

NOTICES

DELAWARE RIVER BASIN COMMISSION

Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, December 10, 2008. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission's office building, located at 25 State Police Drive, West Trenton, NJ.

The conference among the commissioners and staff will begin at 10:30 a.m. Topics of discussion will include: a presentation on Philadelphia water conservation and stormwater management approaches by a representative from the Philadelphia Water Department; a presentation by University of Pennsylvania students on responses to climate change in the Delaware Basin; a status report by a representative of the Commission and the parties to the 1954 Supreme Court Decree in *New Jersey v. New York*, 347 U.S. 995, 74 S.Ct. 842, concerning the Flexible Flow Management Program (FFMP); and a presentation on the New York City Delaware system tunnel closure by a representative from the New York City Department of Environmental Protection. The Commission will not take action on December 10 to adopt amendments to the Commission *Water Code* to implement the FFMP.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the dockets listed as follows:

1. *Aqua Pennsylvania, Inc. D-81-61 CP-4*. An application for approval of a groundwater withdrawal project to renew the allocation included in Docket D-81-61 CP-3 and consolidate all other docket approvals for the Fawn Lakes, Woodloch Springs and Masthope water systems, retaining the existing withdrawal from all wells of 18.38 million gallons per 30 days (mg/30 days). Docket D-81-61 CP-4 will consolidate allocations approved in dockets D-81-61 CP-3, D-87-96 Renewal, and D-89-57 CP Renewal. The projects are located in the Catskill Formation in the Westcolang Creek Watershed in Lackawaxen Township, Pike County, PA, within the drainage area to the section of the nontidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters.

2. *Hercules, Inc. D-87-43-3*. An application to replace the withdrawal of water from Wells PW-4 and PW-10 in the applicant's groundwater remediation system because of diminished yield and inefficiencies. New Wells PW-4R and PW-10R have been drilled as replacements. The applicant requests that the total approved withdrawal for all the wells in the system remain at 18 mg/30 days of water. The existing and replacement wells are located in the Magothy/Raritan and Cape May Aquifers in the Delaware Watershed in Greenwich Township, Gloucester County, NJ.

3. *Lehigh County Authority D-2001-20 CP-4*. An application to replace the withdrawal of water from Well No. WL-12 in the applicant's water supply system because it has become an unreliable source of supply. The applicant requests that the withdrawal from replacement Well No.

WL-12R be limited to 30.240 mg/30 days of water, and that the total withdrawal from all wells in the system remain limited to 256.24 mg/30 days. The project is located in the Allentown Formation in the Little Lehigh Creek Watershed in Lower Macungie Township, Lehigh County, PA. The site is located within the drainage area to the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

4. *Unimin Corporation D-2007-14-2*. An application for renewal of approval to discharge up to 2.275 mgd through existing Outfall 001A to Dividing Creek from a hydraulic dredging operation. The applicant also discharges to an unnamed tributary to Dividing Creek, through Outfall 002A during large storm events. The facility is located in the Dividing Creek Watershed in Commercial and Downe Townships, Cumberland County, NJ.

5. *Borough of Bally D-78-19 CP-2*. An application for approval of a groundwater withdrawal project to supply up to 9.70 mg/30 days of water to the applicant's public water supply system from new Well No. 4 and to increase the existing withdrawal from all wells from 9.70 mg/30 days to 19.42 mg/30 days. The increased allocation is requested to meet projected increases in service area demand. Well No. 4 will replace existing Well No. 3 as a water supply well because Well No. 3 has become an unreliable source due to local groundwater contamination. The applicant requests that the existing allocation for Well No. 3 (9.70 mg/30 days) be continued in conjunction with approval of the requested increase from Well No. 4 (9.70 mg/30) to accommodate continuing remediation of the contaminated portion of the aquifer. The water allocated to Well No. 3 will not be used in the public water system. The project is located in the Leithsville Formation in the Perkiomen Creek Watershed in Bally Borough and Washington Township, Berks County, PA.

6. *Borough of Hopatcong D-92-85 CP-3*. An application for approval of a groundwater withdrawal project to increase the withdrawal from 18.91 mg/30 days to 20.8 mg/30 days of water to the applicant's public water supply distribution system from existing Wells Nos. 1—3, 3A, 4, 5, 8, 12, Squire, River Styx and new Wells Nos. 14—17 in the Precambrian Crystalline Rock Formation. The project is located in the Musconetcong River Watershed in Hopatcong Borough, Sussex County, NJ.

7. *New Jersey American Water Company D-93-28 CP-3*. An application for approval of a groundwater withdrawal project to supply up to 7.7 mg/30 days of water to the applicant's public water supply distribution system from Well Nos. 2 and 3 and to temporarily increase the withdrawal from all wells from 4.7 mg/30 days to 7.7 mg/30 days. The increased allocation is requested to meet projected residential demand until an interconnection is completed. The project is located in the Potomac Formation in the Raccoon Creek Watershed in Logan Township, Gloucester County, NJ.

8. *Sinking Spring Borough Municipal Authority D-94-31 CP-2*. An application for approval of the expansion of the existing wastewater treatment plant (WWTP) of the Sinking Spring Borough Municipal Authority. The application includes a proposed increase in the Authority's allowable discharge from 1.00 million gallons per day (mgd) to 1.25 mgd and related construction to expand the plant's capacity. The plant will continue to discharge to

Cacoosing Creek, a tributary of the Tulpehocken Creek. The facility is located in Spring Township, Berks County, PA.

9. *New Jersey American Water D-95-46 CP-2*. An application for approval of a groundwater withdrawal project to supply up to 255 mg/30 days of water to the applicant's combined public water supply systems. The withdrawal reflects the interconnection of the Mansfield (Docket No. D-95-46 CP-2) and Mount Holly (Docket No. D-94-8 CP) water supply systems. The allocation of water includes withdrawals from existing Well Nos. 1—4 and new Well Nos. 5, 7 and 8 of the Mansfield water supply system and Well Nos. 3R, 4—7 of the Mount Holly water supply system. The allocation increases the existing withdrawal from the Mansfield system from 88.7 mg/30 days to 160 mg/30 days. The allocation of groundwater withdrawal from the Mount Holly system will remain at 108.5 mg/30 days. The allocation increases the existing combined withdrawal from all wells in both systems from 184 mg/30 days to 255 mg/30 days. The increased allocation is requested to meet projected increases in service area demand. The project is located in the Potomac-Raritan-Magothy Aquifers in the Assicunk Creek, Crafts Creek and North Branch Rancocas Creek Watersheds in Mount Holly, Westampton and Mansfield Townships, Burlington County, NJ.

10. *Sanofi Pasteur, Inc. D-99-71-3*. An application for approval of temporary phased increases in the allowable discharge to Swiftwater Creek from Sanofi's industrial wastewater treatment plant (IWTP). Increases from 0.55 mgd to 0.70 mgd and 0.90 mgd are proposed pending construction of a regional interceptor and a regional wastewater treatment plant (WWTP) capable of accepting flows from the Sanofi facility in excess of 0.55 mgd. The interceptor and WWTP projects are expected to be completed in 2010. The applicant also seeks approval for construction to expand its processes and for an increase in its TDS effluent limits similar to the increase granted to the existing facility. Docket No. D-99-71-2 approved the current stream discharge of 0.55 mgd and expansion of the IWTP to 0.95 mgd. The project is located in the Brodhead Creek Watershed in Pocono Township, Monroe County, PA. The Sanofi IWTP currently utilizes land application and will continue to do so in conjunction with its Outfall 001 discharging to Swiftwater Creek. Swiftwater Creek is a tributary of Paradise Creek, which is a tributary of Brodhead Creek, which flows into the Delaware River at River Mile 213.0 - 11.4 - 4.4 - 3.5.

11. *Broad Acres, Inc. D-2000-31*. A modified application for the renewal of a groundwater withdrawal project and to increase the existing allocation from 135.7 mg/30 days to 259 mg/30 days to supply the docket holder's agricultural irrigation project from five existing wells and six new wells. The project is located in the Columbia, Cheswold and Federalsburg Formations in the Leipsic River Watershed in the City of Dover, Kent County, DE. A Notice of Application Received (NAR) for this project was previously published on June 9, 2000.

12. *City of Allentown D-2000-45 CP*. An application to increase the applicant's surface withdrawal allocation of 4 mgd to 5 mgd from Crystal Springs, a tributary of the Little Lehigh River; and to reduce the docket holder's total allocation from all sources from 39 mgd to 20 mgd. The docket holder utilizes four sources for public water supply; Crystal Springs, Schantz Spring, the Little Lehigh River and the Lehigh River. The docket holder will continue to provide water to the City of Allentown,

the Whitehall Township Authority, and portions of Hanover, Salisbury, and South Whitehall Townships, all in Lehigh County, PA.

13. *Audubon Water Company D-2004-4 CP-2*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 49.79 mg/30 days to supply the applicant's public water supply distribution system from 17 existing wells and new replacement Well AWC-15 in the Lockatong Formation. The project is located in the Perkiomen Creek Watershed in Lower Providence Township, Montgomery County, PA, within the Southeastern Pennsylvania Groundwater Protected Area. The Commission staff recommended a reduction in the docket holder's allocation from 49.79 mg/30 days to 45.4 mg/30 days based on the docket holder's 10-year projected total maximum use.

14. *Tidewater Utilities, Inc. D-2004-24-CP-2*. An application for approval of a groundwater withdrawal project to supply up to 88.977 mg/30 days of water to the applicant's water supply system from new and existing Wells Nos. C-01, C-02, RG-01, RG-02, GG-02, GG-03, JL-01, JL-02, JL-03 and WF-01, and to increase the withdrawal from all wells from 18.5055 mg/30 days to 88.977 mg/30 days. Tidewater Utilities, Inc. plans to combine the Camden Park, Generals Green, Jonathan's Landing and Woodfield withdrawal wells under a single groundwater withdrawal docket. The increased allocation is requested to include all current withdrawals under a single docket and to meet projected increases in service area demand. With the exception of the Woodfield Well WF-01, the project wells are located in the Cheswold Aquifer in the St. Jones River Watershed in the Towns of Camden, Dover and Magnolia, Kent County, DE. The Woodfield well is located in the Federalsburg Aquifer in the Town of Woodside, Kent County, DE.

15. *Borough of Bryn Athyn D-2008-13 CP-2*. An application for the approval of a rerate of the existing Borough of Bryn Athyn Academy of the New Church WWTP. The application is for an increase in the WWTP's hydraulic design capacity from 0.065 mgd to 0.080 mgd. The WWTP's existing annual average effluent limitations of 0.065 mgd will remain unchanged. The WWTP will continue to discharge to an unnamed tributary of Huntingdon Valley Creek, itself a tributary of Pennypack Creek. The facility is located in Bryn Athyn Borough, Montgomery County, PA.

16. *Shawnee Country Club D-2008-1-1*. An application for approval of a groundwater withdrawal project to supply up to 5.4308 mg/30 days of water to the applicant's golf course irrigation system from new Wells Nos. 1—4. The project is located in the Columbia Formation in the Mispillion River Watershed in the Town of Milford, Kent County, DE.

17. *Rake Pond Farm LLC D-2008-14 CP-1*. A combined surface water and groundwater withdrawal project to supply a maximum of 11 mg/30 days of water to the applicant's irrigation of approximately 20 acres of cranberries. The water withdrawal is utilized for crop irrigation, frost protection and harvest of cranberry bogs. The applicant's manmade ponds are recharged by groundwater withdrawn from the Kirkwood Cohansey Aquifer in the Rancocas Creek Watershed in Southampton Borough, Burlington County, NJ.

18. *Penn Terminal, Inc. D-2008-19-1*. An application for approval of the construction of a 450-foot extension of the existing wharf. The proposed construction would consist of a line of filled cellular cofferdam bulkheads that would

be driven to sit atop bedrock at 40 feet below mean low water (MLW) by means of dead weight cellular construction. Each cofferdam cell would be 48 feet wide. Approximately 10,400 cubic yards of dry fill material would be placed inside the cofferdam cells, 4,800 cubic yards of which would be below MLW. The project is located in the Borough of Eddystone, Delaware County, PA.

19. *FPL Energy Marcus Hook, L.P. D-2008-21-1.* An application for approval to construct a new 4.32 mgd outfall for the purpose of redirecting processed wastewater. The discharge will consist of cooling tower blowdown and low volume waste streams directed to a newly constructed submerged outfall located along Sunoco's offloading pier. The project will discharge to Zone 4 of the Delaware River. The facility is located in Marcus Hook Borough, Delaware County, PA.

20. *Steven Parisi/Falling Creek Investment, LLC D-2008-22-1.* An application for approval of the construction of The Woods WWTP, a 31,250 gpd facility that is proposed to discharge to a holding pond for spray irrigation. The project is located within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters. The project is located in the Pohopoco Creek Watershed, in Polk Township, Monroe County, PA.

21. *London Grove Township Municipal Authority D-2008-33 CP-1.* An application for the approval of the proposed London Grove Township Municipal Authority Conard Pyle WWTP and effluent disposal system. Treated sewage effluent from the Conard Pyle WWTP will be piped through proposed force mains to three proposed offsite spray irrigation facilities at separate locations throughout London Grove Township. The hydraulic capacity of the proposed WWTP and disposal system is 0.607 mgd. The WWTP is to be located on the east side of Rosehill Road, southeast of its intersection with State Road, in London Grove Township, Chester County, PA. The project is located in the Brandywine-Christina Watershed.

22. *Horsham Water & Sewer Authority D-1997-16 CP-2.* Approval is requested for minor corrections to the pump capacity table in Section A.4.b. of Docket D-1997-16 CP-2, issued to HWSA on July 16, 2008. The table in the docket failed to reflect very small changes to the pump capacities that occurred between 1997, the date of approval of the previous HWSA docket, and July, 2008. A revised docket containing the corrected table is requested. The project wells are located in the Pennypack Creek, Park Creek and Little Neshaminy Creek Watersheds in the Stockton Formation.

The business meeting also will include adoption of the Minutes of the Commission's July 16 and September 24, 2008, business meetings; announcements of upcoming advisory committee meetings and other events; a report on hydrologic conditions in the basin; a report by the Executive Director and a report by the Commission's General Counsel. Additional business meeting items will include the following: a public hearing and consideration by the Commission of a resolution to administratively continue Docket No. D-69-210 CP-12 for the Exelon Limerick Generating Station until December 31, 2009, or completion of the public process on Exelon's pending application for a docket renewal with modifications, whichever occurs first; consideration by the Commission of a resolution adopting proposed amendments to the *Water Code* and *Comprehensive Plan* to implement water auditing to identify and control water loss; a hearing and consideration by the Commission of a resolution to approve the Commission 2009-2014 Water Resources Program; and a hearing followed by consideration of a resolution authorizing the Executive Director to enter into an agreement for a sediment flux study of mercury in Water Quality Zone 5 upon securing funds for such a study. The Commission will hold a public hearing but will not consider for adoption on December 10 a resolution approving the Commission's Fiscal Year 2010 expense and capital budgets. An opportunity for public dialogue will be provided at the end of the meeting.

Draft dockets scheduled for public hearing on December 10, 2008, will be posted on the Commission's web site, www.drbc.net, where they can be accessed through the Notice of Commission Meeting and Public Hearing. Additional documents relating to the dockets and other items may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221, with any docket-related questions.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act of 1979 who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Service (TRS) at 711, to discuss how the Commission can best accommodate their needs.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 08-2152. Filed for public inspection November 28, 2008, 9:00 a.m.]

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 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 November 18, 2008.

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

BANKING INSTITUTIONS**Section 112 Applications**

<i>Date</i>	<i>Name of Individual</i>	<i>Location</i>	<i>Action</i>
11-14-2008	William Kronenberg, III, to acquire up to 16.67% of preferred stock of New Century Bank, Phoenixville	Phoenixville	Filed
11-14-2008	Kenneth B. and Moira F. Mumma to acquire up to 16.67% of preferred stock of New Century Bank, Phoenixville	Phoenixville	Filed
11-14-2008	John J. and Doris Sickler to acquire up to 13.33% of preferred stock of New Century Bank, Phoenixville	Phoenixville	Filed
11-14-2008	T. Lawrence Way to acquire up to 16.67% of preferred stock of New Century Bank, Phoenixville	Phoenixville	Filed

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
11-10-2008	NOVA Financial Holdings, Inc., Berwyn, acquired 100% of Pennsylvania Business Bank, Philadelphia	Berwyn	Effective

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-10-2008	Pennsylvania Business Bank, Philadelphia, and NOVA Interim Bank, Berwyn Surviving Institution: Pennsylvania Business Bank, Philadelphia	Philadelphia	Effective
11-11-2008	Embassy Bank for the Lehigh Valley, Bethlehem, and Embassy Interim Bank, Bethlehem Surviving Institution: Embassy Interim Bank, Bethlehem, with the surviving institution continuing under the name "Embassy Bank for the Lehigh Valley"	Bethlehem	Effective

As a result of the previously mentioned merger, Embassy Bank for the Lehigh Valley, Bethlehem, became a wholly-owned subsidiary of Embassy Bancorp, Inc., Bethlehem.

Branch Applications**De Novo Branches**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-17-2008	Affinity Bank of Pennsylvania Wyomissing Berks County	4200 North 5th Street Highway Temple Berks County	Opened
10-21-2008	Clarion County Community Bank Clarion Clarion County	592 Main Street Rimersburg Clarion County	Opened
11-3-2008	Meridian Bank Devon Chester County	60 East Uwchlan Avenue Lionville Chester County	Opened
11-10-2008	Luzerne Bank Luzerne Luzerne County	Routes 118 and 415 Dallas Luzerne County	Opened
11-13-2008	QNB Bank Quakertown Bucks County	1091 Millcreek Road Allentown Lehigh County	Approved

Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-18-2008	First Columbia Bank & Trust Co. Bloomsburg Columbia County	<i>Into:</i> 232 East Street Bloomsburg Columbia County <i>From:</i> 11 West Main Street Bloomsburg Columbia County	Filed

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
11-14-2008	Public Savings Bank Huntingdon Valley Montgomery County	Articles of Amendment provide for the Articles of Incorporation to be amended and restated in their entirety.	Filed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS**Community Charter Conversions**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
10-23-2008	Penn Drake Credit Union Karns City Butler County	Karns City	Filed

The credit union proposes to amend its Articles of Incorporation to serve a field of membership limited to the following community: All people who live, work, worship, attend school in, and businesses and other legal entities in Butler County, in the Commonwealth of Pennsylvania.

Change of Principal Place of Business

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
11-18-2008	Swindell Dressler Credit Union Pittsburgh Allegheny County	<i>To:</i> 555 Grant Street Suite 375 Pittsburgh, PA 15219 Allegheny County <i>From:</i> 441 Smithfield Street Pittsburgh, PA 15222 Allegheny County	Effective

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 08-2153. Filed for public inspection November 28, 2008, 9:00 a.m.]

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

Hearing Scheduled

The following hearing has been scheduled, as authorized by 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), in connection with a challenge of the Department of Community and Economic Development's approval of Keystone Opportunity Expansion Zone benefits for tax years 2006-2008 for County View Manors at Dunmore, LP under the Keystone Opportunity Zone, Keystone Opportunity Expansion Zone and Keystone Opportunity Improvement Zone Act (73 P. S. §§ 820-101—820.1309).

The Dunmore School District and Country View Manors at Dunmore, LP will appear before a hearing examiner at 11 a.m., December 10, 2008, The Commonwealth Keystone Building, 400 North Street, Plaza Level, Pennsylvania Public Utility Commission, Hearing Room 4, Harrisburg, PA 17120.

The parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. Procedural matters will be in conformance with 1 Pa. Code Part II, unless specific exemption is granted.

JOHN BLAKE,
Acting Secretary

[Pa.B. Doc. No. 08-2154. Filed for public inspection November 28, 2008, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Bureau of Forestry; Commercial Activities Agreement Fee

Under section 314 of the Conservation and Natural Resources Act (71 P.S. § 1340.314), the Department of Conservation and Natural Resources (Department) gives notice of an annual fee for commercial activity agreements issued by the Bureau of Forestry (Bureau). The new fee, which will go into effect on Monday, January 5,

2009, is \$250. The fee will assist the Bureau to offset program administration and facility and trail maintenance costs.

Inquiries may be directed to Matt Beaver, Recreation Section, Operations and Recreation Division, Bureau of Forestry, P. O. Box 8552, Harrisburg, PA 17105-8552, (717) 783-7941, fax (717) 783-5109 or mbeaver@state.pa.us. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD).

MICHAEL DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 08-2155. Filed for public inspection November 28, 2008, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P.S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

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

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

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

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

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

I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0063819 (Industrial Waste)	Lafayette College Plant Operations Building Easton, PA 18042	Easton City Northampton County	Bushkill Creek 01F	Y
PA0063011	Hazleton City Authority—Water Department 400 East Arthur Gardner Parkway Hazleton, PA 18201-7359	Hazle Township Luzerne County	Dreck Creek Reservoir 2B	Y
PA0061255 (Sewage)	Wallace R. McDonald 1647 Forest Acres Drive Clarks Summit, PA 18411-9526	Lackawanna County Newton Township	Gardner Creek 4G	Y
PA-0061417 (Minor Industrial Waste)	Northeast Power Company P. O. Box 7 McAdoo, PA 18237	Schuylkill County Kline Township	Little Schuylkill River 5E	Y

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>
PA0009457— Transfer (IW)	Pittsburgh Glass Works, LLC Tipton Plant P. O. Box 307 Tipton, PA 16684-0307	Blair County Antis Township	Little Juniata River 11-A	Y
PA0030911 (SEW)	Eastern Lancaster County School District Caernarvon Elementary School P. O. Box 609 New Holland, PA 17557	Lancaster County Caernarvon Township	Conestoga River 7-J	Y
PA0088676 (SEW)	Creek View Community 493 Potato Road Carlisle, PA 17015	Cumberland County Upper Frankford Township	Conodoguinet Creek 7-B	Y
PA0082481 (SEW)	Municipal Authority of the Borough of Lewistown 70 Chestnut Street Lewistown, PA 17044-2216	Mifflin County Armagh Township	Laurel Creek 12-A	Y

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

<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>
PA0228079 SP	Middleburg Municipal Authority 13 North Main Street Middleburg, PA 17842-0415	Snyder County Franklin Township	UNT to Middle Creek 6A	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>
PA0005321	Praxis Companies, LLC 435 Industrial Drive Savannah, TN 38372-5996	Taylor Township Lawrence County	Shenango River 20-A	Y
PA0103829	Precise Plastics, Inc. 7700 Middle Road Fairview, PA 16415-1703	Fairview Township Erie County	Trout Run 15-TR	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.

PA0031747, Sewage, SIC 4952, **Glen Mills School**, P. O. Box 5011, Concordville, PA 19331. This proposed facility is located in Thornbury Township, **Delaware County**.

Description of Proposed Activity: renewal of an NPDES permit to discharge 0.15 mgd of treated sewage.

The receiving stream, Chester Creek, is in the State Water Plan Watershed 3G and is classified for: TSF. The nearest downstream public water supply intake for Media Borough is located on Chester Creek and is 4.10 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.15 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅	25	50
Suspended Solids	30	60
Ammonia as N (5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
Total Residual Chlorine	0.5	1.2
Fecal Coliform	200 colonies/100 ml	1,000 #/100 ml
Dissolved Oxygen	minimum of 3.0 mg/l at all times	
pH	Within limits of 6.0 to 9.0 Standard Units at all times	
Phosphorus (0—2 Years)	Monitor	Monitor
(3—5 Years)		
(5-1 to 10-31)	1.0	2.0
(11-1 to 4-30)	2.0	4.0

PA0028584, Sewage, SIC 4952, **West Goshen Sewer Authority**, 848 South Concord Road, West Chester, PA 19382-5536. This proposed facility is located in West Goshen Township, **Chester County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from West Goshen STP.

The receiving stream, Goose Creek (Chester Creek) is in the State Water Plan Watershed 3G and is classified for: WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Aqua PA Main System is located on Chester Creek and is 11.1 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 6.0 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅ (5-1 to 10-31)	15	23		30
(11-1 to 4-30)	25	38		50
Total Suspended Solids	30	45		60
Ammonia as N (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	6.0			12.0
Fecal Coliform	# 200/100 ml			# 1,000/100 ml
Dissolved Oxygen	Monitor and Report			5.0 (Instantaneous Minimum)
pH (Standard Units)	Within limits of 6.0 to 9.0 at all times			
Copper, Total	Monitor and Report		Monitor and Report	Monitor and Report
Lead, Total	Monitor and Report		Monitor and Report	Monitor and Report
BIS (2-Ethyl Hexyl) Phthalate	0.003		0.006	0.008
N-Nitrosodi-N-Propyl Amine	Monitor and Report		Monitor and Report	Monitor and Report

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Nitrogen, Total	Monitor and Report			Monitor and Report
Phosphorus, Total				
Year 1				4.0
(5-1 to 10-31)	2.0			
(11-1 to 4-30)	Monitor and Report			Monitor and Report
Years 2—4				
(5-1 to 10-31)	0.5			1.0
(11-1 to 4-30)	1.0			2.0
Year 5				
(5-1 to 10-31)	0.1			0.2
(11-1 to 4-30)	0.2			0.4

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

1. Operator Notification.
2. Average Weekly Definition.
3. Remedial Measures.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Small Stream Discharge.
7. EPA Test Methods.
8. Change of Ownership.
9. Proper Sludge Disposal.
10. TMDL/WLA Analysis.
11. WETT at Renewal.
12. Laboratory Certification.
13. WQBEL for Copper.
14. Operator Certification.
15. I-max Limitations.
16. Fecal Coliform Reporting.
17. Phosphorus Requirements.

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

PA#0029017, Sewage, **Schuylkill Haven Municipal Authority**, 12 West Main Street, Schuylkill Haven, PA 17972-1900. This proposed facility is located in Schuylkill Haven Brough, **Schuylkill County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge up to 2.8 mgd of treated sewage to the Schuylkill River.

The receiving stream, Schuylkill River, is in the State Water Plan Watershed 3A and is classified for: CWF. The nearest downstream public water supply intake for Pottstown Water Authority is located on the Schuylkill River over 40 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 2.8 mgd.

<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)	16		
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	0.5		1.76

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

1. WETT.
2. Operation/Implementation Pretreatment Program.

PA#0027006, Sewage, **Borough of Tamaqua**, 320 East Broad Street, Tamaqua, PA 18252. This existing facility is located in Walker Township, **Schuylkill County**.

Description of Proposed Activity: Renewal of major NPDES Permit for the discharge of treated wastewater.

The receiving stream, Little Schuylkill River, is in the State Water Plan Watershed 03A and is classified for: CWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Pottstown Borough Water Authority is located on the Schuylkill River more than 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 2.6 mgd are as follows:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	6.0		12.0
(11-1 to 4-30)	18.0		36.0
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		
pH	6.0 to 9.0 Standard Units at all times.		
Total Residual Chlorine	1.0		2.34
Manganese	Report		

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

Combined Sewer Overflow (CSO) requirements for small CSO Systems, operation and implementation of a pretreatment program, Whole Effluent Toxicity Testing (WETT).

