirements for using benches to stabilize a highwall. This is because the MSHA regulations apply Nationally to a variety of different geologic conditions. The use of benches to stabilize the highwall is to be described in the ground control plan, required by 30 CFR 77.1000 (relating to highwalls, pits and spoil bank; plans). In this Commonwealth, the geologic conditions in the bituminous coal field are so that strata are near horizontal and the rock types are limited to a few types. Because of this, the geologic conditions are generally predictable making it reasonable to specify minimum benching standards that can be varied on a case-by-case basis, to ensure highwall stability.

Auger mining in the anthracite coal fields is uncommon. Subsection (c) describes the requirements for auger mining in the anthracite coal fields, where the geology is complex.

§ 209a.11. Loading and haulage.

Four of the regulations in 30 CFR Part 77, Subpart Q (relating to loading and haulage) are incorporated by reference into Subchapter A. These regulations address the following issues: general requirements; installation of safeguards on haulage and loading equipment; operation of loading and haulage equipment; and safeguards at dumping facilities.

§ 209a.12. Miscellaneous.

Six of the regulations in 30 CFR Part 77, Subpart R (relating to miscellaneous) are incorporated by reference

into Subchapter A. These regulations address the following issues: communications in work areas; emergency communications; first aid equipment; the use of protective clothing; prohibition against smoking; and daily inspection of surface coal mines.

Subchapter B. Surface Noncoal Mines

This subchapter applies to "surface mines" as defined in the NSMCRA. See § 209a.21 (relating to applicability). Tying this subchapter's applicability to the definition of "surface mine" in the NSMCRA ensures that the safety and environmental programs apply to the same facilities.

§ 209a.22. Definitions.

This section adopts by reference the nine terms defined in 30 CFR 56.2 (relating to definitions) that are used in the MSHA regulations adopted by reference into Subchapter B. These terms are "berm," "competent person," "face or bank," "flammable," "mobile equipment," "multipurpose dry-chemical fire extinguisher," "roll protection," "scaling" and "working place."

§ 209a.23. Ground control.

Seven of the regulations in 30 CFR Part 56, Subpart B (relating to ground control) are incorporated by reference into Subchapter B. These regulations address the following issues: the definition of travelway; the stability of walls, banks and slopes; the perimeter of the pit or quarry wall; the correction of hazardous conditions; the location for performing scaling; the examination of ground stability conditions; and the movement of persons between equipment and highwalls or banks.

§ 209a.24. Fire prevention and control.

Four of the regulations in 30 CFR Part 56, Subpart C (relating to fire prevention and control) and incorporated by reference into Subchapter B. These regulations address the following issues: restrictions on where smoking or the use of open flames can occur; precautions to be taken when fueling internal combustion engines; general requirements for firefighting equipment; and firefighting equipment on self-propelled equipment.

§ 209a.25. Drilling and rotary jet piercing.

Ten of the regulations in 30 CFR Part 56, Subpart F (relating to drilling and rotary jet piercing) are incorporated by reference into Subchapter B. These regulations address the following issues: the maintenance of defective equipment; the inspection of drilling areas; persons working on a drill mast; working around augers and drill stems; moving the drill; supervision of drill helper by drill operator; tending drills in operation; securing loose objects on masts or drill platforms; restrictions on where persons may be positioned while drilling; and restrictions on drilling where there is a possibility of intersecting a hole containing explosives.

§ 209a.26. Loading, hauling and dumping.

Sixteen of the regulations in 30 CFR Part 56, Subpart H (relating to loading, hauling, and dumping) are incorporated by reference into Subchapter B. These regulations address the following issues: traffic control; controlling mobile equipment; loading and hauling large rocks; the design and construction of berms and guardrails; dumpsite restraints; the construction of ramps and dumping facilities; unstable ground at dumpsites; using spotters to direct trucks at dumpsites; devices for warning drivers of mobile equipment of hazards due to restricted clearances; safeguards for persons working around draw holes; the maintenance of roadways; the shaping of stockpiles and muck pile faces to prevent hazards; con-

trolling dust to prevent hazardous conditions due to low visibility; notifying the operator of self-propelled equipment that someone is either getting on or off that equipment; traveling beneath suspended loads; and persons getting on or off moving equipment.

§ 209a.27. Electricity.

Three of the regulations in 30 CFR Part 56, Subpart K (relating to electricity) are incorporated by reference into Subchapter B. These regulations address the following issues: ensuring that power conductors will not be damaged if they are run over by mobile equipment; measures to be taken to ensure that electrical equipment is deenergized and remains deenergized while being worked on; and precautions to be taken while moving equipment near high-voltage power lines.

§ 209a.28. Machinery and equipment.

Seventeen of the regulations in 30 CFR Part 56, Subpart M (relating to machinery and equipment) are incorporated by reference into Subchapter B. These regulations address the following issues: definitions of terms that are specific to 30 CFR Part 56, Subpart M and that are used in regulations adopted by reference into this section; examining for, correcting and recording safety defects in machinery and equipment; the maintenance of operator's stations, including windows, on self-propelled mobile equipment; procedures to be followed when repairing or maintaining machinery or equipment; falling object protection structures on self-propelled mobile equipment; the use of guards to protect persons from moving machine parts; the construction and maintenance of guards; using roll over protective structures and seat belts on certain types of equipment; seat belts for haulage trucks; horns and backup alarms; sounding an audible warning before starting equipment; the safe lubrication of machinery; the proper use of machinery, equipment and tools; immobilizing the moving parts on mobile equipment; safeguards for unattended parked mobile equipment; restrictions on moving dippers, buckets, loading booms or suspended loads over operator's stations on self-propelled mobile equipment; and securing raised equipment when someone is working near it.

§ 209a.29. Personal protection.

Eight of the regulations in 30 CFR Part 56, Subpart N (relating to personal protection) are incorporated by reference into Subchapter B. These regulations address the following issues: first aid materials; hard hats; protective footwear; eye protection; the use of safety belts and lines; protective equipment and clothing for hazards and irritants; protective equipment or clothing for welding, cutting or working with molten metal; and life jackets and belts.

§ 209a.30. Materials storage and handling.

Three of the regulations in 30 CFR Part 56, Subpart O (relating to materials storage and handling) are incorporated by reference into Subchapter B. These regulations address the following issues: taglines, hitches and slings; keeping persons clear of suspended loads; and clearing the drop area before dropping materials.

§ 209a.31. Illumination.

The requirement to illuminate surface working areas in 30 CFR 56.17001 (relating to illumination of surface working areas) is incorporated by reference into Subchapter B.

§ 209a.32. Safety programs.

Three of the regulations in 30 CFR Part 56, Subpart Q (relating to safety programs) are incorporated by refer-

ence into Subchapter B. These regulations address the following issues: examination of working places; provision of an emergency communication system; and prohibitions on working alone.

§ 209a.33. Miscellaneous provisions.

Two of the regulations in 30 CFR Part 56, Subpart S (relating to miscellaneous) are incorporated by reference into this subchapter. These regulations address house-keeping requirements and the use of barricades and warning signs to protect persons from hazards that are not immediately obvious.

Subchapter C. Miscellaneous Provisions

The regulations in this subchapter apply to both surface coal mining activities as defined in the SMCRA and surface mines as defined in the NSMCRA. (See § 209a.41 (relating to applicability).)

§ 209a.42. Accident reporting.

This section addresses accident reporting requirements. The types of events constituting an accident are defined in subsection (a). These definitions are taken from 30 CFR 50.2 (relating to definitions). Subsection (b) requires the operator to notify the Department within 1 hour of the occurrence of an accident. Finally, subsection (c) requires the operator to submit to the Department a copy of the accident reports submitted to MSHA.

§ 209a.43. Alternative standards.

This section establishes the mechanism by which the Department adopts a mine specific modification of the MSHA standards that have been incorporated by reference into this chapter. For modifications approved when this proposed rulemaking is adopted, the operator must notify the Department of MSHA approval. For modifications requested after the adoption of this proposed rulemaking, the operator shall give the Department a copy of the petition and all supporting materials when they are submitted to MSHA and notify the Department of the MSHA approval.

§ 209a.44. Access to records.

This section gives the Department access to review and copy documents required by MSHA.

F. Benefits, Costs and Compliance

Compliance Costs

This proposed rulemaking will not impose additional compliance costs on the regulated community. Surface mines in this Commonwealth must already comply with these Federal safety regulations. In fact, the implementation of this proposed rulemaking should result in cost savings in that accidents will be prevented.

Compliance Assistance Plan

The Department will explain to each job foreman the changes in the regulations.

Paperwork requirements

This proposed rulemaking establishes two paperwork requirements. First, there is a requirement to submit to the Department copies of the documentation in support of a request to the MSHA for a modification of a health and safety standard that has been incorporated by reference into this proposed rulemaking. Second, there is the requirement to submit to the Department the same accident reports submitted to the MSHA. The only cost to the operator is the cost of copying and mailing these documents to the Department.

G. *Pollution Prevention*

The proposed rulemaking will not modify the pollution prevention approach by the regulated community and maintains the multimedia pollution prevention approach of existing requirements in 25 Pa. Code (relating to environmental protection).

H. *Sunset Review*

The regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 16, 2007, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate and House Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

J. *Public Comments*

Written comments. Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by October 1, 2007. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by October 1, 2007. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

Electronic comments. Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by October 1, 2007. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

KATHLEEN A. MCGINTY,
Chairperson

Fiscal Note: 7-414. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE IV. OCCUPATIONAL HEALTH AND SAFETY

CHAPTER 209. (Reserved)

(Editor's Note: As part of this proposed rulemaking, the Board is proposing to delete the text of Chapter 209, which currently appears in 25 Pa. Code pages 209-1—209-23, serial pages (243435) to (243457).)

§§ 209.1—209.3. (Reserved).
 §§ 209.11—209.13. (Reserved).
 §§ 209.21—209.27. (Reserved).
 §§ 209.31—209.35. (Reserved).
 §§ 209.41—209.47. (Reserved).
 §§ 209.51—209.65. (Reserved).
 §§ 209.71—209.77. (Reserved).
 §§ 209.81—209.87. (Reserved).
 §§ 209.91—209.93. (Reserved).
 §§ 209.101—209.103. (Reserved).
 §§ 209.111—209.115. (Reserved).
 § 209.121. (Reserved).
 § 209.122. (Reserved).
 §§ 209.141—209.145. (Reserved).
 §§ 209.151—209.154. (Reserved).
 §§ 209.161—209.172. (Reserved).
 §§ 209.181—209.187. (Reserved).
 §§ 209.191—209.193. (Reserved).
 §§ 209.201—209.203. (Reserved).

(Editor's Note: The following chapter is new. It has been printed in regular type to enhance readability.)

CHAPTER 209a. SURFACE MINING

Subchap.

A. SURFACE COAL MINES
 B. SURFACE NONCOAL MINES
 C. MISCELLANEOUS PROVISIONS

Subchapter A. SURFACE COAL MINES

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 209a.13. Competent person.

§ 209a.1. Applicability.

This subchapter applies to surface mining activities as defined in section 3 of the Surface Mining Conservation and Reclamation Act (52 P. S. § 1396.3).

§ 209a.2. Definitions.

The following terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

(1) The meanings for the terms "active workings," "berm" and "roll protection" contained in 30 CFR 77.2(a), (d) and (w) (relating to definitions) are incorporated by reference.

(2) *Competent person*—A person having abilities and experience that fully qualify him to perform the duty to which he is assigned.

§ 209a.3. Surface installations.

The following provisions of 30 CFR Part 77, Subpart C (relating to surface installations) are incorporated by reference:

- (1) Section 77.200 (relating to surface installations; general).
- (2) Section 77.203 (relating to use of material or equipment overhead; safeguards).
- (3) Section 77.204 (relating to openings in surface installations; safeguards).
- (4) Section 77.205 (relating to travelways at surface installations).
- (5) Section 77.206 (relating to ladders; construction; installation and maintenance).
- (6) Section 77.207 (relating to illumination).
- (7) Section 77.208 (relating to storage of materials).
- (8) Section 77.209 (relating to surge and storage piles).
- (9) Section 77.210 (relating to hoisting of materials).

§ 209a.4. Safeguards for mechanical equipment.

The following provisions of 30 CFR Part 77, Subpart E (relating to safeguards for mechanical equipment) are incorporated by reference:

- (1) Section 77.403 (relating to mobile equipment; falling object protective structures (FOPS)).
- (2) Section 77.403-1 (relating to mobile equipment; rollover protective structures (ROPS)).
- (3) Section 77.403-2 (relating to incorporation by reference).
- (4) Section 77.404 (relating to machinery and equipment; operation and maintenance).
- (5) Section 77.405 (relating to performing work from a raised position; safeguards).
- (6) Section 77.409 (relating to shovels, draglines, and tractors).
- (7) Section 77.410 (relating to mobile equipment; automatic warning devices).

§ 209a.5. Electrical equipment general.

The following provisions of 30 CFR Part 77, Subpart F (relating to electrical equipment—general) are incorporated by reference:

- (1) Section 77.500 (relating to electric power circuits and electric equipment; deenergization).
- (2) Section 77.501 (relating to electric distribution circuits and equipment; repair).

§ 209a.6. Trailing cables.

30 CFR 77.604 (relating to protection of trailing cables) is incorporated by reference.

§ 209a.7. Surface high-voltage distribution.

The following provisions of 30 CFR Part 77, Subpart I (relating to surface high-voltage distribution) are incorporated by reference:

- (1) Section 77.807-1 (relating to high-voltage powerlines; clearances above ground).

(2) Section 77.807-2 (relating to booms and masts; minimum distance from high-voltage lines).

(3) Section 77.807-3 (relating to movement of equipment; minimum distance from high-voltage lines).

§ 209a.8. Ground control.

The following provisions of 30 CFR Part 77, Subpart K (relating to ground control) are incorporated by reference:

- (1) Section 77.1001 (relating to stripping; loose material).
- (2) Section 77.1002 (relating to box cuts; spoil material placement).
- (3) Section 77.1003 (relating to benches).
- (4) Section 77.1004 (relating to ground control; inspection and maintenance; general).
- (5) Section 77.1005 (relating to scaling highwalls; general).
- (6) Section 77.1006 (relating to highwalls; men working).
- (7) Section 77.1007 (relating to drilling; general).
- (8) Section 77.1008 (relating to relocation of drills; safeguards).
- (9) Section 77.1009 (relating to drill; operation).

§ 209a.9. Fire protection.

The following provisions of 30 CFR Part 77, Subpart L (relating to fire protection) are incorporated by reference:

- (1) Section 77.1102 (relating to warning signs; smoking and open flame).
- (2) Section 77.1103 (relating to flammable liquids; storage).
- (3) Section 77.1104 (relating to accumulations of combustible materials).
- (4) Section 77.1105 (relating to internal combustion engines; fueling).
- (5) Section 77.1108 (relating to firefighting equipment; requirements; general).
- (6) Section 77.1108-1 (relating to type and capacity of firefighting equipment).
- (7) Section 77.1109 (c)—(e) (relating to quantity and location of firefighting equipment).
- (8) Section 77.1110 (relating to examination and maintenance of firefighting equipment).
- (9) Section 77.1111 (relating to welding, cutting, soldering; use of fire extinguisher).
- (10) Section 77.1112(a) (relating to welding, cutting, or soldering with arc or flame; safeguards).

§ 209a.10. Auger mining.

(a) The following provisions of 30 CFR Part 77, Subpart P (relating to auger mining) are incorporated by reference:

- (1) Section 77.1500 (relating to auger mining; planning).
- (2) Section 77.1501 (relating to auger mining; inspections).
- (3) Section 77.1503 (relating to augering equipment; overhead protection).
- (4) Section 77.1504 (relating to auger equipment; operation).

(b) At a minimum, a highwall proposed for auger mining of bituminous coal shall be benched at the base of each overlying coal seam. In addition, if the height of the highwall, either between two coal seams or to the surface if there is no overlying coal seam, exceeds 60 feet, the highwall shall be benched at no more than 50 feet above the bottom coal seam. Additional benches may be required to ensure the stability of the highwall. The Department of Environmental Protection may authorize alternative bench locations if the operator demonstrates that the alternative locations are at least as effective at ensuring the highwall stability as otherwise required by this section. In making this demonstration the operator, at a minimum, shall take into account geologic, seasonal and weather conditions; presence of groundwater and other factors that may affect the stability of the highwall.

(c) For auger mining in the anthracite coal fields, if the height of the overburden above the auger area exceeds 60 feet, the overburden shall be benched at no more than 50 feet above the coal seam being augered. Additional benches may be required to ensure the stability of the overburden above the auger area. The Department may authorize alternative bench locations if the operator demonstrates that the alternative locations are at least as effective at ensuring the stability as otherwise required by this section. In making this demonstration the operator, at a minimum, shall take into account geologic, seasonal and weather conditions; presence of groundwater, and other factors that may affect the stability of the overburden above the coal seam being augered.

§ 209a.11. Loading and haulage.

The following provisions of 30 CFR Part 77, Subpart Q (relating to loading and haulage) are incorporated by reference:

- (1) Section 77.1600 (relating to loading and haulage; general).
- (2) Section 77.1605(a), (b), (d), (k) and (l) (relating to loading and haulage equipment; installations).
- (3) Section 77.1607(a)—(u), (x) and (bb)—(ee) (relating to loading and haulage equipment; operation).
- (4) Section 77.1608 (relating to dumping facilities).

§ 209a.12. Miscellaneous.

The following provisions of 30 CFR Part 77, Subpart R (relating to miscellaneous) are incorporated by reference:

- (1) Section 77.1700 (relating to communications in work areas).
- (2) Section 77.1701 (relating to emergency communications; requirements).
- (3) Section 77.1707 (relating to first aid equipment; location; minimum requirements).
- (4) Section 77.1710 (relating to protective clothing; requirements).
- (5) Section 77.1711 (relating to smoking prohibition).
- (6) Section 77.1713 (relating to daily inspection of surface coal mine; certified person; reports of inspection).

§ 209a.13. Competent person.

Any provision of 30 CFR Part 77 incorporated by reference in this subchapter requiring that a duty be carried out by a certified person is amended to require that duty to be carried out by a competent person.

Subchapter B. SURFACE NONCOAL MINES

- Sec.
- 209a.21. Applicability.
 - 209a.22. Definitions.
 - 209a.23. Ground control.
 - 209a.24. Fire prevention and control.
 - 209a.25. Drilling and rotary jet piercing.
 - 209a.26. Loading, hauling and dumping.
 - 209a.27. Electricity.
 - 209a.28. Machinery and equipment.
 - 209a.29. Personal protection.
 - 209a.30. Materials storage and handling.
 - 209a.31. Illumination.
 - 209a.32. Safety programs.
 - 209a.33. Miscellaneous.

§ 209a.21. Applicability.

This subchapter applies to surface mining as defined in section 3 of the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. § 3303).

§ 209a.22. Definitions.

The following words and terms, when used in this subchapter, have the meaning given to them in 30 CFR 56.2 (relating to definitions), unless the context clearly indicates otherwise:

- (1) Berm.
- (2) Competent person.
- (3) Face or bank.
- (4) Flammable.
- (5) Mobile equipment.
- (6) Multipurpose dry-chemical fire extinguisher.
- (7) Roll protection.
- (8) Scaling.
- (9) Working place.

§ 209a.23. Ground control.

The following provisions of 30 CFR Part 56, Subpart B (relating to ground control) are incorporated by reference:

- (1) Section 56.3000 (relating to definitions) in so far as it defines "travelway."
- (2) Section 56.3130 (relating to wall, bank, and slope stability).
- (3) Section 56.3131 (relating to pit or quarry wall perimeter).
- (4) Section 56.3200 (relating to correction of hazardous conditions).
- (5) Section 56.3201 (relating to location for performing scaling).
- (6) Section 56.3401 (relating to examination of ground conditions).
- (7) Section 56.3430 (relating to activity between machinery or equipment and the highwall or bank).

§ 209a.24. Fire prevention and control.

The following provisions of 30 CFR Part 56, Subpart C (relating to fire prevention and control) are incorporated by reference:

- (1) Section 56.4100 (relating to smoking and use of open flames).
- (2) Section 56.4103 (relating to fueling internal combustion engines).
- (3) Section 56.4200 (relating to general requirements).
- (4) Section 56.4230 (relating to self-propelled equipment).

§ 209a.25. Drilling and rotary jet piercing.

The following provisions of 30 CFR Part 56, Subpart F (relating to drilling and rotary jet piercing) are incorporated by reference:

- (1) Section 56.7002 (relating to equipment defects).
- (2) Section 56.7003 (relating to drill area inspection).
- (3) Section 56.7004 (relating to drill mast).
- (4) Section 56.7005 (relating to augers and drill stems).
- (5) Section 56.7008 (relating to moving the drill).
- (6) Section 56.7009 (relating to drill helpers).
- (7) Section 56.7012 (relating to tending drills in operation).
- (8) Section 56.7051 (relating to loose objects on the mast or drill platform).
- (9) Section 56.7052 (relating to drilling positions).
- (10) Section 56.7055 (relating to intersecting holes).

§ 209a.26. Loading, hauling and dumping.

The following provisions of 30 CFR Part 56, Subpart H (relating to loading, hauling, and dumping) are incorporated by reference:

- (1) Section 56.9100 (relating to traffic control).
- (2) Section 56.9101 (relating to operating speeds and control of equipment).
- (3) Section 56.9202 (relating to loading and hauling large rocks).
- (4) Section 56.9300 (relating to berms or guardrails).
- (5) Section 56.9301 (relating to dump site restraints).
- (6) Section 56.9303 (relating to construction of ramps and dumping facilities).
- (7) Section 56.9304 (relating to unstable ground).
- (8) Section 56.9305 (relating to truck spotters).
- (9) Section 56.9306 (relating to warning devices for restricted clearances).
- (10) Section 56.9312 (relating to working around drawholes).
- (11) Section 56.9313 (relating to roadway maintenance).
- (12) Section 56.9314 (relating to trimming stockpile and muckpile faces).
- (13) Section 56.9315 (relating to dust control).
- (14) Section 56.9316 (relating to notifying the equipment operator).
- (15) Section 56.9317 (relating to suspended loads).
- (16) Section 56.9318 (relating to getting on or off moving equipment).

§ 209a.27. Electricity.

The following provisions of 30 CFR Part 56, Subpart K (relating to electricity) are incorporated by reference:

- (1) Section 56.12005 (relating to protection of power conductors from mobile equipment).
- (2) Section 56.12016 (relating to work on electrically-powered equipment).
- (3) Section 56.12071 (relating to movement or operation of equipment near high-voltage power lines).

§ 209a.28. Machinery and equipment.

The following provisions of 30 CFR Part 56, Subpart M (relating to machinery and equipment) are incorporated by reference.

- (1) Section 56.14000 (relating to definitions).
- (2) Section 56.14100 (relating to safety defects; examination, correction and records).
- (3) Section 56.14103 (relating to operators stations).
- (4) Section 56.14105 (relating to procedures during repairs or maintenance).
- (5) Section 56.14106 (relating to falling object protection).
- (6) Section 56.14107 (relating to moving machine parts).
- (7) Section 56.14112 (relating to construction and maintenance of guards).
- (8) Section 56.14130 (relating to roll-over protective structures (ROPS) and seat belts).
- (9) Section 56.14131 (relating to seat belts for haulage trucks).
- (10) Section 56.14132 (relating to horns and backup alarms).
- (11) Section 56.14200 (relating to warnings prior to starting or moving equipment).
- (12) Section 56.14204 (relating to machinery lubrication).
- (13) Section 56.14205 (relating to machinery, equipment, and tools).
- (14) Section 56.14206 (relating to securing movable parts).
- (15) Section 56.14207 (relating to parking procedures for unattended equipment).
- (16) Section 56.14210 (relating to movement of dippers, buckets, loading booms, or suspended loads).
- (17) Section 56.14211 (relating to blocking equipment in a raised position).

§ 209a.29. Personal protection.

The following provisions of 30 CFR Part 56, Subpart N (relating to personal protection) are incorporated by reference:

- (1) Section 56.15001 (relating to first-aid materials).
- (2) Section 56.15002 (relating to hard hats).
- (3) Section 56.15003 (relating to protective footwear).
- (4) Section 56.15004 (relating to eye protection).
- (5) Section 56.15005 (relating to safety belts and lines).
- (6) Section 56.15006 (relating to protective equipment and clothing for hazards and irritants).
- (7) Section 56.15007 (relating to protective equipment or clothing for welding, cutting, or working with molten metal).
- (8) Section 56.15020 (relating to life jackets and belts).

§ 209a.30. Materials storage and handling.

The following provisions of 30 CFR Part 56, Subpart O (relating to materials storage and handling) are incorporated by reference:

- (1) Section 56.16007 (relating to taglines, hitches, and slings).

(2) Section 56.16009 (relating to suspended loads).

(3) Section 56.16010 (relating to dropping materials from overhead).

§ 209a.31. Illumination.

The provisions of 30 CFR 56.17001 (relating to illumination of surface working areas) are incorporated by reference.

§ 209a.32. Safety programs.

The following provisions of 30 CFR Part 56, Subpart Q (relating to safety programs) are incorporated by reference:

(1) Section 56.18002 (relating to examination of working places).

(2) Section 56.18013 (relating to emergency communications system).

(3) Section 56.18020 (relating to working alone).

§ 209a.33. Miscellaneous.

The following provisions of 30 CFR Part 56, Subpart S (relating to miscellaneous) are incorporated by reference:

(1) Section 56.20003 (relating to housekeeping).

(2) Section 56.20011 (relating to barricades and warning signs).

Subchapter C. MISCELLANEOUS PROVISIONS

Sec.

- 209a.41. Applicability.
209a.42. Accident reporting.
209a.43. Alternative standards.
209a.44. Access to records.

§ 209a.41. Applicability.

This subchapter applies to surface mining activities as defined in section 3 of the Surface Mining Conservation and Reclamation Act (52 P. S. § 1396.3) and to surface mining as defined in section 3 of the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. § 3303).

§ 209a.42. Accident reporting.

(a) Unless the context clearly indicates otherwise, as used in this subchapter, an accident is an incident that results in one or more of the following:

(1) A death of an individual at a mine.

(2) An injury to a miner which occurs at a mine for which medical treatment is administered, or which results in loss of consciousness, inability to perform all job duties on any day after an injury, temporary assignment to other duties or transfer to another job.

(3) An entrapment of an individual for more than 30 minutes.

(4) An unplanned inundation of a mine by a liquid or gas.

(5) An unplanned ignition or explosion of gas or dust.

(6) An unplanned mine fire not extinguished within 30 minutes of discovery.

(7) An unplanned ignition or explosion of a blasting agent or an explosive.

(8) A failure of an impoundment, highwall, low wall, pile or bank or, an unstable condition at an impoundment, highwall, low wall, pile or bank which requires emergency action to prevent failure, or which causes individuals to evacuate an area.

(9) Death or bodily injury to an individual not at the mine.

(b) In the event of an accident occurring at a mine, an operator shall notify the Department no later than within 1 hour of discovery of the accident.

(c) In the event of an accident occurring at a mine, an operator shall send to the Department a copy of the completed Mine Accident, Injury and Illness Report Form 7000-1 required by 30 CFR 50.20 (relating to preparation and submission of MSHA Report Form 7000-1—Mine Accident, Injury, and Illness Report).

§ 209a.43. Alternative standards.

(a) If, as of _____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rule-making), the United States Department of Labor, Mine Safety and Health Administration (MSHA) has adopted a mine specific modification of a safety and health standard incorporated by reference in this chapter for a mine in this Commonwealth, that mine specific modified safety and health standard will be adopted by the Department if the operator submits to the Department's District Mining Office with jurisdiction for the mine a copy of MSHA's adoption of the modification.

(b) If, after _____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rule-making), MSHA adopts a mine specific modification of a safety and health standard incorporated by reference in this chapter for a mine located in this Commonwealth, that mine specific modified safety and health standard will be adopted by the Department if the operator:

(1) Provides the Department's District Mining Office with jurisdiction for the mine with a copy of the petition and a copy of all supporting materials submitted to MSHA, upon submission to MSHA.

(2) Submits to the Department's District Mining Office with jurisdiction for the mine a copy of the MSHA approval of the modified safety and health standard.

§ 209a.44. Access to records.

The Department shall have access to review and copy all maps, plans, notifications, reports, training records, program descriptions or other materials prepared to comply with 30 CFR Parts 50, 56 and 77 (relating to notification, investigation, reports and records of accidents, injuries, illnesses, employment, and coal production in mines; safety and health standards—surface metal and nonmetal mines; and mandatory safety standards, surface coal mines and surface work areas of underground coal mines).

[Pa.B. Doc. No. 07-1612. Filed for public inspection August 31, 2007, 9:00 a.m.]

[25 PA. CODE CH. 109]

Safe Drinking Water—General Update

The Environmental Quality Board (Board) proposes to amend Chapter 109 (relating to safe drinking water). The proposed rulemaking includes major amendments to the regulation of inorganic chemicals (IOCs), synthetic organic chemicals (SOCs) and volatile synthetic organic chemicals (VOCs); minor amendments to the Filter Backwash Recycling Rule (FBRR), Lead and Copper Rule (LCR) and Radionuclide (RAD) Rule requirements; and

other minor amendments to Chapter 109 to retain primary enforcement authority (primacy) and to clarify existing requirements.

This proposed rulemaking was adopted by the Board at its meeting of June 19, 2007.

A. *Effective Date*

This proposed rulemaking will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

B. *Contact Persons*

For further information, contact Lisa Daniels, Division of Operations Monitoring and Training, P. O. Box 8467, Rachel Carson State Office Building, Harrisburg, PA 17105-8467, (717) 772-2189; or Marylou Barton, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposed rulemaking appears in Section J of this preamble. Persons with a disability may use the AT&T Relay Service (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). The proposed rulemaking is available electronically through the Department of Environmental Protection (Department) website: www.dep.state.pa.us.

C. *Statutory Authority*

The proposed rulemaking is being made under the authority of section 4 of the Pennsylvania Safe Drinking Water Act (35 P. S. § 721.4), which grants the Board the authority to adopt rules and regulations governing the provision of drinking water to the public, and sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-17 and 510-20).

D. *Background and Purpose*

The purpose of this proposed rulemaking is to amend the Department's safe drinking water regulations to: (1) incorporate necessary Federal requirements needed to obtain or maintain, or both, primacy for the Phase II/IIB/V, Arsenic, FBRR, LCR and RAD rules; (2) amend several sections to improve data quality; (3) coordinate efforts with several other drinking water regulatory packages, including Operator Certification and Environmental Laboratory Accreditation; and (4) clarify several existing requirements to improve compliance.

1. *Amendments to incorporate Federal requirements*

a. *Major amendments to IOC, SOC and VOC requirements.*

The United States Environmental Protection Agency (EPA) promulgated the Phase II Rule on January 30, 1991, the Phase IIB Rule on July 1, 1991, the Phase V Rule on July 17, 1992, and the Arsenic Rule on January 22, 2001. These rules established the monitoring requirements for IOCs, SOCs and VOCs for community and nontransient noncommunity water systems. The Department's IOC/SOC/VOC monitoring and waiver requirements in § 109.301 (relating to general monitoring requirements) are not consistent with the Federal rules and are amended to obtain primacy for the Phase II/IIB/V and Arsenic Rules. The Department must also obtain EPA approval of its Monitoring Waiver Program guidance.

b. *Minor amendments to FBRR.*

The EPA promulgated the FBRR on June 8, 2001. The FBRR established additional requirements for surface water systems that recycle spent filter backwash. The Department promulgated final regulations at 34 Pa.B. 1758 (April 3, 2004). As a condition of primacy, the

Department must make minor amendments to the public notification requirements to maintain primacy for the FBRR.

c. *Minor amendments to LCR.*

Lead and copper reporting requirements for community and nontransient noncommunity water systems in § 109.1107 (relating to system management responsibilities) are amended to maintain primacy for LCR.

d. *Minor amendments to RAD.*

Monitoring requirements for bottled, vended, retail and bulk water hauling systems (BVRBs) are being clarified (for BVRBs that meet the definition of a "community water system" or "nontransient noncommunity water system") to obtain primacy for the RAD Rule.

2. *Amendments to improve data quality*

- Quality assurance and quality control requirements for continuous monitoring equipment associated with surface water systems are amended to clarify the requirements for calibration.

- Amendments to require mandatory electronic reporting will improve data quality, reduce reporting violations and streamline the reporting process.

Electronic reporting will be accomplished using the Department's existing secure web application, the Drinking Water Electronic Lab Reporting (DWELR) system. DWELR has been available to water suppliers and labs since 2003. Currently, the Department receives about 70% of its data voluntarily through DWELR. Users can upload data or enter data using screen entry forms. The DWELR system includes an error detection program that produces error reports. Errors can be corrected immediately or recalled for correction later. This allows users to correct data entry and other errors, thus preventing erroneous Maximum Contaminant Level (MCL) or monitoring/reporting violations. Water systems can register for access to view the data that's submitted for them by submitting entities. This allows water suppliers to monitor the data, so they can notify their lab if data appears to be incorrect or missing. DWELR works within the Department's Greenport environment. For more information about DWELR, refer to the Department's website at www.depweb.state.pa.us/watersupply/cwp/view.asp?a=1251&q=447842. Information is also available by contacting the Division of Data Systems and Analysis (717) 787-6744.

The Department is requesting comment on the mandatory electronic reporting requirements in § 109.701(j) (relating to reporting and recordkeeping) for public water systems conducting in-house monitoring under § 109.304(c) (relating to analytical requirements) (that is, residual disinfectant concentration, pH and turbidity).

It is estimated that the following number of water systems perform monitoring for one or more of the previously-mentioned parameters and would be required to either: (1) report the data electronically to the Department; or (2) delegate the reporting to an accredited lab.

Water System Type and Size	Number of Water Systems
<i>Community Water Systems</i>	
Serving less than 501 persons	1,281
Serving 501—3,300 persons	505
Serving 3,301—10,000 persons	179
Serving more than 10,000 persons	145

Water System Type and Size	Number of Water Systems
<i>Noncommunity Water Systems</i>	
Serving less than 501 persons	2,088
Serving 501—3,300 persons	299
Serving 3,301—10,000 persons	10
Serving more than 10,000 persons	1

Note: Some of these systems are already reporting electronically to the Department, on a voluntary basis.

3. Amendments to coordinate efforts with several other drinking water regulatory packages

Several associated regulatory packages are in various stages of promulgation. To coordinate efforts, the following revisions will be necessary.

- Operator certification requirements under §§ 109.304, 109.704, 109.1105 and 109.1107.

- Chapter 252 (relating to environmental laboratory accreditation) reporting requirements under § 109.810 (relating to reporting and notification requirements).

4. Amendments to clarify several other requirements

- Currently, language that describes how the Department determines compliance with the MCLs has been incorporated by reference. With this proposed rulemaking, the EPA's compliance determination requirements are added to Chapter 109 to better inform the regulated community and improve compliance. Chapter 109 will now be a one-stop-shop in terms of determining whether a water supplier is in compliance with the MCLs.

- Information describing new sources under § 109.503(a)(1)(iii) (relating to public water system construction permits) is amended to clarify the requirements for new source sampling.

- Requirements under § 109.505(2)(ii) (relating to requirements for noncommunity water systems) for noncommunity water systems to file a brief description of the system are amended to clarify that the information shall be filed prior to construction.

In summary, the Board proposes to incorporate these amendments into Chapter 109 to obtain primary enforcement authority under the Federal Safe Drinking Water Act. This proposed rulemaking must be adopted during 2007 per a time schedule submitted to the EPA.

The draft proposed rulemaking was submitted for review to the Small Water Systems Technical Assistance Center Advisory Board (TAC) for review and discussion on November 17, 2005. Comments were received from the TAC on January 3, 2006.

E. Summary of Regulatory Requirements

The proposed rulemaking reflects new Federal requirements and will correct minor deficiencies in Chapter 109 to satisfy outstanding issues with EPA and obtain primary approval for several rules. The amendments also include proposed changes to clarify existing requirements.

§ 109.1. Definitions.

The definition of "MCL—Maximum Contaminant Level" is amended to delete language that incorporates by reference the means of determining compliance with the MCLs. The EPA's compliance determination language is added to §§ 109.301 and 109.1102 (relating to action levels and treatment technique requirements) to improve compliance.

This section is amended to add a definition for "reliably and consistently below the MCL." This amendment reflects the Federal requirements in 40 CFR 141.23(c)(8) and 141.24(f)(11)(ii) and (h)(7)(ii) (relating to inorganic chemical sampling and analytical requirements; and organic chemicals, sampling and analytical requirements).

§ 109.301. General monitoring requirements.

This section is amended to delete the language that incorporates by reference the general monitoring requirements. Monitoring requirements are now specified in Chapter 109.

Performance monitoring for filtration and disinfection

Section 109.301(1)(i)(A) is amended to clarify that filter plants (that do not operate continuously) shall determine and record the turbidity level prior to shutting down the plant.

Section 109.301(1)(i)(B) and (iv)(A) is amended to clarify that calibration of continuous turbidity monitors shall be conducted at least quarterly using an EPA-approved primary standard.

Section 109.301(1)(iv)(B) is amended to clarify that failure of continuous recording devices requires manual recording every 4 hours instead of continuous recording.

Performance monitoring for unfiltered surface water and groundwater under the direct influence of surface water (GUDI)

Section 109.301(2)(i)(B) is amended to clarify that systems (that do not operate continuously) shall determine and record the turbidity level prior to shutting down the plant.

Section 109.301(2)(i)(C) is amended to clarify that calibration of continuous turbidity monitors shall be conducted at least quarterly using an EPA-approved primary standard.

Section 109.301(2)(i)(D) is amended to clarify that failure of continuous recording devices requires manual recording every 4 hours instead of continuous recording.

Section 109.301(3)(iv), regarding monitoring requirements for coliforms—compliance determinations, is added to incorporate the EPA's method of determining compliance. This amendment reflects the Federal requirement in 40 CFR 141.63 (relating to maximum contaminant levels (MCLs) for microbiological contaminants).

Section 109.301(5), regarding monitoring requirements for VOCs, is amended to be consistent with Federal monitoring and compliance determination requirements in 40 CFR 141.24(f).

Section 109.301(6), regarding monitoring requirements for SOCs (pesticides and polychlorinated biphenyls (PCBs)), is amended to be consistent with Federal monitoring and compliance determination requirements in 40 CFR 141.24(h).

Section 109.301(7), regarding monitoring requirements for IOCs, is amended to be consistent with Federal monitoring and compliance determination requirements in 40 CFR 141.23.

Section 109.301(8), regarding monitoring requirements for public water systems that obtain finished water from another public water system, is amended to clarify the monitoring requirements for consecutive water systems.

Section 109.301(14), regarding monitoring requirements for radionuclides, is amended to clarify the monitoring requirements for radionuclides.

§ 109.303. Sampling requirements.

This section is amended to change “certified” laboratory to “accredited” laboratory and to correct a typographical error.

§ 109.304. Analytical requirements.

This section is amended to clarify which persons may perform the monitoring specified under subsection (c).

§ 109.410. Tier 3 public notice—form, manner and frequency of notice.

This section is amended to incorporate the Federal requirement for issuing public notice in response to reporting and recordkeeping violations of the FBRR. This amendment reflects the Federal requirement in 40 CFR Part 141, Subpart Q, Appendix A, I.A.8.

§ 109.503. Public water system construction permits.

This section is amended to clarify the monitoring requirements for new source sampling.

§ 109.504. Public water system operation permits.

This section is amended to clarify that water suppliers shall be in compliance with the operator certification requirements prior to receiving an operation permit.

§ 109.505. Requirements for noncommunity water systems.

This section is amended to clarify that noncommunity water systems shall file a brief description of the system prior to construction.

§ 109.605. Minimum treatment design standards.

This section is amended to be consistent with the EPA and to clarify that for surface water and GUDI sources, the minimum design standard for viruses is 99.99% removal or inactivation, or both. This section also is amended to recognize that some noncommunity water systems may be unable to meet the 99.9% inactivation requirement for Giardia due to physical space limitations.

§ 109.701. Reporting and recordkeeping.

Section 109.701(a)(11), regarding noncompliance report, is added to be consistent with the EPA and to clarify that a water supplier shall report to the Department, within 48 hours, a failure to comply with the monitoring requirements under Subchapter C (relating to monitoring requirements).

Section 109.701(i), regarding accuracy of data, is added to clarify that water suppliers are responsible for the accurate reporting of self-monitoring data to the Department.

Section 109.701(j), regarding electronic reporting, is added to require mandatory electronic reporting by public water systems of self-monitoring data (analyzed under § 109.304(c)) to the Department. This amendment will improve the quality of data submitted to the Department and will streamline the reporting process.

Section 109.701(k), regarding monitoring plan to determine if a source is directly influenced by surface water, is added to clarify that systems required to conduct monitoring (to determine if a source is directly influenced by surface water) shall develop, submit for approval and implement a monitoring plan.

§ 109.703. Facilities operation.

This section is amended to remove the requirement to achieve a 50% reduction in turbidity before putting a backwashed filter back on line when source water turbid-

ity is less than 1.0 NTU. This requirement is redundant with the individual filter requirements under § 109.701(e).

§ 109.704. Operator certification.

This section is amended to be consistent with the Water and Wastewater Systems Operators’ Certification Act (63 P. S. §§ 1001—1015.1), which requires nontransient noncommunity water systems to have personnel certified to operate and maintain their water system.