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

Application No. PA 0026280, Sewage, **Lewistown Borough**, Two East Third Street, Lewistown, PA 17044-1799. This facility is located in Lewistown Borough, **Mifflin County**.

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

The receiving stream, Juniata River, is in Watershed 12-A, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Newport Borough is located on the Juniata River, approximately 30 miles downstream. The discharge is not expected to affect the water supply.

The proposed permit amendment revises the interim milestone dates in the schedule for complying with the Chesapeake Bay nutrient cap loads, and clarifies the effective date for compliance with the cap loads. The final date for complying with the nutrient cap loads has not been amended.

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 not in effect.

Application No. PA 0261211, CAFO, **Bridge Valley Farm**, 870 Bridge Valley Road, Columbia, PA 17512.

Bridge Valley Farm, LLC has submitted an NPDES permit application for Bridge Valley Farm, a poultry layer operation located in Rapho Township, **Lancaster County**. The CAFO is situated near Chickies Creek (Watershed 7-G), which is classified as a WWF. The CAFO has a target animal population of approximately 1,803 animal equivalent units consisting of 518,000 layers. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to issue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

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

Application No. PA 0024074, Amendment No. 1, Sewage, **Shoemakersville Municipal Authority**, 115 East Ninth Street, Shoemakersville, PA 19555. This facility is located in Shoemakersville Borough, **Berks County**.

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

The receiving stream, Schuylkill River, is in Watershed 3-B, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for the Borough of Pottstown Water and Sewer Authority is located on the Schuylkill River, approximately 25 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.75 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
NH ₃ -N	20		40
Total Residual Chlorine	0.5		1.6
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)	200/100 ml as a Geometric Average 2,000/100 ml as a Geometric Average		
Color	200		300
Total Dissolved Solids	Report		

Schuylkill River TMDL Requirements

Parameter	Concentration (mg/l) Monthly Average
Total PCBs	Report

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 not in effect.

Application No. PA 0088714, CAFO, **Pork Champ, LLC**, 572 Waldo-Fulton Road, Waldo, OH 43356. Pork Champ, LLC has submitted an application to renew the existing Individual NPDES permit for an existing CAFO known as the Middle Creek Swine Farm, located in West Cocalico Township, **Lancaster County**.

The CAFO is situated near UNTs of Cocalico Creek, which are classified as HQ-WWF. The CAFO includes two animal housing units designed to maintain an animal population of approximately 729 animal equivalent units consisting of 1,120 gestating sows, 210 sows with litters, 18 boars and 1,200 replacement gilts. Manure is stored in a high-density polyethylene-lined earthen impoundment with a capacity of approximately 3.3 million gallons. Manure produced at the operation is exported to local farmers in accordance with an approved Nutrient Management Plan. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department of Environmental Protection (Department) has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to reissue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department.

Persons may make an appointment to review the Department's files on this case by calling the file review coordinator at (717) 705-4732.

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. Following the 30-day comment period, the Watershed Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time the determination may be appealed to the Environmental Hearing Board.

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

Application No. PA 0026191, Sewage, **Borough of Huntingdon**, 530 Washington Street, Huntingdon, PA 16652. This facility is located in Smithfield Township, **Huntingdon County**.

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

The receiving stream, Juniata River, is in Watershed 11-B, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Dauphin Consolidated Water Company is located on the Susquehanna River, approximately 103 miles downstream. The discharge is not expected to affect the water supply.

The proposed permit amendment revises the interim milestone dates in the schedule for complying with the Chesapeake Bay nutrient cap loads, and clarifies the effective date for compliance with the cap loads. The final date for complying with the nutrient cap loads has not been amended.

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 not in effect.

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

PA0037958, Sewage, **Center Township Sewer Authority**, 224 Center Grange Road, Aliquippa, PA 15001. This application is for renewal of an NPDES permit to discharge treated sewage from Moon Run STP in Center Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Ohio 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 Midland Borough Water Authority.

Outfall 001: existing discharge, design flow of 0.5 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 10-31)	200/100 ml as a Geometric Mean			
(11-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.5			1.6
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0025941, Sewage, **Canonsburg-Houston Joint Authority**, 68 East Pike Street, Canonsburg, PA 15317. This application is for renewal of an NPDES permit to discharge treated sewage from Canonsburg-Houston Joint Authority Wastewater Treatment Plant in Cecil Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Chartiers Creek, 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 West View Municipal Authority located on the Ohio River.

Outfall 001: existing discharge, design flow of 5 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 10-30)	4.0	6.0		8.0
(11-1 to 4-30)	7.0	10.5		14.0
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	0.6			2.0
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			
Cyanide, Free	14 ug/l		35 ug/l	

The EPA waiver is not in effect.

PA0252506, Sewage, **Indiana County Municipal Services Authority**, 602 Kolter Drive, Indiana, PA 15701. This application is for renewal of an NPDES permit to discharge treated sewage from Margaret STP in Cowanshannock Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Huskins Run, 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 Kittanning Suburban Joint Water Authority.

Outfall 001: existing discharge, design flow of 0.0061 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
Ammonia Nitrogen				
(5-1 to 10-31)	4.5			9.0
(11-1 to 4-30)	13.5			27.0

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
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	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0252590, Sewage, **Center Township Supervisors**, P. O. Box 435, Rogersville, PA 15359. This application is for renewal of an NPDES permit to discharge treated sewage from Rogersville STP in Center Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as South Fork Tenmile Creek, which are classified as a HQ-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 Tri-County Joint Municipal Authority.

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

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	10			20
Suspended Solids	10			20
Ammonia Nitrogen (5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	4.5			9.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0263427, Industrial Waste, **Rock Well Petroleum U.S., Inc.**, 2100 West 5th Street, Sheridan, WY 82801-3266. This proposed facility is located in City of Titusville, **Crawford County**.

Description of Proposed Activity: NPDES permit for a new discharge of treated brine water.

The receiving water is Oil Creek. The receiving stream is in State Water Plan 16-E and is classified for the following uses: CWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, Emlenton Water Company, is located on Allegheny River and is approximately 59.46 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a maximum design flow of 0.125 mgd.

Parameters	Loadings		Concentrations		Instantaneous Maximum (mg/l)
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	
Flow (mgd)		0.125			
Total Suspended Solids			30		60
Oil and Grease			15		30
Total Iron			3.5		7.0
Benzene			0.57		1.43
Cadmium			0.04		0.10
Acidity			Less than Alkalinity		
Alkalinity			XX		
Osmotic Pressure (mO/Kg)			XX		
Chloride			XX		
Phenolics			XX		
pH			6.0 to 9.0 Standard Units at all times		

XX—Monitor and report.

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)

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

WQM Permit No. 3908404, Sewerage, **Lehigh County Authority**, 1053 Spruce Street, P. O. Box 3348, Allentown, PA 18106-0348. This proposed facility is located in Upper Macungie Township, **Lehigh County**.

Description of Proposed Action/Activity: This project is for the construction of a new 5.5 mgd wastewater pumping station and approximately 19,000 linear feet of 20-inch ductile iron force main.

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

WQM Permit No. 0703201, Sewage, **Pittsburgh Glass Works, LLC**, Tipton Plant, P. O. Box 307, Tipton, PA 16684-0307. This proposed facility is located in Antis Township, **Blair County**.

Description of Proposed Action/Activity: Transfer of Permit.

WQM Permit No. 3195402, Amendment 08-1, Sewage, **Orbisonia-Rockhill Joint Municipal Authority**, P. O. Box 346, Orbisonia, PA 17243. This proposed facility is located in Cromwell Township, **Huntingdon County**.

Description of Proposed Action/Activity: Upgrade to existing wastewater treatment plant, plus the installation of two new oxidation ditches.

WQM Permit No. 2299404, Amendment 08-1, Sewage, **Middletown Borough Authority**, 60 West Emaus Street, Middletown, PA 17057-1407. This proposed facility is located in Middletown Borough, **Dauphin County**.

Description of Proposed Action/Activity: Upgrades to the existing wastewater treatment plant to comply with the Chesapeake Bay Standards.

WQM Permit No. 6703405, Amendment 08-1, Sewage, **Stewartstown Borough Authority**, 6 North Main Street, Stewartstown, PA 17363. This proposed facility is located in Hopewell Township, **York County**.

Description of Proposed Action/Activity: Upgrades to the existing wastewater treatment plant.

WQM Permit No. 2174406, Amendment 08-1, Sewage, **Carlisle Borough**, 53 West South Street, Carlisle, PA 17013. This proposed facility is located in Carlisle Borough, **Cumberland County**.

Description of Proposed Action/Activity: Seeking approval for the construction/modifications of a mechanical screen and a grit chamber for the wastewater treatment facility.

WQM Permit No. 2292405, Amendment 08-1, Sewage, **Millersburg Area Authority**, 101 West Street, Millersburg, PA 17061-1321. This proposed facility is located in Millersburg Borough, **Dauphin County**.

Description of Proposed Action/Activity: Seeking approval for the modifications/upgrades/additions and alterations to the existing wastewater treatment plant.

WQM Permit No. 0194403, Amendment 08-1, Sewerage, **Blue Ridge Sportsman Association, Inc.**, 3009 Waynesboro Pike, Fairfield, PA 17320. This proposed facility is located in Liberty Township, **Adams County**.

Description of Proposed Action/Activity: Seeking approval for the modifications of replacing existing sand filter with extended aeration and sedimentation plant at existing wastewater treatment plant.

WQM Permit No. 4495402, Amendment 08-1, Sewerage, **Municipal Authority of the Township of Union**, P. O. Box 5625, Belleville, PA 17004-5625. This proposed facility is located in Union Township, **Mifflin County**.

Description of Proposed Action/Activity: Seeking approval for the modifications of the addition of vertical fine screening facilities and chemical phosphorus removal facilities at existing wastewater treatment plant.

WQM Permit No. 0508403, Sewerage, **Borough of Everett Area Municipal Authority**, 100 Mechanic Street, Everett, PA 15537-1177. This proposed facility is located in Everett Borough, **Bedford County**.

Description of Proposed Action/Activity: Seeking approval for the modifications of demolishing existing sand and plastic filter media sludge drying beds and construct reed sludge drying beds.

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

WQM Permit No. 4108401, Sewage, SIC 4952, **Loyalsock Township**, 2501 East Third Street, Williamsport, PA 17701. This proposed facility is located in Loyalsock Township, **Lycoming County**.

Description of Proposed Action/Activity: The applicant proposes to eliminate a sewer overflow and rehabilitate sewers mains and replace service connections and inceptor mains in eastern Loyalsock Township.

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

WQM Permit No. WQG016170, Sewerage, **Joseph Bauer**, 326 Pine Run Road, Fombell, PA 16123. This proposed facility is located in Marion Township, **Beaver County**.

Description of Proposed Action/Activity: Permit application for the construction and operation of a single-residence sewage treatment plant.

WQM Permit No. 5608405, Sewerage, **Rox Coal, Inc.**, P. O. Box 260, Friedens, PA 15541. This proposed facility is located in Somerset Township, **Somerset County**.

Description of Proposed Action/Activity: Permit application for the construction and operation of a sewage treatment plant for a deep mine and bathhouse.

WQM Permit No. 0276461-A2, Sewerage, **Allegheny Valley Joint Sewage Authority**, 2400 Freeport Road, P. O. Box 158, Cheswick, PA 15024-0158. This existing facility is located in Harmar Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit amendment application for existing STP.

Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481, (814) 332-6860.

WQM Permit No. WQG028316, Sewerage, **Pleasant Township**, P. O. Box 865, Warren, PA 16365. This proposed facility is located in Pleasant Township, **Warren County**.

Description of Proposed Action/Activity: The proposed pump station will replace the ejector station, while performing the same general duty. This project will not change the volume or quantity of waste entering the collection system.

WQM Permit No. 2597423, Sewerage, **Amendment No. 2, Borough of North East**, 31 West Main Street, North East, PA 16428. This proposed facility is located in North East Borough, **Erie County**.

Description of Proposed Action/Activity: The project involves upgrades to the Site I Wastewater Treatment Plant to include a new headworks screening facility, second aeration tank, aerobic digester and centrifuge sludge dewatering system. The proposed project also expands the Site II Wastewater Treatment Plant from 2.1 mgd to 2.9 mgd. Proposed facilities at the Site II Plant include a headworks screening facility, grit chamber, contact stabilization treatment unit with secondary clarifier and aerobic digester, reactor clarifier, upgrades to existing contact stabilization treatment units, expansion of chlorine contact tank and centrifuge sludge dewatering system. The Site II plant discharge location to Sixteen Mile Creek will remain in its present location.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 0908015	Penn's Grant Corporation 2005 South Easton Road Suite 307 Doylestown, PA 18901	Bucks	Milford Township	UNT Unami Creek HQ-TSF
PAI01 1508072	William and Kathleen Waid 216 Nottingham Drive Spring City, PA 19475	Chester	East Nantmeal Township	March Creek Lyons Run HQ-TSF-MF
PAI01 1508073	West Bradford Development Co. 806 Baltimore Pike Glen Mills, PA 19342	Chester	East Fallowfield Township	UNT West Branch Brandywine Creek EV-MF
PAI01 1508074	LTK Associates, LP 55 Country Club Drive Suite 200 Downingtown, PA 19335	Chester	Uwchlan Township	Shamona Creek HQ-TSF-MF
PAI01 2308004 Phase IB, 1C	BPG Land Partners VIII Seaport, LLC FC Pennsylvania Stadium, LLC 322 A Street Suite 300 Wilmington, DE 19901	Delaware	City of Chester	Delaware River WWF, MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023908025	Dennis Benner DB3, LLC 2005 Cityline Road Suite 106 Bethlehem, PA 18107	Lehigh	City of Bethlehem	Monocacy Creek HQ-CWF

Northampton County Conservation District: Greystone Building, Gracedale Complex, Nazareth, PA 18064-9211, (610) 746-1971.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024808020	Myers Power Products, Inc. Attn: Bruce Steigerwald 2000 Highland Avenue Bethlehem, PA 18020	Northampton	Hanover Township	Monocacy Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024508014	Pocono Mountain School District P. O. Box 200 Pocono Mountain School Road Swiftwater, PA 18370	Monroe	Barrett Township	Brodhead Creek HQ-CWF

Wyoming County Conservation District: One Hollowcrest Complex, Tunkhannock, PA 18657, (570) 836-2589.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026608001	Mehoopany Wind Energy, LLC ATTN: Kevin Davis 310 4th Street NE Suite 200 Charlottesville, VA 22902	Wyoming	Eaton, Forkston, Mehoopany, Noxen and Washington Townships	Stone Run HQ-CWF Kasson Brook HQ-CWF South Branch Roaring Run CWF Roaring Run CWF Newton Run HQ-CWF Sugar Hollow Creek HQ-CWF Bowman's Creek HQ-CWF Hettesheimer Run HQ-CWF York Run HQ-CWF Bowman Hollow HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041403017-3	Ian Salada PSU Office of Physical Plant 113P Physical Plant Building University Park, PA 16802	Centre	State College Borough	Slab Cabin CWF Thompson Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044108001	Robert Charlebois Laurel Hill Wind Energy, LLC 71 Allen Street Suite 101 Rutland, VT 05701	Lycoming	Jackson and McIntyre Townships	Blockhouse Creek CWF Little Pine Creek CWF Roaring Branch Run HQ-CWF Gray's Run HQ-CWF Long Run HQ-CWF Frozen Run HQ-CWF Red Run CWF Lycoming Creek CWF Susquehanna River WWF

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

Butler County Conservation District: 122 McCune Drive, Butler, PA 16001-6501, (724) 284-5270.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI061008003	The Plantation at Saxonburg Knoch Farms Development, LLC 2121 Old Gatesburg Road Suite 200 State College, PA 16803	Butler	Clinton Township	UNT Sarver Run HQ-TSF

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

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

STATE CONSERVATION COMMISSION

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

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

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

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

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

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

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET
ACT 38
NUTRIENT MANAGEMENT PLANS
CAFO PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Brubaker Farms Partnership 493 Musser Road Mount Joy, PA 17552	Lancaster	1,965.4	1,736.74	Dairy Broilers Sheep	NA	Renewal
D. Fred Miller & Sons Lester Miller 276 Miller Road New Oxford, PA 17350	Adams	1,916.8	633.24	Turkey Brooder, Turkey Finisher, Steers	NA	Renewal
Round Hill Dairy Jeremy and Isaac Miller 6105 Carlisle Pike East Berlin, PA 17316	Adams	47.5	119.25	Dairy Cows, Dry Cows, calves and heifers	NA	New
Brian Blevina Peach Glen Farm, LLC 367 Georgetown Road Gardners, PA 17342	Cumberland	42	552.2	Turkey and Swine	NA	New

**PUBLIC WATER SUPPLY (PWS)
PERMIT**

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

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

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 4008507, Public Water Supply.

Applicant	Pennsylvania American Water Co. Centerpoint East Phase II Jenkins Township Luzerne County
Responsible Official	David Kaufman Pennsylvania American Water 800 Hersheypark Drive Hershey, PA 17033
Type of Facility	Public Water System
Consulting Engineer	Reilly Associates 49 South Main Street Pittston, PA
Application Received Date	November 3, 2008
Description of Action	The construction of a booster pump station, storage tank and distribution system to serve an expanded business park.

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

Permit No. 2808511, Public Water Supply.

Applicant	Silver Spring Water Association
Municipality	Hamilton Township

County	Franklin
Responsible Official	Steven Mayer, President 9451 Gilbert Road Chambersburg, PA 17201
Type of Facility	Public Water Supply
Consulting Engineer	Yves E. Pollart BCEE, P. E. Rettew Associates, Inc. 2500 Gettysburg Road Camp Hill, PA 17011
Application Received	October 30, 2008
Description of Action	Radium removal
Permit No. 0608515	Public Water Supply.
Applicant	Reading Area Water Authority
Municipality	Ontelaunee Township
County	Berks
Responsible Official	Dean Miller, Executive Director 815 Washington Street Reading, PA 19601
Type of Facility	Public Water Supply
Consulting Engineer	Max C. Kurbjun, Jr., P. E. BCM Engineers 920 Germantown Pike Plymouth Meeting, PA 19462
Application Received	October 28, 2008
Description of Action	Addition of more alum storage facilities and transfer pumps to transfer alum from new storage to existing day tanks with in the existing treatment building.

MINOR AMENDMENT

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

Application No. 6606503MA, Minor Amendment,	
Public Water Supply.	
Applicant	Aqua Pennsylvania, Inc. Rivercrest Water System Tunkhannock Township Wyoming County
Responsible Official	David Quinn Aqua Pennsylvania, Inc. 50 East Woodhaven Drive White Haven, PA
Type of Facility	Public Water System
Consulting Engineer	CET Engineering Services 1240 Mountain Road Harrisburg, PA
Application Received Date	October 7, 2008
Description of Action	The replacement of the roof on the existing finished water reservoir.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 1

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

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

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

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

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

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

Northgate, City of Lancaster, **Lancaster County**. GCI Environmental Services, Inc., 1250 East King Street, Lancaster, PA 17602-3236, on behalf of Messner Enterprises Northgate LLP, P. O. Box 333, Landisville, PA 17538, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with leaded gasoline. The site will be remediated to the Site-Specific Standard. Future use of this former gas station is unknown.

Woodland Retirement Center, Cromwell Township, **Huntingdon County**. Herbert, Rowland, & Gubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Presbyterian Homes, Inc., One Trinity Drive East, Suite 201, Dillsburg, PA 17019 submitted a revised Notice of Intent to Remediate site soils, groundwater and surface water contaminated with No. 2 fuel oil from a removed underground storage tank. The property is and will remain a retirement home. The applicant is seeking to remediate to a combination of Statewide Health and Site-Specific Standards.

Former Hanover RUS Facility, Penn Township, **York County**. ARCADIS US, Inc., 6 Terry Drive, Suite 300, Newtown, PA 18940, on behalf of Cintas Corporation, 27 Whitney Drive, Milford, OH 45150, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with solvents from historical dry cleaning operations at the site. The future use of the site will be for industrial laundering operations.

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

Former Beech Creek Market, Beech Creek Borough, **Clinton County**. ATC Associates, Inc., 101 Allegheny Street, Suite 2B, Hollidaysburg, PA 16648 on behalf of Former Beech Creek Market, 272 Main Street, Beech Creek, PA 16822 has submitted a Notice of Intent to Remediate soil contaminated with 1,3,5-trimethylbenzene and groundwater contaminated with benzene, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene and MTBE. The applicant proposes to remediate the site to meet the Background Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Lock Haven Express* on October 30, 2008. The future use of the project site is planned for redevelopment as a market and fueling station.

Smooth Landings, Ralpho Township, **Northumberland County**. Brian Snyder, 1387 Airport Road, Paxinos, PA 17860 has submitted a Notice of Intent to Remediate soil contaminated with Chlorinated Solvents. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The News Item* on September 5, 2008.

DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

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

Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.

General Permit Application No. WMGR053-NWD01. Engineered Plastics, LLC, 1241 Camphausen Avenue, Erie, PA 16511, City of Erie, **Erie County**. The application is for determination of applicability for processing of consumer commodity-type materials in recyclable containers. The application was found to be administratively complete on November 13, 2008. The application for determination of applicability was received by the Northwest Regional Office on November 5, 2008.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit Application No. 101666. Gotta Go Septics, B & R Nauman, Inc., 75 Pocono Heights Road, Tobyhanna, PA 18466. A Permit Renewal/Reissuance application for the continued operation of this municipal waste sewage sludge (septage) transfer facility located in Penn Forest Township, **Carbon County**, and the reissuance of the permit to Gotta Go Septic, B & R Nauman, Inc. The application was withdrawn by the applicant on November 1, 2008.

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 operat-

ing 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.

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.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.

10-001M: AK Steel Corporation (P. O. Box 832, Butler, PA 16003-0832) for the air permitting associated with the construction of an Electric Arc Furnace (EAF) and a dual station Ladle Metallurgical Facility (LMF) at the Melt Shop facility, Butler Works, in the City of Butler, **Butler County**.

Notice is hereby given in accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (Department) intends to issue a plan approval to AK Steel Corporation (P. O. Box 832, Butler, PA 16003-0832). The facility currently has a Title V permit which was issued February 13, 2006. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

This application is for the air permitting associated with the construction of an EAF and a dual station LMF at the Melt Shop facility, Butler Works, in the City of Butler, Butler County. This plan approval is subject to the Prevention of Significant Deterioration and Nonattainment New Source Review requirements for CO, SO₂, VOC, NO_x and NO₂.

Based on the information provided by the applicant and Department's own analysis, the proposed melt shop modernization project would consume the following increments:

Pollutant	Ambient Air Quality Impact
CO	14,796.79 µg/m ³ (1 hour avg.) and 5,762.76 µg/m ³ (8 hour avg.)
NO ₂	99.25 µg/m ³ (annual)
SO ₂	1,323.52 µg/m ³ (3 hour avg.), 273.57 µg/m ³ (24 hour avg.) and 47.25 µg/m ³ (annual)

Issuance of the plan approval is recommended with the appropriate conditions in the plan approval.

The following conditions apply to the sources in the Melt Shop.

1. a. The maximum production rate for No. 5 EAF is 300 tons of liquid steel per hour or the production rate

during compliant stack testing plus 10% of the production rate calculated as a 24-hour average, whichever is lower.

b. The production in the melt shop shall be limited to 2,000,000 tons of liquid steel in any 12-month rolling period.

c. The total steel production from No. 2 EAF shall not exceed 400,000 tons of liquid steel in any 12-month rolling period.

d. The maximum production rate for No. 2 EAF is 50 tph of liquid steel or the production rate during compliant stack testing plus 10% of the production rate calculated as a 24-hour average, whichever is lower.

e. The maximum AOD Reactor throughput is 250 tph of liquid steel or the throughput rate during compliant stack testing plus 10% of the throughput rate calculated as a 24-hour average, whichever is lower.

f. The maximum natural gas usage in the AOD reactor is 18.6 thousand cubic feet per hour.

g. The maximum natural gas usage in No. 5 EAF is 1,500 scfm.

h. If the maximum production rate of liquid steel during the stack test is less than that specified previously, then the production rate of liquid steel during the stack test plus 10% shall become the enforceable production limit for liquid steel until a stack test is performed at a higher production and demonstrates compliance with the emission limits contained in this plan approval.

i. The permittee may conduct stack testing at a higher production rate of liquid steel in order to determine compliance with the emission limits of this plan approval. In no event shall the production rate of liquid steel exceed the production rates specified above during the stack test.

j. The permittee shall follow the applicable conditions for stack testing that are in contained in this plan approval.

2. The allowable emission limits from the No. 3 Baghouse shall be calculated as a 12-month rolling sum:

- PM/PM10—53 tpy.
- CO—2,000 tpy.
- NO_x—350 tpy.
- SO₂—250 tpy.
- VOC—140 tpy.

3. The allowable short-term emission limits from the No. 3 Baghouse are:

- CO—2.4 pounds per ton of liquid steel produced, calculated as a 24-hour average.
- NO_x—0.42 pound per ton of liquid steel produced, calculated as a 24-hour average.
- SO₂—0.3 pound per of ton liquid steel produced, calculated as a 24-hour average.
- VOC—0.18 pound per ton liquid steel produced, calculated as a 24-hour average.

4. Total allowable PM emission concentration for the No. 3 Baghouse (Control No. C17) is 0.0018 gr/dscf.

5. Total allowable PM emission concentration for the No. 1/2 Baghouse (Control No. C17) is 0.002 gr/dscf.

6. The allowable emission limits from the No. 1/2 Baghouse are calculated as a 12-month rolling sum:

- PM/PM10—15 tpy

- b. CO—500 tpy
 - c. NO_x—RACT Limit.
7. The allowable short-term emission limits from the No. 1/2 Baghouse are:
- a. CO—0.6 lb/ton, calculated as a 24-hour average.
 - b. NO_x—RACT Limit.
 - c. VOC—RACT Limit.
8. There shall be no Melt Shop opacity due to fugitive emissions during periods of normal melt shop operation.
9. The opacity from the No. 1/2 Baghouse may not exceed 3% as defined by 40 CFR 60.273a—Emission Monitoring.
10. The opacity from the No. 3 Baghouse may not exceed 3% as defined by 40 CFR 60.273a—Emission Monitoring.
11. The following parameters will be monitored as part of the CAM plan for Baghouses No. 3 and No. 1/2:
- a. Inlet Pressure.
 - b. Visible Observations.
 - c. Preventive Maintenance.
12. Stack Testing Conditions:
- a. The owner or operator shall conduct performance testing to determine the capture efficiencies of the Direct Evacuation Control system (DEC), canopy hood and building/roof monitor within 90 days of the date of issuance of this Plan Approval for the existing sources in the Melt Shop.
 - b. The owner or operator shall perform emission testing for NO_x, CO, SO₂, VOC, PM₁₀, Total PM and Lead simultaneously on Baghouse No. 3 and Baghouse No. 1/2 within 90 days of the date of issuance of this Plan Approval. The testing of the CO and NO_x shall be performed simultaneously.
 - c. The owner or operator shall conduct performance testing to determine the capture efficiencies of the DEC and canopy hood associated with the No. 5 EAF within 180 days of the start-up of the No. 5 EAF and associated LMF or on a schedule approved by the Department.
 - d. The owner or operator shall perform emission testing for NO_x, CO, SO₂, VOC, PM₁₀, Total PM and Lead on Baghouse No. 3 within 180 days of the start-up of No. 5 EAF and associated LMF or on a schedule approved by the Department. The testing of the CO and NO_x shall be performed simultaneously.
 - e. Stack tests shall be performed twice in each calendar year and once between 5 and 7 months following the prior performance test on No. 3 Baghouse when the No. 5 EAF and LMF are operating to determine compliance with the CO, VOC, NO_x, SO₂, PM and PM₁₀ emission rates. The testing of the CO and NO_x shall be performed simultaneously.
 - f. If the production from the No. 2 EAF exceeds 50,000 tons in any 12-month rolling period, stack tests shall be performed when the No. 2 EAF is operating within 60 days and once every 12-months thereafter to determine compliance with the CO, VOC, NO_x, SO₂, PM and PM₁₀ emission rates. The testing of the CO and NO_x shall be performed simultaneously.
 - g. Stack tests shall be performed once a year on the No. 1/2 baghouse when the AOD is operating to determine compliance with the CO, VOC, NO_x, SO₂, PM and

PM₁₀ emission rates. The testing of the CO and NO_x shall be performed simultaneously.

f. After 3 years, the Permittee may petition the Department, in writing, to amend the stack testing requirements.

13. The AOD and No. 2 EAF exhausting to Baghouse No. 1/2 are subject to the provisions in 40 CFR 60, Subpart AA—Standards of Performance for Steel Plants: EAF and Argon-Oxygen Decarburization Vessels Constructed after October 21, 1974, and before August 17, 1983.

14. The No. 5 EAF and the LMF exhausting to Baghouse No. 3 are subject to the provisions in 40 CFR 60, Subpart AAA—Standards of Performance for Steel Plants: EAF and Argon-Oxygen Decarburization Vessels Constructed after August 7, 1983.

15. A properly designed DEC with water-cooled ducts shall be installed on the No. 5 EAF to control CO emissions.

16. Oxyfuel burners with O₂ lances shall be installed on the No. 5 EAF to control NO_x emissions.

17. Any carbon source used in the production of liquid steel in the No. 5 EAF shall be limited to 2.0% sulfur, by weight, to control SO₂ emissions.

18. A scrap management plan shall be implemented to prevent the charging of any scrap into the furnace that is heavily oiled or contains a large amount of combustible, nonmetallic or rubber materials to control VOC emissions.

19. The No. 5 EAF shall only be operated when the DEC system, canopy hoods, ductwork, fans and baghouse are operating properly.

The following conditions apply to the Ladle Preheaters:

1. The Permittee shall maintain, on a monthly basis, records of natural gas usage in each Ladle Preheater.

2. Within 12-months after installation of the Ladle Preheater No. 9, and annually thereafter, the Permittee shall perform NO_x and CO emissions testing using a portable analyzer approved by the Department. The Department may alter the frequency of annual portable analyzer tests based on the results. The Department may also waive all or parts of this requirement if the permittee demonstrates compliance, in lieu of testing, through alternate means satisfactory to the Department.

The following conditions apply to the Emergency Generator:

1. The sulfur content in diesel fuel shall not, at any time exceed 0.3%, by weight.

2. The PM emissions from each engine shall not exceed 0.4 gram per brake hp/hr.

3. The emissions from the diesel engine may not, at any time exceed:

a. Visible emissions equal to or greater than 20% for a period or periods aggregating more than 3 minutes in any 1 hour.

b. Visible emissions equal to or greater than 60% at any time.

c. PM in excess of 0.04 gr/dscf.

d. Odor emissions in such a manner that the malodors are detectable outside the property of the permittee as specified in 25 Pa. Code § 123.31.

4. Total Hydrocarbon (THC) emission standard of 1.0 gram per brake hp/hr.

5. CO emission standard of 2.0 grams per brake hp/hr.
6. NO_x emission standard of 6.9 grams per brake hp/hr.
7. Within 12-months after installation of the emergency generator, and annually thereafter, the Permittee shall perform NO_x emissions using a portable analyzer approved by the Department. The Department may alter the frequency of annual portable analyzer tests based on the results. The Department may also waive all or parts of this requirement if the permittee demonstrates compliance, in lieu of testing, through alternate means satisfactory to the Department.

The following conditions apply to the Cooling Tower:

1. a. The PM from the water-cooling tower shall not exceed 3.96 tpy on a 12-month rolling sum.
- b. The total dissolved/suspended solids shall not exceed 1,000 ppm in the cooling tower water.

The following conditions apply to the Truck Unloading Stations.

1. Total allowable PM emission concentration for the truck unloading stations dust collectors is 0.01 gr/dscf.
2. The allowable fugitive emission limits from the EAF and LMF Alloy truck unloading stations are calculated as a 12-month rolling sum:
 - a. PM—2.57 tpy to be calculated as 0.12 pound per ton of material processed during a consecutive 12-month period.
 - b. PM₁₀—1.29 tpy to be calculated as 0.06 pound per ton of material processed during a consecutive 12-month period.
3. The allowable fugitive emission limits from the West End Hopper House truck unloading stations are calculated as a 12-month rolling sum:
 - a. PM—3.03 tpy to be calculated as 0.12 pound per ton of material processed during a consecutive 12-month period.
 - b. PM₁₀—1.51 tpy to be calculated as 0.06 pound per ton of material processed during a consecutive 12-month period.
4. The owner or operator shall perform emission testing for PM₁₀ and Total PM on one of the unloading station dust collectors within 180 days of the start-up of the first unloading stations or a schedule approved by the Department.

The following conditions apply to the plant roads.

1. The plant entrance road shall be maintained to keep fugitive emissions to a minimum. The road shall be routinely swept or dust suppressant shall be applied on an as needed basis.
2. Speed limits for vehicular traffic shall be posted and enforced.
3. A daily log shall be kept on site documenting road conditions and road maintenance.
4. A daily record of all traffic within the plant shall be kept onsite and shall contain the following information:
 - a. Each make and type of vehicle moving within the plant and the routes used.
 - b. Road miles of each vehicle.

The following condition applies to the entire facility:

1. Within 45 days of acceptance by the Department of the stack test results required to determine the capture efficiencies and emission rates of the current operations prior to the modernization project and the initial stack test results required to determine the capture efficiencies and emission rates after modernization project, the Department will notify the Permittee in writing whether a revised netting analysis is required to be submitted. The information obtained from stack tests will be used to confirm and/or recalculate the baseline actual emissions and to calculate the future actual emissions.

2. If it is determined that the Melt Shop Modernization project has caused a significant net emissions increase (as those terms are defined in 40 CFR 52.21(b)(3)(i) and (23)(ii)) for PM or PM₁₀, the facility will become subject to PSD for PM or PM₁₀ at that time. In the event that a significant net emissions increase occurs, the facility shall obtain a plan approval that demonstrates compliance with the requirements of 40 CFR 52.21 as well as 25 Pa. Code Chapter 127, Subchapter E pertaining to New Source Review requirements and any other applicable regulations.

3. The Permittee shall submit, by March 1 of each calendar year and each subsequent calendar year for 5 years after the No. 5 EAF is operating, a netting analysis comparing the baseline actual emissions, the projected future actual emissions, and the actual emissions that occurred during the past calendar year. The actual emissions shall be derived from the production data and stack test results for the previous calendar year.

4. If it is determined that the Melt Shop Modernization project has caused a significant net emissions increase (as those terms are defined in 40 CFR 52.21(b)(3)(i) and (23)(ii)) for PM or PM₁₀, the facility will become subject to PSD for PM or PM₁₀ at that time. In the event that a significant net emissions increase occurs, the facility shall obtain a plan approval that demonstrates compliance with the requirements of 40 CFR 52.21 as well as 25 Pa. Code Chapter 127, Subchapter E pertaining to New Source Review requirements and any other applicable regulations.

5. The Permittee shall sign a Consent Order and Agreement with the Department within 180 days of issuance of the plan approval that includes:

- a. Submitting revised AIMS reports.
- b. Pay all applicable emission fees, interest and penalties for the following calendar years and pollutants:
 - (i) Calendar years 1990—2004 for NO_x and VOCs.
 - (ii) Calendar years 1995—2004 for CO, PM₁₀ and SO₂.
 - (iii) Calendar years 2001—2004 for PM_{2.5}.
- c. Compliance with the RACT requirements (as defined in 25 Pa. Code § 129.91—Control of Major Sources of NO_x and VOCs).
 - (i) VOC limits for existing sources for the entire facility.
 - (ii) NO_x limit for the AOD.

4. a. The company shall not operate the No. 5 EAF, LMF, No. 9 preheater or the new emergency generator associated with the shop modernization project until the required emission reduction credits are provided to and processed through the ERC registry.

b. The company is required to secure emission offsets in the amount of 178.18 tpy of VOCs to offset emissions of 154.94 tpy of VOCs.

c. The company is required to secure emission offsets in the amount of 142.31 tpy of NO_x to offset emissions of 123.75 tpy of NO_x.

d. If the amount of required emission reduction credits increases, the company shall secure emission offsets according to a schedule determined by the Department.

The Plan Approval and Operating Permit will include conditions that require monitoring, recordkeeping, reporting, work practice standards, and additional requirements for the sources and control devices designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at 230 Chestnut Street, Meadville, PA 16335.

Any persons wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following:

- (i) Name, address and telephone number of the person submitting the comments.
- (ii) Identification of the Proposed Permit No. 10-001M.
- (iii) A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Carolyn Cooper, P. E., Air Quality Program, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should by contacting Carolyn Cooper, P. E. or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

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

46-0162A: Hammond Lead Products, Inc. (10 Grosstown Road, Pottstown, PA 19464) for installation of an exhaust point at the existing poly-dispersion process and rail car loading operations at their facility in West Pottsgrove Township, **Montgomery County**. The facility is a lead oxide manufacturing plant. Facility-wide potential to emit for all criteria pollutants is below major facility thresholds for the Philadelphia Consolidated Metropolitan Statistical Area. The plant is therefore a Natural Minor Facility. The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

64-303-012: Hanson Aggregates Pennsylvania (7660 Imperial Way, Allentown, PA 18195) for modification of an existing asphalt plant to utilize an alternative fuel, onspec waste derived liquid fuel in the process at their facility in Lake Township, **Wayne County**. This facility is not a Title V facility. The company has elected to take a voluntary production restriction of 495,000 tons of asphalt per year. The plan approval will include all appropriate testing, monitoring, recordkeeping and reporting requirements designed to keep the asphalt plant operating within all applicable air quality requirements.

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

38-05037B: Zimmerman Chair Shop (1486 Colebrook Road, Lebanon, PA 17042-9507) for installation of two coating booths in North Cornwall Township, **Lebanon County**. The wood surface coating and manufacturing operation will be subject to the wood surface coating regulations found in 25 Pa. Code §§ 129.101—129.107 in addition to those found in 25 Pa. Code § 129.52. The facility will not be subject to 40 CFR Part 63, Subpart JJ since potential emissions of VOCs and HAPs will remain below major source thresholds, respectively. Actual VOC and HAP emissions from the proposed installation are not expected to exceed 7.0 and 1.4 tons per 12-month rolling total, respectively. The plan approval and subsequent State-only operating permit will include emission limitations, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

AMS 08179: PaperWorks Industries, Inc. (5000 Flat Rock Road, Philadelphia, PA 19127) to replace two existing boilers and one temporary package boiler with two English Boiler and Tube, Inc., Model DS Boilers in the City of Philadelphia, **Philadelphia County**. Each boiler will be rated 92.27 mmBtu/hr and will burn No. 6 oil and natural gas. The new boilers will have the following combined potential annual emissions: 162.46 tons of NO_x, 270.92 tons of SO₂, 41.20 tons of CO, 2.54 tons of VOCs, 46.66 tons of PM/PM₁₀ and 31.14 tons of PM/PM_{2.5}. The potential emissions of all of these emissions will decrease as a result of the project due to the removal of larger boilers. The plan approval will contain operating, monitoring, recordkeeping and reporting 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.

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

AR-01-05029: Reliant Energy Wholesale Generation, LLC (121 Champion Way, Suite 200, Canonsburg, PA 15317) for operation of an electric generating station in Straban Township, **Adams County**. The facility is subject to Title IV (Acid Rain) Phase II for three combined cycle turbines. The proposed permit will be issued with the Title V permit.

22-05013: M. I. Metals, Inc. (1517 Route 209, Millersburg, PA 17061) for operation of a surface coating facility in Millersburg Borough, **Dauphin County**. This is a renewal of the Title V operating permit issued in 2004.

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

V07-002: Naval Surface Warfare Center—Carderock Division (5001 South Broad Street, Code 02, Philadelphia, PA 19112) for operation of research, development, testing, evaluation, fleet support and in-service engineering for surface and undersea naval ships facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include four wall-fired ship boilers, each with a heat input between 200 and 385 mmBtu/hr, five boilers each with a heat input less than 10 mmBtu/hr, 10 heaters each with a heat input less than 3 mmBtu/hr, five emergency generators, three engine test cells, five diesel engines used for testing, 11 gas turbines, a paint spray booth, wood working and parts cleaner. The facility's air emissions control devices include dust collectors, baghouse and filters.

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener (215) 685-9426.

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

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

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

09-00154: Bucks County Water and Sewer Authority (1275 Almshouse Road, Warrington, PA 18976) submitted a renewal for a Non-Title V Facility, State-only, Natural Minor Permit in Doylestown Township, **Bucks County** at their facility at Pine Run Road and Old Dublin Pike. Bucks County Water and Sewer Authority is a sewage treatment plant. The sources of emissions include an emergency generator and the wet well controlled by a scrubber. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

06-03038: Stericycle, Inc. (1525 Chestnut Hill Road, Morgantown, PA 19543) for operation of two pet crematoriums in Robeson Township, **Berks County**. This is a renewal of the State-only operating permit issued in 2004.

38-05018: Lebanon Veterans Administration Medical Center (1700 South Lincoln Avenue, Lebanon, PA 17042) for operation of a medical hospital in South Lebanon Township, **Lebanon County**. This is a renewal of the State-only operating permit issued in December 2003.

22-05034: Pennsy Supply, Inc. (1001 Paxton Street, Harrisburg, PA 17104-1645) for a renewal of their State-only operating permit for operation of their Hummels-town Quarry crushed and broken limestone quarry and plant in South Hanover Township, **Dauphin County**. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

36-05069: Fenner, Inc. (311 West Stiegel Street, Manheim, PA 17545) for their polymeric drive belts manufacturing facility in Manheim Borough, **Lancaster County**. This is a renewal of the State-only operating permit issued in October 2003.

36-05120: Nessco Enterprises, LLC, d/b/a Meridian Products (124 Earl Drive, New Holland, PA 17557) for a renewal of their State-only operating permit for operation of their cabinet door manufacturing plant in East Earl Township, **Lancaster County**. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

67-05102: Aero Energy (149 Bowman Road, York, PA 17404) for operation of their automated propane cylinder filling facility in Jackson Township, **York County**. This is a renewal of the State-only operating permit issued in November 2003.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, David Aldenderfer, Program Manager, (570) 327-3637.

08-00019: Stroehmann Bakeries, LC (P. O. Box 158, Sayre, PA 18840) for renewal of a State-only operating permit for operation of a bakery facility in Sayre Borough, **Bradford County**.

The facility incorporates a bread oven and associated prebake operations, two 3.4 mmBtu/hr natural gas-fired boilers, 10 natural gas-fired air makeup units (with a total combined heat input of 5.76 mmBtu/hr), nine ink jet printers, a solvent parts washer and a painting operation.

The VOC emissions from the bread oven are controlled by a catalytic oxidizer.

The facility has the potential to emit up to 49.99 tons of VOCs, 9.44 tons of NO_x, 7.93 tons of CO, 7.32 tons of PM/PM₁₀ per year as well as negligible amounts of HAPs.

The facility is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection (Department) proposes to renew State-only Operating Permit 08-00019. The Department intends to incorporate into the renewal all conditions currently contained in State-only Operating Permit 08-00019 with these additions, changes and exceptions:

1. Source 055 has been removed from the permit as the two boilers previously incorporated in Source 055 no longer exist at the facility and the bread oven burners previously incorporated in Source 055 are actually part of

Source P101, the facility's bread oven, and are therefore more appropriately addressed in the conditions listed for Source P101.

2. Source P105 has been removed from the permit as the prebake operations incorporated in Source P105 are more appropriately addressed in the conditions listed for Source P101, the facility's bread oven.

3. Conditions requiring a weekly inspection of the facility for the presence of excessive visible air contaminant emissions, excessive visible fugitive air contaminant emissions and malodorous air contaminant emissions, and the maintenance of records of these inspections have been removed from the permit as the facility does not incorporate the types of sources that are likely to produce these emissions.

4. 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.

5. Conditions requiring the maintenance, and semi-annual reporting, of records of the "supporting calculations used to verify compliance" with the applicable annual facility-wide VOC emission limitation have been replaced with a condition requiring the permittee to maintain "such records as are necessary" to demonstrate compliance with the respective limitation.

6. Conditions requiring the maintenance, and semi-annual reporting, of records of the "supporting calculations used to verify compliance" with the applicable VOC emission limitations for the burners associated with the bread oven have been removed from the permit as it is not possible to determine compliance with the applicable emission limitations with "calculations."

7. The stated size of the six burners incorporated in the bread oven has been corrected (1.5 mmBtu/hr each instead of 1.0 mmBtu/hr each).

8. A 3.4 mmBtu/hr natural gas-fired boiler and seven natural gas-fired makeup air units (with a total combined heat input of 1.6 mmBtu/hr) have been added to the permit.

9. A condition has been added to the permit restricting the fuel used in the facility's bread oven and associated catalytic oxidizer to natural gas.

10. A condition requiring the maintenance of records of the "supporting calculations used to verify compliance" with the applicable SO_x, PM and VOC emission limitations for the facility's bread oven has been removed from the permit as it is not possible to determine compliance with the applicable PM and VOC emission limitations with "calculations" and the use of natural gas as fuel in the oven's burners guarantees compliance with the applicable SO_x emission limitation.

11. A condition has been added to the permit requiring VOC stack testing to be performed on the facility's bread oven and associated catalytic oxidizer sometime between November 1, 2012, and March 31, 2013.

12. A condition requiring the maintenance of records of the "supporting calculations used to verify compliance" with the applicable VOC emission limitation for the facility's prebake operations has been replaced with a

condition requiring the permittee to maintain "such records as are necessary" to quantify the VOC emissions from, and determine compliance with the VOC emission limitation specified for, the prebake operations.

13. Three ink jet printers exempted from the 25 Pa. Code § 127.11 plan approval requirement on October 16, 2007, and six ink jet printers exempted from the plan approval requirement on October 15, 2008, have been added to the permit along with conditions limiting the VOC emissions from each of these two groups of ink jet printers to less than 2.7 tons in any 12-consecutive month period, limiting the VHAP emissions from each group to 1.0 or less tons in any 12-consecutive month period and requiring the maintenance of records of the identity and quantity of ink and ink makeup fluid used in each of these two groups each month.

14. The solvent parts washer previously listed in the permit, and all associated conditions, have been removed from the permit as the respective parts washer no longer exists at the facility.

15. A new solvent parts washer exempted from the 25 Pa. Code § 127.11 plan approval requirement on October 15, 2008, has been added to the permit along with conditions specifying the applicable 25 Pa. Code § 129.63 requirements for the parts washer, conditions limiting the VOC emissions from the parts washer to less than 2.7 tons in any 12-consecutive month period and the VHAP emissions to 1.0 or less tons in any 12-consecutive month period, a condition prohibiting the use of solvents in the parts washer which contain halogenated VHAPs as an intentionally-added ingredient and a condition requiring the maintenance of records of the identity and amount of solvent added to the parts washer each month.

16. A condition requiring the maintenance of records of the "supporting calculations used to verify compliance" with the applicable VOC emission limitation for the facility's painting operation has been replaced with a condition requiring the permittee to maintain records of the identity and quantity of each material used in the painting operation each month and a condition requiring the semi-annual reporting of the "supporting calculations" has been removed from the permit.

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

24-00121: Industrial Timber & Lumber Co., Inc.—ITL (54C Montmorenci Road, SR 948, Ridgway, PA 15853) for issuance of a Natural Minor Operating Permit to operate a facility that processes logs into lumber in Ridgway Township, **Elk County**. The facility's primary emission sources include a wood fired boiler, three wood-fired space heaters, miscellaneous woodworking operations and four hardwood drying kilns.

37-00328: Resco Products, Inc.—Shenango Advanced Ceramics (606 McCleary Avenue, New Castle, PA 16101-7502) for issuance of a Natural Minor Operating Permit for a manufacturing facility that produces refractory kiln furniture in the City of New Castle, **Lawrence County**. The facility's primary emissions sources include 11 natural gas fired space heaters, a clay mix line, two kilns, three induction furnaces, six natural gas fired dryers, a clay graphite mixer and a parts washer.

*Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104, Edward
Brawn, Chief, (215) 685-9476.*

S04-019: Clean Earth of Philadelphia (3201 South 61st Street, Philadelphia, PA 19153) for operation of a soil and nonsoil treatment facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include one thermal desorption unit, one thermal oxidizer and cyclone separator, one baghouse, one carbon adsorption unit, one carbon adsorption unit with fabric filter, Pretreated Media Process Building operations, and particulate fugitive sources from plant roadways sweeping, outdoor storage pile, and material transfer operations.

The operating permit will be issued under the 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener at (215) 685-9426.

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

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated above each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—34.

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

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

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

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

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

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

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

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

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

Bulletin and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Received

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

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

Alkalinity greater than acidity¹

¹The parameter is applicable at all times.

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

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

56663069, NPDES No. PA0120944 and General Permit GP-12-56980103. Action Mining, Inc., 1117 Shaw Mines Road, Meyersdale, PA 15552, revision of an existing bituminous surface-auger mine to replace an existing air quality permit for coal processing to coverage under air quality general permit GP-12 in Elk Lick and Summit Townships, **Somerset County**, affecting 3040.0 acres. Receiving streams: UNT to Casselman River, Casselman River, UNT to Elk Lick Creek and Elk Lick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 27, 2008.

56980108 and NPDES No. PA0234915. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, permit renewal for the continued operation and restoration of a bituminous surface mine in Milford Township, **Somerset County**, affecting 160.7 acres. Receiving streams: UNTs to Coxes Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received November 6, 2008.

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

26080105 and NPDES Permit No. PA0251518. Amerikohl Mining, Inc. (1384 SR 711, Stahlstown, PA 15687). Application for commencement, operation and

reclamation of a bituminous surface mine, located in North Union Township, **Fayette County**, affecting 56.2 acres. Receiving streams: UNTs to Cove Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received November 6, 2008.

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

33820149 and NPDES Permit No. PA0605551. Strishock Coal Company (220 Hillcrest Drive, DuBois, PA 15801). Renewal of an existing bituminous surface strip and limestone removal operation in Washington Township, **Jefferson County** affecting 54.0 acres. Receiving streams: One UNT of Mill Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only: Application received November 12, 2008.

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

54773223T3. Penn Equipment Corp., (15 Main Street, Port Carbon, PA 17965), transfer of an existing anthracite coal refuse reprocessing operation from Blaschak Coal Corp. in Cass Township, **Schuylkill County** affecting 133.0 acres, receiving stream: none. Application received November 12, 2008.

40980101T. Hazleton Materials, LLC, (2052 Lucon Road, Skippack, PA 19474), transfer of an existing anthracite surface mine operation in Foster Township, **Luzerne County** from No. 1 Contracting Corp. affecting 1261.0 acres, receiving stream: Sandy Run and Buck Mountain Creek, classified for the following use: HQ-CWF. Application received November 14, 2008.

Noncoal Applications Received

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

Parameter	Table 2 30-day Average	Daily Maximum	Instantaneous Maximum
Suspended solids	10 to 35 mg/l	20 to 70 mg/l	25 to 90 mg/l
Alkalinity exceeding acidity* pH*		greater than 6.0; less than 9.0	

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

61990301. Cooperstown Sand and Gravel (P. O. Box 4, Cooperstown, PA 16317). Renewal of NPDES Permit No. PA0227960, in Jackson Township, **Venango County**. Receiving streams: One UNT to Sugar Creek and Sugar Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is the City of Franklin. NPDES Renewal application received November 12, 2008.

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

58000829. Tammy J. Mosier, (R. R. 2, Box 316, Mehoopany, PA 18629), Stages I and II bond release of a quarry operation in Middletown Township, **Susquehanna County** affecting 3.0 acres on property owned by Dawn Shannon. Application received October 14, 2008.

66060806. Dale Kingston, (R. R. 2, Box 313, Mehoopany, PA 18629), Stages I and II bond release of a quarry operation in Brantrim Township, **Wyoming County** affecting 5.0 acres on property owned by John Parys. Application received November 6, 2008.

48010302T. Delaware Quarries, Inc., (P. O. Box 778, New Hope, PA 18938), transfer of an existing quarry operation from Eastern Industries, Inc. in Lower Mt. Bethel Township, **Northampton County** affecting 101.9 acres, receiving stream: none. Application received November 12, 2008.

45940802. Kuehner Excavation, (3820 Stagecoach Road, West, Palmerton, PA 18071), Stages I and II bond release of a quarry operation in Eldred Township, **Monroe County** affecting 2.0 acres on property owned by Jody Borger. Application received November 13, 2008.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E08-452. South Creek Township, P. O. Box 60, Gillett, PA 16925. Water Obstruction and Encroachment Joint Permit Application in South Creek Township, **Bradford County**, United States Army Corps of Engineers, Baltimore District (Gillett, PA Quadrangle N: 41° 59' 10"; W: 76° 46' 24").

To construct, operate and maintain 27,000 feet of sanitary sewer line within the Susquehanna River Watershed (WWF) for the treatment of municipal wastewater. All sewer line crossings shall be constructed with a minimum of 3-feet of cover with concrete encasement beneath the waterways. Trench plugs or clay dikes shall be used at every sewer line crossing and waterway to ensure the hydrology of the streams is not altered. Construction of the treatment plant will require the placement of fill in 0.64 acre of jurisdictional wetlands. The project is located along the eastern and western right-of-way of SR 0014 from the Borough of Gillett to the Borough of Fassett.