§ 109.810. Reporting and notification requirements.

Subsection (a) is amended to add mandatory electronic reporting requirements for accredited laboratories. Mandatory electronic reporting will improve the quality of data submitted to the Department and will streamline the reporting process. Electronic reporting will be instead of submitting paper copies to the Department.

Subsection (b) is amended to clarify that notification is required whenever an MCL, Maximum Residual Disinfectant Level or TT is exceeded or a sample result requires the collection of check or confirmation samples.

Subsection (c) is added to clarify when a laboratory can assign the responsibility for reporting and notification to another accredited laboratory.

§ 109.1003. Monitoring requirements.

Subsections (d) and (e) are added to clarify the monitoring requirements for a bulk water hauling or vended water system that is determined to serve at least 25 of the same persons year-round, or at least 25 of the same persons over 6 months per year.

§ 109.1102. Action levels and treatment technique requirements.

This section was added to incorporate the EPA’s method of computing the 90th percentile value for lead and copper.

§ 109.1103. Monitoring requirements.

Subsection (e), regarding reduced monitoring, is amended to be consistent with Federal monitoring requirements in 40 CFR 141.86(c) (relating to monitoring requirements for lead and copper in tap water).

Subsection (g), regarding sample site location plan, is amended to clarify that water suppliers shall submit a sample site location plan to the Department.

§ 109.1105. Permit requirements.

This section is amended to clarify that noncommunity water systems shall file a brief description of the system prior to construction.

§ 109.1107. System management responsibilities.

This section is amended to clarify that water suppliers shall submit a sample site location plan to the Department and include the sample location when submitting results of all lead and copper tap monitoring.

Subsection (c), regarding operator certification, is amended to delete the requirement that suppliers shall complete Department-sponsored training regarding corrosion control treatment prior to initiating operation. This section also is amended to delete the requirement under subsection (c)(2).

F. Benefits, Costs and Compliance

Benefits

The enhanced monitoring and reporting requirements will improve compliance, streamline reporting and pro-

vide greater assurance that contaminant levels will remain below the MCLs. The proposed rulemaking also ensures that the Department, the regulated community and the public are better informed to make decisions affecting public health protection.

Compliance costs

The proposed rulemaking primarily addresses existing monitoring and reporting requirements. As a result, compliance costs are not expected to substantially increase or decrease.

The mandatory electronic reporting requirements may require some water suppliers (conducting monitoring under § 109.304(c)) to either: (1) purchase a computer and internet provider; or (2) pay their accredited lab to report additional data on their behalf.

Compliance Assistance Plan

The proposed rulemaking addresses monitoring and reporting requirements. As a result, financial assistance should not be necessary.

Paperwork requirements

The proposed rulemaking addresses monitoring and reporting requirements. As a result, some changes to forms, reports and other paperwork are expected. Mandatory electronic reporting requirements are expected to streamline the reporting process and take the place of reporting by means of paper.

G. *Pollution Prevention*

Not applicable.

H. *Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulation effectively fulfills the goals for which it was intended.

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 16, 2007, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Department, the General Assembly and the Governor of comments, recommendations or objections raised.

J. *Public Comments*

Written comments. Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by October 1, 2007. Interested persons may also submit a summary of their comments to the Board.

The summary may not exceed one page in length and must also be received by October 1, 2007. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

Electronic comments. Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by October 1, 2007. A subject heading of the proposed rulemaking and a return name and address must be included in each transmission.

KATHLEEN A. MCGINTY,
Chairperson

Fiscal Note: 7-412. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 109. SAFE DRINKING WATER

Subchapter A. GENERAL PROVISIONS

§ 109.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

MCL—Maximum Contaminant Level—The maximum permissible level of a contaminant in water which is delivered to a user of a public water system, and includes the primary and secondary MCLs established under the Federal act, and MCLs adopted under the act. **[For MCLs incorporated into this chapter by reference, the term refers to the numerical value and the means of determining compliance with that value and does not refer to the EPA applications to specific types of public water systems or sources.]**

* * * * *

Reliably and consistently below the MCL—For VOCs, SOCs and IOCs (with the exception of nitrate and nitrite), this means that each sample result is less than 80% of the MCL. For nitrate and nitrite, this means that each sample result is less than 50% of the MCL.

* * * * *

Subchapter C. MONITORING REQUIREMENTS

§ 109.301 General monitoring requirements.

[The monitoring requirements established by the EPA under the National Primary Drinking Water Regulations, 40 CFR Part 141 (relating to national primary drinking water regulations), as of December 8, 1984, are incorporated by reference.] Public water suppliers shall monitor for compliance with MCLs **[and]**, MRDLs and treatment technique requirements in accordance with the requirements established **[in]** by the EPA under the National Primary Drinking Water Regulations, 40 CFR Part 141 (relating to national primary drinking water regulations), except as otherwise established by this chapter unless

increased monitoring is required by the Department under § 109.302 (relating to special monitoring requirements). Alternative monitoring requirements may be established by the Department and may be implemented in lieu of monitoring requirements for a particular National Primary Drinking Water Regulation if the alternative monitoring requirements are in conformance with the Federal act and regulations. The monitoring requirements shall be applied as follows:

(1) *Performance monitoring for filtration and disinfection.* A public water supplier providing filtration and disinfection of surface water or GUDI sources shall conduct the performance monitoring requirements established by the EPA under the National Primary Drinking Water Regulations, unless increased monitoring is required by the Department under § 109.302.

(i) Except as provided under subparagraphs (ii) and (iii) a public water supplier:

(A) Shall determine and record the turbidity level of representative samples of the system's filtered water as follows:

(I) For systems that operate continuously, at least once every 4 hours that the system is in operation, except as provided in clause (B).

(II) For systems that do not operate continuously, at start-up, at least once every 4 hours that the system is in operation, and also prior to shutting down the plant, except as provided in clause (B).

(B) May substitute continuous turbidity monitoring and recording for grab sample monitoring and manual recording if it validates the continuous measurement for accuracy on a regular basis using a procedure specified by the manufacturer. **At a minimum, calibration with an EPA approved primary standard shall be conducted at least quarterly.** For systems using slow sand filtration or filtration treatment other than conventional filtration, direct filtration or diatomaceous earth filtration, the Department may reduce the sampling frequency to once per day.

* * * * *

(iv) A public water supplier providing conventional filtration treatment or direct filtration and serving 10,000 or more people and using surface water or GUDI sources shall, beginning January 1, 2002, conduct continuous monitoring of turbidity for each individual filter using an approved method under the EPA regulation in 40 CFR 141.74(a) (relating to analytical and monitoring requirements) and record the results at least every 15 minutes. Beginning January 1, 2005, public water suppliers providing conventional or direct filtration and serving fewer than 10,000 people and using surface water or GUDI sources shall conduct continuous monitoring of turbidity for each individual filter using an approved method under the EPA regulation in 40 CFR 141.74(a) and record the results at least every 15 minutes.

(A) The water supplier shall calibrate turbidimeters using the procedure specified by the manufacturer. **At a minimum, calibration with an EPA-approved primary standard shall be conducted at least quarterly.**

(B) If there is failure in the continuous turbidity monitoring **or recording** equipment, **or both**, the system shall conduct grab sampling **or manual recording, or both**, every 4 hours in lieu of continuous monitoring **or recording**.

* * * * *

(2) *Performance monitoring for unfiltered surface water and GUDI.* A public water supplier using unfiltered surface water or GUDI sources shall conduct the following source water and performance monitoring requirements on an interim basis until filtration is provided, unless increased monitoring is required by the Department under § 109.302:

(i) Except as provided under subparagraphs (ii) and (iii), a public water supplier:

* * * * *

(B) Shall measure the turbidity of a representative grab sample of the source water immediately prior to disinfection **as follows:**

(I) For systems that operate continuously, at least once every 4 hours that the system is in operation, except as provided in clause (C).

(II) For systems that do not operate continuously, at start-up, at least once every 4 hours that the system is in operation, and also prior to shutting down the plant, except as provided in clause (C).

(C) May substitute continuous turbidity monitoring for grab sample monitoring if it validates the continuous measurement for accuracy on a regular basis using a **[protocol approved] procedure specified by the [Department] manufacturer. At a minimum, calibration with an EPA-approved primary standard shall be conducted at least quarterly.**

(D) Shall continuously monitor **and record** the residual disinfectant concentration required under § 109.202(c)(1)(iii) (relating to State MCLs, MRDLs and treatment technique requirements) of the water being supplied to the distribution system and record the lowest value for each day. If a public water system's continuous monitoring **or recording** equipment fails, the public water supplier may, upon notification of the Department under § 109.701(a)(3), substitute grab sampling **or manual recording, or both**, every 4 hours in lieu of continuous monitoring. Grab sampling **or manual recording** may not be substituted for continuous monitoring for longer than 5 days after the equipment fails.

* * * * *

(3) *Monitoring requirements for coliforms.* Public water systems shall determine the presence or absence of total coliforms for each routine or check sample; and, the presence or absence of fecal coliforms or E. coli for a total coliform positive sample in accordance with analytical techniques approved by the Department under § 109.304 (relating to analytical requirements). A system may forego fecal coliform or E. coli testing on a total coliform-positive sample if the system assumes that any total coliform-positive sample is also fecal coliform-positive. A system which chooses to forego fecal coliform or E. coli testing shall, under § 109.701(a)(3), notify the Department within 1 hour after the water system learns of the violation or the situation, and shall provide public notice in accordance with § 109.408 (relating to Tier 1 public notice—form, manner and frequency of notice).

* * * * *

(iv) *Compliance determinations.*

(A) The MCL is based on the presence or absence of total coliforms in a sample, rather than coliform density.

(I) For a system which collects at least 40 samples per month, if no more than 5.0% of the samples collected during a month are total coliform-positive, the system is in compliance with the MCL for total coliforms.

(II) For a system which collects fewer than 40 samples per month, if no more than one sample collected during the month is total coliform-positive, the system is in compliance with the MCL for total coliforms.

(B) Any fecal coliform-positive repeat sample or *E. coli*-positive repeat sample, or any total coliform-positive repeat sample following a fecal coliform-positive or *E. coli*-positive routine sample constitutes a violation of the MCL for total coliforms.

(C) A public water system must determine compliance with the MCL for total coliforms in clauses (A) and (B) for each month in which it is required to monitor for total coliforms.

[(iv)] (v) * * *
* * * * *

(5) *Monitoring requirements for VOCs.* Community water systems and nontransient noncommunity water systems shall monitor for compliance with the MCLs for VOCs established by the EPA under 40 CFR 141.61(a) (relating to MCLs for organic contaminants). The monitoring shall be conducted according to the requirements established by the EPA under 40 CFR 141.24(f) (relating to organic chemicals, sampling and analytical requirements), incorporated herein by reference, except as modified by this chapter. Initial or first year monitoring mentioned in this paragraph refers to VOC monitoring conducted on or after January 1, 1993.

* * * * *

(ii) *Initial monitoring [schedule].* [The initial Initial monitoring shall consist of four consecutive quarterly samples at each entry point in accordance with the following monitoring schedule during the compliance period beginning January 1, 1993, except for systems which are granted reduced initial monitoring in accordance with clauses (E) and (F). A system which monitors during the initial monitoring period, but begins monitoring before its scheduled initial monitoring year specified in this subparagraph, shall begin monitoring every entry point during the first calendar quarter of the year it begins monitoring, except as provided in clause (E).

* * * * *

(G) [Initial monitoring of] Systems with new entry points associated with new sources which are permitted under Subchapter E (relating to permit requirements) to begin operation after December 31, 1992, shall conduct initial monitoring as follows [:].

[(I) Entry] New entry points [at which a VOC is detected during new source monitoring] shall be monitored quarterly, beginning the first full quarter the entry [points begin] point begins serving the public. [Quarterly monitoring shall continue until reduced monitoring is granted in accordance with subparagraph (iii)(D).

(II) Entry points at which no VOC is detected during new source monitoring shall begin initial quarterly monitoring during the first calendar quarter of the year after the entry point begins

serving the public. If no VOC is detected during the first quarter of monitoring, first year monitoring is reduced to one sample at that entry point.]

(iii) *Repeat monitoring for entry points at which a VOC is detected.* For entry points at which a VOC is detected at a level equal to or greater than 0.0005 mg/L, then:

(A) [For entry points at which a VOC is detected at a level equal to or greater than its MCL during the first year of quarterly monitoring, the monitoring] Monitoring shall be repeated quarterly beginning the quarter following the detection [at a level equal to or greater than the MCL], for VOCs for which the EPA has established MCLs under 40 CFR 141.61(a), except for vinyl chloride as provided in subparagraph (i), until reduced monitoring is granted in accordance with [clause (D)] this subparagraph.

(B) [For entry points at which a VOC is detected, and reduced monitoring is granted in accordance with clause (D), and a VOC is thereafter detected at a level greater than the MCL, the monitoring shall be repeated quarterly beginning the quarter following detection at a level for the VOCs for which the EPA has established MCLs under 40 CFR 141.61(a), except for vinyl chloride as provided in subparagraph (i), until reduced monitoring is granted in accordance with clause (D).] The Department may decrease the quarterly monitoring requirement specified in clause (A) provided it has determined that the system is reliably and consistently below the MCL. The Department will not make this determination unless a groundwater or GUDI system takes a minimum of 2 quarterly samples and a surface water system takes a minimum of 4 quarterly samples.

(C) [For entry points at which no VOC is detected during the first year of monitoring but a VOC is detected thereafter, the monitoring shall be repeated quarterly beginning the quarter following detection at a level for the VOCs for which the EPA has established MCLs under 40 CFR 141.61(a), except for vinyl chloride as provided in subparagraph (i), or until reduced monitoring is granted in accordance with clause (D).] If the Department determines that the system is reliably and consistently below the MCL, the Department may allow the system to monitor annually. Systems which monitor annually shall monitor during the quarter that previously yielded the highest analytical result, or as specified by the Department.

[(D) After analyses of four consecutive quarterly samples at an entry point, including initial quarterly samples, demonstrate that the VOC levels in each quarterly sample are less than the MCLs, the required monitoring is reduced to one sample per year at the entry point for the VOCs for which the EPA has established MCLs under 40 CFR 141.61(a), except for vinyl chloride as provided in subparagraph (i).

(E) A confirmation sample shall be collected and analyzed for each VOC listed under 40 CFR 141.61(a) which is detected at a level in excess of its MCL during annual or less frequent compliance monitoring. The confirmation sample shall be collected within 2 weeks of notification by the certi-

fied laboratory performing the analysis that an MCL has been exceeded. The average of the results of the original and the confirmation sample will be used to determine compliance. Monitoring shall be completed by the deadline specified for VOC compliance monitoring.]

(iv) *Repeat monitoring for entry points at which no VOC is detected.*

(A) For entry points at which VOCs are not detected during the first year of quarterly monitoring, or annual monitoring if only one sample was required at an entry point for first year monitoring under subparagraph (ii)(E), or (F) [or (G)(II)], required monitoring is reduced to one sample per entry point per year.

(B) For groundwater or GUDI entry points where VOCs are monitored in accordance with this paragraph, but are not detected during 3 years of quarterly or annual monitoring, or both, required monitoring is reduced to one sample per entry point during each subsequent compliance period. Reduced monitoring shall be conducted at 3-year intervals from the year of required initial monitoring.

(v) *Repeat monitoring for VOCs with MCL exceedances.* For entry points at which a VOC MCL is exceeded, monitoring shall be conducted quarterly, beginning the quarter following the exceedance. Quarterly monitoring shall continue until a minimum of 4 consecutive quarterly samples shows the system is in compliance as specified in subparagraph (x) and the Department determines the system is reliably and consistently below the MCL. If the Department determines that the system is in compliance and is reliably and consistently below the MCL, the Department may allow the system to monitor in accordance with subparagraph (iii)(C).

(vi) *Confirmation samples.* A confirmation sample shall be collected and analyzed for each VOC listed under 40 CFR 141.61(a) which is detected at a level in excess of its MCL during annual or less frequent compliance monitoring. The confirmation sample shall be collected within 2 weeks of notification by the accredited laboratory performing the analysis that an MCL has been exceeded. The average of the results of the original and the confirmation sample will be used to determine compliance. Monitoring shall be completed by the deadline specified for VOC compliance monitoring.

(vii) *Reduced monitoring.* When reduced monitoring is provided under subparagraph (iii) [(D),] or [subparagraph (iv)(A) or (B)] (iv), the system shall monitor the entry point during the calendar year quarter [of] that previously yielded the highest [anticipated VOC levels] analytical result, or as specified by the Department. The reduced monitoring option in subparagraph (iv)(B) does not apply to entry points at which treatment has been installed for VOC removal. Quarterly performance monitoring is required for VOCs for which treatment has been installed.

[(vi)] (viii) *Waivers.* [Waivers under 40 CFR 141.24(f) will not be available for the VOC monitoring requirements in this paragraph.] Systems with entry points which have 3 consecutive years of quarterly or annual samples with no detection of a VOC may apply to the Department for a waiver.

Entry points at which treatment has been installed to remove a VOC are not eligible for a monitoring waiver.

(A) A waiver may be granted to a public water supplier from conducting monitoring under subparagraph (iii)(C), based on documentation provided by the public water supplier and a determination by the Department that the criteria has been met. Waivers may be granted after evaluating the following criteria:

(I) Knowledge of previous use, including transport, storage or disposal, of a substance containing VOCs within the vulnerability assessment area.

(II) If a determination by the Department reveals no previous use, a waiver may be granted.

(B) If a waiver is granted by the Department, required monitoring is reduced to one sample per entry point during each subsequent compliance period. Monitoring shall be conducted at 3-year intervals from the year of required initial monitoring.

(C) A waiver is effective for one compliance period and may be renewed in each subsequent compliance period.

(ix) *Invalidation of VOC samples.*

(A) The Department may invalidate results of obvious sampling errors.

(B) A VOC sample invalidated under this subparagraph does not count towards meeting the minimum monitoring requirements of this paragraph.

(x) *Compliance determinations.* Compliance with the VOC MCLs shall be determined based on the analytical results obtained at each entry point. If one entry point is in violation of an MCL, the system is in violation of the MCL.

(A) For systems monitoring more than once per year, compliance with the MCL is determined by a running annual average of all samples taken at each entry point.

(B) If monitoring is conducted annually or less frequently, the system is out of compliance if the level of a contaminant at any entry point is greater than the MCL. If a confirmation sample is collected as specified in subparagraph (vi), compliance is determined using the average of the two sample results.

(C) If any sample result will cause the running annual average to exceed the MCL at any entry point, the system is out of compliance with the MCL immediately.

(D) If a system fails to collect the required number of samples, compliance with the MCL will be based on the total number of samples collected.

(E) If a sample result is less than the detection limit, zero will be used to calculate compliance.

(6) *Monitoring requirements for SOCs (pesticides and PCBs).* Community water systems and nontransient noncommunity water systems shall monitor for compliance with the MCLs for SOCs established by the EPA under 40 CFR 141.61(c). The monitoring shall be conducted according to the requirements established by the EPA under 40 CFR 141.24(h), incorporated herein by reference except as modified by this chapter.

(i) *Initial monitoring [schedule]*. Initial monitoring shall consist of [**four**] 4 consecutive quarterly samples at each entry point beginning during the quarter beginning January 1, 1995, except for systems which are granted an initial monitoring waiver in accordance with subparagraph [(v)] (vii). Systems which monitor during the initial monitoring period but begin monitoring before 1995 shall begin monitoring during the first calendar quarter of the year.

[(A)] New entry points associated with new sources which are vulnerable to SOC contamination, as determined in accordance with subparagraph [(v)] (vii), and which begin operation after March 31, 1995, [**and do not detect an SOC during new source sampling**] shall [**begin initial**] be monitored quarterly [**monitoring during the first calendar year quarter of the year after the entry point begins serving the public**], beginning the first full quarter the entry point begins serving the public.

[(B)] New entry points associated with new sources which are vulnerable to SOC contamination as determined in accordance with subparagraph (v), at which an SOC is detected during new source sampling shall begin initial quarterly monitoring the first quarter the entry point begins serving the public. Quarterly monitoring shall continue until reduced monitoring is granted in accordance with subparagraph (ii)(E)].

(ii) *Repeat monitoring for SOCs that are detected*. [**For entry points which were monitored for SOCs during the initial quarterly monitoring period or during the required quarterly monitoring immediately after being determined vulnerable to contamination by an SOC, repeat monitoring shall be conducted as follows**] If an SOC is detected (as defined by EPA under 40 CFR Part 141.24(h)(18) (relating to organic chemicals, sampling and analytical requirements) or by the Department), then:

(A) [**For entry points at which an SOC is detected at a level equal to or greater than its MCL, the monitoring**] Monitoring for the detected SOC shall be [**continued**] conducted quarterly, beginning the quarter following the detection, until reduced monitoring is granted in accordance with [**clause (E)**] this subparagraph.

(B) [**For entry points at which an SOC is detected during the first year of quarterly monitoring, and reduced monitoring is granted in accordance with clause (E), and the SOC is thereafter detected at a level greater than its MCL, the monitoring for the detected SOC shall be repeated quarterly, until reduced monitoring is granted in accordance with clause (E).**] The Department may decrease the quarterly monitoring requirement specified in clause (A) provided it has determined that the system is reliably and consistently below the MCL. The Department will not make this determination unless a groundwater or GUDI system takes a minimum of 2 quarterly samples and a surface water system takes a minimum of 4 quarterly samples.

(C) [**For entry points at which an SOC is not detected during the first year of quarterly monitor-**

ing, but an SOC is detected initially thereafter at a level less than the MCL, monitoring shall be repeated annually for the detected SOC] If the Department determines that the system is reliably and consistently below the MCL, the Department may allow the system to monitor annually. Systems which monitor annually shall monitor during the quarter that previously yielded the highest analytical result, or as specified by the Department.

(D) [**For entry points at which an SOC is not detected during the first year of quarterly monitoring, but the SOC is detected thereafter at a level equal to or greater than the MCL, monitoring for that SOC shall be repeated quarterly, until reduced monitoring is granted in accordance with clause (E)**] Systems which have 3 consecutive years of quarterly or annual samples with no detection of a contaminant may apply to the Department for a waiver as specified in subparagraph (vii). A waiver is effective for one compliance period and may be renewed in each subsequent compliance period.

(E) [**After analyses of four consecutive quarterly samples at an entry point, including initial quarterly samples, demonstrate that the SOC level in each quarterly sample is less than the MCL, the required monitoring for each SOC detected below the MCL is reduced to one sample per year at the entry point.**

(F)] * * *

[(G)] A confirmation sample shall be collected and analyzed for each SOC listed under 40 CFR 141.61(c) which is detected at a level in excess of its MCL during annual or less frequent compliance monitoring. The confirmation sample shall be collected within 2 weeks of the water supplier receiving notification from the certified laboratory performing the analysis that an MCL has been exceeded. The average of the results of the original and the confirmation samples will be used to determine compliance. Confirmation monitoring shall be completed by the deadline specified for SOC compliance monitoring.]

* * * * *

(iv) *Repeat monitoring for SOCs with MCL exceedances*. For entry points at which an SOC MCL is exceeded, monitoring for the detected SOC shall be conducted quarterly, beginning the quarter following the exceedance. Quarterly monitoring shall continue until a minimum of 4 consecutive quarterly samples shows the system is in compliance as specified in subparagraph (ix) and the Department determines the system is reliably and consistently below the MCL. If the Department determines that the system is in compliance and is reliably and consistently below the MCL, the Department may allow the system to monitor in accordance with subparagraph (ii)(C).

(v) *Confirmation samples*. A confirmation sample shall be collected and analyzed for each SOC listed under 40 CFR 141.61(c) which is detected at a level in excess of its MCL during annual or less frequent compliance monitoring. The confirmation sample shall be collected within 2 weeks of the water supplier receiving notification from the accredited laboratory performing the analysis that an MCL has been exceeded. The average of the results of

the original and the confirmation samples will be used to determine compliance. Confirmation monitoring shall be completed by the deadline specified for SOC compliance monitoring.

(vi) * * *

[(v)] (vii) Waivers. A waiver will be granted to a public water supplier from conducting the initial compliance monitoring or repeat monitoring, or both, for an SOC based on documentation provided by the public water supplier and a determination by the Department that the criteria in clause (B), (C) or (D) has been met. A waiver is effective for one compliance period and may be renewed in each subsequent compliance period. If the Department has not granted **[an areawide]** a use waiver in accordance with clause (B), the public water supplier is responsible for submitting a waiver application and renewal application to the Department for review in accordance with clause (B) or (C) for specific entry points. Waiver applications will be evaluated relative to the vulnerability assessment area described in clause (A) and the criteria in clause (B) or (C). Entry points at which treatment has been installed to remove an SOC are not eligible for a monitoring waiver for the SOCs for which treatment has been installed.

(A) *Vulnerability assessment area for SOCs except dioxin and PCBs.*

(I) For groundwater or **GUDI** entry points, the vulnerability assessment area shall consist of wellhead protection area Zones I and II.

* * * * *

(B) *Use waivers.* **[An areawide]** A use waiver will be granted by the Department for contaminants which the Department has determined have not been used, stored, manufactured or disposed of in this Commonwealth, or portions of this Commonwealth. A use waiver specific to a particular entry point requires that an SOC was not used, stored, manufactured or disposed of in the vulnerability assessment area. If use waiver criteria cannot be met, a public water supplier may apply for a susceptibility waiver.

* * * * *

(viii) Invalidation of SOC samples.

(A) The Department may invalidate results of obvious sampling errors.

(B) An SOC sample invalidated under this subparagraph does not count towards meeting the minimum monitoring requirements of this paragraph.

(ix) Compliance determinations. Compliance with the SOC MCLs shall be determined based on the analytical results obtained at each entry point. If one entry point is in violation of an MCL, the system is in violation of the MCL.

(A) For systems monitoring more than once per year, compliance with the MCL is determined by a running annual average of all samples taken at each entry point.

(B) If monitoring is conducted annually or less frequently, the system is out of compliance if the level of a contaminant at any entry point is greater than the MCL. If a confirmation sample is collected as specified in subparagraph (v), compliance is determined using the average of the two sample results.

(C) If any sample result will cause the running annual average to exceed the MCL at any entry point, the system is out of compliance with the MCL immediately.

(D) If a system fails to collect the required number of samples, compliance with the MCL will be based on the total number of samples collected.

(E) If a sample result is less than the detection limit, zero will be used to calculate compliance.

(7) *Monitoring requirements for IOCs.* Community water systems and nontransient noncommunity water systems shall monitor for compliance with the MCLs for IOCs established by the EPA under 40 CFR 141.62 (relating to maximum contaminant levels (MCLs) for inorganic contaminants) **[, and for arsenic established by the EPA under 40 CFR 141.11 (relating to maximum contaminant levels for inorganic contaminants)]**. Transient noncommunity water suppliers shall monitor for compliance with the MCLs for nitrate and nitrite. The monitoring shall be conducted according to the requirements established by the EPA under 40 CFR 141.23 (relating to inorganic chemical sampling and analytical requirements). The requirements are incorporated by reference except as modified by this chapter.

(i) *Monitoring requirements for asbestos.*

* * * * *

(D) *Repeat monitoring for systems that detect asbestos.* If a sample exceeds the MCL for asbestos, the monitoring at that sampling point shall be continued quarterly beginning in the quarter following the MCL violation. After **[four]** 4 consecutive quarterly samples **[less than]** with results reliably and consistently below the MCL at that entry point, the required monitoring is reduced to one sample at that entry point during the first 3-year compliance period of each subsequent 9-year compliance cycle, if treatment has not been installed to remove asbestos from the source water. Compliance monitoring at entry points at which treatment has been installed to remove asbestos from source water shall be conducted at least annually, and performance monitoring shall be conducted quarterly.

(ii) *Monitoring requirements for nitrate and nitrite.*

[The following compliance monitoring for nitrite is not required at entry points receiving water which has been disinfected with free chlorine, chlorine dioxide or ozone:]

(A) *Initial monitoring schedule.* A public water system shall begin **[new]** monitoring for nitrate and nitrite by taking one annual sample at each groundwater or **GUDI** entry point to the **distribution** system beginning during the year beginning January 1, 1993. Community water systems and nontransient noncommunity water systems with surface water sources shall monitor quarterly at each surface water entry point for nitrate and nitrite beginning during the quarter beginning January 1, 1993. Transient noncommunity water systems shall monitor each surface water entry point by taking one annual sample beginning during the year beginning January 1, 1993.

(B) *Monitoring of new entry points.*

(I) New community and nontransient noncommunity surface water entry points **[which begin serving the public after the first calendar quarter of a year and did not detect levels of nitrate or nitrite equal to or**

greater than 50% of the MCL during new source sampling] associated with new sources shall [begin initial monitoring for nitrate and nitrite during the first calendar quarter of the year after] be monitored quarterly, beginning the first full quarter the entry point begins serving the public. Quarterly monitoring shall continue until reduced monitoring is granted in accordance with clause (C)(II) or (D).

(II) New community and nontransient noncommunity groundwater [and surface water] or GUDI entry points [at which nitrate or nitrite is detected at levels equal to or greater than 50% of the MCL during new source sampling shall begin initial quarterly monitoring the first quarter the entry point begins serving the public] and new transient noncommunity entry points associated with new sources shall be monitored annually, beginning within 1 year of serving the public. [New community and nontransient noncommunity groundwater entry points at which nitrate and nitrite are not detected at levels equal to or greater than 50% of the MCL, and all transient noncommunity entry points, shall begin initial annual monitoring during the first new calendar year after the entry point begins serving the public.]

(C) Repeat monitoring for systems with nitrate or nitrite levels equal to or greater than 50% of the [MCL] MCLs.

(I) For entry points at which initial monitoring results or subsequent monitoring indicate nitrate or nitrite levels equal to or greater than 50% of the MCL, [community and nontransient noncommunity] water systems shall begin quarterly monitoring the quarter following detection at that level and continue quarterly monitoring for both nitrate and nitrite, unless reduced monitoring is granted in accordance with subclause (II) or (III).

(II) [For entry points at which initial monitoring results or subsequent monitoring indicate nitrate or nitrite levels greater than the MCL, transient noncommunity systems shall begin quarterly monitoring the quarter following detection at that level and continue quarterly monitoring for both nitrate and nitrite, unless reduced monitoring is granted in accordance with subclause (IV).

(III) After] For surface water entry points, after four consecutive quarterly samples at an entry point for a [community or nontransient noncommunity] water system indicate nitrate and nitrite levels in each sample are less than 50% of the MCLs, the required compliance monitoring is reduced to one sample per year at the entry point. Annual monitoring shall be conducted during the [calendar] quarter [in] which [the consecutive quarterly monitoring indicated that the] previously resulted in the highest [levels of contamination were present] analytical result, unless the Department determines that a different monitoring quarter should be used in accordance with paragraph (10).

(III) For groundwater or GUDI entry points, after four consecutive quarterly samples at an entry point for a water system indicate nitrate and nitrite levels in each sample are reliably and consistently below the MCL, the required compliance monitoring is reduced to one sample per year at the entry point. Annual monitoring shall be conducted during the quarter which previously resulted in the

highest analytical result, unless the Department determines that a different monitoring quarter should be used in accordance with paragraph (10).

[(IV) After four consecutive quarterly samples at an entry point for a transient noncommunity system indicate nitrate and nitrite levels in each sample are less than the MCLs, the required compliance monitoring is reduced to one sample per year at the entry point. Annual monitoring shall be conducted during the calendar quarter in which the consecutive quarterly monitoring indicated that the highest levels of contamination were present, unless the Department determines that a different monitoring quarter should be used in accordance with paragraph (10).

(V)] (IV) For nitrate or nitrite sample results in excess of the MCLs, the water supplier shall take a confirmation sample within 24 hours of having received the original sample result. A water supplier that is unable to comply with the 24-hour sampling requirement shall immediately notify persons served by the public water system in accordance with § 109.408. Systems exercising this option shall take and analyze a confirmation sample within 2 weeks of notification of the analytical results of the first sample.

[(VI)] (V) Noncommunity water systems for which an alternate nitrate level has been approved by the Department in accordance with 40 CFR 141.11(d) are not required to collect a confirmation sample if only the nitrate MCL is exceeded and nitrate is not in excess of the alternate nitrate level. If the alternate nitrate level is exceeded, the water supplier shall collect a confirmation sample within 24 hours after being advised by the certified laboratory performing the analysis that the compliance sample exceeded 20 mg/L for nitrate. Confirmation monitoring shall be completed by the deadline for compliance monitoring.

(VI) Quarterly performance monitoring is required for nitrate and nitrite at entry points where treatment has been installed to remove nitrate or nitrite.

(D) Repeat monitoring for systems with nitrate and nitrite levels less than 50% of the MCLs. For entry points at which initial monitoring results indicate nitrate and nitrite levels in each sample are less than 50% of the MCLs, nitrate and nitrite monitoring shall be repeated annually during the calendar quarter [in] which [the water supplier anticipates the highest levels of contamination] previously resulted in the highest analytical result, unless the Department determines that a different monitoring quarter should be used in accordance with paragraph (10).

(iii) Monitoring requirements for antimony, arsenic, barium, beryllium, cadmium, cyanide, chromium, fluoride, mercury, nickel, selenium and thallium.

(A) Initial monitoring schedule. Community water systems and nontransient noncommunity water systems shall monitor each surface water entry point annually beginning during the year beginning January 1, 1993, and shall monitor each groundwater or GUDI entry point once every 3 years beginning during the year beginning January 1, 1994.

(B) Monitoring of new entry points. New groundwater or GUDI entry points which begin operation after December 31, 1994, shall begin initial monitoring in accordance with the schedule in clause (A)—that is, 1997, and so forth. New surface water entry points shall begin initial annual monitoring during the first new calendar year after the entry point begins serving the public.

(C) Repeat monitoring for entry points at which an IOC MCL is exceeded.

* * * * *

(II) After analyses of four consecutive quarterly samples at an entry point where treatment has not been installed to comply with an IOC MCL indicate that contaminant levels are [less than] reliably and consistently below the MCLs, the required monitoring for each IOC less than the MCL is reduced to the frequencies stated in clause (A). This reduced monitoring option does not apply to entry points at which treatment has been installed for IOC removal. Compliance monitoring for IOCs for which treatment has been installed to comply with an MCL shall be conducted at least annually, and performance monitoring shall be conducted quarterly.

(III) A confirmation sample shall be collected and analyzed for each IOC listed under 40 CFR 141.11(b) or 141.62(b) which is detected at a level in excess of its MCL during annual or less frequent compliance monitoring. The confirmation sample shall be collected within 2 weeks of notification by the [certified] accredited laboratory performing the analysis that an MCL has been exceeded. The average of the results of the original and the confirmation samples will be used to determine compliance. Confirmation monitoring shall be completed by the deadline specified for IOC compliance monitoring.

(D) *Waivers for [IOC] antimony, arsenic, barium, beryllium, cadmium, chromium, fluoride, mercury, nickel, selenium and thallium monitoring.* Except when treatment has been installed to remove the IOC, after three consecutive rounds of quarterly, annual or triennial monitoring indicate the contaminant level for an IOC is **reliably and consistently** below the MCL in all samples at an entry point, routine monitoring for the remainder of the compliance cycle for that IOC [is] may be waived and the required monitoring for the IOC [is] may be reduced to one sample per 9-year compliance cycle at that entry point.

(I) **Waivers may be granted based on the following criteria:**

(-a-) **Previous analytical results.**

(-b-) **Other factors which may affect contaminant concentrations such as changes in groundwater pumping rates, changes in the system's configuration, changes in the system's operating procedures or changes in stream flows or characteristics.**

(II) **A decision by the Department to grant a waiver will be made in writing and will set forth the basis for the determination. The determination may be made upon an application by the public water system. The public water system shall specify the basis for its request. The Department will review and, when appropriate, revise its determination of the appropriate monitoring frequency when the system submits new monitoring data or when other data relevant to the system's appropriate monitoring frequency becomes available.**

(III) **Reduced monitoring shall be conducted during the first monitoring period of the next monitoring cycle. A waiver is effective for one compliance cycle and may be renewed in each subsequent compliance cycle.**

(E) *Waivers for cyanide monitoring.* **Waivers may be granted for monitoring of cyanide, provided that the system is not vulnerable due to lack of any industrial source of cyanide.**

(F) *Operational monitoring for fluoride.* **Public water suppliers who fluoridate shall conduct operational monitoring for fluoride daily.**

(iv) **Invalidation of IOC samples.**

(A) **The Department may invalidate results of obvious sampling errors.**

(B) **An IOC sample invalidated under this subparagraph does not count towards meeting the minimum monitoring requirements of this section.**

(v) *Compliance determinations.* **Compliance with the IOC MCLs shall be determined based on the analytical results obtained at each entry point. If one entry point is in violation of an MCL, the system is in violation of the MCL.**

(A) **For systems monitoring more than once per year, compliance with the MCL for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium or thallium is determined by a running annual average of all samples taken at each entry point. If the average at any entry point is greater than the MCL, then the system is out of compliance. If any one sample would cause the annual average to be exceeded, then the system is out of compliance immediately.**

(B) **For systems monitoring annually, or less frequently, the system is out of compliance with the MCL for antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium or thallium if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is collected as specified in subparagraph (ii)(C)(III), compliance is determined using the average of the two samples.**

(C) **Compliance with the MCLs for nitrate and nitrite is determined based on one sample if the levels of these contaminants are below the MCLs. If the levels of nitrate or nitrite exceed the MCLs in the initial sample, a confirmation sample is required in accordance with subparagraph (ii)(C)(III), and compliance shall be determined based on the average of the initial and confirmation samples.**

(D) **If a system fails to collect the required number of samples, compliance with the MCL will be based on the total number of samples collected.**

(E) **If a sample result is less than the detection limit, zero will be used to calculate compliance.**

(8) *Monitoring requirements for public water systems that obtain finished water from another public water system.*

* * * * *

(ii) **Community consecutive water suppliers shall [:**

(A) **Monitor for compliance with the MCL for TTHMs established under 40 CFR 141.12 (relating to maximum contaminant levels for total trihalomethanes) in accordance with 40 CFR 141.30 (relating to total trihalomethanes sampling, analytical and other requirements) if the system does one of the following:**

(I) **Serves more than 10,000 persons.**

(II) **Obtains finished water from another public water system serving more than 10,000 persons.**

(B) **Monitor] monitor the distribution system for compliance with the MCL for asbestos at the frequency indicated in paragraph (7)(i), when the Department deter-**

mines that the system's distribution system contains asbestos cement pipe and optimum corrosion control measures have not been implemented.

(iii) Consecutive water suppliers **[are] may be** exempt from conducting monitoring for the MCLs for VOCs, SOCs and IOCs and radionuclides if the public water system from which the finished water is obtained complies with paragraphs (5)—(7) and (14) **and is in compliance with the MCLs**, except that asbestos monitoring is required in accordance with subparagraph (ii) **[(B)]**.

* * * * *

(vii) A community water system which is a consecutive water system shall comply with the monitoring requirements for lead and copper as specified in § 109.1101(c) (relating to lead and copper).

* * * * *

(12) *Monitoring requirements for disinfection byproducts and disinfection byproduct precursors.* Community water systems and nontransient noncommunity water systems that use a chemical disinfectant or oxidant shall monitor for disinfection byproducts and disinfection byproduct precursors in accordance with this paragraph. Community water systems and nontransient noncommunity water systems that obtain finished water from another public water system that uses a chemical disinfectant or oxidant to treat the finished water shall monitor for TTHMs and HAA5 in accordance with this paragraph. Systems that use either surface water or GUDI sources and that serve at least 10,000 persons shall begin monitoring by January 1, 2002. Systems that use either surface water or GUDI sources and that serve fewer than 10,000 persons, or systems that use groundwater sources, shall begin monitoring by January 1, 2004. Systems monitoring for disinfection byproducts and disinfection byproduct precursors shall take all samples during normal operating conditions. Systems monitoring for disinfection byproducts and disinfection byproduct precursors shall use only data collected under this chapter to qualify for reduced monitoring. Compliance with the MCLs and monitoring requirements for TTHMs, HAA5, chlorite (where applicable) and bromate (where applicable) shall be determined in accordance with 40 CFR 141.132 and 141.133 (relating to monitoring requirements; and compliance requirements) which are incorporated herein by reference.

(i) *TTHMs and HAA5.*

* * * * *

(B) *Reduced monitoring.* Systems shall monitor for TTHMs and HAA5 for at least 1 year prior to qualifying for reduced monitoring. Systems serving at least 500 persons and that use either surface water or GUDI sources shall monitor source water TOC monthly for at least 1 year prior to qualifying for reduced monitoring. The Department retains the right to require a system that meets the requirements of this clause to resume routine monitoring.

* * * * *

(II) For systems that use only groundwater sources not included under subclause (I), the required monitoring is reduced according to the following:

* * * * *

(-b-) For systems serving fewer than 10,000 persons that have an annual TTHM average that is no greater than 0.040 mg/L and an annual HAA5 average that is no greater than 0.030 mg/L for 2 consecutive years or an

annual TTHM average that is no greater than 0.020 mg/L and an annual HAA5 average that is no greater than 0.015 mg/L for 1 year, the required monitoring is reduced to one sample per 3-year **[cycle] period** per treatment plant. The sample shall be taken at a location that represents a maximum residence time during the month of warmest water temperature. The 3-year **[cycle] period** shall begin on January 1 following the quarter in which the system qualifies for reduced monitoring. If the TTHM average exceeds 0.060 mg/L or the HAA5 average exceeds 0.045 mg/L, the system shall resume routine monitoring as prescribed in clause (A), except that systems that exceed either a TTHM or HAA5 MCL shall increase monitoring to at least one sample per quarter per treatment plant beginning in the quarter immediately following the quarter in which the system exceeds the TTHM or HAA5 MCL.