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

E11-334. Pennsylvania Game Commission, 4820 Route 711, Boliver, PA 15923-2420. To construct a stream crossing in Chest Township, **Cambria County**, United States Army Corps of Engineers, Baltimore District (Coalport, PA Quadrangle N: 2.9 inches; W: 15.9 inches, Latitude: 40° 38' 31.9"; Longitude: 78° 36' 51.5"). The applicant proposes to construct and maintain a stream crossing consisting of five 17" by 13" by 20' corrugated steel arch culverts across Beaverdam Run (CWF) for the purpose of providing access to portions of State Game Lands. The project is located on approximately 3,400 feet north of Gendale Lake Road on State Game Lands 108.

E30-224. Consol Pennsylvania Coal Co., LLC, 1525 Pleasant Grove Road, Claysville, PA 15323. To restore and maintain creek and wetlands in Richhill Township, **Greene County**, United States Army Corps of Engineers, Pittsburgh District (Wind Ridge, PA Quadrangle N: 9.0 inches; W: 10.6 inches, Latitude: 39° 55' 28"; Longitude: 80° 27' 2" and Wind Ridge, PA Quadrangle N: 10.3; W: 12.0, Latitude: 39° 55' 54"; Longitude: 80° 27' 38"). The applicant proposes to restore and maintain 1,308 feet of Crabapple Creek (WWF) and 3,058 feet of a UNT to Crabapple Creek (WWF); to restore and maintain 0.92 acre of wetlands along the floodplain of Crabapple Creek; to construct and maintain 0.68 acre of wetlands along the floodplain of Crabapple Creek. The project is mitigation for impact to streams and wetlands (0.48 acre) associated with the construction of the Crabapple Overland Conveyor Belt. The impacts to the stream and wetlands are part of a mining permit under review by the Department of Environmental Protection's California District Mining office. The mitigation project on Crabapple Creek is located along the south side of Braddock Run Road (T569) approximately 2,000 feet east of its intersection with Durbin Road (T346). The mitigation project on the UNT to Crabapple Creek is located along the west side of Durbin Run Road (T346) approximately 700 feet north of its intersection with Braddock Run Road (T569).

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

E20-572, Department of Transportation, District 1-0, 255 Elm Street, Oil City, PA 16301. SR 0018-0010-1442 Channel Cleaning in West Fallowfield Township, **Crawford County**. United States Army Corps of Engineers, Pittsburgh District (Greenville East, PA Quadrangle N: 41° 29' 21.84"; W: 80° 22' 10.65").

To apply stream bank stabilization along approximately 50 feet of the left (north) bank of a tributary to Crooked Creek extending downstream from SR 18 and to abandon fill from channel cleaning remaining along the right (south) bank and within the assumed floodway having a total width of approximately 20 feet and a maximum depth of 2.25 feet extending approximately 200 feet downstream from SR 0018, Segment 0010, Offset 1442 approximately 1.5 miles south of Adamsville.

E42-341, Tuna Valley Trail Association, 300 Campus Drive, Bradford, PA 16701. Bennett Brook Pedestrian Bridge, in the City of Bradford, **McKean County**, United States Army Corps of Engineers, Pittsburgh District (Pittsburgh, PA Quadrangle N: 42° 57' 23"; W: 79° 38' 50").

The applicant proposes to construct and maintain a pedestrian bridge having a clear span of 24 feet and an underclearance of 7.0 feet across Bennett Brook in the Bradford Federal flood control project approximately 100 feet upstream of the confluence of Bennett Brook and West Branch of Tunungwant Creek. Bennett Brook is a perennial stream classified as a CWF.

ENVIRONMENTAL ASSESSMENTS

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

D35-015EA. Pennsylvania-American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055. Spring Brook Township, **Lackawanna County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain overtopping protection and increase spillway capacity at Nesbitt Dam across Spring Brook (HQ-CWF) for the purpose of improving public safety. The dam is located approximately 4,700-feet northwest of the intersection of SR 502 and Kilmer Road (Avoca, PA Quadrangle Latitude: 41° 19' 35"; Longitude: 75° 39' 13"). The project proposes permanent impacts to 0.20-acre of PEM wetland; 265 lineal feet of UNT to Spring Brook (HQ-CWF); and 225 lineal feet of Spring Brook (HQ-CWF); and temporary impacts to 35 lineal feet of Spring Brook. The applicant proposes to create 0.21-acre of replacement wetland.

D10-002EA. Pennsylvania-American Water Company, 852 Wesley Drive, Mechanicsburg, PA 17055. Oakland Township, **Butler County**, United States Army Corps of Engineers, Pittsburgh District.

To construct and maintain overtopping protection and increase spillway capacity at Thorn Run Dam across Thorn Run (WWF) for the purpose of improving public safety. The dam is located approximately 1,800 feet southeast of the intersection of Thorn Run and Hoon Roads (East Butler, PA Quadrangle Latitude: 40° 53' 40"; Longitude: 79° 51' 54"). The project proposes permanent impacts to 165 lineal feet of Thorn Run and 0.01-acre of PEM wetland associated with Thorn Run; and temporary impacts to 175 lineal feet of Thorn Run and 0.04-acre of PEM wetland associated with Thorn Run. Wetland impacts are considered de minimis and replacement is not required.

DAM SAFETY

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

D56-004C. Cambria Somerset Authority, 244 Walnut Street, Johnstown, PA 15901. To modify, operate and maintain Quemahoning Dam across Quemahoning Creek (CWF), impacting 0 acre of wetlands and 140 feet of stream, for the purpose of changing the operation of the dam to allow periodic, routine releases of up to 500 cubic feet per second from the reservoir (Hooversville, PA Quadrangle N: 10.4 inches; W: 9.5 inches) in Quemahoning Township, **Somerset County**.

D23-042EA. Lansdowne Borough, 12 East Baltimore Avenue, Lansdowne, PA 19050. Project proposes to breach an unnamed dam across Darby Creek (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 600 feet of stream channel. The dam is located approximately 1,500 feet south of the intersection of SR 2016 (Baltimore Avenue) and Eldon Road (Lansdowne, PA Quadrangle Latitude: 39° 55' 54"; Longitude: 75° 17' 00"). Clifton Heights and Lansdowne Boroughs, **Delaware County**.

D48-029EA. Director of Parks and Public Property, City of Bethlehem, 10 East Church Street, Bethlehem, PA 18018-6025. Project proposes to breach and remove Saucon Park Dam across Saucon Creek (HQ-CWF) for the purpose of eliminating a threat to

public safety and restoring the stream to a free flowing condition. The project will restore approximately 1,000 feet of stream channel. The dam is located approximately 2,900 feet northwest of the intersection of SR 412 and US 78 (Hellertown, PA Quadrangle Latitude: 40° 36' 09"; Longitude: 75° 20' 49"). City of Bethlehem, **Northampton County**.

D65-049EA. Dorothy Lutz, 123 Bask Drive, Jeanette, PA 15644. Project proposes to breach and remove Howell

Dam across a tributary to Little Sewickley Creek (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 1,700 feet of stream channel. The dam is located approximately 250 feet north of the intersection of General Braddock Road (T641) and Reservoir Road (T420) (Irwin, PA Quadrangle Latitude: 40° 17' 09"; Longitude: 79° 42' 31") Sewickley 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>
PA-0063797 (Minor Sewage)	Pocono Valley Personal Care R. R. 1 Box 1416 Stroudsburg, PA 18360	Hamilton Township Monroe County	A tributary to Cherry Creek 1E	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0043044 (Minor Sewage)	Ringtown Sewer Authority P. O. Box 202 Ringtown, PA 17967	Ringtown Borough Schuylkill County	Dark Run 05E	Y
PAS212202 (Industrial Stormwater)	Berks Products Corporation 5050 Crackersport Road Allentown, PA 18104	South Whitehall Township Lehigh County	Little Cedar Creek 2C	Y
PA0061476 (Sewage)	Edgewood MHP 223R Mailie Road Carbondale, PA 18407	Lackawanna County Glenburn Township	UNT Ackerly Creek 4F	Y

Chesapeake Bay nutrient monitoring requirements for Ammonia Nitrogen, Kjeldahl Nitrogen, Nitrite-Nitrate as N, Total Nitrogen and Total Phosphorus are being added to this permit.

<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>
PA0062651	Suburban Heating Oil Partners—New Milford Bulk Plant P. O. Box 284 New Milford, PA 18834	Susquehanna County New Milford Borough	Salt Lick Creek 4E	Y
PA-0060712 (Sewage)	Grace and Truth Evangelistic Association Rock Mountain Bible Camp P. O. Box 64 South Gibson, PA 18842-0064	Susquehanna County Gibson Township	UNT Tunkhannock Creek 4F	Y
PA-0061611 (Minor Sewage)	Municipal Authority of Westfall Township P. O. Box 235 Matamoras, PA 18336	Westfall Township Pike County	Delaware River 1D	Y

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>
PAG2003603062-R	Curt Stumpf 1974 Lincoln Highway East	Lancaster County East Lampeter Township	UNT Mill Creek WWF	Y
PAG2003603095-R	Glenn Wissler 355 Clearview Road Ephrata, PA 17522	Lancaster County Clay Township	Middle Creek WWF	Y
PAG2003603111-R	Elm Tree Properties 3121c Mount Joy Road Mount Joy, PA 17552	Lancaster County Rapho Township	UNT Little Chickies Creek TSF	Y
PA0088340 (Sew)	Larry Achione TJ's Restaurant, Inc. 2620 Susquehanna Trail Newport, PA 17074	Perry County Buffalo Township	Bucks Run 6-C	Y

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

<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>
PA0228362	Former Gateway Restaurant and Apartments 5198 Route 87 Highway Williamsport, PA 17701	Lycoming County Plunketts Creek Township	Loyalsock Creek SWP 10B	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>
PA0042161 Sewage	James M. Quinn P. O. Box 608 Moon Township, PA 15108	Beaver County Raccoon Township	Swale to UNT 33578 to Raccoon Creek	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0205575 Sewage	Pleasant Valley Country Club R. D. 2 Box 292 Connellsville, PA 15425	Fayette County Bullskin Township	Mountz Creek	Y
<i>Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>				
<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>
PA0222801	Sarah Heinz House Association One Heinz Street Pittsburgh, PA 15212	Wayne Township Lawrence County	Slippery Rock Creek 20-C	Y
PA0239437	Edgewood Group Home River Road Pulaski, PA 16143	Pulaski Township Lawrence County	UNT to Shenango River 20-A	Y

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

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

NPDES Permit No. PA0055263, Sewage, **Executive Center Condominium Association, c/o B. C. Property Management, Inc.**, 350 South Main Street, Suite 211, Doylestown, PA 18901. This proposed facility is located in Plumstead Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge into a UNT No. 02849 to North Branch Neshaminy Creek in Watershed 2F-Neshaminy.

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

NPDES Permit No. PA0027235-A1, Sewage, **Easton Area Joint Sewer Authority**, 50-A South Delaware Drive, Easton, PA 18042. This proposed facility is located in City of Easton, **Northampton County**.

Description of Proposed Activity: Permit amendment for changes to Whole Effluent Toxicity requirements.

NPDES Permit No. PA0065242, Sewage, **Lower Milford Township**, 7607 Chestnut Hill Church Road, Coopersburg, PA 18036-3712. This proposed facility is located in Lower Milford Township, **Lehigh County**.

Description of Proposed Action/Activity: Issuance of NPDES Permit.

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

NPDES Permit No. PA0081817, Amendment No. 1, Sewage, **Juniata County School District, East Juniata High School**, R. R. 2, Box 2411, McAlisterville, PA 17049-9626. This proposed facility is located in Fayette Township, **Juniata County**.

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

NPDES Permit No. PA0083135, Amendment No. 1, Sewage, **Mifflin County School District, East Derry Elementary School**, 103 Green Avenue, Lewistown, PA 17044-2320. This proposed facility is located in Derry Township, **Mifflin County**.

Description of Proposed Action/Activity: Authorization to discharge to Jacks Creek in Watershed 12-A.

NPDES Permit No. PA0021890, Amendment No. 1, Sewage, **New Holland Borough**, 436 East Main Street, New Holland, PA 17557. This proposed facility is located in Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to Watershed 7-J.

NPDES Permit No. PA0261114, Sewage, **McConnellsburg Borough Municipal Authority**, P. O. Box 218, McConnellsburg, PA 17233. This proposed facility is located in Todd Township, **Fulton County**.

Description of Proposed Action/Activity: Authorization to discharge to UNT Big Cove Creek in Watershed 13-B.

NPDES Permit No. PAS213506, Sewage, **Eldorado Stone, LLC**, 9156 Molly Pitcher Highway, Greencastle, PA 17225-9712. This proposed facility is located in Antrim Township, **Franklin County**.

Description of Proposed Action/Activity: Authorization to discharge to Watershed 13-C.

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

NPDES Permit No. PA0096369-A1, Sewage, **Patrick J. DiCesare**, 116 East Pittsburgh Street, Greensburg, PA 15601. This proposed facility is located in East Huntingdon Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit amendment issuance for increasing discharge rate from 0.006 mgd to 0.02 mgd.

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

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

WQM Permit No. 1308403, Sewerage, **Commonwealth of Pennsylvania, Department of Conservation and Natural Resources**, Bureau of State Parks, 400 Market Street, RCSOB, 8th Floor, Harrisburg, PA 17105. This proposed facility is located in Franklin Township, **Carbon County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for rehabilitation of the sewage treatment plant at Beltzville State Park including the removal and replacement of: 1) the undersized 4,500 gallon flow equalization tank with a new 50,000 gallon cast-in-place concrete flow equalization tank; 2) the existing communitor with a cast-in-place concrete sewage grinder basin and grinder unit; 3) two existing blowers that supply air for extended aeration, the sludge storage tank and air lift pumps; 4) the filter sand in the intermittent sand filters; and 5) the 40-year old pump station with a duplex submersible pump station. A new ultraviolet light disinfection system will also be installed.

WQM Permit No. 6407403, Sewerage, **Central Wayne Regional Authority**, 100 Fourth Street, Suite 8, Honesdale, PA 18431 (formerly Honesdale Borough, 958 Main Street, Honesdale, PA 18431). This proposed facility is located in Honesdale Borough, **Wayne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for expansion of the sewage treatment plant to 2.2 mgd.

WQM Permit No. 6608401, Sewerage, **Factoryville Borough and Clinton Township Joint Municipal Sewer Authority**, P. O. Box 277, Factoryville, PA 18419. This proposed facility is located in Clinton Township, **Wyoming County**.

Description of Proposed Action: This project is for the expansion and upgrade of the wastewater treatment plant to have a capacity of .185 mgd and construction of sanitary sewer extensions in Clinton Township.

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

WQM Permit No. WQG02670802, Sewage, **Jackson Township Sewer Authority**, 439 Roth's Church Road, Spring Grove, PA 17362. This proposed facility is located in Jackson Township, **York County**.

Description of Proposed Action/Activity: Construction/Operation of the Independence Warehouse Pump Station.

WQM Permit No. 2282406, Amendment 08-1, Sewage, **Berrysburg Municipal Authority**, P. O. Box 183, Berrysburg, PA 17005. This proposed facility is located in Berrysburg Borough, **Dauphin County**.

Description of Proposed Action/Activity: Amendment approval for the construction of sewerage facilities consisting of: Fine screen and manually cleaned bar screen to replace the existing basket strainer.

WQM Permit No. 3677401, Amendment 08-1, Sewage, **Lititz Sewer Authority**, Seven South Broad Street, Lititz, PA 17543. This proposed facility is located in Warwick Township, **Lancaster County**.

Description of Proposed Action/Activity: Amendment approval for the construction, modification and operation of sewerage facilities consisting of: The conversion of the existing treatment units to anaerobic, anoxic and aerobic zones. Addition of UV disinfection, tertiary filters and side stream Phosphorus removal. Production of Class A biosolids with augmented aerobic, digestion, centrifuge and biosolids drying system.

WQM Permit No. 6708408, Sewerage, **Newberry Township Municipal Authority**, 1915 Old Trail Road, Etters, PA 17319. This proposed facility is located in Newberry Township, **York County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of: 10,375 feet of 18" interceptor from White Oak pump station (abandoned) at White Oak Township Park along Fishing Creek to MH-42 in Fox Farm Interceptor off Pines Road.

WQM Permit No. WQG02210806, Sewage, **Middlesex Township Municipal Authority**, 350 North Middlesex Road, Suite 2, Carlisle, PA 17013. This proposed facility is located in Middlesex Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction/Operation of the Army Heritage Drive forcemain, extension of sewers on south end of Army Heritage Drive to Trindle Road.

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

WQM Permit No. 1700405-A1, Sewerage 4952, **City of Dubois**, P. O. Box 408, DuBois, PA 15801. This proposed facility is located in the City of Dubois, **Clearfield County**.

Description of Proposed Action/Activity: Replacement of sanitary sewers in Orange Alley and Parkway Drive.

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

WQM Permit No. 0208404, Sewerage, **Findlay Township Municipal Authority**, P. O. Box 409, 1271 Route 30, Clinton, PA 15026. This proposed facility is located in Findlay Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a submersible type wastewater pumping station, force main and gravity sewer collection system.

WQM Permit No. WQG026121, Sewerage, **Hidden Valley Four Seasons Resort**, One Craighead Drive, Hidden Valley, PA 15502. This proposed facility is located in Jefferson Township, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a sewage collection and conveyance and an “e-one” package pump station.

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

WQM Permit No. WQG018654, Sewerage, **Anthony N. Klochak**, 9351 State Road, Cranesville, PA 16410. This proposed facility is located in Franklin Township, **Erie County**.

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

WQM Permit No. 6108402, Sewerage, **City of Oil City**, 21 Seneca Street, Oil City, PA 16301. This proposed facility is located in City of Oil City, **Venango County**.

Description of Proposed Action/Activity: Combined Sewer Overflow (CSO) Improvements in accordance with Phase II of the approved long-term CSO management plan. Modifications to the 16 existing CSOs in the City’s sewer collection system adjacent to Oil Creek and the Allegheny River. The modifications to the CSOs include installation of new regulator structures, sewer piping, outfalls, modifications to existing regulator structures and elimination of two CSO overflow points.

WQM Permit No. 1608401, Sewerage, **Paint Elk Joint Sewer Authority**, 22139 Route 66, Shippenville, PA 16254. This proposed facility is located in Paint Township, **Clarion County**.

Description of Proposed Action/Activity: Extend sewage service to the Riverhill area of Paint Township with a low pressure sewer system and a sewage pump station. The low pressure sewer will install grinder pumps near the 62 buildings requiring sanitary sewage service.

WQM Permit No. 4308401, Sewage, **State Regional Correction Center at Mercer**, 801 Butler Pike, Mercer, PA 16137. This proposed facility is located in Findley Township, **Mercer County**.

Description of Proposed Action/Activity: This application proposes the construction of a 250,000 gpd (0.25 mgd) sequencing batch reactor wastewater treatment plant to eliminate the existing 160,000 gpd (0.16 mgd) sewage treatment plant and its pending 60,000 gpd (0.06 mgd) plant expansion to implement the second phase of the associated Planning Module for Land Development, approved by the Department of Environmental Protection on December 27, 2007. Wholesale replacement of the entire system will improve operating efficiency and replace aging equipment. The expansion will continue to utilize the existing plant’s aeration tanks number six and seven and equalization tank number three as sludge holding for subsequent truck hauling to landfill disposal.

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>
PAI09 08009	Natural Lands Trust, Inc. 1031 Palmers Mill Road Media, PA 19063	Bucks	Buckingham Township	Paunacussing Creek HQ-CWF
PAI01 1506076A-2	Warwick Township 2500 Ridge Road Elverson, PA 19420	Chester	Warwick Township	French Creek EV
PAI01 1507040	GenTerra Corporation 68 Dowlin Forge Road Exton, PA 19341	Chester	Wallace	UNT Marsh Creek HQ-TSF-MF
PAI01 1508036	Conestoga Property, LLC 148 Sugartown Road Devon, PA 19333	Chester	West Vincent Township	Pine Creek HQ-TSF
PAI01 1508039	Celeste Weyl 2136 Flowing Springs Road Birchrunville, PA 193421	Chester	West Vincent Township	Birch Run French Creek 9EV
PAI01 1508050	David McElhenny 715 Talbotville Road Honey Brook, PA 19344	Chester	Honey Brook Township	Tributary East Branch Brandywine Creek HQ-TSF-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>
PAI026408003	Central Wayne Regional Authority 100 Fourth Street Suite 8 Honesdale, PA 18431	Wayne	Honesdale Borough	Lackawaxen River HQ-TSF, MF
PAI023908011	East Penn School District 800 Pine Street Emmaus, PA 18049	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI036708001	Brett Peterson Adhesives Research, Inc. 400 Seaks Run Road Glen Rock, PA 17327	York	Springfield Township	UNT to Seaks Run HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041408009	Matthew Nixdorf Mixdorf Subdivision 492 Weaver Hill Road Bellefonte, PA 16823	Centre	Marion and Walker Townships	UNT to Fishing Creek HQ-CWF

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

Indiana County Conservation District, USDA Service Center, 1432 Route 286 Highway East, Indiana, PA 15701, (724) 463-8547.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI053208002	Indiana County Municipal Services Authority 602 Kolter Drive Indiana, PA 15701	Indiana	Pine Township	Yellow Creek, Leonard Run and North Branch Blacklick Creek CWF Little Yellow Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062008001	Vantage Real Estate Investment County, Ltd. 18282 Technology Drive Suite 2 Meadville, PA 16335	Crawford	City of Meadville	French Creek WWF

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated 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-2**Facility Location:*

<i>Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
East Rockhill Township Bucks County	PAG200 0908078	Nancy Courtney P. O. Box 1496 Rutland, VT 05701-5640	Tohickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Dublin Borough Bucks County	PAG200 0907032	Dublin Technology Enterprises Center, Inc. 123 North Main Street Dublin, PA 18917	Tohickon Creek and East Branch Perkiomen Creeks CWF, TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newtown Township Bucks County	PAG200 0907107	Newtown Township Department of Park and Recreation 100 Municipal Drive Newtown, PA 18940	UNTs Neshaminy and Newtown Creeks WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Caln Township Chester County	PAG200 1508035	Creek Road Developers, Inc. 119 John Robert Thomas Drive Exton, PA 19341	East Branch Brandywine Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Tredyffrin Township Chester County	PAG200 1508048	W. P. Realty, Inc. 940 Haverford Road Bryn Mawr, PA 19010	Little Darby Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Bradford Township Chester County	PAG200 1508043	East Bradford Township 666 Copeland School Road West Chester, PA 19380	East Branch Brandywine Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newtown Township Delaware County	PAG200 2308016	Pennsylvania CVS Pharmacy, LLC 8 Devonshires Court Blue Bell, PA 19422	Preston Run to Crum and Darby—Crum Creeks CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Ridley Township Delaware County	PAG200 2308052	Harper Associates 6 East Hinckley Avenue P. O. Box 384 Ridley Park, PA 19018-0384	Little Crum Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Cheltenham Township Montgomery County	PAG200 4608108	Arcadia University 450 South Easton Road Glenside, PA 19038	UNT Tacony Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Whitemarsh Township Montgomery County	PAG200 4607118	Southeastern Pennsylvania Transportation Authority 1234 Market Street 18th Floor Philadelphia, PA 19107	Sandy Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
North Wales Borough Montgomery County	PAG200 4608133	North Penn School District 401 East Hancock Avenue Lansdale, PA 19446	Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Worcester Township Montgomery County	PAG200 4608118	PECO Energy Company 2301 Market Street S9-1 Philadelphia, PA 19103	Zacharias Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Dublin Township Montgomery County	PAG200 4608113	Dresher Properties, LP 55 Lynn Avenue Oreland, PA 19075	UNT Sandy Run to Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Allentown Lehigh County	PAG2003908014	Charles Kirk BCP CRE Holdings, LLC 158 Route 206 North P. O. Box 178 Gladstone, NJ 07934	Lehigh River WWF	Lehigh County Conservation District (610) 391-9583
Blythe Township Schuylkill County	PAG2005408020	Thomas Markus 4 Trolley Street Cumbola, PA 17930	Schuylkill River CWF	Schuylkill County Conservation District (570) 622-3742
Derry Township Dauphin County	PAG2002208032	Richard Conta The Hershey Company 251 Park Boulevard Hershey, PA 17033	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
West Lampeter Township Lancaster County	PAG2003608033	London Croft, LLC 227 Granite Run Drive Suite 100 Lancaster, PA 17601	UNT to Mill Creek CWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Ephrata Township Lancaster County	PAG2003608047	Lloyd Z. Nolt 111 Meadow Valley Road Lititz, PA 17543	UNT to Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Ephrata Borough Lancaster County	PAG2003608053	Lynn R. Zimmerman 101 Napierville Road Ephrata, PA 17522	Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Clay Township Lancaster County	PAG2003608057	Lincoln Land Group, Inc. 1737 West Main Street Ephrata, PA 17522	Indian Run—Middle Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5

NOTICES

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*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Sadsbury Township Lancaster County	PAG2003608060	Michael Eckman P. O. Box 160 Atglen, PA 19310	East Branch Octoraro Creek TSF-MF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Manor Township Lancaster County	PAG2003608061	Mike Rohrer 124 Charlestown Road Washington Borough, PA 17582	Stamans Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Ephrata Township Lancaster County	PAG2003608062	Ken Buckwalter 765 Glenwood Drive Ephrata, PA 17522	UNT to Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Akron Borough Lancaster County	PAG2003608066	Haller Builders 307 East Lexington Avenue Lititz, PA 17543	UNT to Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Earl Township Lancaster County	PAG2003608067	Quality Custom Cabinetry, Inc. P. O. Box 189 New Holland, PA 17557	UNT to Mill Creek CWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Rapho Township Lancaster County	PAG2003608069	Kevin Greiner and Harold Weaver 15 Alice Avenue Lititz, PA 17543	UNT to Little Chickies Creek—Brubaker Run TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Earl Township Lancaster County	PAG2003608070	Robert Berstecher 661 Maple Street East Earl, PA 17519	Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Salisbury Township Lancaster County	PAG2003608071	Emanuel K. Stoltzfus 5106 Strasburg Road Kinzers, PA 17535	Houston Run CWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Penn Township Lancaster County	PAG2003608073	Red Stag Holding Company, LLC 10 Bentzel Mill Road York, PA 17404	Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003608073	JPM Keller, LLC P. O. Box 291 Lititz, PA 17543	Little Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5

*Facility Location:
Municipality &
County**Permit No.**Applicant Name & Address**Receiving Water/Use**Contact Office &
Phone No.*Brecknock Township
Lancaster County

PAG2003608075

Steven Rohrbaugh
580 Fiverpointville Road
Denver, PA 17517UNT to Muddy
Creek
WWFLancaster County
Conservation District
1383 Arcadia Road
Room 200
Lancaster, PA 17601
(717) 299-5361, Ext. 5Jefferson Township
Berks County

PAG2000608051

Douglas Haring
2120 Hampden Boulevard
Reading, PA 19604Tulpehocken Creek
TSFBerks County
Conservation District
1238 County Welfare
Road
Suite 200
Leesport, PA
19533-9710
(610) 372-4657
Ext. 201Dover Borough
York County

PAG2006703122-R

Redevelopment Authority of the
County of York
140 Roosevelt Avenue
York, PA 17405Fox Run
TSFYork County
Conservation District
118 Pleasant Acres
Road
York, PA 17402
(717) 840-7430Maidencreek
Township
Berks County

PAG2000604033-R

John Majewski
Digiorgio Mushroom
Corporation
P. O. Box 96
Temple, PA 19560Willow Creek
CWFBerks County
Conservation District
1238 County Welfare
Road
Suite 200
Leesport, PA
19533-9710
(610) 372-4657
Ext. 201Ayr Township
Fulton County

PAG2002908002

C. Joyce Engel
182 Oak Shore Drive
Port Townsend, WA 98368UNT to Big Cove
Creek
CWFFulton County
Conservation District
216 North Second
Street
McConnellsburg, PA
17233-1157
(717) 485-3547South Middleton
Township
Cumberland County

PAG2002108028

James Schenck
LIT Industrial, Ltd. Partnership
3141 Hood Street
Suite 700
Dallas, TX 75219Conodoguinet Creek
WWFCumberland County
Conservation District
310 Allen Road
Suite 301
Carlisle, PA 17013
(717) 240-7812Tilden Township
Berks County

PAG2000608032

Jeremy Fogel
Blue Mountain IPG Associates,
LP
70 Portland Road
West Conshohocken, PA 19428Schuylkill River
WWFBerks County
Conservation District
1238 County Welfare
Road
Suite 200
Leesport, PA
19533-9710
(610) 372-4657
Ext. 201Sinking Spring
Borough
Spring Township
Berks County

PAG2000608050

Brian Kobularcik
Metropolitan Development
Group
1030 Reed Avenue
Suite 100
Wyomissing, PA 19610Little Cacoosing
Creek
CWFBerks County
Conservation District
1238 County Welfare
Road
Suite 200
Leesport, PA
19533-9710
(610) 372-4657
Ext. 201

NOTICES

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*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Upper Bern Township Berks County	PAG2000608064	David Moore 71 Riverside Drive Reading, PA 19605	Irish Creek—Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Robeson Township Berks County	PAG2000608066	Frank Arters 8 Stone Town Road Birdsboro, PA 19508	Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Springettsbury Township York County	PAG2006708060	Gordon Kauffman 110 North George Street York, PA 17401	UNT to Kreutz Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Dover Township York County	PAG2006708057	Glen P. and Bonny K. Myers 4220 Davidsburg Road Dover, PA 17315	UNT to Little Conewago Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Bethel Township Berks County	PAG2000608069	Joseph Horning 901 South College Street Myerstown, PA 17067	UNT to Little Swatara Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201
Somerset County Somerset Township	PAG2005608005	Hudson Companies 2460 Shenango Valley Freeway Hermitage, PA 16148	UNT to East Branch of Coxes Creek TSF	Somerset County Conservation District (814) 445-4652
Washington County Cross Creek and Hopewell Townships	PAG2006308010	Atlas Energy Resources, LLC 800 Mountainview Drive Smithfield, PA 15478	Cross and Buffalo Creeks HW-WWF	Washington County Conservation District (724) 228-6774
Westmoreland County Hempfield Township	PAG2006508008	PHOCC, LLC 210 Culbertson Avenue Greensburg, PA 15601	Slate Creek WWF	Westmoreland County Conservation District (724) 837-5271
Erie County McKean Township	PAG2002508026	McKean Township 9231 Edinboro Road P. O. Box 62 McKean, PA 16426-0062	Lamson Run CW; MF	Erie County Conservation District (817) 825-6403

General Permit Type—PAG-3

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Berks County Kutztown Borough	PAR203569	East Penn Manufacturing Co. 191 Willow Street Kutztown, PA 19530	Sacony Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Lebanon County Palmyra Borough	PAR803712	Leffler Energy Palmyra Bulk Petroleum Storage Plant 301 North Forge Road Palmyra, PA 17078	UNT to Killenger Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Derry Township	PAR123523	The Hershey Company Recycling Center 515 West Chocolate Avenue Hershey, PA 17033	Spring Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Derry Township	PAR123520	The Hershey Company Hershey Pretreatment Plant North Hockersville Road Hershey, PA 17033	Spring Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Guilford Township	PAR803713	CSX Intermodal, Inc. CSXI Chambersburg Terminal 700 Kriner Road Chambersburg, PA 17202	UNT to Conococheague Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Blair County Tyrone Borough	PAR233510	Albemarle Corporation Two Adams Avenue Tyrone, PA 16686-0216	UNT to Gypsy Run TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Spring Township	PAR203566	Metropolitan Steel Industries, Inc. 601 Fritztown Road Sinking Spring, PA 19608	Cacoosing Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Adams Township Butler County	PAR808378	Purvis Brothers, Inc. Purvis Brothers—Mars Facility 321 Mars-Valencia Road Mars, PA 16046-0957	Breakneck Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Slippery Rock Township Butler County	PAG048558	David and Joseph Schreiner 2106 Vodeli Street Pittsburgh, PA 15216	UNT to Slippery Rock Creek 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Franklin Township Erie County	PAG049469	Anthony N. Klochak 9351 State Road Cranesville, PA 16410	UNT to Little Elk Creek 15-EC	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-12**Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Berks County Marion Township	PAG123600	David L. Weaver Clear Spring Egg Farm 740 Marion Drive Womelsdorf, PA 19567	UNT Tulpehocken Creek TSF 3-C	DEP—SCRO Watershed 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802
Berks County Bethel Township	PAG123598	Lloyd Brubaker Farm 561 Brown Road Myerstown, PA 17067	UNT Crosskill Creek CWF 7-D	DEP—SCRO Watershed 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802

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

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

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

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

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

ACTIONS—NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET
CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>AEU's</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Marcus D. Hoover 3229 Hossler Road Manheim, PA 17545	Lancaster	0	322	Layers Hogs	NA	Approved
Randall R. Brubaker 1908 Valley Road Manheim, PA 17545	Lancaster	91.6	635.16	Broilers	NA	Approved
Kenneth Loht 250 Road Apple Drive McClure, PA 17841	Mifflin	85	468.4	Swine	NA	Approved
Lawrence Mummau Tuscarora Swine 15879 Mummau Lane Shirleysburg, PA 17260	Huntingdon	199.5	727.95	Hog/Beef	NA	Approved

PUBLIC WATER SUPPLY (PWS)
PERMITS

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania 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

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

Permit No. 2908501, Public Water Supply.

Applicant **McConnellsburg Borough Municipal Authority**
 Municipality Todd Township
 County **Fulton**
 Type of Facility Approval to use the Stenger Well as a source of supply for the existing authority water system. Permit includes associated treatment equipment including a membrane filtration plant.
 Consulting Engineer James C. Elliot, P. E.
 Gannett Fleming, Inc.
 P. O. Box 67100
 Harrisburg, PA 17106-7100
 Permit to Construct Issued November 7, 2008

Permit No. 0108510, Public Water Supply.

Applicant **The York Water Company**
 Municipality Berwick Township
 County **Adams**
 Type of Facility Race Track Road standpipe chlorine booster installation.
 Consulting Engineer Mark S. Snyder, P. E.
 The York Water Company
 130 East Market Street
 P. O. Box 15089
 York, PA 17405-7089
 Permit to Construct Issued November 17, 2008

Permit No. 5008503, Public Water Supply.

Applicant **Perry Manor, LLC**
 Municipality Oliver Township
 County **Perry**
 Type of Facility Booster Pump Modifications.
 Consulting Engineer Stephen M. Yingst, P. E.
 Criterium-Yingst Engineers, Inc.
 421 West Chocolate Avenue
 Hershey, PA 17033
 Permit to Construct Issued November 12, 2008

Permit No. 0708507 MA, Minor Amendment, Public Water Supply.

Applicant **Altoona City Authority**
 Municipality Logan Township
 County **Blair**
 Type of Facility Renovation of filter Cells 3 and 4 at the existing Andronic Pappas Treatment Plant.

Consulting Engineer Michael V. Sinisi, P. E.
 Altoona City Authority
 20 Greenwood Road
 Altoona, PA 16602

Permit to Construct Issued November 7, 2008

Permit No. 0608511 MA, Minor Amendment, Public Water Supply.

Applicant **Reading Area Water Authority**
 Municipality Ontelaunee Township
 County **Berks**
 Type of Facility Replace media in Filter Cell 3A at the existing treatment building.
 Consulting Engineer Thomas L. Weld Jr., P. E.
 BCM Engineers
 920 Germantown Pike
 Plymouth, PA 19462
 Permit to Construct Issued November 13, 2008

Operations Permit issued to **Bedford Borough Water Authority**, 4050002, Bedford Borough, **Bedford County** on November 17, 2008, for the operation of facilities approved under Construction Permit No. 0507506 MA.

Operations Permit issued to **Coaldale Six Mile Run Water Corporation**, 4050025, Broad Top Township, **Bedford County** on November 12, 2008, for the operation of facilities approved under Construction Permit No. 0507502.

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

Permit No. 1701503-T1—Operation, Public Water Supply.

Applicant **Township of Sandy**
 Township or Borough Sandy Township
 County **Clearfield**
 Responsible Official Richard Castonguay, Manager
 Township of Sandy
 1094 Chestnut Avenue
 P. O. Box 267
 Dubois, PA 15801
 Type of Facility Public Water Supply—Operation
 Consulting Engineer N/A
 Permit Issued Date November 12, 2008
 Description of Action Operation of the existing water system in Sandy Township, Clearfield County.

Permit No. M.A.—4594-T1—Construction, Public Water Supply.

Applicant **Galeton Borough Authority**
 Township or Borough Galeton Borough
 County **Potter**

Responsible Official Jan G. TaraBori, Chairperson
Galeton Borough Authority
4 Sherman Street
Galeton, PA 16922

Type of Facility Public Water
Supply—Construction

Consulting Engineer John Williams, P. E.
305 Evergreen Road
New Cumberland, PA
17070-2814

Permit Issued Date November 18, 2008

Description of Action Installation of gaseous
chlorination facilities at the slow
sand filter site.

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

Permit No. 3708501, Public Water Supply.

Applicant **Pennsylvania American
Water Company New Castle**

Township or Borough Neshannock Township

County **Lawrence**

Type of Facility Public Water Supply

Consulting Engineer Jerry Hankey, P. E.
Design Engineer
PA American Water Company
1909 Oakland Avenue
Indiana, PA 15701

Permit to Construct Issued November 14, 2008

Permit No. 2493501-MA5, Minor Amendment.

Applicant **Jay Township Water
Authority**

Township or Borough Jay Township

County **Elk**

Type of Facility Public Water Supply

Consulting Engineer Peter Buss, P. E.
Gibson-Thomas Engineering Co.,
Inc.
1004 Ligonier Street
P. O. Box 853
Latrobe, PA 15650

Permit to Construct Issued November 12, 2008

Permit No. 3381501-T1-MA4, Minor Amendment.

Applicant **Falls Creek Borough
Municipal Authority**

Township or Borough Falls Creek Borough

County **Jefferson**

Type of Facility Public Water Supply

Consulting Engineer Daniel J. Carbaugh, P. E.
Keeller Engineers, Inc.
420 Allegheny Street
P. O. Box 61
Hollidaysburg PA 16648

Permit to Construct Issued November 12, 2008

Operations Permit issued to **Borough of Mars**, PWSID No. 5100049, Mars Borough and Adams Township, **Butler County**, on November 12, 2008, for the operation of the Emergency Interconnection with the Municipal Water Authority of Adams Township, per specifications approved by construction permit 1099501-MA1, issued August 1, 2008.

Transfer of Operations Permit issued to **Ficks Enterprises, LLC**, for **Crestview Estates Mobile Home Park**, PWSID No. 6430002, Jefferson Township, **Mercer County**, on November 14, 2008, for the operation of Well No. 1, per specifications approved by construction permit 4388502, issued September 28, 1990.

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>
Bethel Township	3015 South Pine Grove Street Fredericksburg, PA 17026	Lebanon

Plan Description: Approval of a revision to the Official Sewage Plan of Bethel Township, Lebanon County. The proposed Funck Martin subdivision consists of 30 residential lots and three commercial lots with sewage flows of 10,000 gpd tributary to a new municipal pump station and force main with treatment at the Fredericksburg 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. Any required WQM Permits must be obtained in the name of the authority.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Pine Creek Municipal Authority	P. O. Box 608 Avis, PA 17721	Clinton

Plan Description: The approved plan provides for the expansion and upgrade of the existing Pine Creek Municipal Authority's Sewage Treatment Plant which serves Avis Borough and portions of Pine Creek, Wayne and Dunnstable Townships. The proposed sewage treatment plant will be designed to treat an average daily flow of 1.6 million gpd and meet the Chesapeake Bay cap loads for nitrogen and phosphorous reduction. The plan includes implementation of an onlot sewage management program in the unsewered portions of Pine Creek, Wayne and Dunnstable Townships. The sewage management programs will be administered by each Township within their respective Townships. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL**Plan Disapprovals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)**

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

Plan Location:

<i>Borough</i>	<i>Borough Address</i>	<i>County</i>
Borough of Milton	c/o Charles Beck, Jr., Manager 2 Filbert Street Milton, PA 17847	Northumberland

Plan Description: The 537 plan was disapproved because it failed to provide: A commitment and schedule to implement the Biological Nutrient Removal upgrade portion of the plan (Phase 2); a cost-effective analysis that includes a comparison of the cost of purchasing nutrient credits to the cost of implementing the Phase 1 and 2; and a contingency financial plan.

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

Plan Location: Located on Blairs Valley Road, Montgomery Township, Franklin County

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Montgomery Township	12868 Fort Loudon Road Mercersburg, PA 17236	Franklin

Plan Description: The Official Plan Revision, entitled Winter Greener, proposing a new sewage collection, conveyance and treatment system to serve 76 residential dwellings was determined to be incomplete. By letter dated August 29, 2008, the Department of Environmental Protection requested that all necessary information be provided within 60 days. More than 60 days have passed since the request was made. The requested information has not been received and the project is disapproved.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Elizabeth Township	423 South View Drive Lititz, PA 17543	Lancaster

Plan Description: The Stephen F. Stoltzfus proposed plan revision for one residential lot using an onlot sewage system plus a residue lot, was disapproved because (The Preliminary hydrogeologic study did not correctly assess the background nitrate-nitrogen concentration under the proposed subdivision and therefore did not accurately assess the impact of the proposed onlot sewage disposal systems on the groundwater. The three neighboring wells reflect a differing land use and are not within estimated groundwater flow paths from or to the proposed sewage disposal area. The onsite well's location is not ideal, but appears to better represent background nitrates in the groundwater beneath the farm land on which the new lot is proposed. The applicant should consider drilling a shallow test well at the location of the proposed lot to determine background nitrate-nitrogen conditions at the site as explained in section L, item 2.b. of the instructions for completing Component 2. The proposed subdivision is located on the north and south sides of West Brubaker Valley Road 1.43 miles west of Route 501, Lititz Pike. The

Department of Environmental Protection's number is A3-36932-146-2 and the APS number is 657662).

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**UNDER ACT 2, 1995****PREAMBLE 2**

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

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

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

The Department has received the following plans and reports:

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

Former SKF USA, Inc., Facility, City of Altoona, **Blair County.** Environmental Standards, 1140 Valley Forge Road, Valley Forge, PA 19482 on behalf of C. William McGlocklin, SKF USA, Inc., 1111 Adams Avenue, Norristown, PA 19403 and Maurice Lawruk, Sr., 800 Logan Boulevard, LP, P. O. Box 2566, Altoona, PA 16603, submitted a Final Report concerning remediation of separate phase liquid (lubricating oil) on groundwater released during historic manufacturing processes. The site will be remediated to the Residential Statewide Health Standard and will continue to be used for commercial use.

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

Smooth Landings, Ralpho Township, **Northumberland County**. Brian Snyder, 1387 Airport Road, Paxinos, PA 17860 has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Armco Sawhill Tube (John Maneely Company—Sharon Pipe Plant), City of Sharon, **Mercer County**. ENVIRON, 214 Carnegie Center, Princeton, NJ 08540-6284 on behalf of John Maneely Company, 1 Council Avenue, Wheatland, PA 16161 has submitted a Risk Assessment Report concerning remediation of site soil contaminated with ethyl benzene, tetrachlorethene, trichloroethene, xylenes (total), benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, dibenzofuran, naphthalene, N-nitroso-di-n-propylamine, Aroclor-1248, Aroclor-1254, antimony, arsenic, cadmium, chromium (total), cobalt, lead, mercury, selenium, zinc and site groundwater contaminated with 1,2,4-Trichlorobenzene, 1,4-Dichlorobenzene, 2,3,7,8-TCDD equivalent, benzene, chlorobenzene, cis-1,2-dichloroethene, tetrachloroethene, trichloroethene, vinyl chloride, 2-Picoline, benzo(a)pyrene, bis(2-Ethylhexyl)phthalate, dibenz(a,h)anthracene, phenanthrene, Aroclor-1242, Aroclor-1254, Aroclor-1260, antimony, arsenic, barium, beryllium, cadmium, chromium III, chromium VI, copper, lead, manganese, mercury, nickel, selenium, sulfate, thallium, zinc. The Report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

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

The Department has received the following plans and reports:

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

Bushkill Gas Mart Convenience Store/Bushkill Corners, 291 Moorestown Road, Bushkill Township, **Northampton County**. Gregg Walters, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 submitted a Final Report (on behalf of his client, Mughal Realty, LLC, P. O. Box 330, Nazareth, PA 18064), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a leaking 550-gallon underground storage tank. The report documented attainment of the Residential Statewide Health Standard and was approved on October 30, 2008. The report was originally submitted within 90 days of the release.

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

Priority Transport/National Guard Armory, City of York, **York County**. Earth Tech AECOM, 2 Market Plaza Way, Mechanicsburg, PA 17055, on behalf of Priority Transport, c/o XL Environmental, 505 Eagleview Boulevard, Exton, PA 19341 and Department of Military and Veterans Affairs, Fort Indiantown Gap, Environmental Building 11-19, Annville, PA 17003 submitted a Final Report concerning remediation of site soils contaminated with diesel fuel. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on November 7, 2008.

Buckeye Tuckerton Station, Muhlenberg Township, **Berks County**. Groundwater and Environmental Services, 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of Buckeye Partners, LP, 9999 Hamilton Boulevard, TEK Park 5, Breinigsville, PA 18031, submitted a Final Report within 90 days of a release concerning remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on November 17, 2008.

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

Target Distribution Center, Gregg Township, **Union County**. Pavex Inc., 4400 Gettysburg Road, Camp Hill, PA 17011 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with hydraulic fluid. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on November 14, 2008.

Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste treatment, storage or disposal facility.

Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Hazardous Waste Action

Proposed action on a permit renewal application under the Solid Waste Management Act, P. L. 380, (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste disposal facility.

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department of Environmental Protection will make a final determination regarding the proposed permit and bond actions. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

Intent to Renew Permit

Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Permit ID No. PAD004344222, Tecumseh Redevelopment, Inc., Iron Street, Johnstown, PA 15901. Closure and postclosure care of a closed hazardous waste landfill and inactive spent pickle liquor treatment and disposal area. Permit renewal was considered for intent to approve by the Regional Office on November 17, 2008.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permit terminated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste storage facility.

Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.

Permit ID No. PAD980707087, Siemens Water Technologies, Inc., 24th Street and the 31st Street Extension, Beaver Falls, PA 15010. Permit for the storage and treatment of hazardous and residual waste carbon regeneration terminated by the Regional Office on November 13, 2008.

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, William R. Weaver, New Source Review Chief, (717) 705-4702.

GP1-28-03053: Cumberland Valley Cooperative Association (908 Mount Rock Road, P. O. Box 350, Shippenburg, PA 17257) on November 12, 2008, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Southampton Township, **Franklin County**.

GP3-05-03014C: WSI Sandy Run Landfill (995 Landfill Road, Hopewell, PA 16650) on November 7, 2008, for a Portable Nonmetallic Mineral Processing Plant under GP3 in Broad Top Township, **Bedford County**.

GP9-05-03014C: WSI Sandy Run Landfill (995 Landfill Road, Hopewell, PA 16650) on November 7, 2008, for a Diesel or No. 2 fuel-fired Internal Combustion Engines under GP9 in Broad Top Township, **Bedford County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.

GP-16-156A: Snyder Brothers, Inc.—Cottage Hill Compressor Station (SR 2003, New Bethlehem, PA 16242) on November 17, 2008, for operation of a natural gas fired compressor engine (BAQ-GPA/GP-5) in Porter Township, **Clarion County**.

GP-42-220A: Dakota Extractions LLC—Bradford Station (Route 219, Bradford, PA 16701) on November 17, 2008, for operation of natural gas fired compressor engines (BAQ-GPA/GP-5) in Foster Township, **McKean County**.

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

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

67-05115A: Recycling Technologies International, LLC (76 ACCO Drive, York, PA 17404) on November 5, 2008, for installation of five dust collection systems for rubber particulate collection during rubber tire reclamation at their ACCO Drive facility in York Township, **York County**.

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

PA-30-00173A: Delta-Energy PA No. 1 (350 Hochberg Road, Monroeville, PA 15146-1516) on November 7, 2008, to issue a Plan Approval for construction and temporary operation of a tire pyrolysis plant in Cumberland Township, **Greene County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.

24-017B: MorganAdvancedMaterials & Technology (441 Hall Avenue, St. Marys, PA 15857) on November 6, 2008, to replace the existing control devices associated with the gas-fired continuous coking ovens (Source ID 101) with seven new thermal at their facility in the City of St. Marys, **Elk 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, Sachin Shankar, New Source Review Chief, (484) 250-5920.

09-0015H: Rohm & Haas Co. (200 Route 413, Bristol, PA 19007) On November 11, 2008, to operate a carbon adsorption system consisting of two sets of three canisters in parallel configuration to replace the existing WWTP Scrubber in Bristol Township, **Bucks County**.

15-0027I: Johnson Matthey, Inc. (456 Devon Park Drive, Wayne, PA 19087) On November 12, 2008, to operate a New Diesel Catalysts Production Line No. 1 in Tredyffrin Township, **Chester County**.

46-0025J: Lonza, Inc. (900 River Road, Conshohocken, PA 19428) on November 13, 2008, to operate seven process tanks and one storage tank in Upper Merion Township, **Montgomery County**.

23-0066B: Pyropure, Inc., a.k.a. Pyromet (5 Commerce Drive, Aston, PA 19014) on November 13, 2008, to operate five existing baghouses with three baghouses in Chester Township, **Delaware County**.

15-0128: Pet Memorial Services Corp. (319 Westtown Road, Suite Q, West Chester, PA 19382) on November 13, 2008, to operate four identical Crawford animal crematoriums in West Goshen Township, **Chester County**.

46-0268: Colorcon, Inc. (275 Ruth Road, Harleysville, PA 19438) for modification of Plan Approval No. 46-0268 in Lower Salford Township, **Montgomery County**. The opening phrase in Condition No. 005(a), Section D, of the Plan Approval, has been changed from “[w]ithin 180 days after the issuance date of this plan approval, the permittee shall perform a stack test for this generator set” to “[w]ithin 180 days after the installation date of this generator set, the permittee shall perform a stack test for the generator set.” Plan Approval No. 46-0268 is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and modified in accordance with 25 Pa. Code § 127.13c.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481, George Monasky, New Source Review Chief, (814) 332-6940.

24-083J: Carbone of American Ind. Corp. (215 Stackpole Street, St. Marys, PA 15857) on November 30, 2008, to install a process furnace with appropriate emission control equipment in St. Marys, **Elk County**. This is a Title V Facility.

24-083L: Carbone of America Ind. Corp. (215 Stackpole Street, St. Marys, PA 15857) on November 30, 2008, to construct two new Carbon Baking Kilns No. 36 and No. 37 with associated oxidizer and scrubber in St. Marys City, **Elk County**. This is a Title V facility.

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, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.

23-00001: Sun, Inc.—R & M—Marcus Hook Refinery (100 Green Streets, Marcus Hook, PA 19061) on November 18, 2008, for a renewal of their Title V Operating Permit in Marcus Hook Borough, **Delaware County**. As a result of potential emissions of each criteria pollutant, 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 renewal/amendment contains all applicable requirements including monitoring, recordkeeping and reporting for the new source numbered 619 (17-2A Reforming Unit). There are no sources at this facility that are subject to CAM (40 CFR 64).

09-00016: Exelon Generating Co.—Croydon Generation Station (955 River Road, Bristol, PA 19007) on November 18, 2008, for renewal of the Title V Operating Permit in Bristol Township, **Bucks County**. There have been no changes since the permit was last issued on July 8, 2008. The facility is primarily used for providing electrical energy for peak demand periods. As a result of potential emissions of NOx and SOx, 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 adopt any new regulations and does not reflect any change in air emissions from the facility. The renewal permit contains all applicable requirements including monitoring, recordkeeping and reporting.

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

33-00149: Dominion Transmission, Inc.—Punxsutawney Station (501 Martindale Street, Suite 400, DL Clark Building, Pittsburgh, PA 15212) on October 29, 2008, to modify the Title V Operating Permit to clarify the VOC testing required in the permit. The following condition was added to the site level of the permit to address the VOC emissions and formaldehyde emissions:

a) “Volatile Organic Compounds” and “VOCs” as used in this permit refers to nonmethane, nonethane hydrocarbons as determined by Environmental Protection Agency (EPA) Methods 18/25A (or equivalent).

b) Formaldehyde emissions reported by the facility in accordance with 25 Pa. Code Chapter 135 shall be based on EPA AP-42 emissions factors.

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

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

22-03013: Pinnacle Health Hospital (218 South 2nd Street, Harrisburg, PA 17104-1601) on November 13, 2008, for operation of the boiler plant and emergency equipment at the Harrisburg Hospital in the City of Harrisburg, **Dauphin County**. This is a renewal of the State-only operating permit

34-03003: Empire Kosher Poultry, Inc. (R. R. 5, Box 228, Mifflintown, PA 17059-9419) on November 13, 2008, for the poultry processing operation in Walker Township, **Juniata County**.

36-05096: Pennsy Supply, Inc. (P. O. Box 4688, Lancaster, PA 17604-4688) on November 13, 2008, for operation of an asphalt plant in Paradise Township, **Lancaster County**. This is a renewal of the State-only operating permit.

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

S08-002: Innovation Printing and Communications (11601 Caroline Road, Philadelphia, PA 19154) on November 14, 2008, to operate a printing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include four nonheatset, sheet-feed lithographic printing presses and a 300,000 Btu/hr space heater firing natural gas.

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.

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

S05-020: Philadelphia Phillies—Citizen's Bank Park (One Citizens Bank Way, Philadelphia, PA 19148) on November 17, 2008, administratively amended to correct the operating permit number. The Synthetic Minor Operating Permit was originally issued on January 19, 2006.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Applications Returned

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

33050103 and NPDES Permit No. PA0257991. Cookport Coal Co., Inc. (425 Market Street, Kittanning, PA 16201). Revision to an existing bituminous surface strip and auger operation in Perry Township, **Jefferson County** affecting 63.5 acres. Receiving streams: Nicely Run and UNTs, UNT to Mahoning Creek. Revision to add 5.0 acres to the permit. Application received October 9, 2008. Application withdrawn November 14, 2008.