* * * * *

(14) *Monitoring requirements for radionuclides.* Community water systems shall monitor for compliance with the MCLs for radionuclides established by the EPA under 40 CFR 141.66(b), (c), (d) and (e) (relating to maximum contaminant levels for radionuclides). The monitoring shall be conducted according to the requirements established by the EPA under 40 CFR 141.25 and 141.26 (relating to analytical methods for radioactivity; and monitoring frequency and compliance requirements for radionuclides in community water systems) which are incorporated by reference, except as modified by this chapter. Initial or first-year monitoring mentioned in this paragraph refers to monitoring conducted on or after January 1, 2005.

(i) *Monitoring requirements for gross alpha particle activity, radium-226, radium-228 and uranium.*

(A) *Initial monitoring schedule.* The initial monitoring shall consist of four consecutive quarterly samples for each radionuclide at each entry point in accordance with the following monitoring schedule except for systems that are granted reduced initial monitoring in accordance with subclause (V).

(I) Systems serving more than **[3,301] 3,300** persons shall begin monitoring during the quarter beginning January 1, 2005.

* * * * *

(IV) Systems that add new entry points associated with new sources shall **[begin] conduct** initial quarterly monitoring **[during] beginning** the first **full** quarter the entry point begins serving the public. Quarterly monitoring shall continue until reduced monitoring is granted in accordance with clause (B) or subclause (V).

* * * * *

(VI) For entry points at which the **average of the initial monitoring [result] results** for a radionuclide **[at an entry point]** is above the MCL, the system shall collect and analyze quarterly samples for that radionuclide at that entry point until the system has results from 4 consecutive quarters for that radionuclide at that entry point that are at or below the MCL.

* * * * *

§ 109.303. Sampling requirements.

* * * * *

(c) Public water suppliers shall assure that samples for laboratory analysis are properly collected and preserved,

are collected in proper containers, do not exceed maximum holding times between collection and analysis and are handled in accordance with guidelines governing quality control which may be established by the Department. A public water supplier who utilizes [a certified] an accredited laboratory for sample collection as well as analysis satisfies the requirements of this subsection.

(d) Compliance monitoring samples for the VOCs listed under 40 CFR 141.61(a) shall be collected by a person properly trained by a laboratory [certified] accredited by the Department to conduct VOC or vinyl chloride analysis.

* * * * *

(g) Samples taken to determine compliance with combined radium-226 and radium-228, gross alpha particle activity, or uranium under 40 CFR 141.66(b), (c) and (e) (relating to maximum [containment] contaminant levels for radionuclides) may be composited from a single entry point if the analysis is done within a year of the date of the collection of the first sample. The Department will treat analytical results from the composited sample as the average analytical result to determine compliance with the MCLs and the future monitoring frequency.

* * * * *

§ 109.304. Analytical requirements.

* * * * *

(c) For the purpose of determining compliance with the monitoring and analytical requirements established under this subchapter and Subchapter K (relating to lead and copper), the Department will consider only samples analyzed by a laboratory [certified] accredited by the Department, except that measurements for turbidity, fluoridation operation, residual disinfectant concentration, temperature, pH, alkalinity, orthophosphates, silica, calcium, conductivity, daily chlorite, and magnesium hardness may be performed by a person meeting one of the following requirements:

(1) A person meeting the requirements of § 109.704 (relating to operator certification).

(2) A person using a standard operating procedure as provided under authority of the Water and Wastewater Systems Operators' Certification Act (63 P. S. §§ 1001—1015.1).

(3) An environmental laboratory meeting the requirements of Chapter 252 (relating to environmental laboratory accreditation).

Subchapter D. PUBLIC NOTIFICATION

§ 109.410. Tier 3 public notice—form, manner and frequency of notice.

(a) General violation categories and other situations requiring a Tier 3 public notice. A public water supplier shall provide Tier 3 public notice for the following circumstances:

* * * * *

(2) Reporting and record maintenance violations under § 109.701(h) (relating to reporting and recordkeeping).

(3) Operation under a variance or an exemption granted under Subchapter I (relating to variances and exemptions issued by the Department).

[(3)] (4) * * *

* * * * *

Subchapter E. PERMIT REQUIREMENTS

§ 109.503. Public water system construction permits.

(a) Permit application requirements. An application for a public water system construction permit shall be submitted in writing on forms provided by the Department and shall be accompanied by plans, specifications, engineer's report, water quality analyses and other data, information or documentation reasonably necessary to enable the Department to determine compliance with the act and this chapter. The Department will make available to the applicant the Public Water Supply Manual, available from the Bureau of Water [Supply and Community Health] Standards and Facility Regulation, Post Office Box 8467, Harrisburg, Pennsylvania 17105 which contains acceptable design standards and technical guidance. Water quality analyses shall be conducted by a laboratory [certified] accredited under this chapter.

(1) General requirements. An application [shall] must include:

* * * * *

(iii) Information describing new sources. The Department may accept approval of an out-of-State source by the agency having jurisdiction over drinking water in that state if the supplier submits adequate proof of the approval and the agency's standards are at least as stringent as this chapter. Information describing sources [shall] must include:

* * * * *

(B) An evaluation of the quality of the raw water from each new source. This clause does not apply when the new source is finished water obtained from an existing permitted community water system unless the Department provides written notice that an evaluation is required. The evaluation [shall] must include analysis of the following:

(I) [For groundwater sources,] VOCs for which MCLs have been established by the EPA under the National Primary Drinking Water Regulations in 40 CFR 141.61(a) (relating to maximum contaminant levels for organic contaminants). Vinyl chloride monitoring is required only if one or more of the two-carbon organic compounds specified under § 109.301(5)(i) (relating to general monitoring requirements) are detected. Samples for VOCs shall be collected in accordance with § 109.303(d) (relating to sampling requirements).

* * * * *

(VI) SOCs.

(-a-) [Alachlor, atrazine, chlordane, dibromochloro-propane (DBCP), ethylene dibromide (EDB), heptachlor, heptachlor epoxide, lindane, methoxychlor, toxaphene, endrin, hexachlorobenzene, hexachlorocyclopentadiene, polychlorinated biphenyls (PCBs) and simazine unless the Department determines in writing that monitoring for one or more of the substances specified in this item is not necessary.

(-b-) Other SOCs except for dioxin] Except for SOCs that have been granted a statewide waiver, SOCs for which MCLs have been established by the EPA under the National Primary Drinking Water Regulations

in 40 CFR 141.61(c) [**except for those SOCs for which the source is not considered vulnerable based on a vulnerability assessment conducted by the public water supplier and approved by the Department unless the Department determines in writing that monitoring for one or more of the SOCs is not necessary**].

[(-c-)] (-b-) * * *

(-c-) Polychlorinated biphenyls (PCBs) where there is a source of PCB contamination within 1,000 feet of a groundwater source or within 1 mile upstream of a surface water source.

* * * * *

(VIII) [**For surface water sources, total trihalomethanes.**

(IX) Aluminum, chloride, color, foaming agents, iron, manganese, pH, silver, sulfate, total dissolved solids and zinc for which MCLs have been established by the EPA under the National Secondary Drinking Water Regulations in 40 CFR 143.3 (relating to secondary MCLs).

[(X)] (IX) * * *

[(XI)] (X) * * *

[(XII)] (XI) * * *

[(XIII)] (XII) * * *

* * * * *

§ 109.504. Public water system operation permits.

* * * * *

(b) The Department will not issue an operation permit or an amended operation permit, unless the following conditions are satisfied:

* * * * *

(3) The water supplier has demonstrated to the Department that [**personnel required under**] they are in compliance with § 109.704 (relating to operator certification) [**have been retained**].

* * * * *

§ 109.505. Requirements for noncommunity water systems.

A noncommunity water system shall obtain a construction permit under § 109.503 (relating to public water system construction permits) and an operation permit under § 109.504 (relating to public water system operation permits), unless the noncommunity water system satisfies paragraph (1) or (2). The Department retains the right to require a noncommunity water system that meets the requirements of paragraph (1) or (2) to obtain a construction and an operation permit, if, in the judgment of the Department, the noncommunity water system cannot be adequately regulated through standardized specifications and conditions. A noncommunity water system which is released from the obligation to obtain a construction and an operation permit shall comply with the other requirements of this chapter, including design, construction and operation requirements described in Subchapters F and G (relating to design and construction standards; and system management responsibilities).

* * * * *

(2) A noncommunity water system not covered under paragraph (1) is not required to obtain a construction and an operation permit if it satisfies the following specifications and conditions:

* * * * *

(ii) The water supplier files a brief description of the system, including raw source quality data, on forms acceptable to the Department. Amendments to the system description shall be filed when a substantial modification is made to the system. Descriptions of new systems or modifications [**may**] shall be [**filed**] submitted and approved by the Department prior to construction [**if the water supplier desires technical assistance, but shall be filed within 30 days of initiation of operation of the system or modification**].

* * * * *

Subchapter F. DESIGN AND CONSTRUCTION STANDARDS

§ 109.605. Minimum treatment design standards.

The level of treatment required for raw water depends upon the characteristics of the raw water, the nature of the public water system and the likelihood of contamination. The following minimum treatment design standards apply to new facilities and major changes to existing facilities:

(1) For surface water and GUDI sources, the minimum treatment design standard for filtration technologies is a 99% removal of *Giardia* cysts, **and** a 99% removal of *Cryptosporidium* oocysts [**and a 99% removal of viruses**]. The determination of the appropriate filtration technology to be used shall be based on the following:

* * * * *

(2) For surface water and GUDI sources, the minimum treatment design standard for disinfection technologies utilized prior to the first user of the system is a total of 99.9% inactivation of *Giardia* cysts and a 99.99% inactivation of viruses, **except noncommunity water systems may propose, and the Department may approve, an alternative to the *Giardia* design standard when 99.9% inactivation is not feasible.** Total treatment system disinfection capability will be credited toward this design standard. The CT factors and measurement methods established by the EPA are the criteria to be used in determining compliance with this minimum treatment design standard.

Subchapter G. SYSTEM MANAGEMENT RESPONSIBILITIES

§ 109.701. Reporting and recordkeeping.

(a) *Reporting requirements for public water systems.* Public water systems shall comply with the following requirements:

* * * * *

(2) *Monthly reporting requirements for performance monitoring.*

(i) The test results of performance monitoring required under § 109.301(1) (relating to general monitoring requirements) for public water suppliers providing filtration and disinfection of surface water or GUDI sources [**shall**] **must** include the following at a minimum:

(A) For turbidity performance monitoring:

* * * * *

(VI) Instead of clause (A)(III) and (IV), beginning January 1, 2005, for public water systems that serve fewer than 10,000 persons and use conventional or direct filtration:

* * * * *

(-b-) The date, time and values of any filtered water turbidity measurements [**exceding**] **exceeding** 1 NTU.

* * * * *

(11) **Noncompliance report.** The water supplier shall report to the Department within 48 hours failure to comply with Subchapter C (relating to monitoring requirements).

* * * * *

(i) **Accuracy of data.** Each water supplier shall be responsible for the accurate reporting of data required under this section to the Department for all test measurements or analyses required by this chapter, including the data submitted by an accredited environmental laboratory on behalf of the water supplier.

(j) **Electronic reporting.** Within 90 days of written notification by the Department, a public water system shall submit electronically all of its monitoring data for the contaminants listed under § 109.304(c) (relating to analytical requirements).

(1) The Department will provide written notification to each public water system to begin submitting data electronically based on the following schedule:

(i) Systems serving more than 10,000 persons will be notified no sooner than _____ (*Editor's Note:* The blank refers to a date 6 months after the effective date of adoption of this proposed rulemaking.).

(ii) Systems serving more than 3,300 but less than 10,001 persons will be notified no sooner than _____ (*Editor's Note:* The blank refers to a date 12 months after the effective date of adoption of this proposed rulemaking.).

(iii) Systems serving more than 500 but less than 3,301 persons will be notified no sooner than _____ (*Editor's Note:* The blank refers to a date 18 months after the effective date of adoption of this proposed rulemaking.).

(iv) Systems serving less than 501 persons will be notified no sooner than _____ (*Editor's Note:* The blank refers to a date 24 months after the effective date of adoption of this proposed rulemaking.).

(v) New systems will be notified of the electronic reporting requirements at the time of issuance of the operation permit under § 109.504 (relating to public water system operation permits).

(2) The water supplier shall electronically submit all of its data using a secure computer application provided by the Department.

(3) The water supplier shall submit the required data electronically in accordance with the submission deadlines established in this section.

(4) In the event of a Department computer application failure, the Department will notify the water supplier of an alternate reporting method.

(5) In the event that a water supplier is unable to submit data electronically, due to circumstances beyond its control, the water supplier shall notify the Department prior to the applicable reporting deadline. If the Department determines that the circumstances were beyond the control of the water supplier, the Department will specify a temporary, alternate reporting method the water supplier shall use to meet the reporting deadline.

(6) A water supplier shall meet the requirements under this subsection, unless the water supplier assigns in writing the responsibility for reporting to an accredited laboratory.

(k) **Monitoring plan to determine if a source is directly influenced by surface water.** Systems required to monitor under § 109.302(f) (relating to special monitoring requirements) shall develop and implement a monitoring plan. The system shall submit a copy of the monitoring plan to the Department for review and approval prior to the applicable compliance date. The plan must address the requirements under § 109.302(f).

§ 109.703. Facilities operation.

* * * * *

(b) For surface water or GUDI sources, a public water supplier using filtration shall comply with the following requirements:

(1) By July 1, 1990, suppliers using conventional or direct filtration shall, after filter backwash, and before putting the backwashed filter back on line, filter-to-waste until [**one of the following occurs:**

(i) **The]** the filter bed effluent turbidity is less than .5 NTU at the normal production flow rate.

[**(ii) When source water turbidity is less than 1.0 NTU, a 50% reduction in turbidity is achieved.]**

* * * * *

§ 109.704. Operator certification.

(a) Community and nontransient noncommunity water systems shall have personnel certified under the [**Sewage Treatment Plant and Waterworks] Water and Wastewater Systems Operators' Certification Act (63 P. S. §§ 1001—[1015] 1015.1) [and qualified by experience and education]** to operate and maintain a public water system.

(b) [**Noncommunity] Transient noncommunity** water systems shall have competent personnel qualified to operate and maintain the system's facilities.

[**(c) Beginning July 21, 2004, nontransient noncommunity water systems that provide water that contains a chemical disinfectant shall be operated by qualified personnel certified under the Sewage Treatment Plant and Waterworks Operators' Certification Act (63 P. S. §§ 1001—1015). The minimum certification to operate these facilities shall be a certificate to operate plants with disinfection only, under § 303.2 (relating to waterworks operators certificates).]**

Subchapter H. ENVIRONMENTAL LABORATORY [**CERTIFICATION] ACCREDITATION**

§ 109.810. Reporting and notification requirements.

(a) [**A]** Beginning _____ (*Editor's Note:* The blank refers to a date 6 months after the effective

date of adoption of this proposed rulemaking.), a laboratory accredited under Chapter 252 (relating to environmental laboratory accreditation) shall [submit] electronically report to the Department [, on forms provided by the Department,] on behalf of the public water supplier and in accordance with the reporting requirements under § 109.701(a) (relating to reporting and recordkeeping), the results of test measurements or analyses performed by the laboratory under this chapter using a secure computer application provided by the Department. In the event of a Department computer application failure, the Department will notify the laboratory of an alternate reporting method. In the event that a laboratory is unable to submit data electronically, due to circumstances beyond its control, the laboratory shall notify the Department prior to the applicable reporting deadline. If the Department determines that the circumstances were beyond the control of the laboratory, the Department will specify a temporary, alternate reporting method the laboratory shall use to meet the reporting deadline.

(1) Unless a different reporting period is specified in this chapter, these results shall be reported within either the first 10 days following the month in which the result is determined or the first 10 days following the end of the required monitoring period as stipulated by the Department, whichever is shorter.

(2) **Beginning _____** (*Editor's Note: The blank refers to a date 6 months after the effective date of adoption of this proposed rulemaking.*), an accredited laboratory and the public water supplier shall be given until the 10th of the following month to review and update submitted data using a secure computer application provided by the Department. Omissions and data errors remaining after the review period shall be considered reporting violations of the public water supplier.

(b) A laboratory accredited under Chapter 252 shall whenever the results of test measurements or analyses performed by the laboratory under this chapter indicate an MCL, MRDL or a treatment technique performance requirement under § 109.202 (relating to State MCLs, MRDLs and treatment technique requirements) is [violated] exceeded, or a sample result requires the collection of check or confirmation samples under § 109.301 (relating to general monitoring requirements):

(1) Notify the public water supplier by telephone within 1 hour of the laboratory's determination. If the supplier cannot be reached within that time, notify the Department by telephone within 2 hours of the determination. If it is necessary for the laboratory to contact the Department after the Department's routine business hours, the laboratory shall contact the appropriate Department regional office's after-hours emergency response telephone number and provide information regarding the occurrence, the name of a contact person and the telephone number where that individual may be reached in the event further information is needed. If the Department's appropriate emergency number cannot be reached, the laboratory shall notify the appropriate Department regional office by telephone within 1 hour of the beginning of the next business day. Each [certified] accredited laboratory shall be responsible for the following:

* * * * *

(c) A laboratory accredited under Chapter 252 shall meet the requirements under subsection (a) and (b), regarding the results of test measurements or analyses performed by the laboratory under this chapter, unless the laboratory assigns in writing the responsibility for reporting and notification to another accredited laboratory.

Subchapter J. BOTTLED WATER AND VENDED WATER SYSTEMS, RETAIL WATER FACILITIES AND BULK WATER HAULING SYSTEMS

§ 109.1003. Monitoring requirements.

* * * * *

(d) A bulk water hauling system that is determined by the Department to serve at least 25 of the same persons year-round shall comply with the monitoring requirements for community water systems in accordance with § 109.301

(e) A bulk water hauling or vended water system that is determined by the Department to serve at least 25 of the same persons over 6 months per year shall comply with the monitoring requirements for nontransient noncommunity water systems in accordance with § 109.301.

Subchapter K. LEAD AND COPPER

§ 109.1102. Action levels and treatment technique requirements.

(a) *Action levels for lead and copper.*

* * * * *

(4) The 90th percentile lead and copper levels shall be computed as follows:

(i) The results of all lead or copper samples taken during a monitoring period shall be placed in ascending order from the sample with the lowest concentration to the sample with the highest concentration. Each sampling result shall be assigned a number, ascending by single integers beginning with the number 1 for the sample with the lowest contaminant level. The number assigned to the sample with the highest contaminant level shall be equal to the total number of samples taken.

(ii) The number of samples taken during the monitoring period shall be multiplied by 0.9.

(iii) The contaminant concentration in the numbered sample yielded by the calculation in subparagraph (ii) is the 90th percentile contaminant level.

(iv) For water systems that collect 5 samples per monitoring period, the 90th percentile is computed by taking the average of the highest and second highest concentrations.

* * * * *

§ 109.1103. Monitoring requirements.

* * * * *

(e) *Reduced monitoring.*

(1) *Reduced lead and copper tap monitoring.* A [community water] system conducting reduced lead and copper tap monitoring shall collect one sample from the number of sample sites listed in the following column. [A nontransient noncommunity water system may reduce the number of sample sites to five, regardless of population served.]

* * * * *

(g) *Sample site location plan.* The water supplier shall complete a sample site location plan which includes a materials evaluation of the distribution system, lead and copper tap sample site locations, water quality parameter sample site locations, and certification that proper sampling procedures are used. The water supplier shall complete the steps in paragraphs (1)—(3) by the applicable date for commencement of lead and copper tap monitoring under subsection (a)(1) and the step in paragraph (4) following completion of the monitoring. The water supplier shall keep the sample site location plan on record **and submit the plan to the Department** in accordance with § 109.1107(a)(1). **[If the system is required to prepare a corrosion control treatment feasibility study in accordance with § 109.1102(b)(3)(i), the system shall include the sample site location plan as part of the study.]**

* * * * *

§ 109.1105. Permit requirements.

* * * * *

(b) *Construction permits and permit amendments.* The water supplier shall submit an application for a public water system construction permit for a newly-created system or an amended construction permit for a currently-permitted system for corrosion control treatment facilities by the applicable deadline established in § 109.1102(b)(2) (relating to action levels and treatment technique requirements), unless the system complies with paragraph (1) or (2) or otherwise qualifies for a minor permit amendment under § 109.503(b) (relating to public water system construction permits). The permit application **[shall] must** comply with § 109.503 and contain the applicable information specified therein. The application **[shall] must** include recommended water quality parameter performance requirements for optimal corrosion control treatment as specified in § 109.1102(b)(5) and other data, information or documentation necessary to enable the Department to consider the application for a permit for construction of the facilities.

* * * * *

(2) *Nontransient noncommunity water system permits.* The nontransient noncommunity water supplier is not required to obtain a construction permit or permit amendment under subsection (b) if the system satisfies the following specifications and conditions:

* * * * *

(v) The water supplier files a brief description of the proposed treatment, including recommended water quality parameter performance requirements for optimal corrosion control treatment as specified in § 109.1102(b)(5), on forms acceptable to the Department. Descriptions of modifications **[may] shall be [filed] submitted and approved by the Department** prior to construction **[if the water supplier desires technical assistance, but shall be filed within 30 days of initiation of operation of the modification]**.

(c) *Operation permits.* Except for nontransient noncommunity water systems complying with subsection (b)(2), the water supplier shall obtain an operation permit or amended operation permit following completion of construction and prior to initiation of operation of corrosion control treatment facilities. The permit will be issued in accordance with § 109.504 (relating to public water system operation permits). The Department will not issue an operation permit under this subchapter unless the water

system complies with the operation and maintenance plan requirements under § 109.1107(b) (relating to system management responsibilities) and the operator certification **[and training]** requirements under § 109.1107(c). The water supplier for a community water system or nontransient noncommunity water system shall submit a request for Department designation of optimal corrosion control treatment performance requirements in accordance with § 109.1102(b)(2) and the Department will issue an amended operation permit designating the performance requirements as specified in § 109.1102(b)(5).

§ 109.1107. System management responsibilities.

(a) *Reporting and recordkeeping.* Systems shall comply with the following requirements and otherwise comply with § 109.701 (relating to reporting and recordkeeping):

(1) *Sample site location plan.* The system shall prepare a sample site location plan in accordance with § 109.1103(g) (relating to monitoring requirements), maintain the plan on record and **[present or]** submit the plan **[upon request]** to the Department **prior to conducting initial lead and copper tap monitoring or upon request.** The water supplier shall update the following information in the plan within the first 10 days following the end of each applicable monitoring period:

* * * * *

(2) *Reporting of monitoring results.* The water supplier shall assure that the results of analyses conducted in accordance with § 109.1103 are reported to the Department within the first 10 days following the end of each applicable monitoring period as stipulated by § 109.1103. Additional monitoring results beyond that required under § 109.1103 shall be kept on record by the water supplier and presented or submitted to the Department upon request.

(i) *Lead and copper tap monitoring results.* The following minimum information is required when reporting lead and copper tap monitoring results to the Department.

* * * * *

(I) **The sample location.**

(J) The 90th percentile result.

[(J)] (K) * * *

[(K)] (L) * * *

(ii) *Water quality parameter monitoring results.* The following minimum information is required when reporting water quality parameter results to the Department:

* * * * *

(I) **The sample location.**

(J) Whether an excursion has occurred on more than any 9 days during a 6-month monitoring period for any Department specified water quality parameter.

(iii) *Source water monitoring results.* The following minimum information is required when reporting source water monitoring results to the Department:

* * * * *

(I) **The sample location.**

(J) The name, address and identification number of the certified laboratory performing the analysis.

* * * * *

(c) *Operator certification [and training].* Community water systems and nontransient noncommunity water

systems which are required to construct or modify corrosion control treatment facilities in compliance with this subchapter shall comply with the [**following**] requirements[:] under § 109.704 (relating to operator certification).

[(1) Prior to initiation of operation of the corrosion control treatment facilities, have personnel who have successfully completed Department-sponsored training relating to corrosion control treatment for lead and copper. The Department will expressly designate which training courses meet the requirements of this subsection.

[(2) Within 3 years of initiation of operation of the corrosion control treatment facilities, have personnel certified under the Sewage Treatment Plant and Waterworks Operators' Certification Act (63 P.S. §§ 1001—1015). The minimum certification to operate corrosion control treatment facilities shall be a certificate to operate plants not utilizing filtration, but with chemical treatment, according to § 303.2 (relating to waterworks operators certificates).]

[Pa.B. Doc. No. 07-1613. Filed for public inspection August 31, 2007, 9:00 a.m.]

STATE CONSERVATION COMMISSION

[25 PA. CODE CH. 83] Facility Odor Management

The State Conservation Commission (Commission) proposes to add Chapter 83, Subchapter G (relating to facility odor management) to govern odor management at certain facilities and agricultural operations. This proposed rulemaking is authorized by the act of July 6, 2005 (P.L. 112, No. 38) (Act 38) (3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management)).

This proposed rulemaking was adopted at the Commission's meeting of March 14, 2007.

A. *Effective Date*

This proposed rulemaking will go into effect 90 days after final-form publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

For further information, contact Karl G. Brown, Executive Secretary, State Conservation Commission, Suite 407, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110, (717) 787-8821. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Commission's website: www.agriculture.state.pa.us/scc.

C. *Statutory Authority*

This rulemaking is proposed under 3 Pa.C.S. § 504(1.1) (relating to powers and duties of commission), which authorizes the Commission to promulgate regulations establish practices, technologies, standards, strategies and other requirements for odor management plans (OMP); section 4 of the Conservation District Law (3 P.S. § 852), which authorizes the Commission to promulgate

rules and regulations necessary to carry out its functions; and section 503(d) of the Conservation and Natural Resources Act (71 P.S. § 1340.503(d)), which amended the authority and responsibilities of the Commission, the Department of Environmental Protection (DEP) and the Department of Agriculture.

D. *Background and Introduction*

Act 38 was signed by Governor Rendell on July 6, 2005, and constituted an important part of his initiative to protect Agriculture, Communities and the Rural Environment (ACRE). As part of that initiative, the DEP and the Commission promulgated other regulations implementing Act 38 provisions addressing water quality issues in 2005 and 2006. At the same time, various funding, technical assistance and policy development programs aimed at supporting agriculture in this Commonwealth were started and expanded during that same time frame. Examples include the Commission's enhanced Plan Development Incentives Program (PDIP) to support phosphorus based nutrient management plan writing, grants for alternative manure utilization and technologies projects, expanded agricultural compliance technical assistance and expanded regulatory oversight over the farm community.

This proposed rulemaking addresses the concerns of communities about odors generated at new and expanding agricultural operations. The proposed rulemaking requires OMPs for manure storage facilities and animal housing facilities at the operations most likely to elicit public concerns from neighbors—concentrated animal operations (CAOs) and concentrated animal feeding operations (CAFOs).

CAOs and CAFOs fall under a very comprehensive set of water quality regulations which were recently amended to address current environmental issues. CAOs shall meet various requirements under Chapter 83, administered by the Commission and delegated county conservation districts. CAFOs shall follow permitting requirements under the National Pollutant Discharge Elimination System (NPDES) regulations administered by the DEP under Chapter 92 (relating to National Pollutant Discharge Elimination System permitting, monitoring and compliance). Those regulations address water quality, not odor management.

This proposed rulemaking was developed in close coordination with several groups. First, the Nutrient Management Advisory Board (NMAB) was highly involved with the development of this proposed rulemaking. The NMAB represents a wide range of agricultural, academic, governmental, environmental and private interests. A special NMAB committee was formed and met with Commission staff 11 times during 2006 and 2007, providing strong direction and assistance to Commission staff in developing this proposed rulemaking. The committee and Commission staff led discussions of the proposed rulemaking with the full NMAB on April 13, 2006, July 13, 2006, December 5, 2006, and February 6, 2007. The NMAB approved this proposed rulemaking and passed it on to the Commission with its recommendation for Commission approval.

In addition to the extensive involvement of the NMAB, Commission staff worked closely with a team of experts on odor management at the Pennsylvania State University (PSU). These experts developed and refined an odor management planning process over the last several years. This process was the one the Legislature had in mind when it passed the odor management provisions of Act 38.

Key elements of this process have been incorporated into this proposed rulemaking and are described in some detail in this preamble.

The Commission staff also worked with a third group—an interagency team of agriculture experts from the Department of Agriculture, the United States Department of Agriculture Natural Resources Conservation Service (NRCS), county conservation districts, the DEP, the PSU College of Agricultural Sciences and the Penn State Extension.

Finally, Commission staff provided briefings on the proposed rulemaking as it was being developed to numerous groups representing local government, industry and the public. The Agriculture Air Quality Task Force also received briefings on the draft regulations during 2006.

This proposed rulemaking incorporates the initial concepts approved by the Commission at its July 26, 2006, meeting. In addition, the proposed rulemaking follows the format of the nutrient management regulations in Chapter 83, to facilitate comprehension by the regulated community and others familiar with those regulations.

Two key aspects of the proposed rulemaking bear special mention. First, the proposed rulemaking is limited in scope to odors associated with new or expanding manure management and animal housing facilities at CAOs and CAFOs. The proposed rulemaking does not otherwise apply to existing agricultural operations and they do not address odor from land application of manure. These limitations reflect the odor management provisions in Act 38.

Second, the OMPs are not required to eliminate odors. Under Act 38, they only need to include reasonably available technology, practices, standards and strategies to manage odor impacts, considering both the practical and economic feasibility of installation and operation and the potential impacts from the facilities. This aspect of Act 38 reflects the impracticality of completely eliminating odors associated with agricultural operations, as well as the evolving nature of the science of odor management and of the regulation of odor management. The Legislature was obviously cognizant of the subjective nature of odors in rural areas and the difficulties in eliminating and regulating them. The Commission developed this proposed rulemaking with that legislative dictate in mind.

E. Summary of the Proposed Rulemaking

General

The applicability of the regulations is clearly described in § 83.741 (relating to general), where the two statutory criteria that must be met are listed—types of operations and types of activities at those operations. The Commission has been careful to stay within the scope of Act 38 in the regulations, which requires OMPs address only newly constructed and expanded facilities at CAOs and CAFOs once the regulations go into effect. A transition provision is also included to address agricultural operations that initiate activities prior to the effective date of the final-form rulemaking.

Section 83.741 also describes plan implementation requirements. First, plans must be fully implemented prior to commencing use of the regulated facility. Second, “implementation” includes taking all of the steps required in the plan, which in some cases will not immediately provide full odor management benefits (for example, shelter belts).

In addition, § 83.741 allows for voluntary plans by agricultural operations which are not otherwise subject to the odor management regulations. This provision is similar to the nutrient management regulations, promoting voluntary efforts by farmers and also providing certain legal protections to those farmers under Act 38.

Further, § 83.741 requires that OMPs be developed by certified odor management specialists. The Department of Agriculture is developing certification regulations under Act 38 concurrently with these regulations.

Finally, § 83.742 (relating to identification of construction activities) clarifies certain circumstances when questions may arise regarding “construction” activities.

Definitions

The proposed rulemaking incorporates several definitions used in Subchapter D (relating to nutrient management). Several definitions are added in § 83.701 (relating to definitions) due to the new subject matter:

The proposed rulemaking is applicable to two types of facilities—manure storage and animal housing. “Manure management facility” is described in Subchapter D and repeated here. This requires defining “animal housing facility,” which is not defined in Subchapter D. The comprehensive definition of “facility” represents both manure storage and animal housing facilities throughout the regulations.

The definitions of “impacts” and “offsite migration” work together with §§ 83.771 and 83.781 (relating to managing odors; and identification of Odor BMPs), which describe the basic odor management approach in these regulations, as well as § 83.703 (relating to purpose). Act 38 requires that OMPs address odor impacts, but it did not define them, hence the definition here, consistent with other aspects of the odor management provisions of Act 38. The Commission clarifies Act 38 by using the phrase “offsite migration,” since odors remaining on the farm would obviously not have impacts requiring an OMP.

“Odor BMP—odor best management practice” is a key term defined in a manner similar to that for nutrient best management practices (BMP). Odor BMPs are the measures which may be necessary for the agricultural operation to manage potential impacts identified from the facilities subject to the proposed rulemaking.

The definition of “plan—OMP—odor management plan” repeats the definition in Act 38 and adds clarifications similar to those for nutrient management plans in Subchapter D regarding volunteers and plan amendments.

“Odor management specialist” is a key term defined in a manner similar to that for a nutrient management specialist.

“Odor Site Index” is the preferred method of identifying potential impacts from odors, similar to the Phosphorus Index used in the nutrient management program. The Odor Site Index was developed and refined by odor experts at the PSU College of Agriculture Sciences. It will be reviewed and approved for use by the Commission in the odor management program under this proposed rulemaking.

This proposed rulemaking requires special consideration of public use facilities in identifying potential odor impacts, so a definition of “public use facility” is needed.

Purpose

This proposed rulemaking breaks new ground in this Commonwealth and addresses a difficult area of regulation. The Commission wants to make it clear what these regulations will address and § 83.703 is intended to do that. First, Act 38 clearly requires the Commission to consider certain criteria when developing the odor management program—site specific factors, reasonably available technology, practices, standards and strategies, and the practical and economic feasibility of their installation and operation. These purposes are stated in § 83.703(1)(i)–(iii).

Section 83.703(1)(iv), (2) and (3) provides additional clarification, based on the current state of the science of agricultural odor management in this Commonwealth, and the language of Act 38. The nature of that science is that odor management should contain two basic elements, described in more detail in §§ 83.771 and 83.781. First, odor management requires identifying a potential for odor impacts, which is necessarily a largely subjective exercise. Impacts are essentially conflict-based: will these agricultural activities increase the likelihood of odor related conflicts between the farmer and his neighbors? Second, once potential impacts are identified, how can they be managed? In most cases, the potential cannot be completely eliminated without violating the practical and economic considerations previously described, but it can be managed. These are the concepts underlying § 83.703(1)(iv), (2) and (3), as well as §§ 83.771 and 83.781.

Managing odors

The core requirements are in §§ 83.771 and 83.781. They require the previously-described two-step process. First, an evaluation must be conducted under § 83.771(b). The evaluation must look at the factors specified in Act 38. Several other criteria are allowed to be used, such as the number of animal equivalent units (AEU). The proposed rulemaking then authorizes use of the Odor Site Index, which was developed by PSU odor management experts and approved by the Commission to perform this evaluation. Other evaluation methodologies are allowed, if approved by the Commission. This is the same approach used in the nutrient management regulations, when a Phosphorus Index approved by the Commission is allowed.

If the evaluation identifies a potential for odor impacts, then the second step must be taken—identification of odor BMPs needed to manage the odors, as described in § 83.781. This section envisions two levels of odor BMPs, depending on the significance of the potential for odor impacts identified in the evaluation step. The Commission will issue a guidance document listing odor BMPs consistent with this approach, and use of that guidance is authorized by this proposed rulemaking. The Commission expects to publish notice of the availability of this guidance document for public input, concurrently with the public comment period of the proposed rulemaking.

Plan contents

Sections 83.751, 83.761, 83.762 and 83.783 contain requirements for the contents of OMPs, along the lines of those in the nutrient management regulations. The information required under § 83.761 (relating to identification of agricultural operations and regulated facilities), for example, will be used in the evaluation step under § 83.711 (relating to applicant eligibility). To ensure program consistency throughout this Commonwealth, the plan must follow a standard format provided by the Commission.

Plan review and implementation

Sections 83.782, 83.801 and 83.802 (relating to implementation schedule; initial plan review and approval; and plan implementation) contain parallel provisions to those in Subchapter D regarding review and implementation of the plan. OMPs developed under this proposed rulemaking are not required to be amended once approved unless the operation makes a significant change as described in § 83.811 (relating to plan amendments). While the proposed rulemaking authorizes the Commission to delegate administration of the regulations to county conservation districts, the Commission has no immediate plans to do so.

Funding for plan development and implementation

Financial assistance for OMP development and implementation is authorized under certain circumstances through § 83.711 and § 83.721 (relating to applicant eligibility). This assistance is limited, given that this proposed rulemaking generally applies to new and expanding operations, which are not authorized for financial assistance through the Commission.

Recordkeeping

Records regarding the development and implementation of the plan shall be kept at the operation under §§ 83.791 and 83.792 (relating to general recordkeeping requirements; and recordkeeping relating to odor BMPs).

Amendments and transfers

Section 83.811 and § 83.812 (relating to plan transfers) contain parallel provisions to those in Subchapter D regarding amendments and transfers. Changes requiring amendments are listed, such as an increase equal to or greater than 25% in AEU's after plan approval.

*F. Benefits, Costs and Paperwork**Benefits*

The main benefit of this proposed rulemaking is to establish a level of regulatory requirements regarding agricultural odor management that does not currently exist in rural communities in this Commonwealth. It is part of the balanced approach embodied in the Governor's ACRE initiative.

The Commission developed the proposed rulemaking in close coordination with various Federal, State and local agencies and institutions, including the NMAB, the PSU College of Agriculture, the Department of Agriculture, the DEP, the NRCS, various county conservation district and the Penn State Extension.

Farmers will benefit from this proposed rulemaking in several ways. First, implementation of an OMP approved by the Commission affords important legal protections under Act 38. Second, odor management is an important issue in rural areas of this Commonwealth and this proposed rulemaking will help to minimize conflicts between farmers and their neighbors, especially in areas where there is suburban encroachment into rural areas.

Costs

The cost of implementing this proposed rulemaking will mainly impact the regulated community and the Commonwealth. The Commonwealth costs are most readily seen in the financial assistance that the Commission is proposing to provide for plan development and plan implementation.

Note that CAO and CAFO farms that construct animal housing facilities or manure storage facilities are required to get an OMP.

Costs to the regulated community

Development of OMPs. Based on the Commission's experience with the nutrient management program costs, and the projected time to conduct a site assessment for the proposed OMP, the Commission anticipates that the average cost for an OMP will be \$1,120 per OMP.

The Commission anticipates that 90 operations a year will develop OMPs under this proposed rulemaking. This will equate to a total annual planning cost to the farm community of \$100,800, a significant portion of this will be offset through the Commission's plan development cost share program.

Implementation of OMPs. The proposed rulemaking provides for multiple levels of odor BMPs and anticipates that there will be no new cost to the regulated community until Level 2 Odor BMPs are required to be implemented and maintained. The cost for implementing Level 2 BMPs on a given farm are extremely variable. Based on the Commission's assessment of the various BMPs that may be installed, and the general costs for installing these BMPs, the Commission determined an average cost of installing Level 2 BMPs on a farm to be \$15,000. Each plan uses site specific criteria and there will be large variability in the Level 2 odor BMPs implemented on regulated operations. Some farms needing Level 2 BMPs may only need to expend less than \$500 to implement these BMPs where other farms needing Level 2 BMPs may need to be expend thousands of dollars.

The Commission anticipates that 17 operations a year will develop OMPs requiring Level 2 BMPs. This will equate to a total annual plan implementation cost to the farm community of \$255,800. A portion of this will be offset through the Commission's plan development cost share program for certain eligible farms.

Costs to the Commonwealth

Development of OMPs. The proposed rulemaking provides for the Commonwealth, through the Commission, to provide funding for Financial Assistance for Plan Development to offset the cost of developing OMPs for farmers whose agricultural operations are in existence as of the effective date of this proposed rulemaking. This funding is similar to the Commission's PDIP that has provided cost share funding to farmers for the development of nutrient management plans since 1997. This new State cost share program, proposed to fund 75% of the cost of developing an OMP, is essential to ensure that farmers are not negatively impacted by these CAO and CAFO planning requirements. Applying the 75% State cost share program, the anticipated government cost per funded plan would be \$840 (\$1,120 total cost, \$840 cost share, \$280 farmer cost).

The Commission anticipates that 65 operations will be eligible annually for the Commission's PDIP. This will equate to a total annual plan development cost share amount from the Commonwealth of \$54,600.

Implementation of OMPs. The proposed rulemaking authorizes funding to offset the implementation of odor BMPs on certain participating operations installing manure storage facilities. This new grant program is proposed to provide support at an 80% State cost share rate. At the anticipated average cost for implementing a Level 2 odor BMP of \$15,000, the 80% cost share rate would equate to \$12,000 in State cost share funds per operation receiving this assistance (\$15,000 total cost, \$12,000 cost share, \$3,000 farmer cost).

The Commission anticipates that six operations will be eligible annually for the Commission's cost share program

to support OMP implementation. This will equate to a total annual plan implementation cost share amount from the Commonwealth of \$72,000.

Commission. The Commission will continue to spend approximately \$60,000 per year for Commission staff wages and expenses.

Technical assistance. The Commission will continue to contract with PSU to provide technical and educational assistance in the development and implementation of odor management regulations as well as the Department of Agriculture's Odor Management Specialist Certification Program. This project is funded at \$10,000 per year.

Paperwork Requirements

The proposed rulemaking was written to minimize paperwork but still maintain program integrity and tracking. Farmers are required to keep records on their farms, but are not required to submit those documents to the Commission.