Coal Permits Actions

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

32951301 and NPDES Permit No. PA0215821, Rosebud Mining Company. (301 Market Street, Kittanning, PA 16201), to transfer the permit and related NPDES permit for the Toms Run Mine in Burrell Township, **Indiana County** from Penn American Coal, LP and change the operation name from Burrell Mine. No additional discharges. Application received November 13, 2007. Permit issued November 10, 2008.

33971301 and NPDES Permit No. PA0215031, AMFIRE Mining Company. (1 Energy Place, Latrobe, PA 15650), to renew the permit the Dora No. 8 Mine in Perry Township, **Jefferson County** and North Mahoning Township, **Indiana County** and related NPDES permit. No additional discharges. Application received July 27, 2007. Permit issued November 10, 2008.

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

56060111 and NPDES No. PA0262269. PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface mine in Black Township, **Somerset County**, affecting 111.3 acres. Receiving streams: UNT to Coxes Creek/Coxes Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received November 30, 2006. Permit issued November 14, 2008.

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

04070102 and NPDES Permit No. PA0251259. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in South Beaver Township, **Beaver County**, affecting 114.5 acres. Receiving streams: UNTs to Brush Run and Brush Run. Application received November 1, 2007. Permit issued November 13, 2008.

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

33-07-11 and NPDES Permit No. PA0258458. RES Coal, LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Proposal to enter into a Government Financed Reclamation Construction Contract on an 11.2 acre site in Winslow Township, **Jefferson County**. The proposal includes total reclamation of 4.9 acres of abandoned mine lands as well as 4.9 acres of coal removal incidental and necessary to the reclamation activities. Receiving streams: UNT No. 2 to Soldier Run. Application received October 19, 2007. Contract issued October 22, 2008.

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

17930124 and NPDES No. PA0219649. RES Coal, LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Transfer of an existing bituminous surface mine with an Insignificant Boundary Correction, from Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), located in Woodward and Decatur Townships, **Clearfield County**, affecting 346.0 acres. Receiving streams: North Branch to Upper Morgan Run, Upper Morgan Run to Clearfield Creek, Clearfield Creek to West Branch Susquehanna River and Little Beaver Run to Beaver Run, Beaver Run to Moshannon Creek, Moshannon Creek to West Branch Susquehanna River, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 3, 2008. Permit issued November 6, 2008.

12060101 and NPDES No. PA0256366. Allegheny Enterprises, Inc. (3563 Roller Coaster Road, Corsica, PA 15829). Commencement, operation and restoration of a bituminous surface mine in Lumber and Shippen Townships, **Cameron County**, affecting 305.5 acres. Receiving streams: Finley Run, Reed Hollow, Portable Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 1, 2006. Permit issued November 10, 2008.

Noncoal Permits Actions

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

28010301 and NPDES Permit No. PA0123811. R. A. Hill, Inc., 1364 Lincoln Way East, Chambersburg, PA 17202, renewal of NPDES Permit, Hamilton Township, **Franklin County**. Receiving streams: UNT to Conococheague Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received September 12, 2008. Permit issued November 14, 2008.

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

26082804. Mon River Energy Corp. (P. O. Box 466, Brier Hill, PA 15415). Permit for a small noncoal surface mine, located in South Union Township, **Fayette County**, affecting 1.72 acres. Receiving stream: Jennings Run. Application received August 13, 2008. Permit issued November 7, 2008.

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

Final Bond Release

08002803. Richard J. Robinson (1097 Chapman Lake Drive, Jermyn, PA 18433), noncoal mining operation in Stevens Township, **Bradford County**. Restoration of 5.0 acres completed. Receiving streams: Cold Creek, tributary to Wyalusing Creek. Application received November 4, 2008. Final bond release: November 7, 2008.

08060815. Stephen L. Walter (R. R. 1, Box 39B, Sugar Run, PA 18846), noncoal mining operation in Stevens Township, **Bradford County**. Restoration of 2.0 acres completed. Receiving streams: UNT to Cold Creek, tributary to Cold Creek. Application received October 15, 2008. Final bond release: November 7, 2008.

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

54070301. Rolling Rock Building Stone, Inc., (40 Rolling Rock Road, Boyertown, PA 19512), commencement, operation and restoration of a quarry operation in Wayne Township, **Schuylkill County** affecting 71.0 acres, receiving streams: Bear Creek and UNT to Little Swatara Creek. Application received October 9, 2007. Permit issued November 10, 2008.

39870302C8 and NPDES Permit PA0594326. Haines & Kibblehouse, Inc., (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in South Whitehall Township, **Lehigh County**, receiving stream: Jordan Creek. Application received September 26, 2008. Renewal issued November 13, 2008.

5878SM3C4 and NPDES Permit No. PA0595691. Haines & Kibblehouse, Inc., (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Penn Forest Township, **Carbon County**, receiving stream: Stony Creek. Application received September 26, 2008. Renewal issued November 13, 2008.

7373SM1C3 and NPDES Permit No. PA0595683. Haines & Kibblehouse, Inc., (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Penn Forest Township, **Carbon County**, receiving stream: Stony Creek. Application received September 26, 2008. Renewal issued November 13, 2008.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

Blasting Permits Actions

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

21084159. John W. Gleim, Jr., Inc., 625 Hamilton Street, Carlisle, PA 17013-1925, blasting activity permit issued for warehouse development in Dickinson and South Middleton Townships, **Cumberland County**. Blasting activity permit end date is February 15, 2099. Permit issued November 7, 2008.

21084161. John W. Gleim, Jr., Inc., 625 Hamilton Street, Carlisle, PA 17013-1925, blasting activity permit issued for trench and site development in North Middleton Township, **Cumberland County**. Blasting activity permit end date is August 15, 2009. Permit issued November 7, 2008.

21084160. David H. Martin Excavating, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for commercial development in Hampden Township, **Cumberland County**. Blasting activity permit end date is November 3, 2009. Permit issued November 7, 2008.

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

08084004. John Brainard (R. R. 1, Box 275, Kingsley, PA 18826), blasting for James Barrett well site located in Asylum Township, **Bradford County**. Permit issued November 17, 2008. Permit expires January 17, 2009.

17084007. Swisher Contracting, Inc. (P. O. Box 1223, Clearfield, PA 16830), blasting on the Sportsman GFCC#-17-07-14 located in Lawrence Township, **Clearfield County**. Permit issued November 13, 2008. Permit expires June 30, 2010.

59084001. Conquest Seismic Services, Inc. (504 IST Center, Horseheads, NY 14845), seismic blasting located in Gaines Township, **Tioga County**. Permit issued November 13, 2008. Permit expires January 30, 2009.

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

35084123. Resseguie Explosive Services, (1175 Avery Station Road, Factoryville, PA 18419), construction blasting for a single dwelling in Benton Township, **Lackawanna County** with an expiration date of November 30, 2008. Permit issued November 7, 2008.

22084115. John W. Gleim, Jr., Inc., (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Keystone Perto in Lower Paxton Township, **Dauphin County** with an expiration date of December 15, 2008. Permit issued November 10, 2008.

45084148. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Franklin Hill Acres in Smithfield Township, **Monroe County** with an expiration date of November 30, 2009. Permit issued November 10, 2008.

45084149. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Winona Lakes in Middle Smithfield Township, **Monroe County** with an expiration date of November 30, 2009. Permit issued November 10, 2008.

45084150. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Wilderness Acres in Middle Smithfield Township, **Monroe County** with an expiration date of November 30, 2009. Permit issued November 10, 2008.

45084151. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Shawnee Oakdale Subdivision in Smithfield and Middle Smithfield Townships, **Monroe County** with an expiration date of November 30, 2009. Permit issued November 10, 2008.

45084152. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Pocono Farms East in Coolbaugh Township, **Monroe County** with an expiration date of November 30, 2009. Permit issued November 10, 2008.

67084132. TJ Angelozzi, Inc., (7845 Kabik Court, Woodbine, MD 21797), construction blasting for Briarcliff Subdivision in Fairview Township, **York County** with an expiration date of December 31, 2008. Permit issued November 10, 2008.

40084123. Hayduk Enterprises, Inc., (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Baker Hughes Project in Wright Township, **Luzerne County** with an expiration date of December 31, 2009. Permit issued November 12, 2008.

52084121. Holbert Explosives, Inc., (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blast-

ing for Milford Heights Development in Milford Township, **Pike County** with an expiration date of November 5, 2009. Permit issued November 12, 2008.

15084004. Explo-Craft, Inc., (P. O. Box 1332, West Chester, PA 19380), construction blasting for Waltz Road Road Expansion in West Bradford Township, **Chester County** with an expiration date of November 15, 2009. Permit issued November 13, 2008.

35084124. Austin Powder Company, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for a pipeline in Falling Spring Development in Ransom Township, **Lackawanna County** with an expiration date of November 17, 2009. Permit issued November 13, 2008.

36084113. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in Rapho Township, **Lancaster County** with an expiration date of December 30, 2008. Permit issued November 14, 2008.

36084114. Abel Construction Co., Inc., (P. O. Box 476, Mountville, PA 17554), construction blasting for the relocation of PA 896 in Strasburg Township and Strasburg Borough, **Lancaster County** with an expiration date of November 28, 2009. Permit issued November 14, 2008.

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

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

E22-531: Greater Zion Missionary Baptist Church, Sharon Bass, 212 North Progress Avenue, Harrisburg, PA 17109, Susquehanna Township, **Dauphin County,** United States Army Corps of Engineers, Baltimore District.

To replace 6.0 feet of 72.0-inch CMP and to extend the 72.0 inch CMP by an overall length of 60.0 feet in a UNT to Paxton Creek (WWF) and to provide bank stabilization to alleviate slope and building foundation degradation. The project is located at 212 North Progress Avenue (Harrisburg East, PA Quadrangle N: 7.1 inches; W: 13.1 inches, Latitude: 40° 17' 19"; Longitude: 76° 50' 38") in Susquehanna Township, Dauphin County.

E67-844: Kenneth Martin, PhD, York College of Pennsylvania, Campus Operations, Miller Administration Building, 439 Country Club Road, York, PA 17403, Spring Garden Township, **York County,** United States Army Corps of Engineers, Baltimore District.

To remove an existing pedestrian footbridge, then to construct and maintain a 48.0-inch by 76.0-inch by 40.0-foot elliptical concrete pipe culvert in a UNT to Tyler Run (WWF) (York, PA Quadrangle N: 13.2 inches; W: 15.0 inches, Latitude: 39° 56' 52"; Longitude: 76° 43' 55") along Springettsbury Avenue in Spring Garden Township, York County.

E67-842: Stone Ridge Development, 330 Dubs Church Road, Hanover, PA 17331, Brookside Heights, Penn Township, **York County,** United States Army Corps of Engineers, Baltimore District.

To install and maintain a 65.0-foot long three-celled box culvert (2 cells 12.0 feet by 3.5 feet and one cell 10.0 feet by 5.0 feet) with associated utilities over a UNT to Oil Creek (WWF) (Hanover, PA Quadrangle N: 8.35; W: 12.45 inches, Latitude: 39° 47' 46.75"; Longitude: 76° 57' 51.66") for the purpose of constructing a 193 unit development called Brookside Heights. The project is located along Brookside Avenue just south of SR 116 in Penn Township, York County.

E38-162: Scott Werkheiser, Greater Lebanon Refuse Authority, 1610 Russell Road, Lebanon, PA 17046, North Annville Township, **Lebanon County,** United States Army Corps of Engineers, Baltimore District.

To remove a 75.0-foot long by 15.0-foot wide by 2.0-foot deep vegetated gravel bar in a UNT to Swatara Creek (WWF) for the purpose of reducing stream bank erosion

at a point just north of the intersection of Russell and Cedar Run Roads (Palmyra, PA Quadrangle N: 21.0"; W: 16.7", Latitude: 40° 21' 54"; Longitude: 76° 29' 39") in North Annville Township, Lebanon County. There are no proposed wetland impacts.

E22-538: ABBCO Real Properties, Linden Center Redevelopment, Attn: James A. Nardo, P. O. Box 442, Hershey, PA 17033, Lower Swatara Township, **Dauphin County,** United States Army Corps of Engineers, Baltimore District.

To remove an existing 700.0-foot long, 30.0-inch by 60.0-inch CMP and to install and maintain two 60.0-inch HDPE pipes enclosing a 700.0-foot long section of a UNT to the Susquehanna River (WWF) permanently impacting 0.011 acre of PEM wetland. The project is located north of the Harrisburg Pike (SR 0230) just east of the Harrisburg International Airport connector (SR 3032) (Steelton, PA Quadrangle N: 21.5 inches; W: 1.1 inches, Latitude: 40° 12' 03"; Longitude: 76° 45' 26") in Lower Swatara Township, Dauphin County. The proposed improvements are for the redevelopment of what was previously the Olmstead Plaza. The wetland impact is considered de minimis and no mitigation is required.

E01-274: Joseph Myers, 160 Ram Drive, Hanover, PA 17331, Berwick Township, **Adams County,** United States Army Corps of Engineers, Baltimore District.

To conduct various activities as follows:

1. To construct and maintain a 9.58-foot by 4.08-foot by 72.0-foot long CMP arch culvert with a 6.0-inch depression, an 8.0-inch diameter water line, an 8.0-inch diameter sanitary sewer line and a 24.0-inch diameter stormsewer line in a UNT to South Branch Conewago Creek (WWF) (McSherrystown, PA Quadrangle N: 16.10 inches; W: 0.52 inch, Latitude: 39° 50' 19"; Longitude: 77° 00' 13").

2. To construct and maintain a 9.58-foot by 4.08-foot by 67-foot long CMP arch culvert with a 6.0-inch depression, an 12.0-inch diameter water line and an 8.0-inch diameter sanitary sewer line in a UNT to South Branch Conewago Creek (WWF) (McSherrystown, PA Quadrangle N: 16.27 inches; W: 0.30 inch, Latitude: 39° 50' 23"; Longitude: 77° 00' 08").

3. To construct and maintain a 76.0-inch by 48.0-inch by 80.0-foot long elliptical concrete pipe culvert with a 6.0-inch depression, an 8.0-inch diameter water line, an 8.0-inch diameter sanitary sewer line and a 24.0-inch diameter stormsewer line in a UNT to South Branch Conewago Creek (WWF) (McSherrystown, PA Quadrangle N: 17.0 inches; W: 0.09 inch, Latitude: 39° 50' 37"; Longitude: 77° 00' 02").

4. To relocate and maintain a 1,105.0-foot long stream channel of a UNT to South Branch Conewago Creek (WWF) (Hanover, PA Quadrangle N: 16.80 inches; W: 17.25 inches, Latitude: 39° 50' 33"; Longitude: 76° 59' 52").

5. To relocate and maintain an 850.0-foot long stream channel of a UNT to South Branch Conewago Creek (WWF) (McSherrystown, PA Quadrangle N: 16.90 inches; W: 0.27 inch, Latitude: 39° 50' 35"; Longitude: 77° 00' 07").

6. To place and maintain fill in the floodway of a UNT to South Branch Conewago Creek (WWF) to construct a sewage pump station along the left bank and to construct and maintain a 24.0-inch diameter pipe culvert (McSherrystown, PA Quadrangle N: 16.05 inches; W: 0.80 inch, Latitude: 39° 50' 18"; Longitude: 77° 00' 21").

7. To construct and maintain an 18.0-inch diameter by 92.0-foot long RC pipe culvert with a 6.0-inch depression, an 8.0-inch diameter water line and an 8.0-inch diameter stormsewer line in a UNT to South Branch Conewago Creek (WWF) (McSherrystown, PA Quadrangle N: 17.22 inches; W: 0.38 inch, Latitude: 39° 50' 43"; Longitude: 77° 01' 13").

8. To construct and maintain a 24.0-inch diameter by 80.0-foot long RC pipe culvert with a 6.0-inch depression, an 8.0-inch diameter water line and an 18.0-inch diameter stormsewer line in a UNT to South Branch Conewago Creek (WWF) (McSherrystown, PA Quadrangle N: 17.32 inches; W: 0.50 inch, Latitude: 39° 50' 43"; Longitude: 77° 00' 13").

9. To construct and maintain a 6.0-inch diameter sanitary sewer line, an 8.0-inch diameter stormsewer line and a 12.0-inch diameter water line in a UNT to South Branch Conewago Creek (WWF) (McSherrystown, PA Quadrangle N: 16.88 inches; W: 0.50 inch, Latitude: 39° 50' 35"; Longitude: 77° 00' 13").

10. To construct and maintain a 68.0-inch by 43.0-inch by 75.0-foot long elliptical concrete pipe culvert with a 6.0-inch depression and a 6.0-inch diameter water line in a UNT to South Branch Conewago Creek (WWF) (Hanover, PA Quadrangle N: 16.0 inches; W: 17.54 inches, Latitude: 39° 50' 17"; Longitude: 76° 59' 60").

All activities are related to the construction of a proposed housing development called Cambrian Hills located just east of Carlisle Pike (PA 94) about 0.5 mile from the Adams and York County line in Berwick Township, Adams County.

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

E08-451. Ridgebury Township, 13278 Berwick Turnpike, Gillett, PA 16925. Water Obstruction and Encroachment Joint Permit, in Ridgebury Township, **Bradford County**, United States Army Corps of Engineers, Susquehanna River Basin District (Bentley Creek, PA Quadrangle N: 41° 56' 27.3"; W: 76° 42' 47.5").

To construct and maintain a gravel access drive having a width of 20-feet and a length of 300-feet, 218-feet of which is located in the floodway. Gravel access drive shall be comprised of compacted subgrade, 6" of No. 3 coarse aggregate, 2" Department of Transportation DSA. Access drive will be at grade, no more than 1,500 cubic-feet of fill will be placed in the floodway to create the access drive, all of which is located along Bentley Creek, 1,000-feet south of the intersection of Berwick Turnpike and Bucks Creek Road (Bentley Creek, PA Quadrangle N: 41° 56' 27.3"; W: 76° 42' 47.5") in Ridgebury Township, Bradford County. This project proposes to have a minimal impact on Bentley Creek, which is designated a WWF and does not propose to impact any jurisdictional wetlands. This permit was issued under section 105.13(e) "Small Projects."

E14-513. Department of Transportation, Engineering District 2-0, P. O. Box 342, Clearfield, PA 16830. SR 3023 Section A01 Bridge Replacement, in Worth Township, **Centre County**, United States Army Corps of Engineers, Pittsburgh District (Port Matilda, PA Quadrangle N: 040° 49' 33"; W: 076° 06' 32").

Construct and maintain a single span, composite prestressed spread box beam bridge, with integral abutments placed behind the existing abutments. The proposed bridge will have a span of 60 ft., a curb to curb width of

26 ft. and a skew of 32°. The proposed bridge will have a low chord elevation of 1,404.82 ft. This project proposes approximately a 30 ft. permanent impact to Laurel Run as a result of the bridge replacement and approximately 130 ft. (135 sq. ft.) impact as a result of the installation of R-8 Rip-Rap to stabilize the stream banks. The project is located on SR 3023, Segment 0090, Offset 0446-1046, over Laurel Run. Laurel Run is designated a Class A Wild Trout, HQ-CWF stream. This project does not propose to impact any jurisdictional wetlands. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

E60-195. J & F Land Development Corporation, 247 Nikomahs Drive, Millmont, PA 17845. Residential Structure, in Hartley Township, **Union County**, United States Army Corps of Engineers, Baltimore District (Weikert, PA Quadrangle 40° 51' 29.5" N; 77° 15' 19.8" W).

To: 1) remove a 40 foot by 16-foot at grade house and carport from the 100-year floodway; 2) construct and maintain an elevated, on piers, 71-foot 2-inch by 45-foot house, an attached 31-foot 4-inch by 18-foot deck (both having a finished floor elevation of 668.8 feet) and one associated staircase that projects into the 100-year flood way of Penns Creek located a few feet downstream of the old house and 1,040 feet west on Nikomahs Drive from Creek Road. This permit was issued under section 105.13(e) "Small Projects."

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

E02-1580. County of Allegheny Department of Public Works, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219. To operate and maintain the existing multispan railroad Riverton Bridge in the City of Duquesne and City of McKeesport in **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (McKeesport, PA Quadrangle N: 19.4 inches; W: 13.6 inches, Latitude: 40° 21' 25"; Longitude: 79° 50' 50"). To operate and maintain the existing multispan railroad bridge (Riverton Bridge) located over the Monongahela River (WWF); to remove the existing tracks, catwalk and to construct and maintain a new 12-ft. wide pedestrian deck and side railing on the existing 14-ft. wide bridge deck across the remaining span. The project is for the converting the bridge to a walking, hiking and biking trail as part for the Great Allegheny Passage Trail. The project is located approximately 1,000-ft. downstream of the McKeesport Duquesne Bridge.

ENVIRONMENTAL ASSESSMENTS

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

D65-204EA. Leo Altimus, 108 Altimus Drive, Bolivar, PA 15923. Fairfield Township, **Westmoreland County**, United States Army Corps of Engineers, Pittsburgh District.

Project proposes to breach and remove Altimus Dam across Hendricks Creek (TSF) for the purpose of restoring the stream to a free flowing condition. The project will restore approximately 100 feet of stream channel. The dam is located approximately 3,000 feet south of the intersection of SR1011 (Midget Camp Road) and SR1006 (Creek Road) (Wilpen, PA Quadrangle Latitude: 40° 21' 42"; Longitude: 79° 08' 12").

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control (ESCP) Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and the Administrative Agency Law, (2 Pa.C.S. Chapter 5A), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board.

The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

ESCP-0808803	Fortuna Energy, Inc. Tracy Gregory 337 Daniel Zenker Drive Horseheads, NY 14845	Bradford County	Troy and Granville Townships	UNT to North Branch Towanda Creek CWF
ESCP-5908801	Fortuna Energy, Inc. Tracy Gregory 337 Daniel Zenker Drive Horseheads, NY 14845	Tioga County	Jackson Township	Tioga River CWF

STORAGE TANKS

SITE-SPECIFIC INSTALLATION PERMITS

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

<i>SSIP Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
08-62-004	United Refining Company 15 Bradley Street Warren, PA 16365-3299 Attn: Michael S. Roudybush	Warren	City of Warren	1 AST storing Ethanol	2,121,000 gallons

SPECIAL NOTICES

Public Hearing for NPDES Permit No. PAI026608001; Proposed Mehoopany Wind Farm Project, in Eaton, Forkston, Mehoopany, Noxen and Washington Townships, Wyoming County

On October 31, 2008, the Department of Environmental Protection (Department) received an administratively complete NPDES Permit application package for the proposed Mehoopany Wind Farm Project, located in Eaton, Forkston, Mehoopany, Noxen and Washington Townships, Wyoming County.

The Department will hold a public hearing to accept comment on the documentation and plans associated with the Individual NPDES Permit Application No. PAI026608001 for the discharge of stormwater from construction activities to:

- Stone Run—HQ-CWF
- Kasson Brook—HQ-CWF
- South Branch Roaring Run—CWF

- Roaring Run—CWF
- Newton Run—HQ-CWF
- Sugar Hollow Creek—HQ-CWF
- Bowman's Creek—HQ-CWF
- Hettesheimer Run—HQ-CWF
- York Run—HQ-CWF
- Bowman Hollow—HQ-CWF

The public hearing will be conducted on Wednesday, January 7, 2009, from 7 p.m. to 10 p.m. at the Triton Hose Company No. 1, located at 108 West Tioga Street, Tunkhannock, PA 18657 by the Watershed Management Program, Permitting and Technical Services Section, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Mehoopany Wind Farm Hearing, Department of Environmental Protection, Watershed Management Program, 2 Public Square, Wilkes-Barre, PA 18711. The Department will accept notices up to the day of the hearing. The Department requests that individuals limit their testi-

mony to 10 minutes so that all individuals have the opportunity to testify. The Department can only review comments made with regard to the NPDES Permit Application No. PAI026608001 documentation and plans. Written copies of oral testimony are requested. Relinquishing time to others will not be allowed. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who preregister to testify will be given priority on the agenda.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Christine Domashinski at (570) 826-2511 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The NPDES permit application documentation and plans are available for review at the Wyoming County Conservation District Office, One Hollowcrest Complex, Tunkhannock, PA 18657, (570) 836-2589 and/or the Department Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA (570) 826-2511. For further information, contact Mark Carmon of the Department's Northeast Regional Office at (570) 826-2511.

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

Act 181 Notification: Delta Mining, Inc. PBF 56763022.1 Mine Drainage Treatment Project; Elk Lick Township, **Somerset County.** The site is located on Bureau of Forestry lands. The work will include installation of a 4 inch pipeline (and/or ditchline) approximately 500 feet in length to divert mine drainage into an existing treatment system. This project issues on November 14, 2008, and bids will be opened on December 2, 2008. A mandatory prebid meeting will be conducted at the site on November 26, 2008; call for time and directions. Bid documents will be available after November 14, 2008, and at the prebid meeting. Bidders must obtain a Coal Mining License to qualify for the final award as per 25 Pa. Code § 86.189. Bid proposals shall be submitted to Attn: Malcolm Crittenden, DEP, 286 Industrial Park, Ebensburg, PA 15931. For more information call, Malcolm Crittenden at (814) 472-1900 or mcrittende@State.pa.us.

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

**Request for Comment and Notice of Public Meeting
For the Proposed Total Maximum Daily Load
(TMDL) for the Brush Run, Gathers Run and Reid
Run Watersheds in Clarion County**

The Department of Environmental Protection (Department) is holding public meetings to discuss and accept comments on proposed TMDLs for the Brush Run, Gathers Run and Reids Run Watersheds in Clarion County. The meetings will be held on December 16, 2008, beginning at 9 a.m. at the Knox District Office in Knox, PA. The proposed TMDLs were developed in accordance with the requirements of The Clean Water Act, section 303(d). Two stream segments in the Brush Run Watershed and one segment in both the Gathers and Reids Run Watersheds have been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals and depressed pH. The listed segments and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
49502	Brush Run	2.6
49508	UNT Brush Run	1.1
49524	Gathers Run	1.0

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
49530	Reids Run	3.40

The proposed plans provide calculations of the stream's total capacity to accept metals (aluminum, iron, manganese and acidity), pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/ Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0 to 9.0	NA

The primary pollutant source for these watersheds is abandoned mine workings. These watersheds were heavily mined for coal in the late 19th century and mining continues on a smaller scale today. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations which are established for permitted point sources.

The TMDLs were developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a data set based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDLs.

The TMDLs set allowable loading rates for metals and acidity at specified points in the Watershed. The basis of information used in the establishment of this TMDL is field data collected over a 2 year period.

The data and all supporting information used to develop the proposed TMDLs are available from the Department. To request a copy of the proposed TMDLs and an information sheet, contact Ely Heferle, Water Pollution Biologist, Knox District Mining Office, White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191. E-mail will be received at eheferle@state.pa.us. Directions to the Knox District Office can also be obtained by contacting this address.