G. Sunset Review

The Commission will evaluate the effectiveness of these regulations on an ongoing basis. Therefore, no sunset date is being established for the regulations.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), the Commission submitted a copy of these proposed regulations on August 22, 2007, to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Agriculture and Rural Affairs Committee and the Senate Agriculture and Rural Affairs Committee. In addition to submitting the proposed regulations, the Commission has provided IRRC and the Committees with a copy of a detailed regulatory analysis form. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the close of the public comment period. The comments, recommendations or objections must specify the regulatory review criteria which have not been met. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the rulemaking, by the Commission, the General Assembly and the Governor of comments, recommendations or objections raised.

I. Public Comment

Written comments. Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the State Conservation Commission, Agriculture Building, Room 405, 2301 North Cameron Street, Harrisburg, PA 17110. Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Commission by October 31, 2007. Interested persons may also submit a summary of their comments to the Commission. The summary may not exceed one page in length and must also be received by October 31, 2007. The one-page summary will be provided to each member of the Commission in the agenda packet distributed prior to the meeting at which the final regulations will be considered.

Electronic comments. Comments may be submitted electronically to the Commission at scc-odor-regs@state.pa.us. A subject heading of the proposal must be included in the transmission. Comments submitted electronically must also be received by the Commission by October 31, 2007.

J. Public Meetings and Hearings

The Commission will hold two public meetings to explain the proposed rulemaking and to respond to questions from the audience. The public information meetings will be held from 7 p.m. to 9 p.m. as follows:

- Monday, October 1, 2007 Hampton Inn
1582 Bee Line Highway
Dubois, PA 15801
- Thursday, October 4, 2007 Lancaster County Farm and Home Center
1383 Arcadia Road
Lancaster, PA 17601

The Commission will also hold two public hearings for the purpose of accepting comments on the proposed rulemaking. The hearings will be held at 7 p.m. as follows:

- Monday, October 8, 2007 Hampton Inn
1582 Bee Line Highway
Dubois, PA 15801
- Thursday, October 11, 2007 Lancaster County Farm and Home Center
1383 Arcadia Road
Lancaster, PA 17601

Persons wishing to present testimony at a public hearing are requested to contact Karl Dymond, State Conservation Commission, PDA Region 3 Office, Route 92 South, P. O. Box C, Tunkhannock, PA, 18657, (570) 836-2181 at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 5 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons with a disability who wish to attend a hearing or meeting and require an auxiliary aid, service or other accommodation to participate should contact Karl Dymond at (570) 836-2181 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Commission may accommodate their needs.

KATHLEEN A. MCGINTY,
Chairperson

(Editor's Note: For a notice relating to this proposed rulemaking, see 37 Pa.B. 4854 (September 1, 2007).)

Fiscal Note: 7-418; (1) Nutrient Management and General Fund;

	<i>Nutrient Management Fund Planning, Loans, Grants and Technical Assistance</i>	<i>General Fund General Government Operations</i>
(2) Implementing	Year 2006-07 is \$ 0	\$70,000
(3) 1st Succeeding	Year 2007-08 is \$127,000	\$70,000
2nd Succeeding	Year 2008-09 is \$127,000	\$70,000
3rd Succeeding	Year 2009-10 is \$127,000	\$70,000
4th Succeeding	Year 2010-11 is \$127,000	\$70,000
5th Succeeding	Year 2011-12 is \$119,000	\$70,000

<i>Nutrient Management Fund Planning, Loans, Grants and Technical Assistance</i>	<i>General Fund General Government Operations</i>
(4) 2005-06 Program—\$1,600,000	\$29,451,000
2004-05 Program—\$3,016,000	\$31,017,000
2003-03 Program—\$4,852,000	\$30,009,000

(7) Nutrient Management Fund and General Fund; recommends adoption. The distribution of funding for the grant programs will be provided to the extent funds are available.

Annex A

**TITLE 25. ENVIRONMENTAL PROTECTION
PART I. DEPARTMENT OF ENVIRONMENTAL
PROTECTION**

**Subpart C. PROTECTION OF NATURAL
RESOURCES**

ARTICLE I. LAND RESOURCES

**CHAPTER 83. STATE CONSERVATION
COMMISSION**

Subchapter G. FACILITY ODOR MANAGEMENT

(Editor's Note: The following chapter is new. It has been printed in regular type to enhance readability.)

GENERAL PROVISIONS

- Sec. 83.701. Definitions.
- 83.702. Scope.

- 83.703. Purpose.
- 83.704. Relation to Subchapter D (relating to nutrient management regulations).
- 83.705. Preemption of local ordinances.
- 83.706. Limitation of liability.
- 83.707. Compliance assistance and enforcement.

FINANCIAL ASSISTANCE FOR PLAN DEVELOPMENT

- 83.711. Applicant eligibility.

FINANCIAL ASSISTANCE FOR PLAN IMPLEMENTATION

- 83.721. Applicant eligibility.

DELEGATION TO LOCAL AGENCIES

- 83.731. Delegation to local agencies.

ODOR MANAGEMENT PLANS

- 83.741. General.
- 83.742. Identification of construction activities.

CONTENT REQUIREMENTS FOR ALL PLANS

- 83.751. Content of plans.

PLAN SUMMARY INFORMATION

- 83.761. Identification of agricultural operations and regulated facilities.
- 83.762. Operator commitment statement.

MANAGING ODORS

- 83.771. Managing odors.

ODOR BMPs

- 83.781. Identification of Odor BMPs.
- 83.782. Implementation schedule.
- 83.783. Operation and maintenance schedule.

RECORDKEEPING AND INFORMATIONAL REQUIREMENTS

- 83.791. General recordkeeping requirements.
- 83.792. Recordkeeping relating to Odor BMPs.

PLAN REVIEW AND IMPLEMENTATION

- 83.801. Initial plan review and approval.
- 83.802. Plan implementation.

PLAN AMENDMENTS AND TRANSFERS

- 83.811. Plan amendments.
- 83.812. Plan transfers.

GENERAL PROVISIONS

§ 83.701. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

AEU—Animal equivalent unit—One thousand pounds live weight of livestock or poultry animals, on an annualized basis, regardless of the actual number of individual animals comprising the unit.

Act—3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Agricultural operations—The management and use of farming resources for the production of crops, livestock or poultry.

Animal housing facility—A roofed structure or facility, or any portion thereof, used for occupation by livestock or poultry.

CAFO—Concentrated animal feeding operation—An agricultural operation that meets the criteria established by the Department in regulations under the authority of The Clean Streams Law (35 P. S. §§ 691.1—691.1001), found in Chapter 92 (relating to National Pollutant Discharge Elimination System Permitting, Monitoring and Compliance).

CAO—Concentrated animal operation—Agricultural operations with eight or more animal equivalent units where the animal density exceeds two AEU's per acre on an annualized basis.

Commission—The State Conservation Commission established by the Conservation District Law (3 P. S. §§ 849—864).

Conservation district—A county conservation district established under the Conservation District Law.

Facility—Refers to the animal housing facility and manure management facility, or portion of a facility, which are required to be, or are voluntarily subject to this subchapter.

Farming resources—The animals, facilities and lands used for the production or raising of crops, livestock or poultry. The lands are limited to those located at the animal facility which are owned by the operator of the facility, and other owned, rented or leased lands under the management control of the operator of the facility that are used for the application, treatment or storage of manure generated at the facility.

Fund—The Nutrient Management Fund established under section 512 of the act (relating to nutrient management fund).

Impacts—

(i) Conflicts arising from the offsite migration of the odors from agricultural facilities.

(ii) The term does not include mental or physical health affects, or changes in property values.

Livestock—

(i) Animals raised, stabled, fed or maintained on an agricultural operation with the purpose of generating income or providing work, recreation or transportation.

(ii) Examples include: dairy cows, beef cattle, goats, sheep, swine and horses.

(iii) The term does not include aquatic species.

Manure—

(i) Animal excrement, including poultry litter, which is produced at an agricultural operation.

(ii) The term includes materials such as bedding, washwater and other materials which are commingled with that excrement.

Manure management facility—

(i) A manure storage facility, including a permanent structure or facility, or a portion of a structure or facility, utilized for the primary purpose of containing manure.

(ii) The term includes liquid manure structures, manure storage ponds, component reception pits and transfer pipes, containment structures built under a confinement building, permanent stacking and composting facilities and manure treatment facilities.

(iii) The term does not include the animal confinement areas of poultry houses, horse stalls, free stall barns or bedded pack animal housing systems.

OMP—Odor management plan—Plan—

(i) A written site-specific plan identifying the Odor BMPs to be implemented to manage the impact of odors generated from animal housing and manure management facilities located or to be located on the site.

(ii) The term includes plans approved for VAOs and facilities not required to submit a plan under this subchapter.

(iii) The term includes plan amendments required under this subchapter, except when otherwise stated.

Odor BMP—Odor best management practice—A practice or combination of practices, technologies, standards and strategies to manage the potential for impacts from offsite migration of odors generated from animal housing facilities and manure management facilities that are subject to this subchapter.

Odor management specialist—A person satisfying the certification requirements of the Department of Agriculture's proposed Odor Management Certification Program which will appear in 7 Pa. Code Chapter 130f (relating to odor management certification) upon final rulemaking by the Department of Agriculture.

Odor Site Index—The field evaluation methodology developed specifically for this Commonwealth and approved by the Commission, which applies site-specific factors such as proximity to adjoining landowners, land use of the surrounding area, type of structures proposed, species of animals, local topography and direction of the

prevailing winds, to determine the potential for impacts from the offsite migration of odors from agricultural operations.

Offsite migration—The airborne movement of odors past the property line of an agricultural operation.

Public use facility—Public schools, hospitals, public nursing homes/elder care facilities and apartment buildings with greater than four dwelling units.

VAO—*Voluntary agricultural operation*—

(i) Any operation that voluntarily agrees to meet the requirements of this subchapter even though it is not otherwise required under the act or this chapter to submit an odor management plan.

(ii) The term includes agricultural operations applying for financial assistance under the act.

§ 83.702. Scope.

This subchapter specifies the criteria and requirements for:

(1) Odor management planning required under the act for certain facilities at CAOs and CAFOs.

(2) Voluntary odor management plans developed for VAOs and facilities not required to submit a plan under this subchapter, that are submitted to the Commission or delegated conservation district for approval under the act.

(3) The construction, location and operation of animal housing facilities and animal manure management facilities, and the expansion of existing facilities, as part of a plan developed under the act.

(4) The awarding of financial assistance under the act for the development and implementation of odor management plans for existing agricultural operations.

§ 83.703. Purpose.

The purposes of this subchapter are as follows:

(1) To provide for the management of odors generated only from animal housing facilities and manure management facilities on certain CAOs and CAFOs, considering the following:

- (i) Site-specific factors.
- (ii) Reasonably available technology, practices, standards and strategies.
- (iii) The practical and economic feasibility of installation and operation of the technology, practices, standards and strategies.
- (iv) The potential impacts from the facilities that may lead to conflicts between the agricultural operation and neighbors, arising from the offsite migration of the odors.

(2) To apply scientific information on odor management that is current at the time of plan approval, using the factors in paragraph (1), and recognizing the limitations of that scientific information and the subjective nature of identifying and managing odor impacts from agriculture.

(3) Odor management plans are intended to address the potential for impacts from the offsite migration of odors associated with agricultural operations. The plans are not required to completely eliminate the potential for impacts from the offsite migration of odors associated with agricultural operations.

(4) To encourage the management of odors generated from any VAOs and facilities, not required to submit a plan under this subchapter, consistent with paragraphs (1)—(3).

§ 83.704. Relation to Subchapter D (relating to nutrient management regulations).

This subchapter may not be construed as modifying, rescinding or superseding applicable manure management requirements for water quality protection contained in Subchapter D (relating to nutrient management).

§ 83.705. Preemption of local ordinances.

(a) The act and this subchapter are of Statewide concern and occupy the whole field of regulation regarding odor management to the exclusion of all local regulations.

(b) No ordinance or regulation of a political subdivision or home rule municipality may regulate the management of odors generated from animal housing or manure management facilities regulated by this chapter if the municipal ordinance or regulation is in conflict with this chapter and the regulations or guidelines promulgated under it.

(c) Nothing in the act or this subchapter prevents a political subdivision or home rule municipality from adopting and enforcing ordinances or regulations which are consistent with and no more stringent than the requirements of the act and this subchapter.

(d) A penalty may not be assessed under any valid local ordinance or regulation for any violation for which a penalty has been assessed under the act or this subchapter.

§ 83.706. Limitation of liability.

If an operator for an agricultural operation is fully and properly implementing and maintaining an odor management plan approved by the Commission or a delegated county conservation district under the act and this subchapter, the implementation shall be given appropriate consideration as a mitigating factor in any civil action for penalties or damages alleged to have been caused by the odor impacts.

§ 83.707. Compliance assistance and enforcement.

(a) The Department of Agriculture will assist the Commission in developing programs to assist those engaged in production agriculture to comply with the act and this subchapter.

(b) The Department of Agriculture will act as an ombudsman to help resolve issues related to county conservation district implementation of the act and this subchapter for those conservation districts delegated odor management program responsibilities under § 83.731 (relating to delegation to local agencies).

(c) The Commission will be responsible for taking enforcement actions under the act and this subchapter. In the exercise of its enforcement authority, the Commission will be assisted by the staff of the Departments of Agriculture and Environmental Protection.

FINANCIAL ASSISTANCE FOR PLAN DEVELOPMENT

§ 83.711. Applicant eligibility.

(a) An existing agricultural operation subject to this subchapter under § 83.741(b) (relating to general), as of _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking.*), may apply for funding for the development of an odor management plan.

(b) Only existing agricultural operations erecting or constructing of new or expanded animal housing facilities,

or the construction of new or expanded manure management facilities, as of _____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.), are eligible to receive funding under this program.

FINANCIAL ASSISTANCE FOR PLAN IMPLEMENTATION

§ 83.721. Applicant eligibility.

An owner of an agricultural operation existing as of _____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.), may apply for financial assistance for the implementation of odor management plans developed under the act only when the Commission requires construction of a manure management facility as part of the nutrient management program requirements, as determined under Subchapter D (relating to nutrient management). The owner shall have legal and financial responsibility for the agricultural operation during the term of the financial assistance provided by the Commission.

DELEGATION TO LOCAL AGENCIES

§ 83.731. Delegation to local agencies.

(a) The Commission may by written agreement delegate to a conservation district one or more of its administrative or enforcement authorities under the act.

(b) The delegation of administrative or enforcement authority may be made to a conservation district when the district demonstrates it has or will have an adequate program and sufficient resources to accept and implement the delegation.

(c) To the extent delegated by the agreement, the delegations may include the authority to enforce the act and this subchapter and to exercise other powers and duties otherwise vested in the Commission to implement the act.

(d) A delegation agreement will:

(1) Specify the powers and duties to be performed by the delegated district.

(2) Provide for the commitment of sufficient trained staff and resources to perform the powers and duties to be delegated.

(3) Require the delegated conservation district to maintain records of activities performed under the delegation

ODOR MANAGEMENT PLANS

§ 83.741. General.

(a) Odor management plans submitted under this subchapter must meet the requirements in §§ 83.741, 83.742, 83.751, 83.761, 83.762, 83.771 and 83.781—83.783.

(b) *Applicability.* Agricultural operations that meet the criteria of paragraphs (1) and (2) shall develop and implement an odor management plan:

(1) *Types of operations.* Operations that meet one of the following:

(i) CAOs and CAFOs existing as of _____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.).

(ii) Agricultural operations existing on _____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.) which, because of an increase, resulting from expansion or construction, in

the number of animals maintained at the operation, will become regulated as either a CAO or CAFO.

(iii) New agricultural operations after _____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.) which will be regulated as either a CAO or CAFO.

(2) *Types of activities.* Operations that meet one of the following:

(i) Erecting or constructing a new animal housing facility or a new manure management facility after _____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.).

(ii) Erecting or constructing an expansion of an animal housing facility or a manure management facility after _____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.).

(c) *Transition.* Agricultural operations that initiate facility construction prior to _____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.), are not required to develop and implement an odor management plan.

(d) *Scope of plan.*

(1) The odor management plan for activities under subsection (b)(2)(i) are only required to be developed and implemented with respect to the new facility.

(2) The odor management plan for activities under subsection (b)(2)(ii) are only required to be developed and implemented with respect to the newly erected or newly constructed portion of the facility.

(e) *Schedule to obtain plan approval.* Operations required to have an odor management plan under this subchapter shall obtain approval of their odor management plan prior to the commencement of construction of new or expanded facilities.

(f) *Implementation of plans.*

(1) Operations required to have an odor management plan under this subchapter shall fully implement the approved plan prior to commencing use of the new or expanded animal housing facility and manure management facility.

(2) A plan is considered fully implemented when the Odor BMPs in the plan are being implemented in compliance with the schedule of Odor BMPs.

(g) *Voluntary plans.* An agricultural operation which is not required to comply with this subchapter may voluntarily submit a plan any time after _____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.).

(h) *Qualifications.* Plans shall be developed by odor management specialists certified in accordance with the Department of Agriculture's proposed odor management certification requirements which will appear in 7 Pa. Code Chapter 130f (relating to odor management certification) upon final rulemaking by the Department of Agriculture. The specialists shall certify that the plans are in accordance with the act and this subchapter.

(i) *Signature requirements.* Plans shall be signed by the operator of the agricultural operation indicating concurrence with the information in the plan and acceptance of responsibilities under the plan. The following signature requirements apply:

(i) For sole proprietorships, the proprietor.

(ii) For partnerships, a general partner.

(iii) For corporations, a vice president, president or authorized representative. The plan must contain an attachment executed by the secretary of the corporation which states that the person signing on behalf of the corporation is authorized to do so.

(j) *Penalties.* Operators and odor management specialists who sign plans may be subject to penalties for any false information contained in the plans.

§ 83.742. Identification of construction activities.

(a) *Animal housing facilities.* The following are not considered to be construction activities requiring the development of an odor management plan under this subchapter:

(1) Replacement of existing equipment at an existing animal housing facility.

(2) Replacement of an existing animal housing facility in existence as of _____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.) that has been destroyed under circumstances beyond the operator's control.

(b) *Manure management facilities.* The following are not considered to be construction activities requiring the development of an odor management plan under this subchapter:

(1) Improving storage integrity with less than or equal to a 15% increase in storage volume.

(2) Adding treatment technology, such as solids separation and composting, and their associated facilities, to agricultural operations in existence as of _____ (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.) provided that the treatment technology is designed, constructed and operated consistent with the Commission's current "Odor Management Guidance."

CONTENT REQUIREMENTS FOR ALL PLANS

§ 83.751. Content of plans.

(a) A plan must follow the standardized plan format provided by the Commission, unless otherwise approved by the Commission.

(b) The operator shall be involved in the development of the plan.

(c) The Odor BMPs listed in the plan must be consistent with the management practices listed in other relevant plans, such as the nutrient management plan developed for the operation, unless otherwise approved by the Commission or delegated conservation district.

PLAN SUMMARY INFORMATION

§ 83.761. Identification of agricultural operations and regulated facilities.

(a) *Agricultural operation identification sheet.* The plan must include an agricultural operation identification sheet that contains the following information:

(1) The operator name, address and telephone number, and the address for the regulated facilities if that address is different from the operator's address.

(2) A description of the operation for both the existing and proposed facilities, clearly indicating the regulated facilities or portions thereof, or both, identifying how the odor will be addressed through the plan, including the following:

(i) Animal types and numbers included on the agricultural operation.

(ii) Types of structures proposed.

(iii) Land use of the surrounding area.

(3) The signatures and documentation as required by § 83.741 (relating to general).

(4) The counties and municipalities where land included in the plan is located.

(5) The name, odor management certification program identification number and signature of the odor management specialist that prepared the plan and the date of plan preparation.

(b) *Maps.* The plan must include a topographic map drawn to scale identifying the lands where the facilities that are addressed in the plan are located. The plan must clearly identify the following:

(1) The location and boundaries of the agricultural operation.

(2) The location of the neighboring homes, businesses, churches and public use facilities in the evaluation distances as determined by § 83.771(b)(3) (relating to managing odors).

(3) Land use of the surrounding area.

(4) Local topography.

(5) Direction of the prevailing winds.

(6) The location of proposed and existing animal housing and manure management facilities.

§ 83.762. Operator commitment statement.

The plan must include a statement, signed by the operator, committing to the following:

(1) Implementation of the Odor BMPs.

(2) Maintaining the Odor BMPs consistent with the operation and maintenance criteria contained in the plan.

(3) Keeping records, as described in the plan, and to allow access by the Commission or delegated conservation district to the records needed to determine compliance status.

(4) Allowing access to the agricultural operation by the Commission or delegated conservation district needed for status reviews and inspections for complaints.

(5) Providing operator's biosecurity protocols to the Commission or a delegated conservation district, if requested.

MANAGING ODORS

§ 83.771. Managing odors.

(a) *General.* Odor management plans must address the offsite migration of odors generated from facilities, as described in subsections (b) and (c). Odor management plans are intended to address the potential for impacts from the offsite migration of odors associated with agricultural operations. The plans are not required to completely eliminate the potential for impacts from the offsite migration of odors associated with agricultural operations.

(b) *Evaluation.* The plans must include an evaluation of the potential offsite migration of odors according to the following:

(1) The evaluation must address proximity to adjoining landowners, land use of the surrounding area, type of structures proposed, species of animals, local topography and direction of the prevailing winds.

(2) The evaluation need only consider the adjoining landowners and approved land use of the surrounding area, existing at the time of the submission of the plan.

(3) The number of AEU's on the agricultural operation may be used as the primary factor in determining the evaluation distance.

(4) The geographic center of a facility may be used when considering proximity to neighboring homes, businesses, churches and public use facilities.

(5) The criteria and procedures in the current "Odor Management Guidance" (Guidance) issued by the Commission, and in effect at the time of plan submission, may be used to comply with this paragraph, including the use of an Odor Site Index contained in the Guidance. If the criteria and procedures in the Guidance issued by the Commission are not followed, an alternative method must be approved by the Commission.

(c) *Odor BMPs.* Based on the evaluation in subsection (b), the plan must include Odor BMPs that are necessary, if any, to address the potential for offsite migration of odors to meet the purposes of this subchapter, and as described in § 83.781 (relating to identification of Odor BMPs).

(d) *Time period to implement.* If use of the new or expanded facility does not commence within 3 years of the date of plan approval, a new plan shall be submitted.

ODOR BMPS

§ 83.781. Identification of Odor BMPs.

(a) *General.* A plan must identify all existing and planned Odor BMPs used to address the potential for impacts from the offsite migration of odors generated from the facilities covered by the plan.

(b) *Odor BMPs.* Odor BMPs are only required if they are necessary to address the potential for impacts from the offsite migration of odors, and installation and operation of the BMPs are feasible from a practical and economic perspective.

(c) *Level of Odor BMPs.*

(1) Based on the evaluation in § 83.771(b) (relating to managing odors), and the criteria in subsection (b), determine the Odor BMPs which need to be included in the plan, if any. If Odor BMPs are needed, the BMPs must meet one of the following levels:

(i) *Level 1 Odor BMPs.* Basic Odor BMPs that are applicable to the operation according to the species of animals and that manage odors by normal maintenance activities used in the industry in this Commonwealth.

(ii) *Level 2 Odor BMPs.* Specialized Odor BMPs that are applicable to the type of operation that are in addition to the Level 1 Odor BMPs, and that manage odors according to the purposes of this subchapter.

(2) The criteria and Odor BMPs contained in the current "Odor Management Guidance" issued by the Commission, and in effect at the time of plan submission, may be used to comply with this subsection. If the criteria and Odor BMPs contained in the current "Odor Management Guidance" issued by the Commission are not followed, an alternative method must be approved by the Commission.

(d) *Description of Odor BMPs.* The plan must list the Odor BMPs, their construction and implementation criteria, and their operation and maintenance requirements.

(e) *Implementation of supplemental Odor BMPs.* Supplemental Odor BMPs may be implemented in addition to the approved Odor BMPs in the plan, on a temporary or permanent basis, without approval by the Commission or a delegated conservation district.

(1) Plan updates to address operational changes of these supplemental Odor BMPs shall be:

(i) Retained at the operation.

(ii) Submitted to the Commission or delegated conservation district for inclusion in the approved odor management plan within 30 days after the end of the calendar year in which they are implemented.

(2) Inspection reports, as provided for in § 83.802(b) (relating to plan implementation), may be used as documentation for plan updates.

§ 83.782. Implementation schedule.

(a) Odor management plans must contain a schedule that identifies all Odor BMPs with the corresponding time frames that each Odor BMP will be implemented.

(b) Odor BMPs that involve planting of vegetation such as a shelterbelt are considered fully implemented if the planting satisfies the criteria in the odor management plan.

(c) Prior to utilizing a new or expanded facility that is required to implement an odor management plan under this subchapter, the operation must receive written approval from the Commission, or a delegated conservation district, confirming implementation of the plan.

(1) The operation shall provide the Commission, or a delegated conservation district, with written notification provided by certified mail, of the intent to utilize the facility.

(2) If the Commission, or a delegated conservation district, fails to act within 10 business days on the notification to utilize the facility, it will be deemed approved.

§ 83.783. Operation and maintenance schedule.

Odor management plans must contain a schedule that identifies all operation and maintenance procedures, and the time frames that the operation and maintenance procedures will be conducted.

RECORDKEEPING AND INFORMATIONAL REQUIREMENTS

§ 83.791. General recordkeeping requirements.

(a) Unless otherwise specified in the plan, records required under this subchapter are not required to be submitted to the Commission or delegated conservation district, but shall be retained by the agricultural operation for at least 3 years.

(b) Records required under this subchapter and the plan shall be maintained on forms provided by the Commission, unless otherwise allowed by the Commission.

§ 83.792. Recordkeeping relating to Odor BMPs.

(a) Plans must be supported by the information required in this section and §§ 83.781—83.783 (relating to odor BMPs).

(b) The agricultural operation shall keep and maintain accurate records of the Odor BMPs consistent with implementation and operation and maintenance schedules under §§ 83.781—83.783 (relating to Odor BMPs).

PLAN REVIEW AND IMPLEMENTATION**§ 83.801. Initial plan review and approval.**

(a) Plans shall be submitted for initial review and approval to the Commission, or alternatively to delegated conservation districts, for agricultural operations located in counties delegated administrative authority under § 83.731 (relating to delegation to local agencies). A person performing the plan review shall be certified in accordance with the Department of Agriculture's proposed odor management certification requirements which will appear in 7 Pa. Code Chapter 130f (relating to odor management certification) upon final rulemaking by the Department of Agriculture.

(b) The Commission or a delegated conservation district will, within 10 days from the date of receipt of the plan, provide notice to the operator indicating whether all of the required plan elements have been received.

(c) The Commission or a delegated conservation district will approve or disapprove the plan or plan amendment within 90 days of receipt of a complete plan or plan amendment. The Commission or a delegated conservation district may confer with experts in odor management, such as those at Pennsylvania State University, Natural Resources Conservation Service, and with others having knowledge of the local community of the agricultural operation that is being evaluated. Upon request by the Commission or the agricultural operation, the Commission or delegated conservation district, prior to the Commission acting on the plan, shall request a recommendation on the plan from a technical committee appointed by the Nutrient Management Advisory Board.

(d) If the Commission or delegated conservation district does not act on the plan within the 90-day period, the agricultural operation that submitted the plan is authorized to implement the plan. The Commission or delegated conservation district will thereafter have another 90 days to complete review of the plan, beginning on the expiration of the initial 90-day review period. If the Commission or delegated conservation district fails to act within the second 90-day period, it will be deemed approved.

(e) The notice of determination to disapprove a plan will be provided in writing to the operator submitting the plan, and include an explanation specifically stating the reasons for disapproval. If a plan is disapproved, the operator submitting the plan for the first time shall have 90 days after receipt of the notice of disapproval to resubmit a revised plan.

(f) Approvals will be granted only for those plans that satisfy the requirements of this subchapter, and will be valid for a maximum of 3 years or until construction begins, whichever is sooner.

§ 83.802. Plan implementation.

(a) The plan shall be fully implemented in accordance with the implementation schedule included as part of the approved plan.

(b) Periodic inspections and review of the agricultural operation, the plan and the records will be conducted by the Commission or a delegated conservation district at least annually to determine the status of the operation's compliance and whether a plan amendment is required.

PLAN AMENDMENTS AND TRANSFERS**§ 83.811. Plan amendments.**

(a) A plan amendment is required if the operation expects to make a significant change in any animal housing and manure management facilities subject to this subchapter, prior to those changes being implemented.

(b) Any of the following are presumed to be a significant change in the operation which will require a plan amendment:

(1) An increase of equal to or greater than 25% in AEU's after the plan is approved.

(2) If calculations in the plan as originally submitted are in error, or if figures used in the plan are inconsistent with this subchapter, and adequate justification has not been given in writing for the inconsistency.

(3) If there is a change in the operational management system that is expected to result in an increase in the potential for offsite migration of odors under § 83.771 (relating to managing odors).

(c) Any operation which would be required to submit a plan amendment under subsection (b) may avoid that requirement if it can demonstrate that there will not be an increase in the potential for offsite migration of odors under § 83.771.

(d) A plan amendment under subsection (a) shall be developed and certified by an odor management specialist and be submitted to the Commission or delegated conservation district for approval under this subchapter.

§ 83.812. Plan transfers.

(a) An approved odor management plan may be transferred to a subsequent owner or operator of an agricultural operation by notification of the transfer to the Commission or a delegated conservation district, unless the transfer results in operational changes requiring a plan amendment under § 83.811 (relating to plan amendments).

(b) If the transfer of the approved plan results in operational changes requiring a plan amendment under § 83.811, the plan amendment shall be submitted for approval of the Commission or a delegated conservation district along with, or before, the notification required under subsection (a).

[Pa.B. Doc. No. 07-1614. Filed for public inspection August 31, 2007, 9:00 a.m.]

NOTICES

ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

Request for Information; Video Arraignment Project

A. *Statement of Intent*

The Administrative Office of Pennsylvania Courts (AOPC) issues this Request for Information (RFI) to solicit information from the consultant community that will be used to assist with the development of a Request for Proposal (RFP) or Invitation to Bid (ITB) for a project that will provide for the system-wide use of video arraignment capabilities in this Commonwealth's magisterial district courts, to include network infrastructure, network service and support, and ancillary services to provide connectivity among various court entities. In addition, this request seeks information to establish realistic project timeframes and costs that will be used to support planning efforts and RFP/ITB development. The AOPC desires to produce an RFP/ITB that promotes vendor competition and creative technical solutions. This RFI is an earnest attempt to become aware of and knowledgeable about current and future technology needs and solutions to support the video telepresence requirements of the courts in the Commonwealth. This RFI will help the AOPC identify those vendors who are able to provide the required services to support this goal.

This solicitation is intended for consultants who can potentially provide the required services to create an RFP for a video telepresence solution to support the video arraignment requirements of potentially 400 sites. Consultants should answer the RFI based on the services only they can provide. Consultants should not respond to those sections in the RFI where the referenced capabilities or services do not currently natively exist or where those services would be provided by a partner or subcontractor.

The goal in addressing the project's technology needs is to complete a modern, robust, cost-effective and efficient infrastructure with the network services and support to maintain the network. Pricing will be sought for the installation of fixed appliance devices or other current or advanced video telepresence technology, IP networking, bridging software, maintenance and user training.

The AOPC's current plan is to issue an RFP/ITB in October 2007 to select vendors. The AOPC is not liable for any costs incurred by consultants in developing responses for this RFI. No party is bound by the information provided in response to this RFI. (This RFI will be published in the *Pennsylvania Bulletin*.) Consultants must provide proof of insurance coverage for professional

liability and other liability/insurance coverage as specified in the contractual Terms and Conditions.

B. *Background Information*

Approximately 150 magisterial district courts provide video arraignments either by means of fixed appliance or net cam/computer method. It is the intent of the RFI to choose a consultant to design an RFP to complete the system for the remainder of the State with the use of fixed appliance devices or other technology with the ability to interface with all existing offices through bridging technology.

IP connectivity will be required to support the new video arraignment architecture unless it is determined by experience and expertise that an alternate means of feeding the equipment is desirable.

Maintenance contracts and training of staff will be required.

The system also should be designed for distance learning and emergency notification.

The AOPC anticipates issuing an RFP/ITB for the video arraignment project in October 2007 with the goal of system-wide completion by June 2008.

Consultants must include all information that documents the consultant's capabilities, including but not limited to prior and/or current relevant work projects, size of contracts and number of employees. Information regarding prior and/or current work projects should identify contracting agency or company, contact person, phone number, address and email address. Only those consultants demonstrating relevant experience performing this type of work will be considered. A brief description of how this project will proceed must be included in the RFI.

In addition, consultants are required to describe the makeup of the human resources available to their clients for the services provided, the composition of a typical project team, and existing company practices that establish and maintain positive communications with clients.

This is an RFI announcement only. This is not a request for proposal and in no way commits the AOPC to award a contract. Responses must be prepared in Microsoft Word and be clearly labeled as "Request for Information." Provide two hard copies and one electronic copy on CDROM. The copies of the contractual terms and conditions are available upon request.

Responses must be submitted to Frank P. Lalley, Judicial Security Administrator, Administrative Office of Pennsylvania Courts, 5001 Louise Drive, Mechanicsburg, PA 17055, (717) 795-2015, for the AOPC, no later than September 17, 2007.

ZYGMONT A. PINES,
Court Administrator of Pennsylvania

[Pa.B. Doc. No. 07-1615. Filed for public inspection August 31, 2007, 9:00 a.m.]

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking, 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 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending August 21, 2007.

BANKING INSTITUTIONS

Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-15-07	Susquehanna Patriot Bank Marlton Burlington County, NJ	8000 Sagemore Drive Suite 8101 Marlton Burlington County, NJ	Effective
	<i>To:</i>		
	Susquehanna Bank DV Bryn Mawr Montgomery County, PA	101 South Bryn Mawr Avenue Bryn Mawr Montgomery County, PA	
	Conversion from a New Jersey State-chartered bank to a Pennsylvania State-chartered bank. Susquehanna Bank DV is wholly-owned by Susquehanna Bancshares, Inc., an existing bank holding company.		
	<i>Branches:</i>		
	8000 Sagemore Drive Suite 8101 Marlton Burlington County, NJ	2155 Atco Avenue Atco Camden County, NJ	
	249 White Horse Pike Atco Camden County, NJ	901 Kings Highway North Cherry Hill Camden County, NJ	
	501 South Lenola Road Moorestown Burlington County, NJ	40 South White Horse Pike Audubon Camden County, NJ	
	800 Route 130 North Cinnaminson Burlington County, NJ	114 North Main Street Mullica Hill Gloucester County, NJ	
	638 Mullica Hill Road Richwood Gloucester County, NJ	114 Hayes Mill Road Atco Camden County, NJ	
	305 White Horse Pike South Lawnside Camden County, NJ	998 Kings Highway Thorofare Gloucester County, NJ	
	30 Kings Highway East Haddonfield Camden County, NJ	7350 Maple Avenue Pennsauken Camden County, NJ	
	100 Young Avenue Moorestown Burlington County, NJ	160 Mount Holly Bypass Lumberton Burlington County, NJ	
	15 East Gay Street West Chester Chester County, PA	100 South Orange Street Media Delaware County, PA	
	200 South Newtown Street Road Newtown Square Delaware County, PA	901 Fayette Street Conshohocken Montgomery County, PA	
	101 East Philadelphia Avenue Boyertown Berks County, PA	536 Lewis Road Limerick Montgomery County, PA	
	119 Nutt Road Phoenixville Chester County, PA	46 West Main Street Fleetwood Berks County, PA	

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
	2228 State Hill Road Wyomissing Berks County, PA	4915 Perkiomen Avenue Reading Berks County, PA	
	4930 5th Street Highway Temple Berks County, PA	1130 Chestnut Street Emmaus Lehigh County, PA	
	3600 Fairview Street Routes 22 and 512 Bethlehem Northampton County, PA	2545 Mickley Avenue Whitehall Lehigh County, PA	
	3920 West Tilghman Street Allentown Lehigh County, PA	1139 West Hamilton Street Allentown Lehigh County, PA	
	1345 Airport Road Allentown Lehigh County, PA	500 Main Street Walnutport Northampton County, PA	
	765 Blue Mountain Drive Walnutport Northampton County, PA	High and Hanover Streets Pottstown Montgomery County, PA	
	709 Central Avenue Minotola Atlantic County, NJ	East Landis Avenue and Union Road Vineland Cumberland County, NJ	
	464 Wheat Road Vineland Cumberland County, NJ	1748 South Lincoln Avenue Vineland Cumberland County, NJ	
	20 West Chestnut Avenue Vineland Cumberland County, NJ	600 Delsea Drive North Glassboro Gloucester County, NJ	
	337 Bellevue Avenue Hammonton Atlantic County, NJ	2302 North Delsea Drive Vineland Cumberland County, NJ	
	2106 New Road Linwood Atlantic County, NJ	14 North Pearl Street Bridgeton Cumberland County, NJ	
	500 Shiloh Pike Bridgeton Cumberland County, NJ	901 North 2nd Street Millville Cumberland County, NJ	
	950 North Pearl Street Bridgeton Cumberland County, NJ	240 South White Horse Pike Hammonton Atlantic County, NJ	
	301 West Lancaster Avenue Wayne Delaware County, PA		

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
7-1-07	The Bank of New York Corporation, New York, NY, to acquire 100% of Mellon Financial Corporation, Pittsburgh, PA, and so indirectly acquire Mellon Bank, N.A., Pittsburgh, PA	New York, NY	Effective
8-8-07	The PNC Financial Services Group, Inc., Pittsburgh, to acquire 100% of Sterling Financial Corporation, Lancaster, and so indirectly acquire BLC Bank, N.A., Strasburg	Pittsburgh	Filed
8-17-07	Susquehanna Bancshares, Inc., Lititz, to acquire 100% of the voting shares of Community Banks, Inc., Harrisburg	Lititz	Filed

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-17-07	Susquehanna Bank PA, Lititz, and CommunityBanks, Harrisburg Surviving Institution— Susquehanna Bank PA, Lititz	Lititz	Filed

Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-23-07	Abington Savings Bank Jenkintown Montgomery County	Ann's Choice Retirement Community 30000 Ann's Choice Way Warminster Bucks County (Limited Service Facility)	Opened
8-8-07	United-American Savings Bank Pittsburgh Allegheny County	3353 State Route 130 Harrison City Westmoreland County	Opened
8-15-07	Conestoga Bank Chester Springs Chester County	630 Skippack Pike Whitpain Township Montgomery County	Filed
8-16-07	Wilmington Trust of Pennsylvania Villanova Delaware County	One East Broad Street Suite 510 Bethlehem Northampton County	Approved
8-16-07	The Community State Bank of Orbisonia Orbisonia Huntingdon County	354 Buchanan Trail McConnellsburg Fulton County	Approved
8-16-07	Graystone Bank Lancaster Lancaster County	One College Avenue Grantham Cumberland County	Opened

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
8-16-07	TruMark Financial Credit Union Trevose Bucks County	863 Easton Road Jamison Bucks County	Approved

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

VICTORIA A. REIDER,
Acting Secretary

[Pa.B. Doc. No. 07-1616. Filed for public inspection August 31, 2007, 9:00 a.m.]

DEPARTMENT OF EDUCATION**Request for Proposal**

The Bureau of Career and Technical Education will accept RFP E-grants for a New Choices/New Options project to serve the Clarion County area from October 1, 2007—June 30, 2008. The guidelines for the project can be found at www.pde.state.us. The E-grant must be submitted by 5 p.m. on September 28, 2007. Send address inquiries to the Project Director, Jerilynn Millvan, at (717) 772-4851, jmillvan@state.pa.us.

GERALD L. ZAHORCHAK, D. Ed.,
Secretary

[Pa.B. Doc. No. 07-1617. Filed for public inspection August 31, 2007, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

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

Unless indicated otherwise, the 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0057274	Michael and Antoinette Hughes 305 Auburn Drive Downingtown PA 19335-4420	Chester County Upper Uwchlan Township	UNT Marsh Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0065170 (Minor Sewage)	Wolflington Companies 920 Matsonford Road West Conshohocken, PA 19428	Benton Township Lackawanna County	UNT to South Branch Tunkhannock Creek 5A	Y

Note: This facility was previously permitted to Northrop Grumman Corporation under NPDES Permit No. PA0061484. Draft contains Chesapeake Bay Nutrient Monitoring Requirements.

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0085235 (Sew)	DeGrazia, LLC 604 Memorial Highway Fleetwood, PA 19522	Berks County Robeson Township	UNT to Allegheny Creek 3-C	Y
PA0246565 (IW)	Kinsley Concrete 629 Loucks Mill Road York, PA 17403	York County Spring Garden Township	UNT to Codorus Creek 7-H	Y
PA0028886 (SEW)	Borough of Quarryville 300 Saint Catherine Street Quarryville, PA 17566	Lancaster County Providence Township	UNT South Fork Big Beaver Creek 7-K	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0222135	Vision Quest National Ltd. P. O. Box 168 Franklin, PA 16323	Sandy Creek Township Venango County	UNT to the Allegheny River 16-G	Y
PA0035513	Department of Transportation Rest Area E, I-80 Eastbound P. O. Box 3060 Harrisburg, PA 17120-3060	Shenango Township Mercer County	Shenango River 20-A	Y

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

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

PA0043818 Amendment 2, Industrial Waste, Waste Management Disposal Services of Pennsylvania, Inc., 1121 Bordentown Road, Morrisville, PA 19067. This facility is located in Falls Township, **Bucks County**.

Description of Proposed Activity: The permit amendment is to increase the discharge flow from 0.1 mgd to 0.3 mgd. The applicant is proposing a new industrial wastewater treatment plant to treat the entire flow.

The receiving stream, Delaware Estuary Zone 2, is in the State Water Plan Watershed 2E and is classified for: WWF and MF. The nearest downstream public water supply intake for USX Steel Company which is approximately 1/2 mile upstream of the tidal portion of the river.

The proposed effluent limits for the following parameters for Outfall 001 based on a discharge flow of 0.1 mgd from permit issuance through start up of new IWWTP are as follows:

<i>Discharge Parameter</i>	<i>Effluent Limitations</i>				
	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	0.10				
BOD ₅	44.2	88.4	53.0	106.0	132.5
BOD ₅ % Removal			DRBC Requirement 95%		
Total Suspended Solids	25.0	50.0	30	60	75
Total Dissolved Solids	12,510	16,680	15,000	20,000	25,000
Ammonia (as N)	29.2	58.4	35.0	70.0	87.5
CBOD ₂₀	62.0	124.0			
Oil and Grease	12.5		15	30	30
True Color (Pt-Co)					1,500
Fecal Coliform			#200/100 ml		

Effluent Limitations

<i>Discharge Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Temperature (°F)			Monitor and Report		
pH (Standard Units)	Within Limits of 6.0 to 9.0 Standard Units at all times				
Total Organic Nitrogen			Monitor and Report	Monitor and Report	
Nitrate and Nitrite Nitrogen			Monitor and Report	Monitor and Report	
Total Residual Chlorine			0.500	1.000	1.200
Antimony, Total	0.380	0.760	0.450	0.900	1.130
Arsenic, Total	0.042	0.084	0.050	0.100	0.125

Effluent Limitations

<i>Discharge Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Concentrations (mg/L)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Beryllium	0.0042	0.0084	0.050	0.010	0.0125
Boron (Influent)	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report
Boron (Effluent)	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report
Boron (% Removal)	Monitor and Report	Monitor and Report			
Chromium, Hex.			Monitor and Report	Monitor and Report	
Chromium, Total	0.084	0.084	0.100	0.100	0.125
Cadmium, Total	0.0042	0.0084	0.005	0.010	0.0125
Aluminum, Total	0.230	0.460	0.275	0.550	0.680
Cobalt, Total	0.042	0.084	0.050	0.100	0.125
Iron, Total	2.090	4.180	2.500	5.000	6.300
Barium	0.085	0.170	0.100	0.200	0.250
Mercury	0.0016	0.0032	0.0019	0.0038	0.0047
Nickel	0.250	0.500	0.300	0.600	0.750
Silver			Monitor and Report	Monitor and Report	
Cyanide, Total	0.085	0.170	0.100	0.200	0.250
Vanadium			Monitor and Report	Monitor and Report	
Phenol			0.050	0.100	0.125
Thallium	0.085	0.170	0.100	0.200	0.250
Copper, Total	0.042	0.084	0.050	0.100	0.125
Lead, Total	0.030	0.060	0.036	0.072	0.90
Manganese	0.850	1.700	1.000	2.000	2.500
Zinc, Total	0.250	0.500	0.300	0.600	0.750
Chloroform			0.010	0.020	0.025
Chloromethane			0.100	0.200	0.250
Methylene Chloride			0.100	0.200	0.250
Toluene			0.050	0.100	0.125
Butyl Benzyl Phthalate			0.010	0.020	0.025
2-Chloronaphthalene			0.010	0.020	0.025
Diethyl Phthalate			0.025	0.050	0.063
Lindane			0.010	0.020	0.025
Isophorone			0.050	0.100	0.125

Effluent Limitations

<i>Discharge Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Annual Average</i>	<i>Concentrations (mg/L)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>		<i>Average Monthly</i>	<i>Maximum Daily</i>	
Bromoform			0.540			6.480
Total Halomethanes			0.027			0.324
Acetone				0.109	0.218	0.273
2-Butanone				0.210	0.420	0.525
1,2,3-Trichloropropane				0.100	0.200	0.250
Xylene				0.010	0.020	0.025
1-Propanol				0.550	1.100	1.350
2-Propanol				0.540	1.080	1.350

Discharge Parameter	Mass Units (lbs/day)		Effluent Limitations			
	Average Monthly	Maximum Daily	Annual Average	Average Monthly Concentrations (mg/L)	Maximum Daily Concentrations (mg/L)	Instantaneous Maximum
4 foot-4 DDT				0.00004	0.00008	0.0001
Pentachlorophenol				Monitor and Report	Monitor and Report	
Total Phenols				0.270	0.540	0.680
Tetrahydrofuran				0.025	0.050	0.063
P-Cresol				0.050	0.100	0.125
2-Hexanone				0.015	0.030	0.037
4-Methyl-2-Pentanone				0.015	0.030	0.037
Dibromomethane				0.010	0.020	0.025
1,1,1-Trichloroethane				0.100	0.200	0.250
1,2-Trans Dichloroethylene				0.030	0.060	0.075
Benzene				0.050	0.100	0.125
1-1 Dichloroethane				0.090	0.180	0.230
Chlorobenzene				0.050	0.100	0.125
DI-N-Butyl Phthalate				0.830	1.660	2.080
1,2 Dichloroethane				Monitor and Report	Monitor and Report	
Tetrachloroethylene				Monitor and Report	Monitor and Report	
Trichloroethylene				Monitor and Report	Monitor and Report	
Toxicity (Toxics Unit Chronic)					Monitor and Report	
PCBs					Monitor and Report	

The proposed effluent limitations for the following parameters for Outfall 001 are based on discharge flow of 0.3 mgd, from completion and start up of a new IWWTP lasting through expiration.

Discharge Parameter	Mass Units (lbs/day)		Effluent Limitations			
	Average Monthly	Maximum Daily	Minimum	Average Monthly Concentrations (mg/L)	Maximum Daily Concentrations (mg/L)	Instantaneous Maximum
Flow (mgd)	0.30					
BOD ₅	44.2	88.4		18.0	36.0	45.0
BOD ₅ % Removal			DRBC Requirement 95%			
Total Suspended Solids	75.0	50.0		30	60	75
TSS (% Removal)	90%					
Total Dissolved Solids				15,000	20,000	25,000
Ammonia (as N)	12.26	25.0		4.9	10.0	15.0
CBOD ₂₀	62.0	124.0				
Oil and Grease	37.5	75.0		15	30	30
True Color (Pt-Co)						1,500
Fecal Coliform				#200/100 ml		1,000*
Temperature (°F)				Monitor and Report		
pH (Standard Units)			Within Limits of 6.0 to 9.0	Standard Units at all times		
Total Organic Nitrogen				Monitor and Report	Monitor and Report	
Total Kjeldahl Nitrogen				Monitor and Report	Monitor and Report	
Nitrate and Nitrite Nitrogen				Monitor and Report	Monitor and Report	
Total Phosphorus as P				Monitor and Report	Monitor and Report	
Total Residual Chlorine				0.5	1.0	1.2
Antimony, Total	1.13	2.26		0.450	0.900	1.130
Arsenic, Total	0.375	0.750		0.150	0.300	0.375
Beryllium	0.0125	0.0250		0.005	0.010	0.0125
Boron (Influent)	Monitor and Report	Monitor and Report		Monitor and Report	Monitor and Report	Monitor and Report
Boron (Effluent)	Monitor and Report	Monitor and Report		Monitor and Report	Monitor and Report	Monitor and Report
Boron (% Removal)	≥10 %					
Chromium, Total	0.375	0.750		0.150	0.300	0.375

Effluent Limitations

<i>Discharge Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Annual Average</i>	<i>Concentrations (mg/L)</i>		<i>Instantaneous Maximum</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>		<i>Average Monthly</i>	<i>Maximum Daily</i>	
Cadmium, Total	0.0125	0.0250		0.005	0.010	0.0125
Aluminum, Total	0.688	1.376		0.275	0.550	0.680
Cobalt, Total	0.125	0.250		0.050	0.100	0.125
Iron, Total	6.25	12.50		2.500	5.000	6.300
Barium	0.250	0.500		0.100	0.200	0.250
Mercury	0.001	0.002		0.0004	0.0008	0.0010
Nickel	0.500	1.000		0.200	0.400	0.500
Silver	0.025	0.050		0.010	0.020	0.025
Cyanide, Total	0.125	0.250		0.050	0.100	0.125
Vanadium	0.125	0.250		0.050	0.100	0.125
Phenol	0.0375	0.065		0.015	0.026	0.037
Copper, Total	0.125	0.250		0.050	0.100	0.125
Lead, Total	0.090	0.180		0.036	0.072	0.090
Manganese	2.50	5.00		1.000	2.000	2.500
Zinc, Total	0.275	0.500		0.110	0.200	0.250
Total Halomethanes			0.027			0.324
Chloroform				0.010	0.020	0.025
Chloromethane				0.100	0.200	0.250
Methylene Chloride				0.100	0.200	0.250
Toluene				0.050	0.100	0.125
Benzene				0.036	0.072	0.090
Butyl Benzyl Phthalate	0.025	0.050		0.010	0.020	0.025
2-Chloronaphthalene	0.025	0.050		0.010	0.020	0.025
Diethyl Phthalate	0.0625	0.125		0.025	0.050	0.063
Lindane	0.0250	0.050		0.010	0.020	0.025
Isophorone	0.125	0.250		0.050	0.100	0.125
Acetone	0.273	0.546		0.109	0.218	0.273
2-Butanone	0.525	1.050		0.210	0.420	0.525
1,2,3-Trichloropropane	0.250	0.500		0.100	0.200	0.250
Xylene				0.010	0.020	0.025

Effluent Limitations

<i>Discharge Parameter</i>	<i>Mass Units (lbs/day)</i>		<i>Average Monthly</i>	<i>Concentrations (mg/L)</i>		<i>Instantaneous Maximum⁽²⁾</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>		<i>Maximum Daily</i>		
1-Propanol	1.376	2.752	0.550	1.100	1.350	
2-Propanol	1.350	2.700	0.540	1.080	1.350	
4'-4 DDT	0.000008	0.000016	0.000003	0.000006	0.000008	
Total Phenols	0.675	1.351	0.270	0.540	0.680	
Tetrahydrofuran	0.0625	0.125	0.025	0.050	0.063	
P-Cresol	0.035	0.0625	0.014	0.025	0.035	
2-Hexanone	0.0375	0.0750	0.015	0.030	0.037	
4-Methyl-2-Pentanone	0.0375	0.0750	0.015	0.030	0.037	
Dibromomethane	0.0250	0.0500	0.010	0.020	0.025	
1,1,1-Trichloroethane	0.250	0.500	0.100	0.200	0.250	
1,2-Trans Dichloroethylene	0.075	0.150	0.030	0.060	0.075	
1-1 Dichloroethane	0.225	0.450	0.090	0.180	0.230	
Benzoic Acid	0.177	0.300	0.071	0.120	0.150	
α - terpineol	0.040	0.082	0.016	0.033	0.040	
1,2 Dichloroethane			Monitor and Report	Monitor and Report		
Tetrachloroethylene			Monitor and Report	Monitor and Report		
Trichloroethylene			Monitor and Report	Monitor and Report		
Toxicity (Toxics Unit Chronic)				Monitor and Report		
PCBs, Total				Monitor and Report		
Tritium			Monitor and Report	Monitor and Report		
Chlorodane			Monitor and Report	Monitor and Report		

Discharge Parameter	Mass Units (lbs/day)		Effluent Limitations		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum ⁽²⁾
Heptachlor			Monitor and Report	Monitor and Report	
4-4' DDD	0.000008	0.000016	0.000003	0.000006	0.000008
4-4' DDE	0.000008	0.000016	0.000003	0.000006	0.000008
Benzidine			Monitor and Report	Monitor and Report	
Chlordane			Monitor and Report	Monitor and Report	
Dieldrin			Monitor and Report	Monitor and Report	
Heptachlor			Monitor and Report	Monitor and Report	
Heptachlor Epoxide			Monitor and Report	Monitor and Report	
Toxaphene			Monitor and Report	Monitor and Report	

* Shall not exceeds in more than 10% of samples.

The proposed effluent limitations for the following parameters for stormwater outfalls listed, based on stormwater event as follows.

I. Outfall	Latitude	Longitude	Which Receives Stormwater From
003	40° 09' 08"	74° 46' 12"	Capped Landfill Areas
004	40° 08' 55"	74° 46' 22"	Active Landfill Areas
005	40° 09' 08"	74° 46' 10"	Capped Landfill Area
006	40° 08' 14"	74° 46' 08"	Parking Lot and Maintenance
009	40° 08' 30"	74° 46' 04"	Impervious Area of IWTP
010	40° 08' 34"	74° 46' 59"	Capped Landfill Areas
011	40° 08' 31"	74° 45' 25"	Sedimentation Basin No. 2 for 80 acre eastern expansion
012	40° 08' 23"	74° 45' 47"	Capped Landfill Area

Discharge Parameter	Effluent Limitations (mg/l)	
	Average Annual	Maximum Daily
CBOD ₅	Monitor and Report	Monitor and Report
Total Dissolved Solids (TDS)	Monitor and Report	Monitor and Report
Oil and Grease	Monitor and Report	Monitor and Report
pH	Monitor and Report	Monitor and Report
Lead (Total)	Monitor and Report	Monitor and Report
Total Organic Carbon (TOC)	Monitor and Report	Monitor and Report
Chromium (Total)	Monitor and Report	Monitor and Report
Barium (Total)	Monitor and Report	Monitor and Report
Cadmium (Total)	Monitor and Report	Monitor and Report
Mercury (Total)	Monitor and Report	Monitor and Report
Selenium (Total)	Monitor and Report	Monitor and Report
Silver (Total)	Monitor and Report	Monitor and Report
Ammonia	Monitor and Report	Monitor and Report
Arsenic (Total)	Monitor and Report	Monitor and Report
Cyanide (Total)	Monitor and Report	Monitor and Report
Nitrate plus Nitrite as Nitrogen	Monitor and Report	Monitor and Report
Iron (Dissolved)	Monitor and Report	Monitor and Report
Magnesium (Total)	Monitor and Report	Monitor and Report
Magnesium (Dissolved)	Monitor and Report	Monitor and Report

EPA waiver is in effect

Other Requirements

1. Effective Disinfection.
2. Remedial Measures.
3. Department Rights to Modify the Permit.
4. BOD₅ % Removal.
5. Certain Test Methods for Pollutants.
6. Change in Ownership.
7. TRC Minimization.
8. Proper Sludge Disposal.

9. Annual Average Definition.
10. TMDL/WLA Analysis.
11. Toxicity—Chronic Monitoring.
12. I-max Sampling Requirements.
13. 2/Month Sampling Requirements.
14. Stormwater Outfalls Requirements.
15. TRC/THMs Monitoring Requirements.
16. Total THMs Definition.
17. Grab Sample Definition.
18. Monitoring of Untreated Lechate Quality and Quantity.
19. Control of Stormwater Runoff.
20. Management of Lechate Discharge Rate.
21. Removal of 100% Pollutant of Outside DRBC Area Waste.
22. DRBC Pollutant Loading and Recordkeeping Requirements Clause.
23. Permit Reopener Clause.
24. PCBs Minimization Plan.

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

PA0065196, Sewage, **Michael Schnellman**, 4562 Glenwood Drive, Emmaus, PA 18049. This proposed facility is located in Upper Milford Township, **Lehigh County**.

Description of Proposed Activity: Issuance of new NPDES Permit.

The receiving stream, Wet Weather Channel leading to Lieberts Creek, is in the State Water Plan Watershed 2C and is classified for: HQ-CWF. The nearest downstream public water supply intake for City of Allentown located on Little Lehigh Creek over 10 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 500 gpd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Daily Maximum (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	10		20
Total Suspended Solids	20		40
NH ₃ -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Dissolved Oxygen	A minimum of 3.0 mg/l at all times.		
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		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	Nondetect		

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

Application No. PA 0260479, Industrial Waste, SIC Code 4951, **Coaldale Six Mile Run Water Corporation**, P. O. Box 152, Six Mile Run, PA 16679. This facility is located in Broad Top Township, **Bedford County**.

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

The receiving stream, UNT Six Mile Run, is in Watershed 11-D, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Saxton Borough located on the Millers Run, approximately 8.5 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0048 mgd are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Concentration (mg/l)</i>	
		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Total Suspended Solids	30	60	75
Iron, Total	2	4	5
Aluminum, Total	4	8	10
Manganese, Total	1	2	2.5
Total Residual Chlorine	0.5		1.6

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

Application No. PA 0084255, Sewage, Swatara Mobile Homes, 2222 Grace Avenue, Lebanon, PA 17046. This facility is located in Swatara Township, **Lebanon County**.

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

The receiving stream, UNT Swatara Creek, is in Watershed 7-D, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Pennsylvania American Water Company is located on the Swatara Creek, approximately 22 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0088 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	2.5		5.0
(11-1 to 4-30)	7.5		15.0
Total Residual Chlorine	0.07		0.23
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

Application No. PA 0032883, Sewage, **Duncansville Municipal Authority**, P. O. Box 502, Duncansville, PA 16635. This facility is located in Allegheny Township, **Blair County**.

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

The receiving stream, Blair Gap Run, is in Watershed 11-A, and classified for trout stocking, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough Water Authority is located on the Juniata River, approximately 128 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.75 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	3.5		7.0
(11-1 to 4-30)	9.0		18
Total Residual Chlorine	0.24		0.78
Total Copper	0.026		0.065
Total Zinc	0.114		0.285
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	

Chesapeake Bay Requirements

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Concentration (mg/l) Monthly Average</i>
	<i>Monthly</i>	<i>Annual</i>	
Ammonia—N	Report	Report	Report
Kjeldahl—N	Report	XXX	Report
Nitrate-Nitrite as N	Report	XXX	Report
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	Report	22,228*	
Net Total Phosphorus	Report	2,963*	

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in supplemental DMRs submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR-Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

Persons may make an appointment to review the Department's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is not in effect.

Application No. PA 0014672, Industrial Waste, SIC Codes 3691 and 3341, **Exide Technologies**, P. O. Box 14294, Reading, PA 19612-4294. This facility is located in Muhlenberg Township, **Berks County**.

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

The receiving streams, Bernhart Creek and the Schuylkill River are in Watershed 3-C, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Pottstown Water Company located on the Schuylkill River, approximately 22 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.25 mgd are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report	Monitor and Report	XXX	XXX	XXX
pH	From 6.0 to 9.0 inclusive				
Total Suspended Solids	63	125	30	60	75
Total Copper	1.298	2.881	0.671	1.382	1.678
Total Lead	0.300	0.645	0.144	0.309	0.360
Total Iron	0.160	0.312	0.077	0.149	0.193
Total Antimony	1.834	4.114	0.880	1.973	2.200
Total Arsenic	1.067	2.601	0.512	1.248	1.280
Total Zinc	0.893	2.165	0.428	1.038	1.070
NH ₃ -N	12	24	5.0	10	12
CBOD ₅	52	83	25	40	50
Oil and Grease	31	62	15	30	30
Total Dissolved Solids	11,209	20,000	6,000	7,500	7,500

Interim

The proposed effluent limits for Outfall 002 based on a design flow of 0.327 mgd are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report	Monitor and Report	XXX	XXX	XXX
pH	From 6.0 to 9.0 inclusive				
Total Suspended Solids	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Total Aluminum	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Total Antimony	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Total Arsenic	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Total Cadmium	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Chromium, VI	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Total Copper	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Total Lead	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Total Iron	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
Total Zinc	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Total Dissolved Solids	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX
TUa	XXX	XXX	XXX	3.09	XXX
Oil and Grease	Monitor and Report	Monitor and Report	Monitor and Report	Monitor and Report	XXX

The proposed effluent limits for Outfall 002 based on a design flow of 0.327 mgd and a stream flow of 1.056 cfs are:

Parameter	Mass (lb/day)		Concentration (mg/l)			
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Minimum Daily	Instantaneous Maximum
Flow	Monitor and Report	Monitor and Report	XXX	XXX	XXX	XXX
pH			From 6.0 to 9.0 inclusive			
Total Suspended Solids	81	162	30	60	XXX	75
Total Aluminum	4.047	8.094	1.484	2.968	XXX	3.710
Total Antimony	0.117	0.234	0.043	0.086	XXX	0.107
Total Arsenic	0.420	0.840	0.154	0.308	XXX	0.385
Total Cadmium	0.003	0.006	0.001	0.002	XXX	0.002
Chromium, VI	0.087	0.174	0.032	0.064	XXX	0.080
Total Copper	0.123	0.246	0.045	0.090	XXX	0.112
Total Lead	0.009	0.018	0.0035	0.0070	XXX	0.0087
Total Iron	12	24	4.631	9.262	XXX	11
Total Zinc	1.012	2.024	0.371	0.742	XXX	0.927
Total Dissolved Solids	2,727	5,454	1,000	2,000	XXX	2,000
TUa	XXX	XXX	XXX	3.09	XXX	XXX
Oil and Grease	41	82	15	30	XXX	30
Stream Flow (CFS)	XXX	XXX	XXX	XXX	1.056	XXX

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in not effect.

Application No. PA 0020851, Sewage, **Hyndman Borough Municipal Authority**, P. O. Box 445, Hyndman, PA 15545. This facility is located in Hyndman Borough, **Bedford County**.

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

The receiving stream, Wills Creek, is in Watershed 13-A, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Hagerstown, Maryland is located on the Potomac River, approximately 90 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.365 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
Total Residual Chlorine (Final)	0.5		1.64
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a geometric average	
(5-1 to 9-30)		2,000/100 ml as a geometric average	
(10-1 to 4-30)			

Chesapeake Bay Requirements

Parameter	Concentration (mg/l)	Mass Units
	Monthly Average	Monthly Annual
Ammonia-N	Report	Report**
Kjeldahl-N	Report	XXX
Nitrate-Nitrite as N	Report	XXX
Total Nitrogen	Report	Report
Total Phosphorus	Report	Report
Net Total Nitrogen	XXX	7603*
Net Total Phosphorus	XXX	974*

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document

No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on Construction completion date. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental Discharge Monitoring Report Annual Nutrient Summary by 1 year after construction completion. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until construction completion date.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by 1 year after construction completion.

Persons may make an appointment to review the Department's files on this case by calling the file review coordinator at (717) 705-4732.

The EPA waiver is in effect.

Application No. PA0009920, Industrial Waste 4911, **AmerGen Energy Company, LLC**, (Three Mile Island Nuclear Station), Route 441 South, P. O. Box 480, Middletown, PA 17057. This facility is located in Londonderry Township, **Dauphin County**.

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

The receiving stream, Susquehanna River, is in Watershed 7-G, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Columbia Water Company is located on the Susquehanna River, approximately 11.1 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 (main station discharge) and Outfall 003 (emergency discharge) for a design flow of 81.02 mgd are:

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH		From 6.0 to 9.0 inclusive	
Total Suspended Solids	Monitor and Report	Monitor and Report	XXX
Temperature (10-1 to 3-31)	XXX	110° F	XXX
(4-1 to 9-30)	XXX	115° F	XXX
Free Available Chlorine	XXX	0.2	0.5
Spectrus CT 1300	XXX	0.1	0.3
Hydrazine	XXX	XXX	Not Detectable
Spectrus OX 1201 (TRO)	XXX	0.14	0.17

The proposed effluent limits for Outfall 004 (emergency discharge) for a design flow of 81.02 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH		From 6.0 to 9.0 inclusive	
Total Suspended Solids	Monitor and Report	Monitor and Report	XXX
Temperature	XXX	Monitor and Report	XXX
Spectrus CT 1300	XXX	0.1	0.3
Hydrazine	XXX	XXX	Not Detectable
Spectrus OX 1201 (TRO)	XXX	0.14	0.17

The proposed effluent limits for Outfall 005B for an estimated design flow of 0.5 mgd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
	pH	Within the limits of 6.0 to 9.0 Standard Units at all times	
Total Suspended Solids	30	100	XXX
Oil and Grease	15	20	30

Outfall 006 is limited to intake screen backwash and pump strainer backwash. Debris collected on the intake screens must not be discharged back to the river.

Outfalls 101, 401, 501 and 701 are internal monitoring points tributary to Outfall 001.

Outfalls 005A, SWRO-1, SWRO-2, SWRO-3 and SWRO-4 are stormwater outfalls. Monitoring will be required for CBOD₅, chemical oxygen demand, total suspended solids, total phosphorus, total Kjeldahl Nitrogen, dissolved iron, oil and grease and pH. The permittee has the option of performing an annual inspection in lieu of monitoring for these outfalls.

The EPA waiver is not in effect.

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

PA0092045, Sewage, **Fayette Airport Enterprises, LLC**, 25 Main Street, Smithfield, PA 15478. This application is for renewal of an NPDES permit to discharge treated sewage from Fayette Airport Enterprises STP in Dunbar Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Gist Run, which are classified as a TSF 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 North Fayette County Municipal Authority.

Outfall 001: proposed discharge, design flow of 0.01 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
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			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0204200, Sewage, **Joseph T. Jr. and Michele A. Naviglia**, 1743 Wildlife Lodge Road, Lower Burrell, PA 15068. This application is for renewal of an NPDES permit to discharge treated sewage from the Naviglia SR STP in Lower Burrell, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT to Little Pucketa Creek, which are classified as a TSF 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 Oakmont Borough Municipal Authority on the Allegheny River.

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 ₅	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.

PA0205257, Sewage, **Greensboro Monongahela Township Joint Sewer Authority**, P. O. Box 342, Greensboro, PA 15338-0342. This application is for renewal of an NPDES permit to discharge treated sewage from Greensboro Monongahela Township Sewage Treatment Plant in Monongahela Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Back Channel of the Monongahela River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Dunkard Valley Joint Municipal Authority.

Outfall 001: existing discharge, design flow of 0.110 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25	37.5		50
Suspended Solids	30	45		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			

<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	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0217760, Sewage, **RoxCoal, Inc.**, P. O. Box 149, Friedens, PA 15541. This application is for renewal of an NPDES permit to discharge treated sewage from Barbara No. 2 Small Flow Sewage Treatment Facility in Stonycreek Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Reitz Creek, which are classified as a CWF 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 Hooversville Municipal Authority.

Outfall 001: existing discharge, design flow of 0.00185 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	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	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0219207, Sewage, **Lincoln Township Municipal Authority**, P. O. Box 162, Sipesville, PA 15561. This application is for renewal of an NPDES permit to discharge treated sewage from Sipesville-Quecreek Area Wastewater Treatment Plant in Lincoln Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Quemahoning Creek, which are classified as a CWF 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 Quemahoning Reservoir.

Outfall 001: new but previously permitted discharge, design flow of 0.10 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅ (5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen (5-1 to 10-31)	6.5	9.8		13.0
(11-1 to 4-30)	19.5	29.3	39.0	
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			
Total Residual Chlorine	0.4			0.9
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.

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

PA0240001, Sewage, **Department of Conservation and Natural Resources, Clear Creek State Park SFTF**, Rachel Carson State Office Building, P. O. Box 8451, Harrisburg, PA 17105-8451. This proposed facility is located in Barnett Township, **Jefferson County**.

Description of Proposed Activity: New discharge of treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (Public Water Supplier), considered during the evaluation is located on the Clarion River (PA American Water Company Clarion District) and is approximately 19 miles below point of discharge.

The receiving stream, the Clarion River, is in Watershed 17-B and classified for: CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.00535 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	XX		
CBOD ₅	25		50
Total Suspended Solids	30		60
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	
Ultraviolet Light	XX		
pH		6.0 to 9.0 standard units at all times	

XX—Monitor and report on monthly DMRs. Measured is by pump rate or v-notch weir.

The EPA waiver is in effect.

PA0103209, Sewage, **Wattsburg Area School District**, 10782 Wattsburg Road, Erie, PA 16509. This existing facility is located at 10770 Wattsburg Road in Greene Township, **Erie County**.

Description of Proposed Activity: The applicant requests a new permit for an existing discharge of treated sewage from a sewage treatment plant serving the Wattsburg Area School District Campus that includes Seneca High, Middle and Elementary Schools.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, there is no downstream potable water supply affected by this discharge.

The receiving stream, UNT to LeBoeuf Creek, is in Watershed 16-A and classified for: TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02955 mgd.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow	Monitor and Report		
CBOD ₅	25		50
Total Suspended Solids	30		60
NH ₃ -N (5-1 to 10-31)	2.5		5
(11-1 to 4-30)	7.5		15
Dissolved Oxygen		minimum of 5.0 mg/l at all times	
Total Residual Chlorine	0.21		1.2
Fecal Coliform (5-1 to 9-30)		200/100 ml as a geometric average	
(10-1 to 4-30)		2,000/100 ml as a geometric average	
pH	6.0 to 9.0 standard units at all times		

The EPA waiver is in effect.

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

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

WQM Permit No. 0907407, Sewerage, **Bucks County Water and Sewer Authority**, 1275 Almshouse Road, Warrington, PA 18976. This proposed facility is located in Bensalem Township, **Bucks County**.

Description of Action/Activity : Rehabilitation of existing pump station.

WQM Permit No. 4607408, Sewerage, **Realen Valley Forge Greenes Associates**, 1000 Chesterbrook Boulevard, Suite 100, Berwyn, PA 19312-1096. This proposed facility is located in Upper Merion Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of sewers, pump station, force main and collection system.

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

WQM Permit No. 4507405, Sewerage, **Penn Estates Utilities, Inc.**, 503 Hallet Road, East Stroudsburg, PA 18301-9556. This proposed facility is located in Stroud Township, **Monroe County**, PA.

Description of Proposed Action/Activity: This project consists of the addition of a denitrification filter to the existing wastewater treatment facility at the Penn Estates community. This filter is designed for 200 mgd and will be installed in parallel with the existing units.

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

WQM Permit No. 0473404-A3, Sewerage, **Vanport Township Municipal Authority**, 285 River Avenue, Vanport, PA 15009. This existing facility is located in Vanport township, **Beaver County**.

Description of Proposed Action/Activity: Application for sewage treatment plant improvements and expansion.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011507036	William and Mary Neuhoff 979 Fairview Road Glenmoore, PA 19343	Chester	East Nantmeal Township	Marsh Creek HQ-TSF-MF
PAI012307004	White Horse Village, Inc. 535 Gradyville Road Newtown Square, PA 19023	Delaware	Edgmont Township	Ridley Creek HQ-CWF

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

Lehigh County Conservation District: Lehigh Ag. Ctr., Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023907021	AJW, Inc. Attn: Andrew Watson 4966 Schocary Road New Tripoli, PA 18066	Lehigh	Weisenberg Township	Jordan Creek TSF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q0712R(1)	Brad Nesland Dorney Park Wildwater Kingdom 3830 Dorney Park Road Allentown, PA 18104	Lehigh	South Whitehall Township	Cedar Creek HQ-CWF

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

Greene County Conservation District, 93 High Street, Room 215, Waynesburg PA 15370, (724) 852-5278.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI053005002R	Allegheny Energy Supply Co., LLC 800 Cabin Hill Drive Greensburg, PA 15601-1689	Greene	Monongahela Cumberland	Little Whiteley Creek WWF Monongahela River WWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055607003	Hidden Valley Resort 1 Craighead Drive Hidden Valley, PA 15502	Somerset	Jefferson Township	Crise, Gross, Jones Mill and Kooser Run

Westmoreland County Conservation District, Center for Conservation Education, 211 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056507003	Mt. Pleasant Township Municipal Authority 208 Poker Road Mammoth, PA 15664	Westmoreland	Mt. Pleasant Township	Hurst Run, Boyer Run, Sewickley Creek WWF, HQ-CWF

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

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

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

SAFE DRINKING WATER

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 6607502, Public Water Supply.
Applicant **Century Enterprises**
Overfield Township
Wyoming County

Responsible Official Patrick J. Breslin
825 Monticello Place
Lansdale, PA 19446
(215) 362-7869

Type of Facility Community Water System

Consulting Engineer Ned Slocum, P. E.
Milnes Engineering, Inc.
12 Frear Hill Road
Tunkhannock, PA 18657
(570) 836-2145

Application Received Date August 8, 2007

Description of Action Application for installation of a granular ferric hydroxide adsorption filter system at the Village of Mountain Heights Mobil Home Park to treat source water exceeding the maximum contaminant level for arsenic.

Application No. 4807506, Public Water Supply.
Applicant **Brew House Coffee Depot, Inc.**
4451 Lehigh Drive
Walnutport, PA 18088-9511
Lehigh Township
Northampton County

Responsible Official Leo Livengood, Owner
620 Hickory Road
Palmerton, PA 18071

Type of Facility PWS

Consulting Engineer George Ruby, P. E.
Ruby Engineering
3605 Island Club Drive
Unit No. 9
North Port, FL 34288-6611

Application Received Date July 9, 2007

Description of Action Application proposes the installation of a nitrate reduction anion exchange system.

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

Permit No. 5007504, Public Water Supply.
Applicant **Newport Water Authority**
Municipality Newport Borough

County **Perry**
 Responsible Official Newport Water Authority,
 Chairperson
 231 Market Street
 Newport, PA 17074

Type of Facility Public Water Supply
 Consulting Engineer Harry E. Bingaman, P. E.
 Glace Assoc., Inc.
 3705 Trindle Road
 Camp Hill, PA 17011

Application Received: 8/2/2007
 Description of Action Arsenic Treatment-Blending

Permit No. 2107507, Public Water Supply.
 Applicant **Middle Spring Presbyterian Church**
 Municipality Southampton Township
 County **Cumberland**
 Responsible Official Middle Spring Presbyterian
 Church, Chairperson Building
 and Grounds
 135 Middle Spring Road
 Shippensburg, PA 17257

Type of Facility Public Water Supply
 Consulting Engineer Joseph M. McDowell, P. E.
 Martin & Martin, Inc.
 37 S. Main Street
 Chambersburg, PA 17201

Application Received: August 8, 2007
 Description of Action Nitrate Treatment

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

Permit No. 1407503—Construction, Public Water Supply.
 Applicant **Walker Township Water Association**
 Township or Borough Walker Township
 County **Centre**
 Responsible Official M. David Foreman, President
 Walker Township Water
 Association
 P. O. Box 160
 Mingoville, PA 16856

Type of Facility Public Water
 Supply—Construction
 Consulting Engineer David A. McCullough, P. E.
 Uni-Tec Consulting Engineers,
 Inc.
 2007 Cato Avenue
 State College, PA 16801

Permit Application Date August 17, 2007
 Description of Action Construction of a public water
 supply well with chlorination
 and pumping facilities.

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

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

Application No. 0292506MA, Minor Amendment.

Applicant **Plum Borough Municipal Authority**
 4555 New Texas Road
 Pittsburgh, PA 15239

Township or Borough Plum Borough
 Responsible Official Cheryl Stezoski, Manager
 Plum Borough Municipal
 Authority
 4555 New Texas Road
 Pittsburgh, PA 15239

Type of Facility Longwood water storage tank
 Consulting Engineer R.F. Mitall & Associates, Inc.
 117 Sagamore Hill Road
 Pittsburgh, PA 15239

Application Received Date August 15, 2007
 Description of Action Painting the Longwood water
 storage tank.

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

Application No. 6182501-MA1, Minor Amendment

Applicant **Cranberry Venango County General Authority**
 Township or Borough Cranberry Township
Venango County
 Responsible Official Michael Erwin, Vice Chairperson
 Cranberry Venango County
 General Authority
 3726 SR 257
 P. O. Box 378
 Seneca, PA 16346

Type of Facility Public Water Supply
 Application Received Date July 16, 2007
 Description of Action Painting of Potable Water
 Standpipes

WATER ALLOCATIONS

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

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

WA32-598E, Water Allocations. **Lower Indiana County Municipal Authority**, 92 Main Street, Black Lick, PA 15716, **Indiana County**. The applicant is requesting the right to increase their current water allocation, from the Central Indiana County Water Authority, from 57,000 gpd to 300,000 gpd.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

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

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

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

Metal Bank State Road Property, City of Philadelphia, **Philadelphia County**. Richard Wardrop, P. G., Shaw Environmental, Inc., 200 Innovation Boulevard, Suite 256, State College, PA 16803 on behalf of John Mattioni, Esquire, Mattioni, Ltd., 399 Market Street, Second Floor, Philadelphia, PA 19106, Ed Kleppinger, Ph. D., EWK Consultants, Inc., 510 N. Street SW, Washington, DC 20024 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of unleaded gasoline. The future use of the site is nonresidential use. A summary of the Notice to Intent to Remediate was reported to have been published in *The Philadelphia Daily News* on July 16, 2007.

Spring Mill Impounding Basin Site, Whitmarsh Twp, **Montgomery County**. Mark Fornata, DelVal Soil and Env., Consultants, Inc., 4050 Skyrun Drive, Doylestown PA 1890, on behalf of Culter Group, Inc., The Culter Group, Inc., 5 Apollo Road, Suite 1, Plymouth Meeting, PA 19462 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of inorganicis. The future use of the site is residential.

Cambridge Square Condominiums, Lower Merion Township, **Montgomery County**. Stephen Brower, Environmental Standards, Inc., 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482 on behalf of Peter Monaghan, Sibley Avenue Associates, LP, 1008 Upper Gulf Road, Wayne, PA 19087 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by release of No. 2 fuel oil. The future redevelopment plans indicate that the site will consist of a condominium complex. A summary of the Notice of Intent to Remediate was reported to have been published in the *Main Lines Times* on July 30.

Pennsburg Auto Parts, Borough of Pennsburg, **Montgomery County**. Richard D. Trimpi, Trimpi Associate, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Penney Ganley, Quaker City Motor Parts, P. O. Box 5000, Middletown, DE 19709 on behalf of M.A. Trexler, Pennsburg Auto Parts, 752 Main Street, Pennsburg, PA 18073, Joshua Misnick, 760 Main Street, Pennsburg, PA 18073, Liz Hotz, Fast Tags and Keystone Tax Services Offices, 772 and 774 Main Street, Pennsburg, PA 18073, Barry Rodenberger, 778 Main Street, Pennsburg, PA 18073 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted by release of No. 2 fuel oil. The future use of the site is commercial. A summary of the Notice of Intent to Remediate was reported to have been published in the *Bucks County Intelligencer* on July 22.

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

Ann Marie Hackling Residence, Noxen Township, **Wyoming County**. David Fife, Quad Three Group, Inc., 72 Glenmaura National Boulevard, Moosic, PA 18507 has submitted a Notice of Intent to Remediate (on behalf of his client, Ann Marie Hackling, R. R. 1, Box A94, Noxen, PA 18636-9744), concerning the remediation of soil and groundwater found to have been impacted by No. 2 fuel oil as a result of an act of vandalism to an aboveground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. The proposed future use of the property will remain residential. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

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

Former Trojan Yacht Site, East Lampeter Township, **Lancaster County**. RETTEW Associates, Inc., 3020 Columbia Avenue, Lancaster, PA 17603, on behalf of Macar Properties, LLC, 425 Steel Way, Lancaster, PA 17601-3135, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with VOCs from historical industrial use of the site. The property is a former yacht manufacturing facility and planned future use is warehousing and distribution. The applicant is seeking to remediate to the Statewide Health Standard.

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

Ralph Heimer Property, 232 South Allen Street, State College, PA 16801, State College Borough, **Centre County**, Blazosky Associates, Inc., 2525 Green Tech Drive, State College, PA 16803 on behalf of Ralph Heimer, Jeramar Enterprises, 426 East College Avenue, State College, PA 16801 has submitted a Notice of Intent to Remediate soil contaminated with fuel oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. The site is awaiting construction of a commercial building with residential apartments above it

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

PLAN APPROVALS

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

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

67-03115A: Garrod Hydraulics, Inc. (1050 Locust Point Road, York, PA 17406) for installation of a chromium electroplating system and emission controls at the existing plant in East Manchester Township, **York County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.

53-00005C: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) for modification of a fugitive VOC emission limitation (by increasing the limitation from 2.9 tons in any 12-consecutive month period to 21.0 tons in any 12-consecutive month period) at a natural gas compressor station (Greenlick Station) in Stewardson Township, **Potter County**.

17-00017B: Rescar, Inc. (450 Osborne Avenue, DuBois, PA 15801) for construction of railcar flaring, water/steam cleaning, abrasive blasting and surface coating operations in the City of DuBois, **Clearfield County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.

24-083M: Carbone of America (215 Stackpole Street, City of St. Mary's, PA 15857) for installation of an electric furnace with a thermal oxidizer control device at their facility site in the City of Saint Mary's, **Elk County**. This is a Title V facility.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Thomas McGinley, New Source Review Chief, (484) 250-5920.

09-0010A: TEVA Pharmaceuticals USA, Inc. (650 Cathill Road, Sellersville, PA 18960) for installation and operation of a fluid bed dryer, cartridge dust collector and HEPA filter at existing facility. Monitoring and recordkeeping requirements were applied to the source

and the control devices to determine compliance with applicable limits on particulate matter emissions. The facility is in West Rockhill Township, **Bucks County**.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

38-05028B: Milprint, Inc. (5 Keystone Drive, Lebanon, PA 17042) for modification of the existing printing press battery at the flexible packaging printing facility in South Lebanon Township, **Lebanon County**. All of the previous emission limits for the facility will remain in place. Annual VOC emissions from the facility are limited to 50 tons per consecutive 12-month period. The plan approval and operating permit will contain all of the previous monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.