The proposed TMDLs for the Brush Run, Gathers Run and Reids Run Watersheds can be accessed through the Department's web site www.dep.state.pa.us by typing "TMDL" in the DEP Keyword field and clicking GO.

Written comments will be accepted at the previous address and must be postmarked by January 29, 2009. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m. Monday December 15, 2008. The Department will consider all comments in developing the final TMDLs, which will be submitted to the Environmental Protection Agency for approval.

Persons with a disability who require accommodations to attend this meeting should contact the Department at (814) 797-1191 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

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

Junior Coal Contracting, Inc., GFCC No. 14-07-01, Ridge Operation, Rush Township, Centre County (Trout Run to Moshannon Creek—Upper West Branch Watershed): A no-cost construction contract has been awarded to Junior Coal Contracting, Inc., that will result in the reclamation of approximately 22.6 acres of abandoned mine land, the reclamation of 2,150-foot of abandoned highwall and the daylighting and reclamation of 20.2 acres of abandoned deep mines. The site will be reclaimed and regraded to approximate original contour. Alkaline addition in the form of waste lime will be added to the mining area. A total of 30,700 tons of alkaline waste lime will be placed on the site. The estimated value of the reclamation work is \$298,200 which will be done at no cost to the Commonwealth. The site is located just north of Sandy Ridge on lands formerly mined and subsequently abandoned by Blair Brothers Coal Company (deep mine) in the early 1900s and Dugan Coal Mining Company (surface mine) in the late 1940s. Blasting has been approved as part of the reclamation activities. Refuse reprocessing is prohibited at the site.

Request for Comment and Notice of Public Meeting Proposed Total Maximum Daily Loads (TMDLs) for the Glade Run Watershed in Fayette County

Greensburg District Mining Office: Armbrust Building, RR2 Box 603-C, Greensburg, PA 15601.

The Department of Environmental Protection (Department) is holding a public meeting on January 14, 2009, beginning at 6 p.m. at the Knights of Columbus, 888 North Gallatin Avenue Extension, Uniontown, PA to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of the 1996 section 303(d) of The Clean Water Act. One stream segment of Glade Run has been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals. The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
38205	Glade Run	3.4

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese) and pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0 to 9.0	NA

The primary pollutant source for the Watershed is abandoned mine workings. This Watershed was heavily mined for coal in the 20th century. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a dataset based on its

statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the Watershed. The basis of information used in the establishment of this TMDL is field data collected from 2000—2008.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Jennifer Orr at (717) 772-5670 between 8 a.m. and 4 p.m., Monday through Friday, at Rachel Carson State Office Building, 10th Floor, 400 Market Street, Harrisburg, PA 17101. E-mail will be received at jeorr@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's web site at www.dep.state.pa.us (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by January 23, 2009. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m. Friday, January 9, 2009. The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency for approval.

Request for Comment and Notice of Public Meeting Proposed Total Maximum Daily Loads (TMDLs) for Redstone Creek, Fayette County

The Department of Environmental Protection (Department) is holding a public meeting on Friday, December 12, 2008, beginning at 10 a.m. at the Uniontown District Office, 100 New Salem Road, Uniontown, PA 15401 to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of the 1996 section 303(d) of The Clean Water Act. One stream segment of Redstone Creek has been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals. The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
39931	Redstone Creek	10.2

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese), acidity and suspended solids while maintaining levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable
pH	6.0 to 9.0	NA

The primary pollutant source for the Watershed is abandoned mine workings. This Watershed was heavily mined for coal in the 20th century. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a dataset based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the Watershed. The basis of information used in the establishment of this TMDL is field data collected from 1995–2007.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Scott Heidel at (717) 787-1421 between 7:45 a.m. and 3:45 p.m., Monday through Friday, at Rachel Carson State Office Building, 10th Floor, 400 Market Street, Harrisburg, PA 17101. E-mail will be received at scheidel@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's web site at www.dep.state.pa.us (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by January 16, 2009. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m. Monday, December 8, 2008. The Department will consider all comments in developing the final TMDL, which will be submitted to the United States Environmental Protection Agency for approval.

Request for Comment and Notice of Public Meeting Proposed Total Maximum Daily Loads (TMDLs) for the Susquehanna River in Luzerne and Columbia Counties

Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901.

The Department of Environmental Protection (Department) is holding a public meeting on December 9, 2008, beginning at 10:30 a.m. at the Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790 to discuss and accept comments on a proposed TMDL. The proposed TMDL was established in accordance with the requirements of the 1996 section 303(d) of The Clean Water Act. One stream segment of the Susquehanna River has been identified as impaired on the 1996 Pennsylvania 303(d) list due to high concentrations of metals. The listed segment and miles degraded are shown in the following table:

<i>Stream Code</i>	<i>Stream Name</i>	<i>Miles Degraded</i>
6685	Susquehanna River	20

The proposed plan provides calculations of the stream's total capacity to accept metals (aluminum, iron and manganese) and pH and maintain levels below water quality criteria. The applicable water quality criteria are as follows:

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
Aluminum	0.75	Total Recoverable
Iron	1.5	Total Recoverable
Manganese	1.00	Total Recoverable

<i>Parameter</i>	<i>Criterion value (mg/l)</i>	<i>Total Recoverable/Dissolved</i>
pH	6.0 to 9.0	NA

The primary pollutant source for the Watershed is abandoned mine workings. This Watershed was heavily mined for coal in the 20th century. The effects of this are still present. The TMDL consists of load allocations, which are made to nonpoint sources of pollution and waste load allocations, which are made to permitted point sources.

The TMDL was developed using Monte Carlo Simulation to determine long-term average concentrations that each stream segment could accept and still meet water quality criteria 99% of the time. Monte Carlo Simulation allows for the expansion of a dataset based on its statistical makeup. Since there was no critical flow condition where criteria were exceeded, the Department used the average flow to express the loading values in the TMDL.

The TMDL sets allowable loading rates for metals and acidity at specified points in the Watershed. The basis of information used in the establishment of this TMDL is field data collected from 1995–2007.

The data and all supporting information used to develop the proposed TMDL are available from the Department. To request a copy of the proposed TMDL and an information sheet, contact Jennifer Orr at (717) 772-5670 between 8 a.m. and 4 p.m., Monday through Friday, at Rachel Carson State Office Building, 10th Floor, 400 Market Street, Harrisburg, PA 17101. E-mail will be received at jeorr@state.pa.us. Directions to the meeting place can also be obtained through this contact.

The TMDL can be viewed and printed by accessing the Department's web site at www.dep.state.pa.us (PA Keyword: TMDL).

Written comments will be accepted at the previous address and must be postmarked by January 16, 2009. Persons who plan to make a presentation at the public meeting should notify the Department no later than 4 p.m. Monday, December 8, 2008. The Department will consider all comments in developing the final TMDL, which will be submitted to the Environmental Protection Agency for approval.

[Pa.B. Doc. No. 08-2156. Filed for public inspection November 28, 2008, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site 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 2008.

Ordering Paper Copies of Department Technical Guidance

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

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

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

Changes to Technical Guidance Documents

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

Draft Technical Guidance—Substantive Revision:

DEP ID: 275-2101-007. Title: Best Available Technology and Other Permitting Criteria for Municipal Solid Waste Landfills. Description: This technical guidance document, formerly titled "Landfill Permitting Criteria", is issued under the authority of section 6.6(c) of the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.1 and 127.12(a)(5) (relating to purpose; and content of applications). The guidance document specifies Best Available Technology (BAT) requirements for gas collection systems at active landfills, the collection and control of landfill gas, special requirements for enclosed flares, the open flare policy for beneficial use of landfill gas, the open flare policy for the control of landfill gas other than beneficial use, leachate storage and recirculation and landfill fugitive dust control criteria. The BAT requirements in the document will replace the former guidance; however, the BAT determination will not be applied retroactively. The BAT analysis must include a list of all possible control technologies, a technology feasibility analysis and an economic analysis of the feasible control technologies. Specifically, the guidance requires a Plan Approval for a new municipal solid waste landfill or for an expansion at an existing municipal waste landfill if the estimated volatile organic compound (VOC) emissions from the new facility or from the proposed expansion are greater than or equal to 2.7 tons per year, before the installation of an air cleaning device. A Plan Approval is also required when the municipal solid waste landfill design capacity is in excess of 1 million tons. The Plan Approval shall include requirements for the associated landfill gas collection system and its associated air cleaning devices, if any. Written Comments: The Department invites written comments on the substantive revisions to the technical guidance document. 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, suggestions or objections should be submitted by January 13, 2009, to Virendra Trivedi, Environmental Engineer Manager, Department of Environmental Protection, Bureau of Air Quality, Division of Permits, New Source Review Section, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468; vtrivedi@state.pa.us. The Department will also consider written requests that a public hearing be held concerning the proposed BAT criteria guidance. Contact: Interested parties are encouraged to obtain and review a complete copy of the technical guidance document by contacting Jeanette Van Skike, Department of Environmental Protection, Bureau of Air

Quality, Division of Permits, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325, jvanskike@state.pa.us. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

Notice to Rescind Technical Guidance:

DEP ID: 383-3301-305. Title: Laboratory Reporting Instruction for Total Trihalomethanes (TTHMs) in Public Drinking Water Systems. Description: Technical guidance document 383-3301-305 is being rescinded by the Department as it has been replaced with a more recent guidance document (technical guidance document number 383-3301-306: Laboratory Reporting Instructions for Disinfectant Residuals, Disinfection Byproducts and Precursors), which became effective at 38 Pa.B. 405 (January 19, 2008). Guidance document number 383-3301-306 includes updated information for reporting total trihalomethanes and is already in use by the regulated community, making the availability of technical guidance document number 383-3301-305 no longer necessary. Contact: Dawn Hissner, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, 400 Market Street, Rachel Carson State Office Building, 11th Floor, Harrisburg, PA 17101, (717) 787-0130, dhissner@state.pa.us. Effective Date: November 29, 2008.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 08-2157. Filed for public inspection November 28, 2008, 9:00 a.m.]

Storage Tank Advisory Committee; Cancellation of Meeting

The Storage Tank Advisory Committee (Committee) meeting scheduled for December 9, 2008, has been cancelled. The next meeting is scheduled for March 10, 2009, at 10 a.m. in the 14th floor conference room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the cancellation of the December 9, 2008, meeting or the next regularly scheduled Committee meeting should be directed to Charles Swokel, Bureau of Waste Management, (717) 772-5806, cswokel@state.pa.us. The agenda and meeting materials for the March 10, 2009, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keyword: "Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-5551 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 08-2158. Filed for public inspection November 28, 2008, 9:00 a.m.]

DEPARTMENT OF GENERAL SERVICES

Real Estate for Sale Montgomery County

The Department of General Services (Department) will accept bids for the purchase of 0.29-acre +/- of land and single-family residence located at 174 North Whitehall Road, West Norriton Township, Montgomery County. Bids are due Friday, January 9, 2009. Interested parties wishing to receive a copy of Solicitation No. 94259 should view the Department's web site at www.dgs.state.pa.us or call Lisa Kettering at (717) 787-1321.

JAMES P. CREEDON,
Secretary

[Pa.B. Doc. No. 08-2159. Filed for public inspection November 28, 2008, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of The Washington Hospital for Excep- tion

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Washington Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25 (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

This 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 Service at (800) 654-5984.

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 08-2160. Filed for public inspection November 28, 2008, 9:00 a.m.]

Approved Drugs for ALS Amulance Services

Under 28 Pa. Code § 1005.11 (relating to drug use, control and security), the following drugs are approved for use by ground advanced life support (ALS) ambulance services and may be administered by EMT-paramedics, prehospital registered nurses and health professional physicians when use of the drugs is permitted by the applicable Department of Health (Department) approved regional medical treatment protocols:

1. Activated charcoal
2. Adenosine
3. Albuterol
4. Amiodarone
5. Aspirin
6. Atropine sulfate
7. Benzocaine—for topical use only
8. Bretylium
9. Calcium chloride
10. Calcium gluconate
11. Captopril
12. Dexamethasone sodium phosphate
13. Diazepam
14. Dilaudid—for interfacility transports only*
15. Diltiazem
16. Diphenhydramine HCL
17. Dobutamine
18. Dopamine
19. Enalapril
20. Epinephrine HCL
21. Etomidate
22. Fentanyl
23. Furosemide
24. Glucagon
25. Heparin by intravenous drip—for interfacility transports only*
26. Heparin lock flush
27. Hydrocortisone sodium succinate
28. Glycoprotein IIb/IIIa Inhibitors—for interfacility transports only*
 - a. Abciximab
 - b. Eptifibatide
 - c. Tirofiban
29. Intravenous electrolyte solutions
 - a. Dextrose
 - b. Lactated Ringer's
 - c. Sodium chloride
 - d. Normosol
 - e. Potassium—for interfacility transports only*
30. Ipratropium Bromide
31. Isoproterenol HCL—for interfacility transports only*
32. Levalbuterol—for interfacility transports only*
33. Lidocaine HCL
34. Lorazepam
35. Magnesium sulfate
36. Metaproterenol
37. Methylprednisolone
38. Midazolam
39. Morphine sulfate
40. Naloxone HCL
41. Nitroglycerin by intravenous drip must be regulated by an infusion pump
42. Nitroglycerin ointment
43. Nitroglycerin spray

44. Nitroglycerin sublingual tablets
45. Nitrous oxide
46. Ondansetron
47. Oxytocin
48. Pralidoxime CL
49. Procainamide
50. Sodium bicarbonate
51. Sodium thiosulfate
52. Sterile water for injection
53. Terbutaline
54. Tetracaine—for topical use only
55. Verapamil

* During interfacility transport, all medications given by continuous infusion (except intravenous electrolyte solutions with potassium concentrations of no more than 20 mEq/L) must be regulated by an infusion pump.

This list supersedes the list of approved drugs published at 37 Pa.B. 1278 (March 17, 2007).

Changes made are:

- (1) Addition of Activated charcoal.
- (2) Addition of Calcium gluconate.
- (3) Addition of Captopril.
- (4) Addition of Enalapril.
- (5) Removal of restriction that Nitroglycerin by intravenous drip may only be used for interfacility transports.
- (6) During interfacility transports medications by continuous infusion must be regulated by an infusion pump.
- (7) Addition of requirement that administration of nitroglycerine by intravenous drip must be regulated by an infusion pump.

Ambulance services are not authorized to stock drugs designated "for interfacility transports only." However, paramedics and health professionals may administer a drug so designated if the facility transferring a patient provides the drug, directs that it be administered to the patient during the transfer, and the regional transfer and medical treatment protocols permit the administration of the drug by those personnel. See 28 Pa. Code § 1005.11 (a)(3) and (d).

Section § 1005.11 of 28 Pa. Code permits a ground ALS ambulance service to exceed, under specified circumstances, the drugs (taken from the master list) that a region's medical treatment protocols authorize for use within the region. In addition, under 28 Pa. Code § 1001.161 (relating to research), the Department may approve an ambulance service to engage in a research project that involves use of a drug not included in a region's medical treatment protocols. Finally, under 28 Pa. Code § 1001.4 (relating to exceptions), a ground ALS ambulance service and its ALS ambulance service medical director may apply to the Department for an exception to a region's medical treatment protocols.

The list of drugs in this notice does not apply to air ambulance services. Under 28 Pa. Code § 1007.7(i)(2) (relating to licensure and general operating requirements), each air ambulance service is to develop its own medical treatment protocols which identify drugs that may be used by the air ambulance service. The air ambulance service is to then submit the protocols to the medical advisory committee of the appropriate regional

emergency medical services council for the medical advisory committee's review and recommendations. Following its consideration of the recommendations, and after making further revisions if needed, the air ambulance service is to file the protocols with the Department for approval.

Persons with a disability who require an alternate format of this notice (for example, large print, audiotape, Braille) should contact Robert Cooney at the Department of Health, Bureau of Emergency Medical Services, Room 606, Health and Welfare Building, 625 Forster Street, Harrisburg, PA, 17120-0701, (717) 787-8740. Speech or hearing impaired persons may use V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 08-2161. Filed for public inspection November 28, 2008, 9:00 a.m.]

Prehospital Practitioner Scope of Practice

Under 28 Pa. Code §§ 1003.21(c)(13), 1003.22(e)(3), 1003.23(f), 1003.24(e) and 1003.25b(c), the Department of Health (Department) is publishing the scope of practice for ambulance attendants, first responders, emergency medical technicians (EMTs), EMT-paramedics (EMT-Ps) and prehospital registered nurses (PHRNs) under the Emergency Medical Services Act (EMS Act) (35 P. S. §§ 6921—6938).

Skills identified may be performed by a prehospital practitioner at the practitioner's level of certification/recognition only if the practitioner has successfully completed training (cognitive, affective and psychomotor) on the specified skill, which includes training to perform the skill on adults, children and infants, as appropriate.

A PHRN with medical command authorization may perform, in addition to those services within an EMT-Ps scope of practice, other services authorized by The Professional Nursing Law (63 P. S. §§ 211—225.5), when authorized by a medical command physician through either online medical command or standing medical treatment protocols. To administer drugs in addition to those permitted by applicable medical treatment protocols, a PHRN must also have received approval to do so by the advanced life support service medical director of the advanced life support ambulance service under which the PHRN is functioning.

This list supersedes the list of skills in the scope of practice of prehospital personnel published at 36 Pa.B. 8013 (December 30, 2006). Six changes have been made. The changes are:

Adding the King LTS-D Airway as a device to be used as a rescue airway.

Adding CPAP/BiPAP as a skill that can be performed by EMTs.

Listing tracheostomy suctioning as an EMT and EMT-P skill.

Permitting ambulance attendants to make verbal patient reports to individuals receiving the patient.

Permitting ambulance attendants to complete patient care reports.

Adding the use of hemostatic agents to the methods that can be employed to stop bleeding.

Yes—The skill is in the scope of practice for the level of certification

No—The skill is not in the scope of practice for the level of certification

1. May assist higher level practitioner only when in the physical presence and under the direct supervision of the ALS practitioner.

2. Additional training and approval by service medical director required.

3. The skill may be performed by BLS personnel in accordance with Statewide BLS protocols or medical command order.

4. The skill is not approved for the level of certification regardless if taught in a course approved for that level of certification.

5. The acronym is explained following the table.

6. Skill may only be used when functioning with a licensed ambulance service or QRS that complies with Department requirement for performing this skill.

7. May only be done as a physician extender under the Medical Practice Act.

8. FDA Approved Hemostatic Agents enclosed in self contained package during treatment.

AA—Ambulance Attendant

FR—First Responder Technician

EMT—Emergency Medical Technician

EMT-P—Emergency Medical Technician Paramedic

TOPIC	SKILL	AA	FR	EMT	EMT-P
Airway/ventilation/ oxygenation	Airway—Nonsurgical Alternative/Rescue Airway—CombiTube™, King LT-D Airway™ or King LTS-D Airway	No	No	No	Yes
Airway/ventilation/ oxygenation	Airway—oral & nasal	Yes	Yes	Yes	Yes
Airway/ventilation/ oxygenation	Airway—pharyngeal tracheal lumen (PTL)	No	No	No	No ⁴
Airway/ventilation/ oxygenation	Bag-valve—ETT/Non surgical alternative airway ventilation	No	Yes ¹	Yes ¹	Yes
Airway/ventilation/ oxygenation	Bag-valve-mask—with in-line small-volume nebulizer	No	Yes ¹	Yes ¹	Yes
Airway/ventilation/ oxygenation	Bag-valve-mask (BVM) ventilation	Yes	Yes	Yes	Yes
Airway/ventilation/ oxygenation	Chest decompression—needle	No	No	No	Yes
Airway/ventilation/ oxygenation	CPAP/BiPAP ⁵ —demonstrate application of	No	No	Yes ^{2,3,6}	Yes
Airway/ventilation/ oxygenation	Cricoid pressure (Sellick maneuver)	No	Yes	Yes	Yes
Airway/ventilation/ oxygenation	Cricothyrotomy—needle	No	No	No	Yes
Airway/ventilation/ oxygenation	Cricothyrotomy—open/surgical	No	No	No	Yes
Airway/ventilation/ oxygenation	Cricothyrotomy—overwire (Seldinger) technique	No	No	No	Yes
Airway/ventilation/ oxygenation	End tidal CO ₂ monitoring/capnography	No	Yes ¹	Yes ¹	Yes
Airway/ventilation/ oxygenation	Esophageal obturator airway (EOA)/esophageal gastric tube airway (EGTA)	No	No	No	No ⁴
Airway/ventilation/ oxygenation	Extubation	No	No	No	Yes
Airway/ventilation/ oxygenation	Flow restricted oxygen powered ventilation device (demand valve)	No	Yes	Yes	Yes
Airway/ventilation/ oxygenation	Gastric decompression—OG ⁵ & NG ⁵ tube (suction)	No	No	No	Yes
Airway/ventilation/ oxygenation	Gastric tube insertion—nasal & oral	No	No	No	Yes
Airway/ventilation/ oxygenation	Head-tilt/chin-lift	Yes	Yes	Yes	Yes
Airway/ventilation/ oxygenation	Inspiratory Impedance Threshold Device (ITD)	No	No	No	Yes ²

TOPIC	SKILL	AA	FR	EMT	EMT-P
Airway/ventilation/ oxygenation	Intubation—digital & lighted stylet	No	No	No	Yes
Airway/ventilation/ oxygenation	Intubation—endotracheal tube	No	No	No	Yes
Airway/ventilation/ oxygenation	Intubation—medication paralytics assisted (RSI ⁵)	No	No	No	No ⁴
Airway/ventilation/ oxygenation	Intubation—nasotracheal & orotracheal	No	No	No ⁴	Yes
Airway/ventilation/ oxygenation	Intubation—retrograde	No	No	No	No ⁴
Airway/ventilation/ oxygenation	Intubation—transillumination/lighted stylet	No	No	No	Yes
Airway/ventilation/ oxygenation	Jaw thrust & modified jaw thrust (trauma)	Yes	Yes	Yes	Yes
Airway/ventilation/ oxygenation	Laryngeal mask airway (LMA)	No	No	No	No ⁴
Airway/ventilation/ oxygenation	Mouth-to-mouth, nose, stoma, barrier & pocket mask	Yes	Yes	Yes	Yes
Airway/ventilation/ oxygenation	Obstruction—direct laryngoscopy (remove with forceps)	No	No	No	Yes
Airway/ventilation/ oxygenation	Obstruction—manual (Heimlich, finger sweep, chest thrusts) upper airway	Yes	Yes	Yes	Yes
Airway/ventilation/ oxygenation	Oxygen therapy—blow-by delivery	Yes	Yes	Yes	Yes
Airway/ventilation/ oxygenation	Oxygen therapy—humidifiers	No	Yes	Yes	Yes
Airway/ventilation/ oxygenation	Oxygen therapy—nasal cannula	Yes	Yes	Yes	Yes
Airway/ventilation/ oxygenation	Oxygen therapy—nonrebreather mask	Yes	Yes	Yes	Yes
Airway/ventilation/ oxygenation	Oxygen therapy—partial rebreather	No	Yes	Yes	Yes
Airway/ventilation/ oxygenation	Oxygen therapy—regulators	Yes	Yes	Yes	Yes
Airway/ventilation/ oxygenation	Oxygen therapy—simple face mask	Yes	Yes	Yes	Yes
Airway/ventilation/ oxygenation	Oxygen therapy—Venturi mask	No	No	No	Yes
Airway/ventilation/ oxygenation	Peak expiratory flow assessment	No	No	No	Yes
Airway/ventilation/ oxygenation	Pulse oximetry	Yes ¹	Yes ²	Yes ²	Yes
Airway/ventilation/ oxygenation	Suctioning—meconium aspiration	No	No	No	Yes
Airway/ventilation/ oxygenation	Suctioning—stoma/tracheostomy	No	No	Yes	Yes
Airway/ventilation/ oxygenation	Suctioning—tracheobronchial	No	No	No	Yes
Airway/ventilation/ oxygenation	Suctioning—upper airway (nasal)	No	Yes	Yes	Yes
Airway/ventilation/ oxygenation	Suctioning—upper airway (oral)	Yes	Yes	Yes	Yes
Airway/ventilation/ oxygenation	Transtracheal jet ventilation	No	No	No	Yes
Airway/ventilation/ oxygenation	Ventilators—automated transport (ATV)	Yes ¹	Yes ²	Yes ²	Yes

TOPIC	SKILL	AA	FR	EMT	EMT-P
Assessment of	Glasgow Coma Scale (GCS)	Yes	Yes	Yes	Yes
Assessment of	Level of consciousness (LOC)	Yes	Yes	Yes	Yes
Assessment of	Patient assessment skills identified in the NSC ⁵	Yes	Yes	Yes	Yes
Assessment of	Vital sign—body temperature	Yes	Yes	Yes	Yes
Assessment of	Vital sign—pulse	Yes	Yes	Yes	Yes
Assessment of	Vital sign—pupils	Yes	Yes	Yes	Yes
Assessment of	Vital sign—respirations	Yes	Yes	Yes	Yes
Assessment of	Vital sign—skin color/temperature & condition (CTC)	Yes	Yes	Yes	Yes
Cardiovascular/ circulation	Blood pressure—auscultation	Yes	Yes	Yes	Yes
Cardiovascular/ circulation	Blood pressure—electronic noninvasive	Yes	Yes	Yes	Yes
Cardiovascular/ circulation	Blood pressure—palpation	Yes	Yes	Yes	Yes
Cardiovascular/ circulation	Cardiac monitoring—apply electrodes	No	Yes ¹	Yes ¹	Yes
Cardiovascular/ circulation	Cardiac monitoring—multi-lead	No	No	No	Yes
Cardiovascular/ circulation	Cardiac monitoring—single-lead (interpretive)	No	No	No	Yes
Cardiovascular/ circulation	Cardiopulmonary resuscitation (CPR) adult, infant, child, one & two person	Yes	Yes	Yes	Yes
Cardiovascular/ circulation	Cardioversion—synchronized	No	No	No	Yes
Cardiovascular/ circulation	Carotid massage (vagal maneuvers)	No	No	No	Yes
Cardiovascular/ circulation	Defibrillation—Counter shock—manual	No	No	No	Yes
Cardiovascular/ circulation	Defibrillation—automated external defibrillator (AED)	Yes ²	Yes ²	Yes ²	Yes
Cardiovascular/ circulation	Hemodynamic monitoring/assist (Swan Ganz, arterial, central venous lines)	No	No	No	No ⁴
Cardiovascular/ circulation	Intra-aortic balloon pump monitoring/assist	No	No	No	No ⁴
Cardiovascular/ circulation	Mechanical CPR device	No	No	No	Yes
Cardiovascular/ circulation	Military/Pneumatic Anti-Shock Trousers/Garment PASG/MAST ⁵)	No	No	Yes	Yes
Cardiovascular/ circulation	Thrombolytic therapy—initiation	No	No	No	No ⁴
Cardiovascular/ circulation	Thrombolytic therapy—monitoring	No	No	No	No ⁴
Cardiovascular/ circulation	Transcutaneous pacing	No	No	No	Yes
Cardiovascular/ circulation	Use a (cardiac) magnet to alter the mode of an AICD ⁵ or pacemaker	No	No	No	Yes
Communications	Verbal patient report to receiving personnel	Yes	Yes	Yes	Yes
Communications	Communications with PSAPs ⁵ , hospitals, medical command facilities	Yes	Yes	Yes	Yes
Documentation	Out-of-Hospital Do Not Resuscitate (DNR) orders (Act #59)	Yes	Yes	Yes	Yes
Documentation	Patient Care Report completion	Yes	Yes	Yes	Yes
Hazardous materials	Contaminated equipment disposal (sharps & PPE ⁵)	Yes	Yes	Yes	Yes
Hazardous materials	Decontamination	Yes	Yes	Yes	Yes