25-951A: Bay City Forge (1802 Cranberry Street, Erie, PA 16502) for installation, operation and maintenance of a new 16 mmBtu per hour natural gas fired furnace for their forging operation in the City of Erie, **Erie County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424 the Department of Environmental Protection (Department) intends to issue a Plan Approval No. 25-951A for their plant in the City of Erie, **Erie County**. This plan approval will authorize the applicant to install, operate and maintain a new 16 mmBtu per hour natural gas fired furnace for their forging operation, as described in the applicant's application of May 15, 2007. The Plan Approval will subsequently be incorporated into the company's State-only Operating Permit in accordance with 25 Pa. Code § 127.450.

Based on the information provided by the applicant and Department's own analysis, PM emissions will be limited to 0.53 ton per year and 0.01 pound per mmBtu heat input. The company is permitted to only use natural gas as fuel at a rate of 137.42 million cubic feet per year. This restriction satisfies the SO₂ restriction of 25 Pa. Code § 123.21. The company will be required to monitor natural gas records and retain these records for a minimum of 5 years.

Copies of the application, the 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 shown. To make an appointment, contact Records Management at (814) 332-6340.

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

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 25-951A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. 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, when the Department determines the 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.

42-184H: Keystone Powdered Metal Company (251 State Street, Erie, PA 16502) for installation, operation and maintenance of a new induction heat treater furnace with a Smog Hog type electrostatic precipitator (ESP) control device for processing powder coated metal parts, in the Borough of Lewis Run, **McKean County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424 the Department of Environmental Protection (Department) intends to issue a Plan Approval, No. 42-184H for their plant in the Borough of Lewis Run, **McKean County**. This plan approval will authorize the applicant to install, operate, and maintain a new induction heat treater furnace with a Smog Hog type ESP control device for processing powder coated metal parts, as described in the applicant's application of June 1, 2007, with addendum received on July 31, 2007. The Plan Approval will subsequently be incorporated into the company's State-only Operating Permit in accordance with 25 Pa. Code § 127.450.

Based on the information provided by the applicant and Department's own analysis, PM emissions will be limited to 0.016 ton per and 0.02 grain per dry standard cubic feet of emissions. The company will be limited to 8,400 pounds of metal parts on a daily basis in this furnace and will be required to operate the control device at all times the heater furnace is operating. The company will also be required to monitor and record daily metal parts throughput, current through and voltage across the ESP control device and retain these records for a minimum of 5 years.

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 shown. To make an appointment, contact Records Management at (814) 332-6340, for an appointment.

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

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 42-184H.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted on the comments received during the public comment period. 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, when the Department determines 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.

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

AMS 07128: V&S Philadelphia Galvanizing LLC (2520 E. Hagert Street, Philadelphia, PA 19125) for construction and operation of four pickling tanks and a strip tank in the City of Philadelphia, **Philadelphia County**. There will be a potential emission increase of 1.17 tons for PM for the facility. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

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.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.

41-00019: Specialized Vehicles Corp.—Kidron Division (13442 Emerson Road, Kidron, OH 44636) for renewal of Title V Operating Permit 41-00019 for operation of a truck body and trailer manufacturing facility (Montgomery Plant) on Saegers Station Road in Clinton Township, **Lycoming County**.

The facility incorporates truck and trailer assembly, surface preparation and surface coating operations as well as a refrigerated truck body foam insulation operation, 35 natural gas-fired heaters (with a total combined heat input of 68.42 mmBtu per hour), 4 natural gas-fired hot water pressure washers (with a total combined heat input of 2.53 mmBtu per hour), a surface coating equipment cleanup operation, a 126 horsepower propane-fired emergency generator, a 225 horsepower diesel fuel-fired emergency fire pump, 3 solvent parts washers, 3 paint gun washers and 3 small aboveground diesel fuel and gasoline storage tanks.

The facility has the potential to emit up to 149.05 tons of VOCs, 73.41 tons of PM including PM₁₀, 69.33 tons of NO_x, 34.80 tons of CO, 10.0 tons of any single HAP, 25.0 tons of combined HAPs and 2.23 tons of SO per year.

The Department of Environmental Protection (Department) proposes to renew Title V Operating Permit 41-00019. The Department intends to incorporate into this renewal all conditions currently contained in Title V Operating Permit 41-00019 with these exceptions, changes and additions:

1. A refrigerated truck body foam insulation operation, four natural gas-fired hot water pressure washers and three paint gun washers have been added to the permit along with conditions specifying the applicable requirements for these air contamination sources.

2. Conditions specifying the applicable 25 Pa. Code § 129.63 requirements for three solvent parts washers have been added to the permit as well as a condition prohibiting the use of halogenated solvents and solvents containing a HAP as an intentionally-added ingredient

and a condition requiring the maintenance of records of the amount of solvent added to, and removed from, the parts washers each month.

3. Conditions requiring the maintenance of fuel certification reports or fuel analyses records to verify the sulfur content of the No. 2 fuel oil delivered to the facility have been removed from the permit as no source in the facility uses No. 2 fuel oil and the only source that uses diesel fuel is an emergency fire pump.

4. Conditions requiring Method 24 testing of the coatings, adhesives and solvents used in the facility and the maintenance of records of this information have been removed from the permit as the conditions were determined by the Department to be both excessive and redundant of other recordkeeping requirements contained in the permit.

5. Conditions requiring a weekly inspection of the facility for the presence of visible air contaminant emissions, visible fugitive air contaminant emissions and malodors and the maintenance of records of these inspections have been removed from the permit as this facility does not contain the types of sources that are likely to produce visible air contaminant or visible fugitive air contaminant emissions and, despite many years of operation, the facility has no history of malodor complaints.

6. Conditions requiring the maintenance, and reporting, of records of "supporting calculations to verify compliance" with the facility-wide VOC and HAP emission limitations have been revised to require the maintenance and reporting, of records of the amount of VOCs and the amount of each individual HAP emitted from the facility each month as well as the calculations performed in determining these emission values.

7. A number of conditions containing semi-annual or annual reporting requirements have been revised to require reports to be submitted to the Department on a quarterly basis to be consistent with other reporting requirements contained in the permit which require quarterly reporting.

8. A condition requiring malfunctions to be reported to the Department has been revised to exclude the reporting of malfunctions which do not result in, or potentially result in, air contaminant emissions in excess of an applicable air contaminant emission limitation and/or do not result in, or potentially result in, noncompliance with any operating permit condition.

9. Conditions requiring the maintenance of records of the "supporting calculations used to verify compliance" with the annual VOC emission limits for 35 small natural gas-fired heaters (Sources CU031 and CU033), two 3.0 mmBtu per hour natural gas-fired tunnel booth drying oven burners incorporated in the facility's surface coating operation (Source P305) and three small aboveground diesel fuel and gasoline storage tanks (Source P315) have been removed from the permit as it is not possible for the VOCs from the respective sources to exceed the respective annual emission limits.

10. The recordkeeping and reporting requirements for the facility's truck and van assembly operations (Source P301), truck and van solvent cleaning (surface preparation) operations (Source P303), surface coating operations (Source P305) and surface coating equipment cleanup operations (Source P307) have been revised to require the maintenance and reporting, of records of the identity, quantity, VOC content and content of each individual volatile HAP of each material used each month, the amount of each individual HAP emitted each month, the

amount of VOCs emitted each month, the number of vehicles manufactured each month and, in some cases, the average VOC emissions per vehicle manufactured.

11. Four spray booths which no longer exist onsite have been removed from the permit.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

46-00258: Bryn Mawr College (101 North Merion Avenue, Bryn Mawr, PA 19010) for a Non-Title V Facility, State-only, Synthetic Minor Permit in Lower Merion Township, **Montgomery County**. The sources of emissions include boilers and emergency generators. The company took fuel restrictions on natural gas and No. 2 fuel oil to reduce NOx and SOx emissions. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

65-00080: Duraloy Technologies, Inc. (120 Bridge Street, Scottdale, PA 15683-1748) for manufacture of specialty steel cast tubular and molded products at their Scottdale Manufacturing facility in Scottdale Borough, **Westmoreland County**. This is a State-only Operating Permit Renewal.

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

20-00034: Weyerhaeuser Choice Wood (11117 Skyline Drive, Titusville, PA 16354) a Natural Minor Operating Permit for operation of the facility's air contamination sources consisting of one wood-fired boilers, natural gas heating units, wood working operations including sawing and planing, 17 wood-drying kilns and off-loading sawdust from trucks in Oil Creek Township, **Crawford County**.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal 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). Mining activity permits issued in response to 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 an application is available for inspection at the district mining office indicated before an 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 certification.

Written comments, objections or requests for informal conferences on applications 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 district mining office indicated before an 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.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the 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 must contain the name, address and telephone number of 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 wishes to have the conference conducted in the locality of the proposed mining activities.

Coal Applications Received

Effluent Limits—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

*The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) 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 (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

Permit Number 11071701 and NPDES Permit NA, Department of Environmental Protection, Bureau of Mining and Reclamation, Cambria District Mining Office, 286 Industrial Park Road Ebensburg, PA 15931, to operate the Lancashire Treatment Plant in Barr Township, **Cambria County** a new treatment plant and related NPDES permit for postmining water treatment and for sludge disposal into Lancashire 15 Mine Complex. Surface Acres Proposed 10.0. Receiving stream: West Branch Susquehanna River, classified for the following use: WWF. Application received March 5, 2007.

Permit Number 33071301 and NPDES Permit NA, Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, to operate the Kocjancic Mine in Snider Township, **Jefferson County** and **Jefferson Township, Elk County** a new underground coal mine and related NPDES permit. Surface acres proposed 33.3, underground acres proposed 1,735.0, subsidence control plan acres proposed 1,735.0. Receiving streams: East Branch Walburn Run, classified for the following use: CWF and UNT No. 1 to East Branch Walburn Run, classified for the following use: CWF. Application received June 29, 2007.

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

32020101 and NPDES No. PA0249165. Alverda Enterprises, Inc., P. O. Box 87, Alverda, PA 15710, revision of an existing bituminous surface mine to add auger mining and revise E & S plan in Pine Township, **Indiana County**, affecting 18.3 acres. Receiving streams: Yellow Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 9, 2007.

56860101 and NPDES No. PA0597546. Croner, Inc., P. O. Box 260, Friedens, PA 15541, revision of an existing bituminous surface auger mine to add 66 acres to permit area from permit Nos. 56850109 and 56803093 currently bonded by Croner, Inc. in Brothersvalley Township, **Somerset County**, affecting 222.8 acres. Receiving streams: UNT to Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 10, 2007.

56070108 and NPDES No. PA0262323. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface auger, blasting mine in Paint Township, **Somerset County**, affecting 135.5 acres. Receiving streams: Shade Creek and UNTs to Shade Creek classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Border Dam SWI. This application also includes a request for a variance to conduct surface mining activities within 100 feet of five UNTs. The stream encroachment activities consist of ponds and ditches within 100 feet but no closer than 25 feet and several haul road crossings. Application received August 8, 2007.

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

33070106 and NPDES Permit No. PA0258385. Amerikohl Mining, Inc., 202 Sunset Drive, Butler, PA 16001. Commencement, operation and restoration of a bituminous surface strip operation in Winslow Township, **Jefferson County** affecting 138.0 acres. Receiving streams: eight UNTs to Panther Run and Panther Run, classified for the following use: CWF, to Sandy Lick Creek, classified for the following use: TSF. There are no potable surface water supply intakes within 10 miles downstream. Application received: August 15, 2007.

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

17070114 and NPDES No. PA0256633. AMFIRE Mining Company, LLC, One Energy Place, Latrobe, PA 15650. Commencement, operation, and restoration of a bituminous surface mine in Girard Township, **Clearfield County**, affecting 119.4 acres. Receiving streams: Bald Hill Run to UNTs to Bald Hill Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: August 10, 2007.

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

49070101. D. Molesevich & Sons Construction Co., Inc., 333 South Pine Street, Mt. Carmel, PA 17851, commencement, operation and restoration of an anthracite surface mine operation in Mt. Carmel and Conyngham Townships, **Northumberland and Columbia Counties** affecting 816.0 acres, receiving stream: none. Application received: August 15, 2007.

Noncoal Applications Received

Effluent Limits

The following noncoal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity ¹		greater than 6.0; less than 9.0	
pH ¹			

¹ The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

10072802. Natural Sand Company, Inc., 4783 Harlansburg Road, Slippery Rock, PA 16057. Application for a stream encroachment to use and maintain an existing haul road within the 100 foot barrier of UNT No. 1 to Little Bull Creek in Buffalo Township, **Butler County**. Receiving streams: UNT to Little Bull Creek, classified for the following use: CWF/TSF. The first downstream potable water supply intake from the point of discharge is New Kensington Municipal Authority. Application received: August 1, 2007.

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

7975SM5C4 and NPDES Permit No. PA0118338. KPK Development Company, 1082 Temperance Lane, Richboro, PA 18954, renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Falls Township, **Bucks County**, receiving streams: Martins Creek and Delaware Canal, classified for the following uses: WWF and MF. Application received August 10, 2007.

45880301C. Tarheel Quarry, LLC, 2000 Highway 35, Morgan, NJ 08879, correction to an existing quarry operation in Tobyhanna Township, **Monroe County** affecting 406 acres to include a stream variance of a UNT to Lehigh River. Application received: August 13, 2007.

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 Flood Plain 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

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

E26-345. Joseph A. Hardy Connellsville Airport, 874 Airport Road, Lemont Furnace, PA 15456. To place and maintain fill in and to construct channel relocation in Dunbar and North Union Townships, **Fayette County**, Pittsburgh ACOE District. (Uniontown, PA Quadrangle N: 14.9 inches; W: 5.3 inches; Latitude: 39° 57' 25"; Longitude: 79° 38' 47"). The applicant proposes to place fill in 1,201 linear feet of the channel two UNTs to Redstone Creek and to construct and maintain a channel relocation and to place and maintain fill in 0.81 acre of wetlands for the purpose of construction of an embankment at the south end of Runway 5/23. The applicant proposes to construct wetland mitigation onsite.

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.

E1414-001, Boggs Township, Centre County, 1270 Runville Road, Bellefonte, PA 16823, Wallace Run Stream Rehabilitation Project, Boggs Township, **Centre County** (Bellefonte, PA Quadrangle N: 13.78 inches; W: 11.30 inches), USACOE Baltimore District.

This permit is requested for a project to restore approximately 650 feet of the Wallace Run stream channel, beginning just downstream of a concrete block wall and ending at the existing rock riprap downstream of 710 Runville Road, Bellefonte, PA. Work will consist of channel grading and realignment, installation of rock structures within the channel, seeding and plantings.

ENVIRONMENTAL ASSESSMENTS

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

EA28-004: Eugene Keefer Warren Township, 12930 Forage Road, Mercersburg, PA 17236, Stream Realignment in Warren Township, Franklin, **York County**.

To reestablish and maintain 24 linear feet of natural stream channel and floodplain bench in a UNT to Little Cove Creek (CWF) located immediately just upstream of an existing culvert pipe under Fort Davis Road (T-302) in Warren Township, Franklin County (Cherry Run, MD, W.VA, PA Quadrangle N: 21.8 inches; W: 6.6 inches; Latitude: 39° 44' 43"; Longitude: 78° 2' 48") in Warren Township, Franklin County.

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

EA32-007. PA Renewable Resource Associates, Conemaugh Hydro, 1665 Auen Road, Saltsburg, PA 15681. Request to remove tile drains in Blacklick Township, **Indiana County**, Pittsburgh ACOE District. (Blairsville, PA Quadrangle N: 17.23 inches; W: 8.81 inches and Latitude: 40° 28' 11.5"; Longitude: 79° 18' 48"). The applicant proposes to remove approximately 5,100 feet of tile drains from an approximate 46.9 acre site for the purpose of creating approximately 27 acres of wetlands. The project is located west of the intersection of Grange and Newport Roads, within the United States Army Corps of Engineers Conemaugh River Lake Flood Control project area. The project will include the back filling of trenches that will be excavated to remove the existing tile drains and will temporarily impact approximately 0.5 acre of Wetland C, which is an approximate 1.8 acre, palustrine, emergent wetland.

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

D45-116. White Heron Lake, Inc., 9 White Heron Lake, East Stroudsburg, PA 18301-8935. Middle Smithfield Township, **Monroe County**, ACOE or Philadelphia District. To permanently fill 0.04-acre of Palustrine Emergent Wetland to construct and maintain a new spillway for the purpose of improving public safety at White Heron Dam across Newton Run (HQ-CWF). The dam is located at the intersection of Minisink Road and SR 402 (Bushkill, PA Quadrangle; Latitude: 41° 03' 36"; Longitude: 75° 07' 36"). The 0.04-acre wetland impact is considered de minimis; therefore replacement is not required.

D15-119EA. Willistown Township, 688 Sugartown Road, Malvern, PA 19355, Willistown Township, **Chester County**, ACOE Philadelphia District. Project proposes to breach and remove Okehocking Dam across Ridley Creek (HQ-TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 750 lineal feet of stream channel. The dam is located approximately 5,000 feet northeast of the intersection of West Chester Pike (SR 003) and Garrett Mill Road (Media, PA Quadrangle; Latitude: 39° 58' 05"; Longitude: 75° 29' 00").

DAM SAFETY

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

D63-096. Trax Farms Dam. Trax Farms, Inc. 528 Trax Road, Finleyville, PA 15332-9801. To operate and maintain Trax Farms Dam across a tributary to Peters Creek (TSF) for the purpose of providing irrigation for Trax Farms. (Bridgeville, PA Quadrangle N: 5.2 inches; W: 5.0 inches) Peters Township, **Washington County**.

D65-003A. Sugar Run Dam. Highridge Water Authority, 17 Maple Avenue, Blairsville, PA 15717-1232. To modify, operate and maintain Sugar Run Dam across a tributary of the Conemaugh River for the purpose of water supply. Work includes the installation of a buttress to stabilize the embankment, installation of a saddle spillway to help pass the PMF, construction of a new intake tower, rehabilitation of the service spillway and slip lining of the intake pipe. (New Florence, PA Quadrangle N: 0.2 inch; W: 3.2 inches) St. Clair Township, **Westmoreland County**.

ACTIONS

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

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

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

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

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

Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania 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 free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0023051	Borough of Palmerton 443 Delaware Avenue Palmerton, PA 18071	Palmerton Borough Carbon County	Aquashicola Creek 2B TSF, MF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0253359 Industrial Waste	Cambria Somerset Authority 244 Walnut Street Johnstown, PA 15901	Cambria County Franklin Borough City of Johnstown	Outfall 001 Hinckston Run Outfall 002 Peggys Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0221503	Louis J. Tracy, III Crab Apple Ridge Golf Course 10234 Sharp Road Waterford, PA 16441	Waterford Township Erie County	UNT to LeBoeuf Creek 16-A	Y
PA0046418	Municipal Authority of Middleboro P. O. Box 189 McKean, PA 16426	McKean Borough Erie County	Elk Creek 15-EC	Y

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

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

NPDES Permit No. PA0051292, Industrial Waste, **Municipal Authority of the Borough of Morrisville**, 35 Union Street, Morrisville, PA 19067. This proposed facility is located in Morrisville Borough, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from the treatment plant located at Ferry and River Roads, Lower Makefield Township to the Delaware River (Zone 1E) in Watershed 2E.

NPDES Permit No. PA0027634, Industrial Waste, **Pennsylvania American Water Company**, 800 West Hersheypark Drive, P. O. Box 888, Hershey, PA 17033-0888. This proposed facility is located in Lower Makefield Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from the Yardley Water Treatment Plant to a UNT to Brock Creek in Watershed 2E.

NPDES Permit No. PA0057002, Industrial Waste, **Township of Haverford**, 2324 Darby Road, Havertown, PA 19083. This proposed facility is located in Haverford Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from Haverford Township Landfill Leachate TP into Darby Creek in Watershed 3G.

NPDES Permit No. PA0026689, **City of Philadelphia Water Department**, 1101 Market Street, 4th Floor, ARA Towers, Philadelphia, PA 19107. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from the City of Philadelphia's Northeast Water Pollution Control Plant located at 3899 Richmond Street the discharge will be to the

Delaware River Estuary Zone 3 by means of Outfall 001, CSO Outfalls 002—008, 010—022 and 058), Pennypack Creek (CSO Outfalls 023—027), Tacony Creek (CSO Outfalls 028—041 and 059) and Frankford Creek (CSO Outfalls 042—052, 054—057, 060 and Stormwater Outfall 061) in Watershed 3J.

NPDES Permit No. PA0026671, Sewage, **City of Philadelphia Water Department**, 1101 Market Street, 4th Floor ARA Towers, Philadelphia, PA 19107-2994. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from the City of Philadelphia's Southwest Water Pollution Control Plant located at 8200 Enterprise Avenue the discharge will be to the Delaware River Estuary Zone 4 (Outfall 001), Schuylkill River (CSO Outfalls 002—004, 075), Cobbs Creek (CSO Outfalls 041—047, 049—052, 054—072, 078, 082—084) and Eagle Creek (Outfall 001A, CSO Outfall 001B and Stormwater Outfalls 085—098) in Watershed 3J.

NPDES Permit No. PA0026662, Sewage, **City of Philadelphia Water Department**, 1101 Market Street, 4th Floor, ARA Towers, Philadelphia, PA 19107. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from the City of Philadelphia's Southeast Water Pollution Control Plant located at 25 Pattison Avenue. The discharge will be to the Delaware River Zone 3 (Outfall 001, CSO Outfalls 002—017, 020—034, 036—037 and Stormwater Outfall 038) in Watershed 3J.

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

NPDES Permit No. PA0083399, Sewage, **Outdoor World Resorts, LLC, Gettysburg Farm Campground**, 3801 Parkwood Boulevard, Suite 100, Frisco, TX 75034. This proposed facility is located in Dover Township, **York County**.

Description of Proposed Action/Activity: Authorization to discharge to the Conewago Creek in Watershed 7-H.

NPDES Permit No. PA0246654, Sewage, **Centre Township Municipal Authority, Hillcrest Estates STP**, 449 Bucks Hill Road, Mohrsville, PA 19541. This proposed facility is located in Centre Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to the receiving waters of a UNT to Irish Creek in Watershed 3-B.

NPDES Permit No. PA0088277, Amendment No. 1, Sewage, **Summit Ridge Homeowners Association**, 22 North Orchard View Drive, Hanover, PA 17331. This proposed facility is located in Berwick Township, **Adams County**.

Description of Proposed Action/Activity: Authorization to discharge to Beaver Creek in Watershed 7-F.

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

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

WQM Permit No. WQG02150718, Sewerage, **East Brandywine Township Municipal Authority**, 1214 Horseshoe Pike, Downingtown, PA 19335. This proposed facility is located in East Brandywine Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage pump station to serve proposed Hillendale residential development.

WQM Permit No. WQG02150719, Sewerage, **East Brandywine Township Municipal Authority**, 1214 Horseshoe Pike, Downingtown, PA 19335. This proposed facility is located in East Brandywine Township, **Chester County**.

Description of Action/Activity: Construction and operation of a sewage pump station to serve proposed Hillendale residential development.

WQM Permit No. 4607404, Sewerage, **Upper Frederick Township**, 3325 Big Road, P. O. Box 597, Frederick, PA 19435. This proposed facility is located in Upper Frederick Township, **Montgomery County**.

Description of Action/Activity: Upgrades and modifications to the existing plant.

WQM Permit No. 4684430, Sewerage, **Department of Corrections**, P. O. Box 246, Route 29, Graterford, PA 19426. This proposed facility is located in Skippack Township, **Montgomery County**.

Description of Action/Activity: The renewal of land disposal spray irrigation of a flow of 341,000 gpd.

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

WQM Permit No. 4006407, Sewerage, **Dallas Area Municipal Authority**, 530 South Memorial Highway, Shavertown, PA 18708. This proposed facility is located in Dallas Township, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit, for the upgrade to the existing Elmcrest Woods Pump Station and construction of a new gravity collection system to accommodate increased flows from Yalick Farms Development.

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

WQM Permit No. 6788425, Amendment No. T-1, Sewage, **Outdoor World Resorts, LLC**, 3801 Parkwood Boulevard, Suite 100, Frisco, TX 75034. This proposed facility is located in Dover Township, **York County**.

Description of Proposed Action/Activity: Approval for the transfer of sewerage facilities consisting of a transfer of ownership from Outdoor World Corporation.

WQM Permit No. 3606403, Amendment No. 07-1, Sewage, Lancaster Area Sewer Authority, 130 Centerville Road, Lancaster, PA 17603. This proposed facility is located in Manheim Township, **Lancaster County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of the replacement and relocation of interceptor to the Eden Road Pump Station.

WQM Permit No. 0607402, Sewage, Maiden Creek Township Authority, P. O. Box 319, Blandon, PA 19519. This proposed facility is located in Ontelaunee Township, **Berks County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewerage facilities consisting of a fine screen and building to have the fine screen and its appurtenances.

WQM Permit No. 0607401, Sewage, Quest Land Development, LLC, 711 Spring Street, Wyomissing, PA 19610. This proposed facility is located in Muhlenberg Township, **Berks County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities consisting of a dual submersible pump station, including an emergency generator, alarms, fiberglass enclosure and appurtenances, including an inch diameter force main. Connections under this permit are limited to 100 EDUs. Planning Approval will be required for any EDUs over 100.

WQM Permit No. 0605408, Amendment No. 07-1, Sewage, Bear Creek Management Co., LLC, 101 Doe Mountain Lane, Macungie, PA 18062. This proposed facility is located in Longswamp Township, **Berks County**.

Description of Proposed Action/Activity: Approval for the construction/operation of sewage treatment facilities, land application facilities, impoundments and liner system, groundwater monitoring wells and an iron oxide abatement system.

WQM Permit No. 0100406 Amendment T-1, Sewage, Summit Ridge Homeowners Association, 22 North Orchard New Drive, Hanover, PA 17331. This proposed facility is located in Berwick Township, **Adams County**.

Description of Proposed Action/Activity: Transfer approval for the operation of sewerage facilities consisting of a sewage treatment facility.

WQM Permit No. 3692409, Amendment 07-1, Sewage, Salisbury Township, 5581 Old Philadelphia Pike, Gap, PA 17527. This proposed facility is located in Salisbury Township, **Lancaster County**.

Description of Proposed Action/Activity: Amendment approval for the modification/operation of sewerage facilities consisting of the conversion of the aeration tanks to anoxic/aerobic zones following the modified Ludzack-Ettinger process for denitrification/BNR.

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

WQM Permit No. WQG016147, Sewerage, Michael Otlowski, 206 Golf Avenue, Ellwood City, PA 16117. This proposed facility is located in Big Beaver Borough, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single residence sewage treatment plant.

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

WQM Permit No. WQG018561, Sewerage, Susan L. Andrako, 114 East Troy Road, Titusville, PA 16354-7082. This proposed facility is located in Cherrytree Township, **Venango County**.

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

WQM Permit No. WQG018563, Sewerage, Charles E. Gulland, 2576 North Neshannock Road, Hermitage, PA 16148-6444. This proposed facility is located in Shenango Township, **Mercer County**.

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

WQM Permit No. WQG028310, Sewerage, Columbus Township Authority, P. O. Box 274, Columbus, PA 16405. This proposed facility is located in Columbus Township, **Warren County**.

Description of Proposed Action/Activity: To construct a sanitary sewer line across wetlands and stream along Highway 426 located in Columbus Township, Warren County.

WQM Permit No. WQG018565, Sewerage, Ronald E. and Ruth E. Haskins, 20511 Broadford Road, Saegertown, PA 16433. This proposed facility is located in Hayfield Township, **Crawford County**.

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

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011506003	Wawa, Inc. 260 West Baltimore Pike Wawa, PA 19063-5623	Chester	Uwchlan Township	UNT Shamona Creek HQ-TSF-MF
PAI011507004	Hettie Herzog 1057 St. Matthews Road Chester Springs, PA 19425-3101	Chester	West Vincent Township	Pickering Creek HQ
PAS105310-R	Norfolk Southern Railroad Company 1200 Peachtree Street Building Box 70142 Atlanta, GA 30309	Philadelphia	City of Philadelphia	Delaware River WWF, MF
PAI015107002	Penrose Park Associates, LP 1750 Walton Road Blue Bell, PA 19422-0465	Philadelphia	City of Philadelphia	Schuylkill River WWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023906005	Dalsania Properties 6671 Forest Knoll Court Allentown, PA 18106	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAI023906031	Posocco Equities 2610 Walbert Avenue Allentown, PA 18104	Lehigh	South Whitehall Township Lower Macungie Township	Cedar Creek HQ-CWF Little Lehigh Creek HQ-CWF

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

Central Office: Bureau of Abandoned Mine Reclamation, 400 Market Street, Floor 5, P. O. Box 8476, Harrisburg, PA 17105-8476.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI101407003	BAMR P. O. Box 8476 Harrisburg, PA 17105-8476 (717) 783-1311	Centre County	Curtin Township	UNT to Hayes Run EV to Beech Creek 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 Groundwater 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-02

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lower Southampton Township Bucks County	PAG2000907027	Lower Southampton Township 1500 Desire Avenue Feasterville, PA 19063	Mill Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warrington Township Bucks County	PAG2000906061	Rio-Lin Homes, Inc. P. O. Box 542 Jamison, PA 18929	DelawareRiver/ Neshaminy Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Britain Township Bucks County	PAG20009061022	National Shrine of Our Lady Of Czestochowa 654 Ferry Road P. O. Box 249 Doylestown, PA 18901	Neshaminy Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Tredyffrin Township Chester County	PAG2001507027	Lanni Builders, Inc. 60 State Road Media, PA 19063	Gulph Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Fallowfield Township Chester County	PAG2001507040	Walton Farms 42 Walton Road Cochranville, PA 19330	Knight Run TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Tredyffrin Township Chester County	PAG2001506041	Users, Inc. 1250 Drummus Lane Valley Forge, PA 19482	Trout Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bethel Township Delaware County	PAG2002306067	Darree Clark 3159 Laughead Lane Boothwyn, PA 19061-2019	Spring Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Pottsgrove Township Montgomery County	PAG2004606150	Danny Jake Corporation 3625 Welsh Road Willow Grove, PA 19190	UNT Sprogles Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Moreland Township Montgomery County	PAG2004607094	Damian LaRosa 404 Davisville Road Willow Grove, PA 19090	Pennypack Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Moreland Township Montgomery County	PAG2004607061	Commerce Bank 9000 Atrium Way Mt. Laurel, NJ 08054	Pennypack Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Moreland Township Montgomery County	PAG2004607070	Zarembo Land Development 14600 Detroit Avenue Suite 1500 Lakewood, OH 44107	UNT Pennypack Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004605234	Gambone Development Co. 1030 West Germantown Pike Fairview Village, PA 19409	Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franconia Township Montgomery County	PAG2004606205	Hopewell Christian Fellowship 601 Hunsiger Road Telford, PA 18969	Indian Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

NOTICES

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Upper Dublin Township Montgomery County	PAG2004607039	The Cutler Group, Inc. 5 Apollo Road Suite One Plymouth Meeting, PA 19462	UNT Sandy Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Merion Township Montgomery County	PAG2004607032	O'Neill Properties Group, LP 2701 Renaissance Boulevard 4th Floor King of Prussia, PA 19406	Matsunk Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Hanover Township Montgomery County	PAG20046060501	New Hanover Township Authority 2990 Fagleysville Road Gilbertsville, PA 19525	Swamp Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Ambler Borough Montgomery County	PAG2004606085	St. Mary's Villa for Children And Families 701 Bethlehem Pike P. O. Box 388 Ambler, PA 19002	Delaware River TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Salford Township Montgomery County	PAG2004607038	The Holdsworth Group, LLC 201 Center Avenue Norristown, PA 19403	West Branch Skippack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Norriton Township Montgomery County	PAG2004606128	Evergreen Investors, LP 2930 Felton Road Norristown, PA 19401	Stony Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Gwynedd Township Montgomery County	PAG2004607064	Genuardi's Family Markets, LP 301 East Germantown Pike Norristown, PA 19401	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Springfield and Whitpain Townships Montgomery County	PAG2004607111	Federal Realty Investment Trust 1626 East Jefferson Street Rockville, MD 20852	Sunnybrook Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Ambler Borough Montgomery County	PAG2004607060	Artman Home 250 North Bethlehem Pike Ambler, PA 19002	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Dublin Township Montgomery County	PAG2004607035	Abington Township 1176 Old York Road Abington, PA 19001	Sandy Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Dublin Township Montgomery County	PAG2004607097	McDonald's Corporation 3025 Chemical Road Suite 100 Plymouth Meeting, PA 19462	Sandy Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Moreland Township Montgomery County	PAG2004607052	Upper Moreland Township 117 Park Avenue Willow Grove, PA 19090	UNT Pennypack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bryn Athyn Borough Montgomery County	PAG2004607082	Academy of New Church P. O. Box 711 Bryn Athyn, PA 19009	Huntingdon Valley Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Montgomery Township Montgomery County	PAG2004607076	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Montgomery Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Providence Township Montgomery County	PAG2004607105	Erb and Mascio Builders, Inc. 2930 Felton Road Norristown, PA 19403	Stony Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hatfield Township Montgomery County	PAG2004607101	Hatfield Auto Auction, Inc. 2280 Bethlehem Pike Hatfield, PA 19440	West Branch Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107008	Stelwagon Roofing Supply, Inc. 10094 Sandmeyer Lane Philadelphia, PA 19116	Pennypack Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107020	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406-1525	Municipal Separate Storm Sewer	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Allentown Lehigh County	PAG2003907008	Allentown Partners, LLC Attn: David Gardner 390 Amwell Road Hillsborough, NJ 08844	Lehigh River TSF	Lehigh Co. Cons. Dist. (610) 391-9583
Washington Township Schuylkill County	PAG2005407014	Edgewood Farms, LP 535 Birds Hill Road Pine Grove, PA 17963	Upper Swatara Creek CWF Lower Swatara Creek CWF	Schuylkill Co. Cons. Dist. (570) 622-3742
Rapho Township Lancaster County	PAG2003607055	G & L Developers 1003 Cornerstone Drive Mount Joy, PA 17552	UNT Little Chickies Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Spring and Tyrone Townships Perry County	PAG2035007010	Mary Jane Morrow/William Morrow 64 Miller Lane Landisburg, PA 17040	Green Valley Run CWF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068
Clearfield County Morris Township	PAG2001707011	Emigh Run Lakeside Watershed Association P. O. Box 204 Morrisdale, PA 16858	Emigh Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Columbia County Millville Borough	PAG2001907006	Monte R. Farr 254 Applegate Road Millville, PA 17846	Little Fishing Creek CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, Ext. 102
Allegheny County Kilbuck Township	PAG2050207001	Wal-Mart Real Estate Trust 2001 SE 10th Street Berntonville, AR 72716-0550	UNT Ohio River WWF	Allegheny County CD (412) 241-7645
Cambria County Cresson Township	PAG2001107005	Municipal Authority of the Borough of Cresson 631 Second Street Suite 1001 Cresson, PA 16630	Little Conemaugh River CWF	Cambria County CD (814) 472-2120

NOTICES

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<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Cambria County Richland Township	PAG2001107007(1)	Hi-Way Paving, Inc. 4343 Weaver Court, North P. O. Box 550 Hilliard, OH 43026-0550	UNT Solomon Run and UNT Clapboard Run WWF UNT Sandy Run CWF	Cambria County CD (814) 472-2120
Fayette County Upper Tyrone Township	PAG2002607017	Eugene Lewandowski 1 Wedding Lane Mt. Pleasant, PA 15666	Jacobs Creek WWF	Fayette County CD (724) 438-4497
Greene County Perry Township	PAG2003007008	Chesapeake Energy 6100 North Western Avenue Oklahoma City, OK 73154-4096	UNT to Dunkard Creek WWF	Green County CD (724) 852-5278
Westmoreland County City of Jeannette	PAG2006507023	Douglas Pike City of Jeannette Mun. Authority P. O. Box 294 Penn, PA 15675	Brush Creek TSF	Westmoreland County CD (724) 837-5271
Westmoreland County Rostraver Township	PAG2006507030	Ron Wolf Maronda Homes, Inc. 202 Park West Drive Pittsburgh, PA 15275	UNT to Pollock Run WWF	Westmoreland County CD (724) 837-5271
Butler County Adams Township	PAG2001007011	Christopher Kaclik Taylor Ridge Associates 215 Executive Drive Suite 300 Cranberry PA 16066	UNT Breakneck Creek WWF	Butler Conservation District (724) 284-5270
Butler County Cranberry Township	PAG2001007014	Trammell Crow Development & Investment Inc. 800 Cranberry Woods Drive Cranberry Township, PA 16066	Brush Creek WWF	Butler Conservation District (724) 284-5270
Lawrence County Perry Township	PAG2003707003	Eric Heintzenrater 5552 SR 0488 Portersville, PA 16051	UNT Slippery Rock Creek CWF	Lawrence Conservation District (724) 652-4512
Mercer County City of Hermitage	PAG2004307006	Mercer County Commissioners 100 North Diamond Street Mercer, PA 16137	Pine Hollow Run WWF	Mercer Conservation District (724) 662-2242
Clearfield County Huston Township	PAG2091707005	Bureau of Abandoned Mine Reclamation Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119	Bennett Branch Sinnemahoning Creek WWF	Department of Environmental Protection Cambria Office 286 Industrial Park Road Ebensburg, PA 15931-4119 (814) 472-1800

General Permit Type—PAG-3

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lancaster County Manheim Township	PAR143527	International Paper 801 Fountain Avenue Lancaster, PA 17601-4532	Conestoga River WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<i>Facility Location & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Menallen Township Fayette County	PAR606182	Route 51 Auto & Truck Parts 907 Old Route 51 Smock, PA 15480	Redstone Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Industry Borough Beaver County	PAR806183	Kinder Morgan—Arrow Terminals 2341 Midland Beaver Road Industry, PA 15052-1709	Six Mile Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Industry Borough Beaver County	PAR806182	Kinder Morgan—Arrow Terminals 2701 Midland Beaver Road Industry, PA 15052-1709	Ohio River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Derry Borough Westmoreland County	PAR806225	Department of Military and Veterans Affairs Building 0-11 Fort Indiantown Gap Annville, PA 17003-5002	McGee Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
North Apollo Borough Armstrong County	PAR606140	North Apollo Auto Wrecking, Inc. P. O. Box 466 River Street North Apollo, PA 15673	Kiskiminetas River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Mahoning Township Lawrence County	PAR238304	Lawrence J. Rick, Jr. SealMaster Manufacturing of PA, Inc. P. O. Box 282 Hillsville, PA 16132-0282	UNTs to the Mahoning River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-4

<i>Facility Location County & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Big Beaver Borough Beaver County	PAG046351	Michael Otlowski 206 Golf Avenue Ellwood City, PA 16117	UNT of Beaver River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Cherrytree Township Venango County	PAG049359	Susan L. Andrako 114 East Troy Road Titusville, PA 16354-7082	UNT to Prather Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

<i>Facility Location County & Municipality</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Shenango Township Mercer County	PAG049362	Charles E. Gulland 2576 North Neshannock Road Hermitage, PA 16148-6444	Turkey Run 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Stoneboro Borough Mercer County	PAG048766	Faith Miller 40 Kayser Road Stoneboro, PA 16153-2432	UNT of Sawmill Run 16-G	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Hayfield Township Crawford County	PAG046364	Ronald E. and Ruth E. Haskins 20511 Broadford Road Saegertown, PA 16433	French Creek 16-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

General Permit Type—PAG-8 (SSN)

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Carbon Township Huntingdon County	PAG083593	Borough of Broad Top City P. O. Box 220 Broad Top City, PA 16621	Greater Broad Top Area Sportsmen's Property Carbon Township Huntingdon County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707
Tilden and Upper Bern Townships Berks County	PAG080002 PAG080003 PAG080004 PAG080006 PAG080008 PAG080018 PAG082201 PAG082203 PAG082211 PAG083501 PAG083502 PAG083506 PAG083515 PAG083517 PAG083518 PAG083522 PAG083535 PAG083540 PAG083542 PAG083547 PAG083551 PAG083556 PAG083565 PAG083567 PAG083596 PAG083825 PAG089903 PAG089904 PAG089905	Synagro 1605 Dooley Road P. O. Box B Whiteford, MD 21160	Crivalarro Farm Tilden and Upper Bern Townships Berks County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

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 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 free 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

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

Permit No. 2409011, Operations Permit, Public Water Supply.

Applicant	Pennsylvania American Water 800 West Hersheypark Drive Hershey, PA 17033 Plains Township
County	Luzerne
Type of Facility	PWS
Consulting Engineer	N/A
Permit to Operate Issued	July 27, 2007

Permit No. 2646542, Operations Permit, Public Water Supply.

Applicant	Brian J. Worobey d/b/a Worobey Transport 2047 Crosstown Highway P. O. Box 72 Preston Park, PA 18455-0072 Buckingham Township
County	Wayne
Type of Facility	BVRB
Consulting Engineer	N/A
Permit to Operate Issued	July 27, 2007

Permit No. 4586502MA, Minor Amendment, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc. Palmyra Professional Center HC 6, Box 6040 Palmyra, PA 18428 Barrett Township
County	Monroe
Type of Facility	PWS

Consulting Engineer	Douglas E. Berg, P. E. Entech Engineering, Inc. P. O. Box 32 Reading, PA 19603
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Permit to Construct Issued	August 13, 2007
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Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.

Permit No. 4496551—Operation, Public Water Supply.

Applicant	Bruce Shoch Spring Water
Township or Borough	Upper Augusta Township
County	Northumberland
Responsible Official	Douglas Shoch Bruce Shoch Spring Water P. O. Box 209 Sunbury, PA 17801

Type of Facility	Public Water Supply—Operation
Consulting Engineer	N/A
Permit Issued Date	August 17, 2007
Description of Action	Operation of ozonation equipment and changes the existing classification to a bulk water hauling system.

Permit No. 5984503—Operation, Public Water Supply.

Applicant	Mansfield Municipal Authority
Township or Borough	Mansfield Borough
County	Tioga
Responsible Official	Ronald Weed Municipal Authority of the Borough of Mansfield 19 East Wellsboro Street Mansfield, PA 16933

Type of Facility	Public Water Supply—Operation
Consulting Engineer	Kirt L. Ervin, P. E. US Engineering, LLC 75 Jardin Circle Highland, IL 62249
Permit Issued Date	August 21, 2007
Description of Action	Approval of Clearwell baffles, piping changes for Well No. 3 and adding separate chlorine and fluoride systems for the groundwater system. Operation of the tank.

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

Permit No. 6507505, Public Water Supply.

Applicant	Municipal Authority of Westmoreland County 6064 Route 30 P. O. Box 730 Greensburg, PA 15601
Borough or Township	Bell Township

County **Westmoreland**
 Type of Facility George Sweeney Water Treatment Plant
 Consulting Engineer
 Permit to Construct August 15, 2007
 Issued

Permit No. 0307501, Public Water Supply.

Applicant **Parks Township Municipal Authority**
 1106 Highland Avenue
 Vandergrift, PA 15690
 Borough or Township Parks Township
 County **Armstrong**
 Type of Facility Parks-Bethel water system extension
 Consulting Engineer Bankson Engineers, Inc.
 267 Blue Run Road
 P. O. Box 200
 Indianola, PA 15051
 Permit to Construct August 15, 2007
 Issued

Permit No. 0407506MA, Minor Amendment. Public Water Supply.

Applicant **Beaver Falls Municipal Authority**
 1425 Eighth Avenue
 Beaver Falls, PA 15010
 Borough or Township West Mayfield Borough
 County **Beaver**
 Type of Facility Water treatment plant
 Consulting Engineer Michael Baker Jr., Inc.
 4301 Dutch Ridge Road
 Beaver, PA 15009
 Permit to Construct August 15, 2007
 Issued

Permit No. 2607501MA, Minor Amendment. Public Water Supply.

Applicant **Mountain Water Association**
 P. O. Box 297
 Fairchance, PA 15436
 Borough or Township City of Smithfield
 County **Fayette**
 Type of Facility Sutton water storage tank
 Consulting Engineer US Engineering, LLC
 75 Jardin Circle
 Highland, IL 62249
 Permit to Construct August 15, 2007
 Issued

Permit No. 1107501MA, Minor Amendment. Public Water Supply.

Applicant **Nanty Glo Water Authority**
 Borough or Township City of Nanty Glo
 County **Cambria**
 Type of Facility Revloc water storage tank

Consulting Engineer US Engineering, LLC
 75 Jardin Circle
 Highland, IL 62249
 Permit to Construct August 15, 2007
 Issued

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

Operations Permit issued to **Denny Ridge Mobile Home Park**, PWSID No. 6200037, Hayfield Township, **Crawford County**. Permit issued August 16, 2007, for the operation of existing well, Well No. 3, as a new/additional source of supply to the existing water supply system serving 25 homes. Well No. 3 was drilled in June, 2000, and meets the requirements of 25 Pa. Code § 109.602c regarding adequate construction with reliable quantity and quality for water for public use.

Operations Permit issued to **St. Marys Area Water Authority**, PWSID No. 6240016, City of St. Marys, **Elk County**. Permit issued August 21, 2007, for the operation of new filter underdrains and the backwash air-scour system, as constructed and permitted under construction permit Number 2470501-MA5, approved November 28, 2006.

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth

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

WA65-1000A, Water Allocations. **Youngstown Borough Municipal Authority**, Route 980, P. O. Box 82, Youngstown, PA 15696, **Westmoreland County**. The right to purchase 500,000 gallons of water per day (peak month, 30 day average) from the Latrobe Borough Municipal Authority.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Middlesex Township	350 North Middlesex Road Carlisle PA 17013	Cumberland

Plan Description: Approval of a revision to the Official Sewage Plan of Middlesex Township, Cumberland County. This proposal consists of the first 219 residential units of the proposed Cumberland Knoll subdivision, three pump stations and associated force mains. Sewage facilities are intended for municipal dedication. Two of the pump stations are tributary to the third (main) pump station. The projected sewage flow of 49,275 gpd will be pumped by means of a proposed force main along Country Club

Road to the existing gravity system at Oak Lane Drive. Sewage treatment will be at the Carlisle Borough Wastewater Treatment Plant. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
New Morgan Borough	75 Grace Boulevard Building D Morgantown, PA 19543	Berks County

Plan Description: The approved plan of the Bryn Eyre Phase 1 subdivision provides for a 476 lot residential subdivision, community center and 1 existing home to generate a total of 92,939 gallons of sewage per day each to be served by two proposed pump stations and the New Morgan Borough sewage treatment plant. The proposed development is located on Morgantown Road, New Morgan Borough, Berks County. 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.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Fawn Township	3054 Howes Run Road Tarentum, PA 15084	Allegheny

Plan Description: The approved plan provides for the construction of approximately 12,750 lineal feet of 8-inch PVC gravity sewer along the Lower Donnellville Road area and then along Ridge Road, which is north of the Fawn Township Elementary School. Gravity sewers will be installed to serve the existing homes and the Fawn Township Elementary School. Other areas to be sewerred include portions of Bachman Road. Approximately 60 structures (79 EDUs) currently serviced by onlot septic systems will be serviced by this sanitary line. The sanitary line will tie into an existing line located along Saxonburg Boulevard. The sewage will be treated at the Upper Allegheny Joint Sanitary Authority Sewage Treatment Plant which is maintained and operated by the Upper Allegheny Joint Sanitary Authority. The Department of Environmental Protection's review of the Sewage Facilities Plan Update Revision has not identified any significant environmental impacts resulting from this proposal. Any required WQM Permits must be obtained in the name of the Municipality of Authority as appropriate.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lower Frankford and Upper Frankford Townships	1205 Easy Road Carlisle, PA 17013 660 Mohawk Road Newville, PA 17241	Cumberland

Plan Description: Disapproval of a revision to the Official Sewage Plans of Lower Frankford and Upper Frankford Township, Cumberland County. The proposed Russell Wilson subdivision consists of the subdivision of one residential lot (Lot 18) from Lot 10. Lot 18 is also proposed to receive a lot addition from adjoining Lot 15. Lot 18 is proposed to be served by a Small Flow Treatment System (SFTS). The plan was disapproved for the following reasons:

- The planning module incorrectly identified the discharge as being to a perennial surface waterbody. The discharge is to a dry stream channel. As such, the planning module failed to identify on the topographic map all of the existing groundwater uses for 200 feet in width on each side of the channel downstream of the SFTS discharge until perennial conditions are reached.
- Since the discharge will cross property boundaries before perennial conditions are reached, property owners whose property will be impacted must be notified of the intent to discharge. Notification was not documented in the planning module submittal.
- Sufficient soils testing was not conducted on the proposed lot to document that the property is unsuitable for installation of an onlot sewage disposal system.

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 poten-

tial 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 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.

PECO Oreland Former MGP, Springfield Township, **Montgomery County**. Douglas Kier, URS Corp., 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 on behalf of Benjamin Henry, PECPO Energy Co., 2301 Market Street, S9-1, Philadelphia, PA 19101 has submitted a Remedial Investigation and Final Report concerning remediation of site soil and groundwater contaminated with other organics. The report is intended to document remediation of the site to meet the Statewide Health Standards and Site-Specific Standards.

US Steel Fairless Works Lot 5, Falls Hill Township, **Bucks County**. Jeffery Smith, Langan Engineering and Env. Svc., Inc., 30 South 17th Street, Suite 1300, Philadelphia, PA 19103 on behalf of Kathleen Mayer, United States Steel Corp., 600 Grant Street, Pittsburgh, PA 15219 has submitted a Final Report concerning remediation of site soil contaminated with inorganics and chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Schimek Residence, Towanencin Township, **Montgomery County**. Richard D. Trimpi, Trimpi Associates Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Lisa Neimann, State Farm, P. O. Box 13, Concordville, PA 19331 on behalf of Richard Schimek, 2085 Creek Way, Lansdale, PA 1446 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standards.

Yang Property, City of Philadelphia, **Philadelphia County**. Phil Gray, Phoenix Geoenvironmental, LLC, 445 Bethlehem Pike, Suite 108, Colmar, PA 18915 on behalf of Hang Yang, c/o Aarch Realty, LLC, 1001 South 11th Street, Philadelphia, PA 19147 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with MTB and other organics. The report is intended to document remediation of the site to meet the Site-Specific Standards.

Comfort Inn Trevoise, Bensalem Township, **Bucks County**. Terry Harris, Boucher & James, Inc, Fountainville Professional Building, 1456 Ferry Road, Building 500, Doylestown, PA 18901 on behalf of Hansa Patel, Vihar Bensale, LP, 2779 Route 1 North, Trevoise, PA 19053 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with unleaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standards.

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

Rite Aid No. 170/East Stroudsburg Carwash Property, East Stroudsburg Borough, **Monroe County**. Martin P. Gilgallon, P. G., Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 has submitted a Final Report (on behalf of his client, Samuel M. D'Alessandro, P. O. Box 268, 112 North Courtland Street, East Stroudsburg, PA 18301), concerning the remediation of soils found to have been impacted by total lead contaminants. The report was submitted in order to document attainment of the Site-Specific Standard. A public notice regarding the submittal of the final report was published in the *Pocono Record* on July 25, 2007.

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

Central Pennsylvania Transportation, Inc., City of Lancaster, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Central Pennsylvania Transportation, Inc., 425 Steel Way, Lancaster, PA 17601 and WeeBee Audio, 1305A Manheim Pike, Lancaster, PA 17601-3123 submitted a Final Report concerning remediation of site soils contaminated with diesel fuel and used motor oil from a truck fire. The report is intended to document remediation of the site 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 re-

quired 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 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.

Salmon and Butler Streets Site, City of Philadelphia **Philadelphia County**. Justin Lauterbach, RT Env. Svc., Inc., 510 Heron Drive, Suite 306, P. O. Box 521, Bridgeport, NJ 08014 on behalf of Brad Ullery, Target Corp., 1-000 Nicollet Mall, TPN-0725, Minneapolis, MN 55403 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with inorganics and PAH's. The Final Report demonstrated attainment of the Statewide Health Standards and Site-Specific Standards was approved by the Department on August 7, 2007.

Deibler Elementary School, East Rockhill Township **Bucks County**. Mark Smith, Spotts, Stevens, and McCoy, Inc., 1047 North Park Road, P. O. Box 6307, Reading, PA 19610 on behalf of Jeff Loeffler, Pennridge School District, 410 East Walnut Street, Perkasie, PA 18944 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standards and was approved by the Department on August 9, 2007.

Toth Residence, Haverford Avenue **Delaware County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18973 on behalf of Kevin Toth, 1214 Bon Air Avenue, Havertown, PA 19083 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 Standards and was approved by the Department on August 8, 2007.

Vacant Lot Philadelphia, City of Philadelphia, **Philadelphia County**. Emily Cleaver, Kleinfelder, 800 East Washington Street, West Chester, PA 19380, Matt Overbaugh, Kleinfelder, 800 East Washington Street, West Chester, PA 19380, on behalf of Craig Pierre, Presby's Insired Life, 2000 Joshua Road, Lafayette Hill, PA 19444 has submitted a Final Report concerning the remediation of site soil contaminated with lead and PAH's. The Final Report demonstrated attainment of the Statewide Health Standards and was approved by the Department on August 9, 2007.

Comfort Inn Trevoese, Bensalem Township, **Bucks County**, Terry Harris, Bouche & James, Inc.,

Fountainville Professional Building, 1456 Ferry Road, Building 500, Doylestown, PA 18901, on behalf of Hansa Patel, Vihar Bensalem, LP, 2779 Route 1 North, Trevoese, PA 19053 has submitted a Remedial Investigation Report concerning the remediation of site soil and groundwater contaminated with unleaded gasoline. The Remedial Investigation Report was disapproved by the Department on August 2, 2007.

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

Sand Island Site, City of Bethlehem, **Northampton County**. Sean M. Damon, P. G., Langan Engineering and Environmental Services, Inc., P. O. Box 1569, Doylestown, PA 18901-0219 submitted a Final Report (on behalf of his client, City of Bethlehem, Department of Parks and Recreation, 10 East Church Street, Bethlehem, PA 18010-6025), concerning the remediation of site soils found to have been impacted by volatile organics, base neutrals and acid extractables, priority pollutant metals, polychlorinated biphenyls and pesticides. The report documented attainment of the Statewide Health Standard and the Site-Specific Standard for soils and was approved on August 14, 2007.

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

McCoy Electronics Facility, Mercersburg Borough, **Franklin County**. Weston Solutions, Inc., 1400 Weston Way, Suite 2653, West Chester, PA 19380, on behalf of Spirit Washers, 95 Fox Road, Mercersburg, PA 17236 and Corning, Inc., HP-ME-02-50, Corning, NY 14831, submitted a Remedial Investigation and Risk Assessment Report concerning the remediation of site soils and groundwater contaminated with chlorinated solvents and cobalt. The reports were approved by the Department on August 15, 2007.

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.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

GP3-22-03074: Pennsy Supply, Inc. (P. O. Box 3331, Harrisburg, PA 17105) on August 9, 2007, for a Portable Nonmetallic Mineral Processing Plant under GP3 in South Hanover Township, **Dauphin County**.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Thomas McGinley, New Source Review Chief, (484) 250-5920.

46-0061A: Department of Corrections—SCI Graterford (Graterford Road, Graterford, PA 19462) on August 21, 2007, to operate a multicyclone dust collector on No. 3 in Skippack Township, **Montgomery County**.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Thomas McGinley, New Source Review Chief, (484) 250-5920.

46-0029A: Glasgow, Inc. (P. O. Box 1089, Glenside, PA 19038) on August 15, 2007, to operate a replacement of particulate control in Montgomery Township, **Montgomery County**.

09-0124E: Fairless Energy, LLC (5000 Dominion Boulevard, Glen Allen, VA 23060) on August 15, 2007, to operate a 31.9 mmBtu/hr gas fired preheater in Falls Township, **Bucks County**.

15-0009B: AGC Chemicals Americas, Inc. (255 South Bailey Road, Downingtown, PA 19335) on August 16, 2007, to operate a fluid bed dryer in Caln Township, **Chester County**.

09-0112B: Superior Woodcraft, Inc. (160 North Hamilton Street, Doylestown, PA 18901) on August 20, 2007, to operate a re-evaluate current surface coating in Doylestown Borough, **Bucks County**.

15-0098B: Cephalon, Inc. (145 Brandywine Parkway, West Chester, PA 19380) on August 20, 2007, to operate a 100-gallon reactor in Charlestown Township, **Chester County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.

18-315-001B: First Quality Tissue, LLC (904 Woods Avenue, Lock Haven, PA 17745) on August 1, 2007, to modify the allowable VOC content for the transfer glue used on a paper machine from .17 pound per gallon to .01 pound per gallon, to modify the allowable usage rate of the laminating glue used from 800 gallons per day to 4,000 gallons per day, to modify the allowable usage rate of the tail glue used from 775 gallons per day to 1,100 gallons per day, to modify the allowable usage rate of the transfer glue used from 151 gallons per day to 300 gallons per day, to modify the allowable usage rate of the core glue used from 344 gallons per day to 700 gallons per day, to modify the annual VOC emission limit for glue use from 7.05 tons in any 12-consecutive month period to 6.83 tons in any 12-consecutive month period and to modify an emission reduction credit requirement in accordance with the change in the annual glue VOC emission limit in Castanea Township, **Clinton County**.

18-315-001: First Quality Tissue, LLC (904 Woods Avenue, Lock Haven, PA 17745) on August 3, 2007, to modify the allowable vapor pressure of three additives used on a paper machine from .18 millimeter of mercury to 18.0 millimeters of mercury, to extend the deadline for the performance of VOC stack testing on the paper machine while it is manufacturing tissue paper to December 1, 2007, to authorize the temporary replacement of a 13 mmBtu per hour natural gas/propane-fired paper machine dryer burner with a 9 mmBtu per hour natural gas/propane-fired burner and to extend the authorization to operate the paper machine on a temporary basis to December 1, 2007, in Castanea Township, **Clinton County**.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, William Charlton, New Source Review Chief, (412) 442-4174.

26-00562A: Coastal Lumber Co. (3302 Lobban Place, Charlottesville, VA 22903) on August 7, 2007, to authorize construction of a wood fired boiler rated at 13.8 mmBtu/hr at the Coastal Lumber Company's (CLC) Hopwood Sawmill in South Union Township, **Fayette County**. CLC has changed equipment vendors and will now install a 15.4 mmBtu/hr boiler manufactured by AFS Energy Systems. There will be no change in any emission limitation. The following conditions have been revised to reflect the new boiler and will appear in Plan Approval PA-26-00562A:

- This Plan Approval is for the construction of a wood fired boiler rated at 15.4 mmBtu/hr at the CLC facility located in Hopwood, Fayette County. The following is a list of equipment that will be added to this facility. (25 Pa. Code § 127.12b)

- One AFS 15.4 mmBtu/hr Boiler.
- A two unit multicclone collector system.
- Two Joe Hill cyclones.

- The emissions from the 15.4 mmBtu/hr AFS Boiler shall be limited to the following: (25 Pa. Code § 127.12b)

<i>Pollutant</i>	<i>Pounds per mmBtu</i>	<i>Pounds per Hour</i>	<i>Tons per Year</i>
PM	0.25	3.45	15.11
CO		8.28	36.27
NOx		3.03	13.29

04-00681B: Joseph J. Brunner, Inc. (211 Brunner Road, Zelienople, PA 16063) on August 17, 2007, to allow applicant time to submit a State-only Operating Permit application for their Brunner Landfill in New Sewickley Township, **Beaver County**. This plan approval was extended.

30-00148A: Dana Mining Company of PA (P. O. Box 1170, Morgantown, WV 26507) on August 21, 2007, for a plan approval modification to allow the operation of an additional screen, to change control requirements to water sprays and to allow an increase in the maximum allowable throughput to 1,980,000 tpy at their 4-West Deep Mine coal preparation plant located in Dunkard Township, **Greene County**.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

15-00002: Quebecor World Atglen, Inc. (4581 Lower Valley Road, West Sadsbury Township, PA 19310) on August 20, 2007, to renew their Title V Operating Permit issued on November 7, 2001 in **Chester County**. The facility is a printing company that employs two printing processes—publication rotogravure and in a very limited circumstances, flexography—to provide printing to the publishing industry. As a result of potential emissions of VOCs, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not reflect any change in air emissions from the facility. The facility is not subject to the Compliance Assurance Monitoring regulation under 40 CFR Part 64. The renewal

contains all applicable requirements including monitoring, recordkeeping and reporting.

09-00006: United States Steel Corp.—Fairless Works (Pennsylvania Avenue, Fairless Hills, PA 19030) on August 21, 2007, to renew their Title V Operating Permit in Falls Township, **Bucks County**. The initial permit was issued on December 19, 2001. The facility is primarily used for secondary processing, galvanizing of steel sheet products. As a result of potential emissions of NO_x, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. Several sources in the initial Title V Permit were deactivated, and the sources were removed from this Title V Permit Renewal. The proposed Title V Operating Renewal does not adopt any new regulations. The facility is not subject to Compliance Assurance Monitoring under 40 CFR Part 64. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

46-00224: Harleysville Mutual Insurance Co. (355 Maple Avenue, Harleysville, PA 19438) on August 21, 2007, for a State-only, Synthetic Minor Operating Permit in Lower Salford Township, **Montgomery County**. Boilers and generators at the facility are a major source of NO_x. The company has elected to take appropriate operating and emission restrictions to restrict NO_x emissions to below 18.2 tpy and maintain a minor operating status. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

42-00151: Werzalit of America Inc.—Bradford (40 Holley Avenue, Bradford, PA 16701-1809) on August 15, 2007, to re-issue the Natural Minor Permit to operate their furniture and fixtures manufacturing facility in **McKean County** and the City of Bradford. The facility's major emission sources include wood and wood product fired boiler, cleaver brooks boiler, wood chipping/drying process, dry chip sieve, blending/pressing (architectural cladding), finishing (architectural cladding), automatic paint spray system, boiler feed storage bin, boiler feed process and a degreaser unit.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

09-00004: Tolas Healthcare Packaging, Inc. (905 Pennsylvania Boulevard, Feasterville, PA 19053-7815) on August 21, 2007, to identify a change in ownership in accordance with 25 Pa. Code § 127.450(a)(4) in Lower

Southampton Township, **Bucks County**. Tolas Healthcare Packaging Inc. is now part of Oracle Packaging Company.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ronald Davis, New Source Review Chief, (717) 705-4702.

22-05035: Eastern Industries, Inc. (P. O. Box 177, Winfield, PA 17889-0177) on August 7, 2007, to operate their Elizabethville Quarry in Washington Township, **Dauphin County**. This operating permit was administratively amended to incorporate plan approval 22-05035A. This is revision No. 1.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.

14-00034: Jostens, Inc. (401 North Science Park Road, State College, PA 16803) on August 15, 2007, in accordance with the minor operating permit modification requirements of 25 Pa. Code § 127.462, to authorize changes in the materials which are allowed to be used in various printing presses as well as changes in the allowable material usage rates in Ferguson Township, **Centre County**.

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

11-00062: Quaker Sales Corp.—North Cambria Facility (P. O. Box 1128, 336 Shawna Road, Northern Cambria, PA 15174) on July 17, 2007, a Minor Operating Permit Modification to their State-only Operating Permit for equipment replacement that took place at this facility located Susquehanna Township, **Cambria County**.

65-00634: Dominion Transmission Inc.—Tonkin Compressor Station (501 Martindale Street, Suite 400, Pittsburgh, PA, 15212) on August 15, 2007, the facility's major source of emissions include two internal combustion engines and a space heating boiler which primarily emit NO_x as well as small quantities of fugitive VOC emissions from facility pumps, valves, flanges, and the like. The permit is being amended to re-include a condition that requires submission of the Compliance Certification form annually on March 1 for the facility in Murrysville Borough, **Westmoreland County**.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

Permit Number 30841310 and NPDES Permit No. PA0046132, Duquesne Light Company, 1800 Seymour Street, Pittsburgh, PA 15233-1134, to renew the permit for the Warwick Mine No. 3 in Dunkard, Perry, Greene and Whiteley Townships, **Greene County** and related NPDES permit for reclamation only. No additional discharges. Application received March 20, 2007. Permit issued August 10, 2007.

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

56860106 and NPDES Permit No. PA0597716, Three S Coal Company, Box 337, Stoystown, PA 15563, permit renewal for reclamation only of a bituminous surface auger mine in Shade Township, **Somerset County**, affecting 66.0 acres. Receiving streams: UNT to and Coal Run and Dark Shade Creek classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 20, 2007. Permit issued August 9, 2007.

11070101 and NPDES No. PA0262285. R. J. Coal Company, P. O. Box 277, LaJose, PA 15753 commencement, operation and restoration of a bituminous surface mine in Elder Township, **Cambria County**, affecting 24.2 acres. Receiving streams: Chest Creek; Brubaker Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 4, 2007. Permit issued August 14, 2007.

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

16000101 and NPDES Permit No. PA0241695. Glenn O. Hawbaker, Inc., 1952 Waddle Road, State College, PA 16803. Transfer of an existing bituminous strip operation from Milestone Crushed, Inc. in Richland and Licking Townships, **Clarion County** affecting 83.6 acres. Receiving streams: UNTs to the Clarion River. Application received May 23, 2007. Permit Issued August 10, 2007.

61070101 and NPDES Permit No. PA0258296. Ben Hal Mining Company, 389 Irishtown Road, Grove City, PA 16127. Commencement, operation and restoration of a bituminous strip operation in Clinton Township, **Venango County** affecting 16.5 acres. Receiving streams: UNT to Gilmore Run and Gilmore Run. Application received April 10, 2007. Permit Issued August 13, 2007.

33860107 and NPDES Permit No. PA0107123. Terry Coal Sales, Inc., P. O. Box 58, Distant, PA 16223. Renewal of an existing bituminous strip operation in Perry and Oliver Townships, **Jefferson County** affecting 67.0 acres. This renewal is issued for reclamation only. Receiving stream: Big Run. Application received April 30, 2007. Permit Issued August 14, 2007.

33020101 and NPDES Permit No. PA0242047. Cookport Coal Co., Inc., 425 Market Street, Kittanning, PA 16201. Renewal of an existing bituminous strip operation in Perry Township, **Jefferson County** affecting 85.5 acres. This renewal is issued for reclamation only. Receiving streams: UNT to Mahoning Creek. Application received June 29, 2007. Permit Issued August 15, 2007.

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

17070102 and NPDES No. PA0256480. AMFIRE Mining Company, LLC, One Energy Place, Latrobe, PA 15650. Commencement, operation and restoration of a bituminous surface mine in Girard Township, **Clearfield County**, affecting 95.5 acres. Receiving streams: Bald Hill Run and UNTs to Bald Hill Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 17, 2007. Application returned February 8, 2007.

17970113 and NPDES No. PA0220698. Sky Haven Coal, Inc., 5510 State Park Road, Penfield, PA 15849, permit renewal for reclamation only of a bituminous surface mine in Bell Township, **Clearfield County**, affecting 23 acres. Receiving stream: Deer Run to the West Branch of the Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received July 20, 2007. Permit issued August 13, 2007.

14040102 and NPDES No. PA0243850. River Hill Coal Co., Inc., P. O. Box 141, Kylertown, PA 16847. Commencement, operation and restoration of a bituminous surface mine in Snow Shoe Township, **Centre County**, affecting 60.1 acres. Receiving streams: UNTs to North Fork of Beech Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 14, 2004. Permit issued August 13, 2007.

14040103 and NPDES No. PA0243876. River Hill Coal Co., Inc., P. O. Box 141, Kylertown, PA 16847. Commencement, operation and restoration of a bituminous surface mine in Snow Shoe Township, **Centre County**, affecting 46.7 acres. Receiving streams: UNTs to North Fork of Beech Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 14, 2004. Permit issued August 13, 2007.

Noncoal Permits Actions

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

16970307 and NPDES Permit No. PA0227609. Glenn O. Hawbaker, Inc. (1952 Waddle Road, State College, PA 16803) Transfer of an existing limestone operation from Milestone Crushed, Inc. in Beaver, Richland and Licking Townships, **Clarion County** affecting 111.3 acres. Receiving streams: UNT to Turkey Run. Application received May 23, 2007. Permit Issued August 10, 2007.

25070303. Ray Showman Jr. Excavating, Inc. (P. O. Box 646, Waterford, PA 16441) Commencement, operation and restoration of a topsoil, sand and gravel operation in LeBoeuf Township, **Erie County** affecting 30.0 acres. Receiving streams: UNT to French Creek and French Creek. Application received March 21, 2007. Permit Issued August 13, 2007.

5834-25070303-E-1. Ray Showman Jr. Excavating, Inc. (P. O. Box 646, Waterford, PA 16441) Application for a stream encroachment to conduct mining activities within 100 feet of UNT to French Creek in LeBoeuf Township, **Erie County**. Receiving streams: UNT to French Creek and French Creek. Application received March 21, 2007. Permit Issued August 13, 2007.

16990301 and NPDES Permit No. PA0241521. Glen-Gery Corporation (P. O. Box 7001, Wyomissing, PA 19610) Revision to an existing clay and limestone operation to add mineral processing in Monroe Township, **Clarion County** affecting 211.0 acres. Receiving streams:

UNTs to Reids Run and Reids Run. Application received April 27, 2007. Permit Issued August 14, 2007.

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

59060802. Herman Bishop (2334 Farm Road, Roaring Branch, PA 17765). Commencement, operation and restoration of a shale operation in Liberty Township, **Tioga County**, affecting 5.0 acres. Receiving streams: Little Elk Run, tributary to Roaring Branch. Application received December 19, 2006. Permit issued August 8, 2007.

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

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

14074014. Glenn O. Hawbaker, Inc., P. O. Box 135, State College, PA 16804, construction blasting for 329 Innovation Boulevard, Penn State Innovation Park, located in College Township, **Centre County**. Permit issued August 9, 2007. Permit expires August 1, 2008.

14074015. Douglas Explosives, Inc., P. O. Box 77, Philipsburg, PA 16866, construction blasting for the Mark and Doris Kauffman subdivision located in Gregg Township, **Centre County**. Permit issued August 14, 2007. Permit expires November 1, 2007.

17074002. Sky Haven Coal, Inc., 5510 State Park Road, Penfield, PA 15849, blasting for Ridge Road GFCC located in Girard Township, **Clearfield County**. Permit issued August 9, 2007. Permit expires May 31, 2009.

17074003. Wampum Hardware Co., 636 Paden Road, New Galilee, PA 16141, blasting for River Hill Power Co., LLC located in Karthaus Township, **Clearfield County**. Permit issued August 9, 2007. Permit expires August 9, 2008.

59074002. Phoenix Resources Landfill, 782 Antrim Road, Wellsboro, PA 16901, blasting for Phoenix Resource Landfill located in Duncan Township, **Tioga County**. Permit issued August 14, 2007. Permit expires July 1, 2008.

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

06074002. PACT Construction, Inc., P. O. Box 74, Ringoes, NJ 08551, construction blasting for the Northern Sanitary Sewer Collection and Conveyance System in Upper Bern Township, **Berks County** with an expiration date of September 7, 2008. Permit issued August 14, 2007.

15074115. American Rock Mechanics, Inc., 7531 Chestnut Street, Zionsville, PA 18092, construction blasting for Granite Village at St. Peters in Warwick Township, **Chester County** with an expiration date of December 31, 2008. Permit issued August 14, 2007.

22074122. Hayduk Enterprises, Inc., 257 Riverside Drive, Factoryville, PA 18419, construction blasting for Milton Hershey School in South Hanover Township, **Dau-**

phin County with an expiration date of August 31, 2008. Permit issued August 14, 2007.

22074123. Abel Construction Co., Inc., P. O. Box 476, Mountville, PA 17554, construction blasting for Maplewood Development in Susquehanna Township, **Dauphin County** with an expiration date of August 13, 2008. Permit issued August 14, 2007.

22074124. American Rock Mechanics, Inc., 7531 Chestnut Street, Zionsville, PA 18092, construction blasting for Milton Hershey School Pump Stations 1 and 2 in South Hanover Township, **Dauphin County** with an expiration date of December 31, 2008. Permit issued August 14, 2007.

46074117. American Rock Mechanics, Inc., 7531 Chestnut Street, Zionsville, PA 18092, construction blasting for Baldwin School Athletic Field in Lower Merion Township, **Montgomery County** with an expiration date of December 31, 2008. Permit issued August 14, 2007.

51074101. Ed Wean Drilling & Blasting, Inc., 112 Ravine Road, Stewartsville, NJ 08886, construction blasting for Chop Civic Center in the City of Philadelphia, **Philadelphia County** with an expiration date of August 13, 2008. Permit issued August 14, 2007.

36074190. Dyno Nobel, Inc., 1320 Galiffa Drive, Donora, PA 15033, construction blasting for Elm Tree Properties in Mt. Joy Borough and Rapho Township, **Lancaster County** with an expiration date of August 30, 2008. Permit issued August 15, 2007.

46074118. Brubacher Excavating, Inc., P. O. Box 528, Bowmansville, PA 17507, construction blasting for Allied Wire & Cable in Perkiomen Township, **Montgomery County** with an expiration date of August 10, 2008. Permit issued August 15, 2007.

67074140. Dyno Nobel, Inc., 1320 Galiffa Drive, Donora, PA 15033, construction blasting for Old Forge Development in Fairview Township, **York County** with an expiration date of August 30, 2008. Permit issued August 15, 2007.

67074141. M & J Explosives, Inc., P. O. Box 608, Carlisle, PA 17013, construction blasting for Regents Glen in Spring Garden Township, **York County** with an expiration date of August 31, 2008. Permit issued August 17, 2007.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O.

Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania 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 free 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 Flood Plain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 §§ 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

Northeast Regional Office, Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E48-382. Jaindl Land Company, 3150 Coffeetown Road, Orefield, PA 18069. Allen Township, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a wooden pedestrian bridge having a span of 36 feet and a maximum underclearance of 6 feet across Dry Run (CWF) with two access ramps having lengths of 41 feet and 37 feet. The purpose of the bridge is to provide a safer access to areas north of Dry Run without having to walk along the busy Willowbrook Road. The project is located approximately 40 feet upstream of Willowbrook Road (Catasauqua, PA Quadrangle N: 10.9 inches; W: 13.2 inches). (Subbasin: 2C)

E48-374. Stephen and Lisa Laubach, 316 Persimmon Lane, Bangor, PA 18013-6039, Upper Mount Bethel Township, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 4-inch diameter sanitary sewer line stream crossing in a tributary to Martins Creek and adjacent wetlands. This work is associated with the construction of a proposed house on the east side of Township Road T743 (Fox Gap Road) (Stroudsburg, PA Quadrangle N: 7.3 inches; W: 12.0 inches).

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

E06-626: Arrowhead Industrial Park, Robert G. Ciccone, P. O. Box 86 Bath, PA 18014-0086, Maxatawny Township, **Berks County**, ACOE Philadelphia District.

To operate and maintain the following existing impacts: (A) approximately 952.0-linear feet of fill in the existing stream channel; (B) a 423.0-foot long, 36.0-inch HDPE pipe stream enclosure; (C) a 672.0-foot long grass relocated channel connected to the above mentioned 36.0-inch HDPE pipe (B); and (D) a 128.0-foot long 38.0-inch by 60.0-inch elliptical RCP culvert located under Delaware Avenue all in a UNT to Mill Creek (TSF). The applicant also proposes the following impacts: (A) the construction and maintenance of a 163.0-foot long, 18.0-inch HDPE culvert pipe stream enclosure in a UNT to Mill Creek (TSF) at Delaware Avenue; and (B) the relocation and maintenance of 113.0 feet of a UNT to Mill Creek (TSF) for roadway widening, located along Long Lane (Topton, PA Quadrangle N: 9 inches; W: 15 inches, Latitude: 40° 32' 12.2"; Longitude 75° 44' 8.4") in Maxatawny Township, Berks County.

E38-124. Lebanon Valley College, Annville, PA 17003 in Annville Township, **Lebanon County**, ACOE Baltimore District.

To construct and maintain: (1) about 600 feet of stream channel relocation of a UNT to Quittapahilla Creek (TSF); (2) a waived of permit requirements, 114-foot long, 10-inch diameter PVC pipe stream enclosure in the UNT to Quittapahilla Creek (TSF); (3) a 0.6 acre wetland area as mitigation to conducting unpermitted activities involving excavation in the stream channel of the UNT to Quittapahilla Creek (TSF), excavation and placing fill in 0.25 acre of associated wetlands as part of the development of a supply and recreation jurisdictional stormwater detention pond which controls stormwater runoff from a vehicle parking area associated with an athletic facility located on the Campus of Lebanon Valley College (Palmyra, PA Quadrangle N: 15.5 inches; W: 1.7 inches).

E36-823. Rapho Township, 971 North Colebrook Road, Manheim, PA 17545, Rapho and West Hempfield Townships, **Lancaster County**, ACOE Baltimore District.

To: (1) construct and maintain a 15-inch RCP stormwater outfall to Chickies Creek; (2) remove an existing single-lane two span steel stringer bridge having a total span of 67.5 feet, a width of 15.8 feet and minimum underclearance of 12.85 feet; and (3) construct and maintain a two-lane two span spread box beam bridge having a normal span of 73.6 feet, a width of 31.4 feet and a minimum underclearance of 14.89 feet carrying Newcomer Road (T-677) over Chickies Creek (WWF) at a point approximately 1,500 feet west of its intersection with Eby Chiques Road (T-364) (Columbia East, PA Quadrangle; N: 18.1 inches; W: 11.3 inches, Latitude 40° 05' 57"; Longitude: 76° 27' 23") in Rapho and West Hempfield Townships, Lancaster County. The applicant is proposing to use temporary cofferdams and a causeway during the construction of this bridge.

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

E02-1522. Lowries Run Road Trust Agreement, 500 Lowries Run Road, Pittsburgh, PA 15237. To operate and maintain concrete wall in Ross Township, **Allegheny County**, Pittsburgh ACOE District. (Emsworth, PA Quadrangle N: 6.0 inches; W: 7.99 inches and Latitude: 40° 31' 59"; Longitude: 80° 3' 27"). To operate and maintain an existing duro block jumbo concrete wall approximately 10.0 feet high and 380.0 feet in length along the right descending bank of Lowries Run (TSF) for the purpose of stabilizing the right bank of said stream. The project site

is located at 500 Lowries Run Road, approximately 1,600.0 feet west from the intersection of Lowries Run Road and Rochester-Lowries Run Road.

E63-591. Bradford B. Owen, Jr., 228 Plumsock Road, Amity, PA 15311-1418. To construct a bridge in Morris Township, **Washington County**, Pittsburgh ACOE District. (Amity, PA Quadrangle N: 5.2 inches; W: 15.0 inches and Latitude: 40° 01' 47"; Longitude: 80° 13' 52"). To construct and maintain a bridge having a clear span of 50 feet and an underclearance of 7 feet across Tenmile Creek (TSF) on a proposed driveway approximately 200 feet downstream of the existing structure to improve the sight distance and to provide access to the property from SR 2020.

E65-900. Shepler Yard Associates, P. O. Box 483, Fayette City, PA 15438. To construct a transloading (dock) facility in Rostraver Township, **Westmoreland County**, Pittsburgh ACOE District. (Donora, PA Quadrangle N: 6.45 inches; W: 16.2 inches and Latitude: 40° 09' 39"; Longitude: 79° 52' 04"). To construct and maintain a transloading barge dock facility in the Monongahela River (WWF) right bank Mile Post 38.35 by excavating a notch below normal pool elevation 26 feet landward and 700 feet parallel to the river and placing four standard barges with four identical barges atop as the facilities area. The mooring area for the barges will have a width of 130 feet riverward and a length of 1,400 feet.

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

E20-437, John N. Jay, 2708 Camelot Drive, Columbiana, OH 44408. Jay Recreational Dock Amendment, in Sadsbury Township, **Crawford County**, ACOE Pittsburgh District (Conneaut Lake, PA Quadrangle N: 3.75 inches; W: 6.5 inches).

The applicant proposes to amend Permit E20-437 which authorized John Jay to operate and maintain an existing 570 square foot pile supported dock extending approximately 90 feet from the eastern shore in Conneaut Lake along the Konneaut Trail Property Owners Association property known as Iroquois Drive Property Access approximately 2,000 feet W of SR 18 at Iroquois.

The applicant proposes to amend Permit E20-437 to construct and maintain a 500 square foot removable

aluminum dock supported extending approximately 110 feet from the eastern shore in Conneaut Lake along the Konneaut Trail Property Owners Association property known as Iroquois Drive Property Access approximately 2,000 feet W of SR 18 at Iroquois.

SPECIAL NOTICES

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

The Department of Environmental Protection hereby announces the following grants to counties under section of 901 of the Municipal Waste Planning, Recycling and Waste Reduction Act (act) (53 P.S. § 4000.901) and section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (35 P.S. § 6029.208).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by the act, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of the act (53 P.S. §§ 4000.701 and 4000.702) and the availability of moneys in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

KATHLEEN MCGINTY,
Secretary

Act 101, Section 901 Planning Grants

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Northwest	Crawford County	Crawford County	Electronics Management Plan	\$21,040
	Butler County	Butler County	Composting Feasibility Study	\$11,858

Drinking Water State Revolving Fund

Special Notice Under the Federal Safe Drinking Water Act (SDWA); 42 U.S.C.A. § 300f et seq.

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

Project Location:

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Aqua Pennsylvania, Inc.	Palmyra Professional Center HC 6, Box 6040 Hawley, PA 18428	Barrett Township Monroe County

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The applicant, Aqua Pennsylvania, Inc., proposes the replacement of the existing, noncode compliant treatment building including all necessary appurtenances and treatment facilities; install corrosion control treatment per the Department of Environmental Protection's (Department) Lead and Copper Rule; the replacement of existing, undersized, deteriorating water mains to reduce unaccounted-for water losses and leaks due to main breaks; repaint/rehabilitate the existing 0.75 mg finished water storage tank; construction of a retaining wall to support the steep, deteriorating slope adjacent to the treatment building and storage

tank; and install fencing to enhance site safety and security. This project is identified as Pennvest Project No. 45003040705-CW (Aqua Pennsylvania, Inc.'s Mountainhome Water System Improvement Project). The Department's review of the project and the information received has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

[Pa.B. Doc. No. 07-1618. Filed for public inspection August 31, 2007, 9:00 a.m.]

Availability of Technical Guidance

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

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2007.

Ordering Paper Copies of Department Technical Guidance

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

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

Changes to Technical Guidance Documents

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

Interim Final Technical Guidance

DEP ID: 385-2000-011. Title: Pennsylvania Combined Sewer Overflow (CSO) Policy. Description: On March 1, 2002, the Department published a Combined Sewer Overflow (CSO) Policy to assist in meeting the goals of controlling and eliminating CSO discharges, as practical, and ultimately bringing all remaining CSO discharges into compliance with State water quality standards through the National Pollutant Discharge Elimination System (NPDES) permitting program. Substantive revisions were made to the policy to further enhance and support compliance with CSO and NPDES permit conditions among the regulated community. The revised guidance document, advertised for public comment at 36 Pa.B. 7999 (December 30, 2006), was intended to establish the Department's policy regarding CSO Phase III permitting to implement, as appropriate, the Environmental Protection Agency's (EPA) April 1994 National Combined Sewer Overflow Control Policy and the subsequent Wet Weather Water Quality Act of 2000 that codified that policy.

After the conclusion of the public comment period on the revised policy, the EPA suggested further substantive

revisions to the Department's policy to, among other things, more closely align it with the 1994 EPA CSO Control Policy. These revisions include, for example, the incorporation of additional post-construction monitoring requirements to verify compliance with water quality standards and protection of designated uses; the addition of clear milestones and endpoints in the permittee's long-term planning for meeting water quality standards, including the placement of milestones in the applicable permit as enforceable provisions, and clarification that EPA-acceptable permit language will be incorporated into the applicable permit when new water quality-based effluent limitations are set.

This policy, once finalized, will be reviewed and revised at least once every 5 years to reflect expected changes to State or Federal CSO policies. The policy applies to Department staff and CSO system permittees regarding permit requirements for CSOs and the actions necessary to achieve compliance with the requirements of the CSO Phase III Program. Written Comments: The Department is seeking public comments on the substantive revisions to technical guidance #385-2000-011. Interested persons may submit written comments by October 1, 2007. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to John Wetherell, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, P. O. Box 8467, Rachel Carson State Office Building, 11th Floor, Harrisburg, PA 17105-8467, jwetherell@state.pa.us. Contact: Questions concerning the interim final technical guidance document should be directed to John Wetherell at (717) 705-0486, jwetherell@state.pa.us. Interim Final Effective Date: September 1, 2007.

Final Technical Guidance

DEP ID: 390-2100-001. Title: Implementation Guidance for NPDES CAFO Permits and Water Quality Management Permits for Manure Storage Facilities. Description: This guidance document was developed to provide clarification concerning the Environmental Quality Board's rulemaking on Concentrated Animal Feeding Operations and Other Agricultural Operations (25 Pa. Code Chapters 91 and 92), published at 35 Pa.B. 5796 (October 22, 2005). The document is intended for use by permit applicants and Department permit review staff in respectively preparing and reviewing National Pollutant Discharge Elimination System (NPDES) CAFO permits and Water Quality Management Permits for manure storage facilities. Notice of the draft technical guidance document, including a request for public comment, was published at 37 Pa.B. 1186 (March 10, 2007). A 30-day public comment period was provided, which concluded on April 9, 2007.

Twenty-one commentators provided comments to the Department on the draft document. Those comments were addressed in a Comment and Response document developed by the Department. Based on the comments received, changes were made to the guidance document, as appropriate. Major changes include the removal of a provision proposed by the Department in the draft version of the guidance, which would have required CAFOs to draw down their manure storage facilities to a specific level prior to winter. This practice will be encouraged, but will not be an enforceable requirement. The Department has also clarified in the final guidance document that winter spreading of manure is allowed at CAFOs, as long as it is done in accordance with the approved nutrient management plan for the operation. In addition, the Department has also clarified in the final guidance

document what is expected of permittees regarding engineering certification of existing storage facilities. The revised guidance emphasizes visual observations by the engineer as the normal standard. Should this process reveal deficiencies in the facility, further testing and/or remedial measures may be pursued. Contact: Questions concerning final technical guidance document #390-2100-001 can be directed to Robert T. Gibson, Department of Environmental Protection, Bureau of Watershed Management, 10th Floor, Rachel Carson State Office Building, 10th Floor, Harrisburg, PA 17105; (717) 772-5658, rogbison@state.pa.us. Effective Date: September 1, 2007.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-1619. Filed for public inspection August 31, 2007, 9:00 a.m.]

Bid Opportunities

D06-036-101.1, Felix Dam Removal Project, Bern and Muhlenberg Townships, Berks County. The principal items of work and approximate quantities include Dam Removal, Riverbank Reconstruction, Dredge Slip Backfilling, Lock 42 Outlet Channel Clearing and Shaping, Dam Abutment Protection, 240 Cubic Yards of Topsoil, Seeding and 1,050 Square Yards of Bituminous Pavement Overlay. This project issues on August 31, 2007 and bids will be opened on September 27, 2007, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A mandatory 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. Failure to attend will be cause for rejection of the bid. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-1620. Filed for public inspection August 31, 2007, 9:00 a.m.]

Chesapeake Bay Advisory Committee; Meeting Date Change

The Chesapeake Bay Advisory Committee meeting scheduled for Thursday, September 6, 2007, has been rescheduled to Friday, September 21, 2007. The meeting will run from 9 a.m. until 12:30 p.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the September 21, 2007, meeting may be directed to Dave Reed at (717) 772-5649, davreed@state.pa.us. The agenda and meeting materials for the September 21, 2007, meeting will be available on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keywords: Public Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should

contact the Department at (717) 772-2333 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-1621. Filed for public inspection August 31, 2007, 9:00 a.m.]

Cleanup Standards Scientific Advisory Board; Meeting Cancellation Notice

The September 19, 2007, meeting of the Cleanup Standards Scientific Advisory Board has been cancelled. The next meeting is scheduled for December 4, 2007, at 9:30 a.m. in Room 105 of the Rachel Carson State Office, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the next scheduled meeting of the Cleanup Standards Scientific Advisory Board can be directed to Marilyn Wooding at (717) 783-7509, mwooding@state.pa.us. The agenda and meeting materials for the December 4, 2007, meeting will be available on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keywords: Public Participation, Participate).

Persons with a disability who require accommodations to attend the meeting should contact the Department at (717) 783-7509 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-1622. Filed for public inspection August 31, 2007, 9:00 a.m.]

Great Lakes and Potomac Regional Water Resources Committees; Change of Meeting Dates

The August 7, 2007, meeting of the Great Lakes Regional Water Resources Committee has been rescheduled. The meeting will now take place at 10 a.m. on September 10, 2007, at the Erie County Conservation District, 1927 Wager Road, Erie, PA.

In addition, the August 17, 2007, meeting of the Potomac Regional Water Resources Committee has been rescheduled. The meeting will now take place at 10 a.m. on September 14, 2007, at the Franklin County Administrative Annex, 218 North Second Street, Chambersburg, PA.

Questions concerning the meetings can be directed to Lori Mohr at (717) 787-4628, laumohr@state.pa.us. The agenda, directions to the meeting location and materials for the meetings will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keywords: Public Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 783-6118 or through the

Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-1623. Filed for public inspection August 31, 2007, 9:00 a.m.]

Laboratory Accreditation Advisory Committee; Meeting Date Change

The September 11, 2007, meeting of the Laboratory Accreditation Advisory Committee (Committee) has been rescheduled. The meeting will now take place on Tuesday, October 16, 2007, from 10 a.m. to 3 p.m. in Room 206 of the Bureau of Laboratories Building, 2575 Interstate Drive, Harrisburg, PA 17105-1467.

The agenda and meeting materials for the October 16, 2007, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at www.depweb.state.pa.us (DEP Keywords: Public Participation, Participate). Questions concerning this meeting can be directed to Aaren Shaffer Alger at (717) 346-8212, aaalger@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Aaren Shaffer Alger at the telephone number or e-mail address previously listed or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-1624. Filed for public inspection August 31, 2007, 9:00 a.m.]

Recycling Markets Infrastructure Development Grant; Application Announcement

Applications for the 2007 Recycling Markets Infrastructure Development Grant (grant) are now available from the Department of Environmental Protection (Department). This grant provides reimbursement to established and start-up businesses and nonprofit organizations in this Commonwealth for the equipment costs associated with increasing the use of recycled content in products. Eligible applicants must be located and operating in this Commonwealth or be operating in this Commonwealth as a result of a grant award under this program. For this grant round, the Department will not accept applications from previous grant recipients. This requirement will be reevaluated in subsequent grant rounds.

One million dollars is available for this initiative. The Department will award grants of up to \$500,000 to any one project. Additional consideration will be given to applications that are developed in consultation with the Pennsylvania Recycling Markets Center, www.parmc.org, (717) 948-6660. The Department will accept applications for the program until 4 p.m. on November 1, 2007.

The success of recycling programs is directly related to demand for recyclable goods. Strong, profitable, recycling-

based businesses are good for the environment and the economy in this Commonwealth. This grant aims to build strong markets for recycled materials in this Commonwealth by assisting businesses and nonprofits organizations with increasing their use of recyclable materials in the production of finished products.

Applications for the 2007 program may be obtained by contacting Charles Scheidler, Bureau of Waste Management at (717) 787-7382, cscheidler@state.pa.us. Applications are also available electronically on the Department's website at www.depweb.state.pa.us (DEP Keywords: Market Development).

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-1625. Filed for public inspection August 31, 2007, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Chestnut Hill Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Chestnut Hill Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1626. Filed for public inspection August 31, 2007, 9:00 a.m.]

Application of Main Line Endoscopy Center, East for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Main Line Endoscopy Center, East has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.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 and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1627. Filed for public inspection August 31, 2007, 9:00 a.m.]

Application of Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 101.191 (relating to multiple-clinical facilities).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.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 and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1628. Filed for public inspection August 31, 2007, 9:00 a.m.]

Application of The Surgical Specialty Center at Coordinated Health for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Surgical Specialty Center at Coordinated

Health has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.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 and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1629. Filed for public inspection August 31, 2007, 9:00 a.m.]

Application of Temple University School of Podiatric Medicine for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Temple University School of Podiatric Medicine has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.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 and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1630. Filed for public inspection August 31, 2007, 9:00 a.m.]

Application of UPMC Horizon for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Horizon has requested an exception to the requirements of 28 Pa. Code § 138.2 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.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 and address listed previously.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1631. Filed for public inspection August 31, 2007, 9:00 a.m.]

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meeting

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301 and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday, September 19, 2007, from 9 a.m. to 4 p.m. at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other

accommodation to do so should contact Kenneth McGarvey at the previous number or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1632. Filed for public inspection August 31, 2007, 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 § 205.6(a) (relating to function of building).

Centre Crest
502 East Howard Street
Bellefonte, PA 16823
Facility ID 031702

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 and address listed previously.

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

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

CALVIN B. JOHNSON, M. D., M.P.H.,
Secretary

[Pa.B. Doc. No. 07-1633. Filed for public inspection August 31, 2007, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

2007 Group One Exception Requests; Medical Assistance Long-Term Care Participation Review

The purpose of this notice, published under 55 Pa. Code § 1187.21a(e)(4) (relating to nursing facility exception requests—statement of policy), is to announce the 2007 Group One Exception Requests received by the Department of Public Welfare covering the submission period of January 1, 2007, through June 30, 2007.

New Facility Requests

<i>Number</i>	<i>Facility</i>	<i>Address</i>	<i>County</i>	<i>Beds</i>
JJ07002	Village at Plum	Plum Borough, PA	Allegheny	136
JJ07003	North Fayette Village	Coraopolis, PA 15108	Allegheny	136

<i>Number</i>	<i>Facility</i>	<i>Address</i>	<i>County</i>	<i>Beds</i>
JJ07004	Village at Natrona Heights	Natrona Heights, PA	Allegheny	136
JJ07005	Baptist Homes Society Providence Point	489 Castle Shannon Boulevard Pittsburgh, PA 15234	Allegheny	63

Expansion Requests

<i>Number</i>	<i>Facility</i>	<i>Address</i>	<i>County</i>	<i>Beds</i>
JJ07001	Rheems Nursing Center	Broad and Heisey Streets Rheems, PA 17570	Lancaster	50

A copy of the previously listed exception requests is available for review during the 30-day comment period. The public may review the requests during regular business hours. To schedule an appointment to review a request, call (717) 705-3705.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-519. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 07-1634. Filed for public inspection August 31, 2007, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Sale of Land No Longer Required for Transportation

Berks County State Route 0222, Section 001

The Department of Transportation (Department) under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department. The parcel is irregular in shape, located at the northeast quadrant of SR 272 and Furlow Road (SR 3038), in Brecknock Township, Berks County. The parcel is approximately 0.031 acre. The sale of the property is in an as is condition. Interested public agencies are invited to express their interest in purchasing the parcel within 30 calendar days from this notice.

For further information, contact Bruce Kern, District Property Manager, Department of Transportation, 1002 Hamilton Street, Allentown, PA 18101, (610) 871-4179.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 07-1635. Filed for public inspection August 31, 2007, 9:00 a.m.]

Sale of Land No Longer Required for Transportation

Berks County State Route 0222, Section 001

The Department of Transportation (Department) under section 2003(e)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)), intends to sell certain land owned by the Department. The parcel is triangular in shape, located at the northwest quadrant of SR 272 and Furlow Road (SR 3038), in Brecknock Township, Berks County.

The parcel is approximately 0.063 acre. The sale of the property is in an as is condition. Interested public agencies are invited to express their interest in purchasing the parcel within 30 calendar days from this notice.

For further information, contact Bruce Kern, District Property Manager, Department of Transportation, 1002 Hamilton Street, Allentown, PA 18101, (610) 871-4179.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 07-1636. Filed for public inspection August 31, 2007, 9:00 a.m.]

HEALTH CARE COST CONTAINMENT COUNCIL

Meetings Scheduled

The Pennsylvania Health Care Cost Containment Council has scheduled the following meetings: Wednesday, September 5, 2007, Data Systems Committee meeting—10 a.m.; Education Committee meeting—1 p.m.; Mandated Benefits Committee meeting—3 p.m.; and Executive Committee meeting—4 p.m.; Thursday, September 6, 2007, Council meeting—10 a.m. The meetings will be held in the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability and want to attend the meetings should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,
Executive Director

[Pa.B. Doc. No. 07-1637. Filed for public inspection August 31, 2007, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, August 16, 2007, and announced the following:

Regulation Approved:

State Board of Education #6-303: Certification of Professional Personnel (amends 22 Pa. Code Chapter 49)

Approval Order

Public Meeting held
August 16, 2007

Commissioners Voting: Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; David J. DeVries, Esq.; John F. Mizner, Esq.

*State Board of Education—
Certification of Professional Personnel;
Regulation No. 6-303 (#2583)*

On November 8, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Education. This rulemaking amends 22 Pa. Code Chapter 49. The proposed regulation was published in the November 25, 2006 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 17, 2007.

This final-form regulation amends provisions for the certification of professional personnel in public schools.

We have determined this regulation is consistent with the statutory authority of the State Board of Education (24 P. S. §§ 26-2603-B(d)(iv) and 1226(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-1638. Filed for public inspection August 31, 2007, 9:00 a.m.]

Notice of Comments Issued

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

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of

the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
2-102	Department of Agriculture Amusement Rides and Attractions Erected Permanently or Temporarily at Carnivals, Fairs and Amusement Parks 37 Pa.B. 2823 (June 23, 2007)	7/23/07	8/22/07

Department of Agriculture Regulation #2-102 (IRRC #2616)

Amusement Rides and Attractions Erected Permanently or Temporarily at Carnivals, Fairs and Amusement Parks

August 22, 2007

We submit for your consideration the following comments on the proposed rulemaking published in the June 23, 2007 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Agriculture (Department) to respond to all comments received from us or any other source.

1. Section 139.1. Scope.—Implementation procedures; Clarity.

Subsection (a) is being amended to state that Chapter 139 applies to amusement rides and attractions erected permanently or temporarily at “carnivals, fairs, amusement parks or any other location” in Pennsylvania. Subsection (b) is being amended to state that Chapter 139 applies to new and existing “commercially used” amusement rides and attractions. The definition of “commercially used” includes amusement rides and attractions that are offered for a “rental fee.”

The Department has explained that this regulation governs the rental of inflatable devices, such as moon bounces and similar devices. We have two concerns.

First, who is responsible for ensuring the safety of users of rented inflatable devices or similar devices? To illustrate, if a neighborhood association rents a moon bounce for an event, would the association be responsible for ensuring the moon bounce is properly operated? What if such a group does not require payment for people to use the device? In other words, their use of the device is not commercial. What is the responsibility of the company that owns the moon bounce and rents it out? How would the Department enforce this regulation in these situations?

Second, how and when do inspections occur for inflatable devices and other amusement rides or attractions that are rented out to private groups or families? Do the inspections occur when the rides or attractions are rented and erected? This should be explained in the final-form regulation.

2. Section 139.2. Definitions.—Statutory authority; Consistency with statute; Clarity.

Class I amusement ride or amusement attraction

This definition includes the words “live animal ride.” However, the definition of “amusement ride” in the

Amusement Ride Inspection Act (Act) (4 P. S. § 402) uses the words “any device that carries, suspends or conveys passengers” and does not include the word “animal.” Would a live animal have to be registered and inspected? The Department should explain its statutory authority for including a “live animal ride” in this definition.

At the end of Paragraph (iii) in this definition, there is a typographical error in the *Pennsylvania Bulletin*. This paragraph ends with the phrase “. . . in accordance with section 14(a)(1) of the act (4 P. S. § 414(a)(2)).” This reference is incorrect. It should read, “. . . in accordance with section 14(a)(1) of the act (4 P. S. § 414(a)(1)).”

Professional engineer

The proposed regulation is adding a definition for this term which reads:

An individual licensed and registered under the Engineer, Land Surveyor and Geologist Registration Law (63 P. S. §§ 148—158.2) or a successor statute to engage in the practice of engineering.

It is unclear whether this definition would include out-of-state engineers who are allowed to practice temporarily in the state pursuant to Section 5(b) of the Engineer, Land Surveyor and Geologist Registration Law (Law) (63 P. S. § 152(b)). Amusement park owners may have facilities and rides in other states. If they have an engineer from another state, who complies with Section 5(b) of the Law and is familiar with Pennsylvania law and standards, could this engineer provide verification for their rides pursuant to Section 139.4(d)(7)(ii)? The regulation needs to clarify whether an out-of-state engineer may perform the required tasks for the owner or lessee.

Qualified inspector

This term is defined in the existing provisions of Chapter 139. The proposed regulation includes the new terms “affiliated qualified inspector” and “general qualified inspector.” In the text of the proposed regulation, it appears that the existing term “qualified inspector” refers to both an “affiliated qualified inspector” and “general qualified inspector.” If this is the case, then the existing definition of “qualified inspector” should be amended to make it clear that this term includes “affiliated qualified inspectors” and “general qualified inspectors.”

3. Section 139.4. Registration.—Implementation procedures; Reasonableness; Clarity.

Under Subsection (d)(7)(ii)(B), professional engineers must confirm that the materials and construction of rides or attractions conform to “normal engineering practices, procedures, standards and specifications.” In addition, Subsection (d)(7)(ii)(C) uses the term “accepted engineering practices.” These requirements or standards are vague. It would be difficult for professional engineers to know exactly what it is that they are confirming and it would be difficult for the Department to enforce these provisions. Since Subsection (d)(7)(ii)(D) states that the ride or attraction meets the requirements of the ASTM International (formerly the American Society for Testing Materials), what is the need for Subsections (d)(7)(ii)(B) and (C)? These phrases should either be defined or replaced with more definitive requirements. In the alternative, this subsection could be deleted.

4. Section 139.9. Qualified inspectors.—Implementation procedures; Clarity.

Under Subsection (g), the Department will “promptly” report results to an applicant. This provision is vague.

The final-form regulation should include a more definitive time frame for reporting results to an applicant.

Subsection (l) includes provisions that allow the Department to reduce the hours of continuing education required for certain types of rides or attractions via a publication of notice in the *Pennsylvania Bulletin* without a rulemaking or amendment to the regulation. The subsection states that this action would be considered for rides or attractions “of a comparatively simple design or operation.” This is very similar to the definition for “Class I” rides or attractions. Hence, it is unclear what would justify a reduction in the requirement. This subsection needs to be refined to provide more information about the bases or criteria that would be used to reduce the continuing education requirement for certain rides or amusements.

5. Section 139.11. Accident reporting.—Reasonableness; Consistency with statute; Implementation procedures; Clarity.

The definition of “serious injury or illness” in the Act also includes situations when “offsite medical treatment . . . may be required at a future date.” As a practical matter, it is questionable whether an operator or owner would have the expertise to know if future medical treatment would be necessary or required. Hence, how could he or she report these situations? The Department should clarify whether a report is required. If the injured or ill party is not transported offsite for medical treatment within a few minutes or on the same day of the accident, then why is an owner, operator or lessee required to report the injury or illness?

Subsections (b)(5)—(7) use words such as “dead or injured person,” “death or injury,” or “apparent injuries.” However, the word “illness” is missing. If the accident report is to include information about a serious injury or illness that may be associated with a ride or amusement, then these provisions should be amended to also require a summary or description of the apparent serious illness.

6. Section 139.12. Variances.—Statutory authority; Consistency with statute; Reasonableness; Clarity.

This section is being deleted in its entirety in the proposed regulation. However, Section 409 of the Act (4 P. S. § 409) allows any owner or lessee to apply in writing for an order for a variance from any rule, regulation or standard. If the section is removed in its entirety, then Chapter 139 will provide no procedure for anyone who may wish to apply for a variance. The regulation should include a reference to Section 409 of the Act for owners or lessees who may need to apply for a variance.

7. Section 139.42. Structures.—Reasonableness; Clarity.

As amended, the first sentence of this section reads:

Permanent buildings, enclosed structures and rides intended to be used for or as an amusement ride or amusement attraction shall be constructed to conform to the Pennsylvania Construction Code Act unless exempted under that statute or its attendant regulations, . . .

The Pennsylvania Construction Code Act applies to buildings and similar structures, but it does not include standards or requirements for amusement rides or attractions. These are covered by the standards of the ASTM International. The language in the final-form regulation should clearly indicate that this section applies only to buildings, facilities or structures not manufactured as

part of an amusement ride or attraction. The references to "rides" and ride or attraction in the first sentence should be stricken.

8. Section 139.43. Passenger-carrying rides.—Reasonableness; Clarity.

Paragraph (8) includes the phrase "clearance envelope." It is our understanding that this term is addressed or defined in the standards of the ASTM International. Hence, a reference to the ASTM International standards should be included in this paragraph in the final-form regulation.

9. Section 139.72. Erection/disassembly of amusement rides and attractions.—Clarity.

Paragraph (2) uses the term "high voltage lines." One commentator requested clarification of this term. The final-form regulation should include a specific or technical description of "high voltage lines."

10. Section 139.75. Fire protection and prevention.—Reasonableness; Clarity.

Subsection (a) includes the following language:

Approved U. L. fire extinguishers shall be provided at [**gas driven**] **gasoline-driven** rides and otherwise where necessary to secure reasonable and adequate protection from fire hazards.

The phrase "and otherwise where necessary to secure reasonable and adequate protection from fire hazards" is vague. What is the intent or objective? It is unclear how this phrase would be enforced as a binding standard on regulated parties. It should be clarified in the final-form regulation.

11. Section 139.76. Ride and attraction operators and attendants.—Clarity.

Subsection (6) reads:

There shall be **sufficient** numbers of operators and attendants, and this number shall meet or exceed the number of operators recommended by the manufacturer of the ride, device or attraction. (Emphasis added.)

It is our understanding that the phrase "sufficient numbers of operators and attendants" will always be enforced as meeting or exceeding the number of operators recommended by the manufacturer. If this is the case, the phrase "sufficient numbers of operators and attendants" is unnecessary and should be deleted. The final-form regulation need only state that the numbers of operators and attendants shall meet or exceed the manufacturer's recommendations.

12. Section 139.77. Maintenance of amusement rides and attractions.—Implementation procedures; Clarity.

Existing Subsection (e)(8) (which is being changed to (f) in the proposed regulation) contains the following sentences:

The record shall be kept and made available to the Department and qualified inspector for at least 1 year. Additional retention periods for this documentation may be advisable.

The first sentence is appropriate and provides a specific directive for the regulated community. The second sentence is a recommendation rather than an enforceable directive or rule. A regulation is not the proper vehicle for making recommendations. Regulations establish binding norms of general applicability and future effect. Unless

the Department intends to enforce the provisions related to additional record retention periods, they should be deleted. They would be more appropriately placed in a policy statement or guidance document.

13. Section 139.79. Records.—Consistency; Clarity.

This section requires regulated owners or lessees to maintain certain records. The existing language in Subsection (b) states:

A complete maintenance and testing history file for each amusement ride and attraction shall be maintained at the ride or by the owner and be available to the Department or the qualified inspector.

How long must the regulated parties retain these files in order to make them available for the Department or a qualified inspector? Records discussed in existing Section 139.77(e)(8) are required to be retained for a year. The final-form regulation should include a similar directive for the records discussed in this section.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 07-1639. Filed for public inspection August 31, 2007, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Increase in Underwriting Authority of American Sentinel Insurance Company

American Sentinel Insurance Company (ASIC), a Pennsylvania domiciled stock casualty insurance company, has filed an application to increase its lines of underwriting authorities. The class of authority that ASIC is applying to add is Workers' Compensation, as defined by section 202(c)(14) of The Insurance Company Law (Law) (40 P. S. § 382(c)(14)). The filing was made under the requirements set forth under section 322 of the Law (40 P. S. § 445). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 15 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, syerger@state.pa.us.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1640. Filed for public inspection August 31, 2007, 9:00 a.m.]

Medical Malpractice Insurance Carriers and Self-Insured Health Care Providers; Rate Filing

Insurance companies that offer basic limits medical malpractice coverage are required to report medical malpractice claims information to the Insurance Department (Department) for insureds who are subject to the Medical Care Availability and Reduction of Error (MCARE) Act (act) (40 P. S. §§ 1303.101—1303.910). Organizations and

physicians that self-insure their medical malpractice exposures are also required to report this claims information. These reports are required under section 743 of the act (40 P. S. § 1303.743).

The claims information must be reported to the MCARE Fund and to the Department. The following calendar year 2006 claims information is due to the Fund and the Department by October 15, 2007:

- The aggregate amount of premium earned.
- The aggregate amount of losses paid.
- The aggregate amount of losses incurred.
- The aggregate amount of loss reserves outstanding.
- The aggregate amount of loss adjustment expenses paid.
- The aggregate amount of loss adjustment expenses incurred.
- The aggregate amount of loss adjustment expense reserves outstanding.
- A table showing separately by accident year and county the number of claims first reported (or arising) in 2006.
- A table showing separately by accident year and disposition (that is, judgment of arbitration panel, judgment of court, settlement or other) the number of claims closed by county (or disposed) in 2006.
- A separate table for each type of disposition previously identified showing for claims closed (or disposed) in 2006 separately by accident year: the number of claims closed (or disposed) with payment; the total losses incurred for those claims closed with payment and the basic coverage premiums collected.

Reports must be submitted as an Excel spreadsheet. A letter has been mailed instructing medical malpractice carriers to submit their 2006 data.

Medical malpractice carriers who have not received a letter should contact Bojan Zorkic, Actuarial Associate, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-6968, bzorkic@state.pa.us. Questions should be directed to Bojan Zorkic.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1641. Filed for public inspection August 31, 2007, 9:00 a.m.]

PENNSYLVANIA COUNCIL ON AGING

Meeting Dates

Under 65 Pa.C.S. §§ 701—716 (relating to Sunshine Act), the Pennsylvania Council on Aging (Council) has established the following schedule for the Council's meetings for October 2007:

October 16, 2007	1:15 p.m.—4:30 p.m.
October 17, 2007	8:30 a.m.—12 p.m. 1 p.m.—4:30 p.m.
October 18, 2007	9 a.m.—12 p.m.

Meetings will be held at the Holiday Inn, Harrisburg-Hershey, 604 Station Road, Grantville, PA 17028. Guests are asked to contact the Council office to confirm their attendance in advance of the meeting.

Persons with a disability who wish to attend the previously-listed meetings and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Darlene Sampson, Executive Director at (717) 783-1924 to discuss how the Council may best accommodate their needs.

DARLENE SAMPSON,
Executive Director

[Pa.B. Doc. No. 07-1642. Filed for public inspection August 31, 2007, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by September 24, 2007. 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-00124041. Williamsport Area Ambulance Service Cooperative, t/a Susquehanna Regional EMS. (777 Rural Avenue, Williamsport, Lycoming County, PA 17701)—persons in paratransit service from points in the Counties of Sullivan, Lycoming and Tioga, to points in Pennsylvania, and return. *Attorney:* Christina M. Mellott, Esquire, Page, Wolfberg & Wirth, LLC, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

A-00124042. David L. Bernard, t/a Bernard's Taxi Service. (P. O. Box 254, Parkersburg, PA 19365)—as a common carrier, persons in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, and that portion of Chester County west of Pennsylvania Traffic Route 10, to points in Pennsylvania, and return.

A-00124044. Carmelo A. Castillo, t/a Neighborly Transport Service. (247 Windsor Court, Quakertown, Bucks County, PA 18951)—persons in paratransit service from points in Counties of Northampton, Montgomery and Bucks, to points in Pennsylvania, and return.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-00105054, F3. Byers Taxi Service, Inc. (115 Franklin Avenue, Vandergrift, PA 15690)—a corporation of the Commonwealth—to transport persons, in airport transfer service, from points in Armstrong County on and south of U. S. Highway 422 and east of SR 28, and from the Boroughs of Kittanning and West Kittanning, Armstrong County, and the Cities of New Kensington, Arnold and Lower Burrell, the Townships of Allegheny, Bell, Washington and Upper Burrell, and the Boroughs of Vandergrift, East Vandergrift, Oklahoma, Avonmore, Hyde Park and West Leechburg, Westmoreland County, to the Pittsburgh International Airport located in the Township of Findlay, Allegheny County, and the Arnold Palmer Airport located in Unity Township, Westmoreland County. *Attorney:* John A. Pillar, 680 Washington Road, Suite B101, Pittsburgh, PA 15228.

A-00117313, F2. Rodney P. Andrews, t/a Classic Limousines. (1256 East Evergreen Drive, Phoenixville, Chester County, PA 19460), for the additional right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Chester, Philadelphia and Montgomery, to points in Pennsylvania and return.

A-00123315, F3. Anthony John Yeager, t/a Tony's Tioga Trolley Tours. (849 Copp Hollow Road, Wellsboro, Tioga County, PA 16901)—for the additional right to begin to transport, as a common carrier, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Tioga, Bradford and Potter, to points in Pennsylvania and return.

Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-00119509. Joseph Engel. (1215 Farm Crest Drive, Ephrata, Lancaster County, PA 17522)—for the discontinuance of service and cancellation of his certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, between points in the Counties of Lancaster and that part of Chester County west of Route 10 and from points in said territory, to points in Pennsylvania, and return.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Wm. Rowen Grant Funeral Home; Doc. No. A-00095170C0701

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 WM. Rowen Grant Funeral Home, respondent, maintains a principal place of business at 1920 Sansom Street, Philadelphia, PA 19103.

2. That respondent was issued a Certificate of Public Convenience by this Commission on June 20, 1969, at Application Docket No. A-00095170.

3. That respondent abandoned or discontinued service without having first filed an application with this Commission for abandonment or discontinuance of service. Respondent has reported receiving no intrastate revenue since at least prior to 1993.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2) and, by failing to maintain adequate, efficient, and safe service and reasonable 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-00095170.

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, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement
Division
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which either admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include 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. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Kenneth C. and Diane M. Lapinski; Doc. No. A-00114580C0701

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 Kenneth C. and Diane M. Lapinski, t/a Falcon Enterprises, respondents, maintain their principal place of business at 101 Orchard Road, New Wilmington, PA 16142.

2. That respondents were issued certificates of public convenience by this Commission on June 10, 1998, for Limousine authority, at Application Docket No. A-00114580, F.1, on May 14, 1998, for paratransit authority, at Application Docket No. A-00114580, F. 2, on March 19, 1999, for limousine authority, at Application Docket No. A-00114580, F. 3, and on March 9, 1999, for group and party 16+ authority, at Application Docket No. A-00114580, F. 4.

3. Enforcement Officer William D. Wested went to the respondents' place of business at 101 Orchard Road, New Wilmington on October 17, 2006, November 17, 2006 and January 9, 2007, to conduct an annual limousine inspection. The premises were vacated.

4. The Commission's safety office has attempted to conduct respondents' annual safety inspection with no success. A letter was sent to respondents on January 25, 2007, from the Manager of the Pittsburgh District Office outlining the information required for the inspection and asking for a response by February 12, 2007. Respondents failed to contact the district office to schedule their annual inspection. Visits were made to the respondents' address and to post offices, a review of phone directories and a search of internet directories were made, and checks with the local police have been conducted. As of this date, no contact by the carrier has been received by either the Harrisburg or Pittsburgh District Office.

5. Respondents have not notified the Commission of any change of address.

6. Respondents have not filed assessment reports with the Commission since 2003.

7. Respondents abandoned or discontinued limousine and paratransit service without having submitted an application with this Commission to discontinue service,

and abandoned or discontinued G & P 16+ service without having submitted a letter to this Commission.

8. That respondents, by failing to file with this Commission applications to discontinue limousine and paratransit service, and a letter containing a statement that group and party 16+ service is no longer being rendered, and by failing to file assessment reports since 2003, violated 52 Pa. Code § 3.381(a)(1)(v), § 3.381(a)(5), and 66 Pa.C.S. §§ 1102(a)(2) and 510(b).

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke Kenneth C. and Diane M. Lapinski, t/a Falcon Enterprise's certificates of public convenience at A-00114580, Fs. 1, 2, 3 and 4.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Safety & Enforcement Division
Director, Bureau of Transportation and Safety
P. O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, 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 the Bureau will 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
Division
Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

D. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the optional fine set forth above.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1643. Filed for public inspection August 31, 2007, 9:00 a.m.]

Telecommunications

A-310183F7011. Palmerton Telephone Company and Sprint Communications Company, LP. Joint petition of Palmerton Telephone Company and Sprint Communications Company, LP for approval of an amendment to an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Palmerton Telephone Company and Sprint Communications Company, LP, by its counsel, filed on August 7, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an amendment to an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Palmerton Telephone Company and Sprint Communications Company, LP joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1644. Filed for public inspection August 31, 2007, 9:00 a.m.]

Telecommunications

A-311124F7000. Verizon Pennsylvania, Inc. and KMC Data, LLC. Joint petition of Verizon Pennsylvania, Inc. and KMC Data, LLC for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and KMC Data, LLC, by its counsel, filed on August 17, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement

under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and KMC Data, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1645. Filed for public inspection August 31, 2007, 9:00 a.m.]

Telecommunications

A-311124F7001. Verizon North, Inc. and KMC Data, LLC. Joint petition of Verizon North, Inc. and KMC Data, LLC for approval of adoption of an interconnection agreement under section 252(i) of the Telecommunications Act of 1996.

Verizon North, Inc. and KMC Data, LLC, by its counsel, filed on August 17, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of adoption of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon North, Inc. and KMC Data, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1646. Filed for public inspection August 31, 2007, 9:00 a.m.]

PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

October 17, 2007	Elaine Goodyear (D) (Contested Death Benefit)	2:30 p.m.
October 31, 2007	Bridget Konczynski (Hop Skilled Care vs. Custodial Care)	2:30 p.m.

Persons with a disability who wish to attend the hearings, and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, Assistant to the Executive Director, (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,
Executive Director

[Pa.B. Doc. No. 07-1647. Filed for public inspection August 31, 2007, 9:00 a.m.]

STATE CONSERVATION COMMISSION

Draft Odor Management Guidance and Opportunity for Comment; Notice of Availability

The State Conservation Commission (SCC) has approved for public comment draft guidance for development of odor management plans, under Chapter 5 of Act 38 of 2005 (3 Pa.C.S. §§ 501—522). The draft Odor Management Guidance was developed for use by agricultural operations that seek approval of odor management plans under regulations implementing Act 38, which are also being published at 37 Pa.B. 4780 (September 1, 2007). Sections 83.771 and 83.781 (relating to managing odors; and identification of odor BMPs) specifically mention this guidance. The SCC views this guidance as the preferred methodology for development of odor management plans under those regulations.

The SCC seeks public comment on the draft Odor Management Guidance. The public comment period will parallel the comment period for the proposed facility odor management regulations. Comments must be received by the Commission by October 31, 2007.

Copies of the draft Odor Management Guidance can be obtained from the SCC website: www.agriculture.state.pa.us/agriculture/site/default.asp, or by contacting Karl Dymond, SCC Odor Management Program Coordinator, (570) 836-2181, kdymond@state.pa.us. Comments should be sent to Karl Dymond by October 31, 2007, at

scc-odor-regs@state.pa.us or by mail to the following address: SCC, Agriculture Building, Room 405, 2301 North Cameron Street, Harrisburg, PA 17110.

KATHLEEN MCGINTY,
Chairperson

[Pa.B. Doc. No. 07-1648. Filed for public inspection August 31, 2007, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing and Meeting

The Susquehanna River Basin Commission (Commission) will hold a public hearing as part of its regular business meeting beginning at 8:30 a.m. on September 12, 2007, at Grande Royale Hotel, 80 State Street, Binghamton, NY. At the public hearing, the Commission will consider the approval of certain water resources projects and the rescission of one docket approval. Details concerning the projects to be addressed at the public hearing, as well as other matters on the business meeting agenda, are contained in the Supplementary Information section of this notice.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423; Ext. 306, fax (717) 238-2436, rcairo@srbc.net or Deborah J. Dickey, Secretary to the Commission, (717) 238-0423, Ext. 301, fax (717) 238-2436, ddickey@srbc.net.

In addition to the public hearing and its related action items identified, the business meeting also includes the following items on the agenda: 1) a panel session regarding New York State's involvement in the Chesapeake Bay Program; 2) a report on the present hydrologic conditions of the basin; 3) approval of a proposed rule making action to amend certain provisions of 18 CFR Part 806 related to agricultural consumptive water use; and 4) various contract and grant approvals.

Public Hearing—Projects Scheduled for Action:

1. Project Sponsor and Facility: Town of Erwin (Wells 2 and 3, and ID Well 1), Steuben County, NY. Modification of groundwater approval (Doc. No. 20070602).
2. Project Sponsor: South Slope Development Corporation. Project Facility: Song Mountain Ski Resort, Town of Preble, Cortland County, NY. Applications for surface water withdrawal of 3.705 mgd, groundwater withdrawal of 0.960 mgd and consumptive water use of up to 0.815 mgd.
3. Project Sponsor: AES Westover, LLC. Project Facility: AES Westover Generating Station, Town of Union, Broome County, NY. Applications for surface water withdrawal of 97.300 mgd and consumptive water use of up to 2.067 mgd.
4. Project Sponsor and Facility: Town of Cohocton (Well 3), Village of Cohocton, Steuben County, NY. Modification of groundwater withdrawal approval (Doc. No. 19990703).
5. Project Sponsor: Northampton Fuel Supply Company, Inc. Project Facility: Loomis Bank Operation, Hanover Township, Luzerne County, PA. Modification of consumptive water use approval (Doc. No. 20040904).
6. Project Sponsor: PPL Susquehanna, LLC. Project Facility: Susquehanna Steam Electric Station, Salem

Township, Luzerne County, PA. Approval of groundwater and surface water withdrawals of 66.000 mgd, and modification of consumptive water use approval (Doc. No. 19950301).

7. Project Sponsor: Bionol Clearfield, LLC. Project Facility: Bionol-Clearfield, Clearfield Borough, Clearfield County, PA. Applications for surface water withdrawal of 2.505 mgd and consumptive water use of up to 2.000 mgd.

8. Project Sponsor and Facility: Walker Township Water Association (Snydertown Well 3), Walker Township, Centre County, PA. Application for groundwater withdrawal of 0.860 mgd.

9. Project Sponsor and Facility: Bedford Township Municipal Authority (Bowman Tract Wells 1 and 2), Bedford Township, Bedford County, PA. Modification of groundwater withdrawal approval (Doc. No. 19990502).

10. Project Sponsor: Charles Header. Project Facility: Laurel Springs Development, Barry Township, Schuylkill County, PA. Applications for groundwater withdrawal of 0.099 mgd and consumptive water use of up to 0.099 mgd.

11. Project Sponsor and Facility: Dillsburg Area Authority (Well 7), Carroll Township, York County, PA. Application for groundwater withdrawal of 0.360 mgd.

12. Project Sponsor: PPL Brunner Island, LLC. Project Facility: Brunner Island Steam Electric Station, East Manchester Township, York County, PA. Applications for surface water withdrawal of 835.000 mgd and consumptive water use of up to 12.100 mgd.

Public Hearing—Project Scheduled for Rescission Action:

1. Project Sponsor: Northampton Fuel Supply Company, Inc. (Doc. No. 20040903) Project Facility: Prospect Bank Operation, Plains Township, Luzerne County, PA.

Opportunity to Appear and Comment:

Interested parties may appear at the previously mentioned hearing to offer written or oral comments to the Commission on any matter on the hearing agenda, or at the business meeting to offer written or oral comments on other matters scheduled for consideration at the business meeting. The Chair of the Commission reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing and business meeting. Written comments may also be mailed to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391, or submitted electronically to Richard A. Cairo, General Counsel, rcairo@srbc.net or Deborah J. Dickey, Secretary to the Commission, ddickey@srbc.net. Comments mailed or electronically submitted must be received prior to September 12, 2007, to be considered. Authority: Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

PAUL O. SWARTZ,
Executive Director

[Pa.B. Doc. No. 07-1649. Filed for public inspection August 31, 2007, 9:00 a.m.]