TOPIC	SKILL	AA	FR	EMT	EMT-P
Hazardous materials	Disinfection	Yes	Yes	Yes	Yes
Hazardous materials	PPE ⁵ (personal protection equipment) use	Yes	Yes	Yes	Yes
Immobilization	PASG/MAST ⁵ —pelvic stabilization	No	No	Yes	Yes
Immobilization	Spinal immobilization—helmet stabilization or removal	No	No	Yes	Yes
Immobilization	Spinal immobilization—long board w/pt supine & standing	Yes	Yes	Yes	Yes
Immobilization	Spinal immobilization—manual stabilization & cervical collar	Yes	Yes	Yes	Yes
Immobilization	Spinal immobilization—rapid extrication	No	No	Yes	Yes
Immobilization	Spinal immobilization—seated patient (KED ⁵ , etc.)	No	No	Yes	Yes
Immobilization	Splinting—manual, ridged, soft, vacuum	Yes	Yes	Yes	Yes
Immobilization	Splinting—traction	Yes	Yes	Yes	Yes
IV Initiation/ maintenance/fluids	Central venous cannulation (femoral vein only)	No	No	No	Yes
IV Initiation/ maintenance/fluids	Central venous line—access of existing catheters	No	No	No	Yes
IV Initiation/ maintenance/fluids	Clean technique	No	No	No	Yes
IV Initiation/ maintenance/fluids	External jugular vein cannulation	No	No	No	Yes
IV Initiation/ maintenance/fluids	Heparin/saline lock insertions as no-flow IV	No	No	No	Yes
IV Initiation/ maintenance/fluids	Indwelling intravenous catheters as described 28 Pa. Code § 1003.23(e)(2)	No	No	Yes	Yes
IV Initiation/ maintenance/fluids	Intraosseous—needle placement & infusion—tibia, femur and humerus	No	No	No	Yes
IV Initiation/ maintenance/fluids	Peripheral venous—initiation (cannulation)	No	No	No	Yes
IV Initiation/ maintenance/fluids	Sub-cutaneous indwelling catheters—access of existing catheters	No	No	No	Yes
IV Initiation/ maintenance/fluids	Vascular access devices in home healthcare—access of existing catheters	No	No	No	Yes
IV Initiation/ maintenance/fluids	Venous (blood sampling)—obtaining	No	No	No	Yes
IV Initiation/ maintenance/fluids	Venous central line (blood sampling)—obtaining	No	No	No	No ⁴
IV Initiation/ maintenance/fluids	Arterial line—capped—transport	No	No	Yes	Yes
IV Initiation/ maintenance/fluids	Arterial line—monitoring/assist	No	No	No	No ⁴
IV Initiation/ maintenance/fluids	Blood/Blood-by-products	No	No	No	No ⁴
Lifting & moving	Patient lifting, moving & transfers per NSC ⁵	Yes	Yes	Yes	Yes
Lifting & moving	Patient restraints on transport devices	Yes	Yes	Yes	Yes
Medication administration routes	Endotracheal tube (ET)	No	No	No	Yes
Medication administration routes	Inhalation (aerosolized/nebulized)	No	No	No	Yes
Medication administration routes	Intramuscular (IM)	No	No	No	Yes
Medication administration routes	Intranasal	No	No	No	Yes
Medication administration routes	Intraosseous—tibia, humerus or femur	No	No	No	Yes

TOPIC	SKILL	AA	FR	EMT	EMT-P
Medication administration routes	Intravenous (IV)—bolus	No	No	No	Yes
Medication administration routes	Intravenous (IV) infusion, including by intravenous pump	No	No	No	Yes
Medication administration routes	Nasogastric	No	No	No	Yes
Medication administration routes	Oral	No	No	No	Yes
Medication administration routes	Rectal	No	No	No	Yes
Medication administration routes	Subcutaneous	No	No	No	Yes
Medication administration routes	Sub-lingual	No	No	No	Yes
Medication administration routes	Topical	No	No	No	Yes
Medication administration routes	Auto-injectors	No	No	Yes ³	Yes
Medications	Activated charcoal	No	No	Yes ³	Yes
Medications	As published in <i>Pennsylvania Bulletin</i> by PA DOH	No	No	No	Yes
Medications	Immunizations	No	No	No	Yes ⁷
Medications	Oral glucose	No	No	Yes ³	Yes
Medications	Over-the-counter medications (OTC)	No	No	No	No ⁴
Medications	Oxygen	Yes	Yes	Yes	Yes
Medications	Auto-injected epinephrine—primary use—not patient's own prescription	No	No	Yes ^{2,3,6}	Yes
Medications—Patient Assisted	Auto-injected epinephrine	No	No	Yes ³	Yes
Medications—Patient Assisted	Metered dose inhaler (MDI)—bronchodilator	No	No	Yes ³	Yes
Medications—Patient Assisted	Nitroglycerin	No	No	Yes ³	Yes
Patient assessment/management	Behavioral—Restrain violent patient	No	No	Yes	Yes
Patient assessment/management	Blood glucose assessment	No	No	No	Yes
Patient assessment/management	Burns—chemical, electrical, inhalation, radiation, thermal	Yes	Yes	Yes	Yes
Patient assessment/management	Childbirth—umbilical cord cutting	No	Yes	Yes	Yes
Patient assessment/management	Childbirth (abnormal/complications)	No	No	Yes	Yes
Patient assessment/management	Childbirth (normal)—cephalic delivery	Yes	Yes	Yes	Yes
Patient assessment/management	Dislocation reduction (shoulder)	No	No	No	No ⁴
Patient assessment/management	Eye irrigation/care	Yes	Yes	Yes	Yes
Patient assessment/management	Hemorrhage control—diffuse, direct, pressure point, tourniquet, bandaging, hemostatic agents ⁸	Yes	Yes	Yes	Yes
Patient assessment/management	Intracranial monitoring/assist	No	No	No	No ⁴
Patient assessment/management	As outlined in DOH approved regional & Statewide tx ⁵ & transport protocols	Yes	Yes	Yes	Yes

TOPIC	SKILL	AA	FR	EMT	EMT-P
Patient assessment/management	Multiple Casualty Incident (MCI)/Incident Command System (ICS)	No	Yes	Yes	Yes
Patient assessment/management	Triage (prioritizing patients)—use of tags	Yes	Yes	Yes	Yes
Patient assessment/management	Urinary catheterization	No	No	No	Yes
Rescue	Vehicle access & extrication	Yes	Yes	Yes	Yes

◀ Acronym

Explanation

AICD	Automatic Implantable Cardioverter Defibrillators
CPAP/BiPAP	Continuous positive airway pressure/biphasic positive airway pressure
KED	Kendrick Extrication Device
NSC	U. S. Department of Transportation National Standard Curriculum
OG & NG	Oral gastric & nasal gastric tube
PASG/MAST	Pneumatic anti-shock garment/military anti-shock trousers
PPE	Personal protective equipment
PSAP	Public safety answering point
RSI	Rapid sequence induction
TX	Treatment

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A. EVERETT JAMES,
Acting Secretary

[Pa.B. Doc. No. 08-2162. Filed for public inspection November 28, 2008, 9:00 a.m.]

DEPARTMENT OF REVENUE

Powerball

In accordance with 61 Pa. Code § 871.21 (relating to future changes to Powerball), the Secretary of Revenue (Secretary) announces the following changes to the Powerball regulations.

The Secretary, having determined that it is impractical and contrary to the public interest to defer notice to the public of changes to the Powerball game, has given actual knowledge of the document to the persons whom the document is primarily directed in accordance with 1 Pa. Code § 13.74 (relating to effectiveness prior to publication) by press release dated on or before December 4, 2008, of the following changes to the Powerball regulations.

These changes will affect ticket sales beginning on Sunday, January 4, 2009, for the Powerball drawing on Wednesday, January 7, 2009. The changes to the regulation will be codified as paragraph (3) in 61 Pa. Code § 871.22 (relating to changes to Powerball):

(3) Changes effective for Powerball tickets sold on or after January 4, 2009:

(i) Section 871.2(a) (relating to game description and purpose). Powerball is a five out of 59 plus one out of 39 on-line lottery game which pays the grand prize on an

annuitized, parimutuel basis. Except as provided in this chapter, all other prizes are paid on a set cash basis.

(ii) Section 871.2(b) The purpose of the Powerball game is to determine winners from ticket holders matching five numbers from 1 through 59, and matching the separately drawn Powerball number, or a designated combination thereof, within a single play, with the five winning numbers and the Powerball number to be randomly drawn. Drawings will be conducted twice a week or as publicly announced by the Secretary.

(iii) Section 871.3 (relating to definitions).

Basic play—Each set of six numbers consisting of five numbers from 1 through 59 and the Powerball number on a ticket purchased without the selection of any promotion, representing a single entry for a Powerball drawing and designated by a letter from A to E on a Powerball ticket.

First set numbers—The first group of numbers, from 1 through 59, appearing in the top grid of a Powerball game panel.

Grand prize winnings pool—An amount constituting 32.5288% of gross sales from all participating States for a particular Powerball game drawing for the purpose of paying winning grand prizes in that drawing. The grand prize winnings pool includes prize money allocated to the grand prize category from prior Powerball game drawings in which there were no winning grand prize tickets. A portion of this pool is used to fund prize reserve accounts until those accounts achieve maximum balances.

Panel or game panel—One of five areas of the Powerball bet slip that contains two number grids. The upper grids (first set numbers) contain 59 squares, each numbered 1 through 59 and the lower grids (second set numbers) contain 39 squares, each numbered 1 through 39. Each panel is lettered either A, B, C, D or E, and when used to purchase a ticket, corresponds to the numbers selected and printed on the ticket adjacent to that letter.

Powerball number or second set number—The number selected from the second group of numbers, from 1 through 39, appearing in the lower grid of a Powerball game panel.

Quick pick—The random selection by the Lottery's computer system of five numbers from 1 through 59 and a Powerball number from 1 through 39 that appear on a ticket in the Powerball game.

Second set numbers—The second group of numbers, from 1 through 39, appearing in the lower grid of a Powerball game panel.

Set prize winnings pool—An amount constituting 17.4712% of gross sales for the current drawing and any moneys carried forward from previous draws.

Ticket—A Powerball ticket, produced by an on-line terminal from a licensed on-line retailer in an authorized manner, containing a letter prefix followed by five se-

lected numbers from 1 through 59 and a single selected Powerball number from 1 through 39 for each basic play, ticket validation number data, drawing date, amount bet and any applicable promotion exercised by the player. Each set of five numbers and the Powerball number constitutes a basic play of which there may be one or more, up to five on a ticket.

Winning numbers—Six numbers, the first five numbers from 1 through 59, and the Powerball number from 1 through 39, selected at a Powerball drawing and subsequently validated by the MUSL, which shall be used to determine the winning Powerball plays.

Editor's note: This is a partial listing of the definitions applicable to Powerball. See § 871.3 (relating to definitions) for additional definitions.

(iv) Section 871.7(c) (relating to time, place and manner of conducting drawing). Manner of conducting drawing. The MUSL will draw at random five numbers from a set of balls numbered 1 through 59 and one Powerball number from a set of balls numbered 1 through 39 with the aid of mechanical drawing equipment. The drawings will be observed by security personnel and independent auditors and the validity of a drawing will be solely determined by the MUSL.

(v) Section 871.8(a) (relating to expected prize payout percentages). Determination of expected prize payout percentages is as follows:

<i>Tickets Containing The Following in One Single Lettered Game Section</i>	<i>Prize Category</i>	<i>Prize Payment</i>	<i>Approximate Percentage of Winnings Pool Allocated to Prize Category**</i>
Five first set numbers and the Powerball number	Grand Prize	Grand Prize	65.0576%
Five first set numbers	Second Prize*	\$200,000	7.7850%
Four first set numbers and the Powerball number	Third Prize*	\$10,000	2.7656%
Four first set numbers	Fourth Prize*	\$100	1.0510%
Three first set numbers and the Powerball number	Fifth Prize*	\$100	1.4658%
Three first set numbers	Sixth Prize*	\$7	3.8990%
Two first set numbers and the Powerball number	Seventh Prize*	\$7	1.7786%
One first set number and the Powerball number	Eighth Prize*	\$4	6.4790%
The Powerball number	Ninth Prize*	\$3	9.7184%

* Indicates a set prize.

** Fifty percent of Powerball gross sales are allocated to the winnings pool for the payment of prizes.

(vi) Section 871.8(c)(1) (relating to expected prize payout percentages). If the total of the set prizes awarded in a Powerball drawing exceeds the set prize pool which is 17.4712% of gross sales, the amount needed to fund the set prizes shall be drawn from the following sources in the following order:

(i) The amount allocated to the set prize tiers and carried forward from previous draws, if any.

(ii) An amount from the MUSL set prize reserve account, if available, not to exceed \$25,000,000 per Powerball drawing.

(vii) Section 871.19 (relating to probability of winning). The probability of winning is as follows:

<i>Tickets Containing The Following in One Single Lettered Game Section</i>	<i>Prize Category</i>	<i>Probability of Winning per Play</i>
Five first set numbers and the Powerball number	Grand Prize	1:195,249,054
Five first set numbers	Second Prize	1:5,138,133

Tickets Containing The Following in One Single Lettered Game Section

	<i>Prize Category</i>	<i>Probability of Winning per Play</i>
Four first set numbers and the Powerball number	Third Prize	1:723,144.6444
Four first set numbers	Fourth Prize	1:19,030.1222
Three first set numbers and the Powerball number	Fifth Prize	1:13,644.2386
Three first set numbers	Sixth Prize	1:359.0589
Two first set numbers and the Powerball number	Seventh Prize	1:787.1676
One first set number and the Powerball number	Eighth Prize	1:123.4773
The Powerball number	Ninth Prize	1:61.7386

(viii) Section 871.20(a) (relating to power play promotion). The power play promotion shall be available in association with the Powerball game and will continue until the Secretary publicly announces a suspension or termination thereof. The power play promotion will be conducted in accordance with the Powerball rules except that players may purchase the power play option for the chance to multiply set prizes won as a result of a Powerball drawing by a number ranging from 2 to 5. The Powerball grand prize will not be eligible for multiplication under the power play promotion. The Secretary will on occasion announce, as a special promotion, a multiplier of 10.

(ix) Section 871.20(c). At the time of each Powerball drawing, the MUSL shall conduct a power play drawing, with the aid of mechanical drawing equipment or any other selection methodology as authorized by the Secretary, under the supervision of security and an independent auditor which shall result in the selection of the power play number from among the following series of numbers: 2, 2, 2, 2, 3, 3, 3, 3, 4, 4, 4, 4, 5, 5, 5 and 5.

(x) Section 871.20(d). Powerball tickets that contain the power play option and one or more plays eligible for Powerball set prizes (but not the grand prize) identified in § 871.8(a) (relating to expected prize payout percentages) shall be entitled to a total set prize calculated by multiplying each Powerball set prize by the power play number. The second prize category power play multiplier will be fixed at a minimum of 5.

(xi) Section 871.20(j). Except as otherwise provided, all power play set prizes shall be paid in single, lump-sum payments determined by multiplying the Powerball set prize by the number selected in the power play drawing as follows:

<i>Prize Level</i>	<i>Powerball Set Prize Amount</i>	<i>Power Play Multiplier and Set Prize Amount</i>			
		<i>5</i>	<i>4</i>	<i>3</i>	<i>2</i>
Second Prize	\$200,000	\$1,000,000	\$1,000,000	\$1,000,000	\$1,000,000
Third Prize	\$10,000	\$50,000	\$40,000	\$30,000	\$20,000
Fourth Prize	\$100	\$500	\$400	\$300	\$200
Fifth Prize	\$100	\$500	\$400	\$300	\$200
Sixth Prize	\$7	\$35	\$28	\$21	\$14
Seventh Prize	\$7	\$35	\$28	\$21	\$14
Eighth Prize	\$4	\$20	\$16	\$12	\$8
Ninth Prize	\$3	\$15	\$12	\$9	\$6

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 08-2163. Filed for public inspection November 28, 2008, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P.S. § 512(c)) and 67 Pa. Code § 495.4(d) (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by Global Host, Inc., seeking to lease highway right-of-way located along the

northerly side of Banksville Road, at its intersection with Potomac Avenue, in the 20th Ward of The City of Pittsburgh, Allegheny County, adjacent to Legislative Route 02269, Section 2T R/W, containing 8,046 +/- square feet or 0.185 +/- acre, for the purpose of customer parking and landscaping.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to H. Daniel Cessna, P. E., District Executive, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 08-2164. Filed for public inspection November 28, 2008, 9:00 a.m.]

Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512(c)) and 67 Pa. Code § 495.4(d) (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by Park West Maintenance, seeking to lease highway right-of-way located at 729 Aten Road, Borough of Coraopolis, Allegheny County, adjacent to SR 60, Section A01 R/W, containing 120,660 +/- square feet or 2.77 +/- acre, for the purpose of storage for materials and equipment.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to H. Daniel Cessna, P. E., District Executive, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 08-2165. Filed for public inspection November 28, 2008, 9:00 a.m.]

Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512(c)) and 67 Pa. Code § 495.4(d) (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by The Port Authority of Allegheny County, seeking to lease highway right-of-way located 1860 SR 286 (also known as Golden Mile Highway), Plum Borough, Allegheny County, containing 30,030 +/- square feet or 0.69 +/- acre, adjacent to SR 286 for the purpose of a park and ride facility.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to H. Daniel Cessna, P. E., District Executive, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 08-2166. Filed for public inspection November 28, 2008, 9:00 a.m.]

Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512(c)) and 67 Pa. Code § 495.4(d) (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by The Port Authority of Allegheny County, seeking to lease highway right-of-way located at the intersection of Wind Gap Avenue and Youghiogheny Street, in the 28th Ward, City of Pittsburgh, Allegheny County, containing 45,540 +/- square feet or 1.05 +/- acre, adjacent to Legislative Route 1121-1 for the purpose of a park and ride facility.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to H. Daniel Cessna, P. E., District Executive, Engineering District 11-0, 45 Thoms Run Road, Bridgeville, PA 15017.

Questions regarding this application or the proposed use may be directed to Michael Sudar, District Property Manager, 45 Thoms Run Road, Bridgeville, PA 15017, (412) 429-4830.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 08-2167. Filed for public inspection November 28, 2008, 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, November 6, 2008, and announced the following:

Regulation Disapproved:

Department of State #16-40: Lobbying Disclosure (adds 51 Pa. Code Chapters 51—69)

Disapproval Order

Public Meeting held
November 6, 2008

Commissioners Voting: Arthur Coccodrilli, Chairperson, Dissenting; Alvin C. Bush, Vice Chairperson; Nancy Sabol Frantz, Esq., Abstaining; Karen A. Miller; John F. Mizner, Esq.

*Department of State—Lobbying Disclosure
Regulations Committee
Lobbying Disclosure:
Regulation No. 16-40 (#2665)*

On January 9, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of State (Department). This rulemaking was adopted by the Lobbying Disclosure Regulations Committee (Committee) and adds 51 Pa. Code Chapters 51 to 69. The proposed regulation was published in the January 19, 2008 *Pennsylvania Bulletin*

with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 18, 2008.

We find that this final-form regulation exceeds the statutory authority of the Lobbying Disclosure Act (Act). 65 Pa.C.S. §§ 13A01—13A11. The final-form regulation would require registration and reporting of activities that do not require registration and reporting under the Act.

The Regulatory Review Act requires this Commission to “first and foremost, determine whether the agency has the statutory authority to promulgate the regulation.” 71 P. S. § 745.5b(a). When properly promulgated, a regulation has the full force and effect of law. Therefore, a regulation can only implement and specify the powers bestowed by its statutory authority. A violation of this regulation can result in criminal penalties, a \$25,000 fine and a prohibition from lobbying for five years. 65 Pa.C.S. § 13A09. Therefore, it would not be proper to impose these serious penalties on a person who violates the regulation written by the Committee, but not the Act that was approved by the General Assembly and signed into law by the Governor.

The first paragraph of our comments dated March 20, 2008, stated:

We find that portions of the [proposed] regulation exceed the statutory authority of 65 Pa.C.S.A. Chapter 13A *Lobbying Disclosure* (Act) because they require registration and reporting for activities that are not directly included in the Act. If the Committee believes registration and reporting of these activities are needed, the Committee should seek changes to the Act.

This comment was directed to the proposed regulation’s definition of the phrase “effort to influence legislative action or administrative action.” We included in that comment an extensive discussion of our interpretation of the Act and its limitations. In relation to retainers, we stated:

[T]he Committee needs to explain its statutory authority to require registration and reporting when the “lobbyist or lobbying firm does not make direct or indirect communications or take any other action” particularly in regard to the Act’s definitions of “lobbying,” “direct communication” and “indirect communication,” which all require “an effort . . . to influence legislative or administrative action.”

Unfortunately, despite our extensive comments, we find that the final-form regulation continues the violation of the Regulatory Review Act criterion of statutory authority. 71 P. S. § 745.5b(a).

There is a strong framework within the Act that directly and consistently relates back to the statutory definitions of “lobbyist,” “lobbying firm” and “principal,” and to the definition of “lobbying.” 65 Pa.C.S. § 13A03. Contained within these definitions are two components that trigger registration and reporting under the Act, unless an exemption in 65 Pa.C.S. § 13A06 applies. First, under the statutory definitions of “lobbyist,” “lobbying firm” and “principal” the person or entity must engage in lobbying *for economic consideration*. “Economic consideration” is defined in 65 Pa.C.S. § 13A03 as “anything of value offered or received. The term includes compensation and reimbursement for expenses.”

Second, the actions have to meet the statutory definition of “lobbying.” In our extensive comments on the proposed regulation, we found that, under the Act, a

communication is a tangible, proactive communication that is “written, oral or by any other medium” that is made to influence legislative or administrative action. Similarly under the Act, “office expenses” must be “utilized for lobbying” and the provision for providing “gifts, hospitality, transportation or lodging,” must be “to a State official or employee for the purpose of advancing the interest of the lobbyist or principal.” The Act further defines many of the components of “lobbying,” including “legislative action,” “administrative action,” “direct communication,” “indirect communication,” “office expenses,” “gift” and “hospitality.” 65 Pa.C.S. § 13A03.

The Act does not define the phrase “effort to influence legislative action or administrative action.” In Section 51.1 of the final-form regulation, the Department amended its definition of that phrase to state:

Any attempt to initiate, support, promote, modify, oppose, delay or advance a legislative action or administrative action on behalf of a principal for economic consideration.

(i) The term includes paying an individual or entity economic consideration for lobbying services.

(ii) Monitoring of legislation, monitoring of legislative action or monitoring of administrative action is not lobbying. However, for an individual or entity that is not exempt, the costs of monitoring are subject to the reporting requirements of the act when the monitoring occurs in connection with activity that constitutes lobbying.

Paragraph (i), as written and explained by the Committee, would require registration and reporting when a payment or contract is made for “lobbying services,” irrespective of whether a communication is made or is ever made to influence legislative or administrative action. The definition effectively amends the statutory definitions of “lobbying,” “lobbyist,” “lobbying firm” and “principal” by equating payment of economic consideration with an attempt to influence legislative or administrative action. Consequently, the regulation requires registration and reporting of actions that, under the Act, do not constitute “lobbying” and do not require registration or reporting.

Our concern with the definition of “effort to influence legislative action or administrative action” in Section 51.1 extends to registration provisions for lobbyists, lobbying firms and principals in Sections 53.4(a)(1), 53.3(a)(1) and 53.2(a)(1). These provisions also require registration upon engaging an individual or entity for lobbying services or paying economic consideration for lobbying services, without the actual act of “lobbying,” as defined in 65 Pa.C.S. § 13A03. We also find the phrase “lobbying services” lacks clarity because the regulation does not specify what constitutes “lobbying services.”

The Committee satisfactorily responded to our comment on monitoring by adding clarification in the final-form regulation that monitoring is not lobbying and only has to be reported when it occurs “in connection with activity that constitutes lobbying.” However, in regard to our comment on retainers, the Committee amended the language to include “paying an individual or entity economic consideration for lobbying services.” The Committee noted in the final-form submittal that 65 Pa.C.S. § 13A04(a) requires registration within ten days of “acting in any capacity as a lobbyist, lobbying firm or principal.” The Committee reasons that this is needed because limiting registration to within ten days of a communication could exclude disclosure of advanced payments. The Committee

reasons this would enable persons to avoid registration or reporting requirements through the timing of payments.

We find the Committee's reasoning to be flawed for several reasons. First, the phrase "acting in any capacity" cannot be divorced from the clear statutory limits of the following phrase "as a lobbyist, lobbying firm or principal." Since the terms "lobbying," "lobbyist," "lobbying firm" and "principal" are all defined in 65 Pa.C.S. § 13A03, it is not proper to include in regulation some other "capacity" that is not in the statute.

Second, the Committee advances its theory that registration and reporting could be avoided by the timing of payments. At our public meeting, the Pennsylvania Bar Association (PBA) offered a solution to the Committee's concern that it believes falls within the Act. PBA believes that costs could be pro-rated to the time period when lobbying actually occurs. If the Committee's concern is that registration and reporting could be avoided by the timing of payments, the Committee should give strong consideration to the PBA's solution. If the Committee believes there are other activities that need to be reported, such as payments and retainers, without the actual act of lobbying, it should seek statutory amendments, as we recommended in our comments on the proposed regulation.

Finally, the Act delineates the circumstances and expenses that require registration and reporting. The only categories for reporting expenses specified by 65 Pa.C.S. § 13A05(b)(2)(iv) do not contemplate expenses related to anything but the specific activities listed in the definition of "lobbying" in 65 Pa.C.S. § 13A03. If the Committee believes other expenses need to be reported, it needs to seek statutory amendments for reporting them.

Based upon the information provided to us, we have determined this regulation is not consistent with the statutory authority of the Department (65 Pa.C.S. § 13A10(d)) and the intention of the General Assembly. We find promulgation of this regulation is not in the public interest.

By Order of the Commission:

This regulation is disapproved.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-2168. Filed for public inspection November 28, 2008, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or you can obtain a copy from our web site, www.irrc.state.pa.us.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
41-018	County Probation and Parole Officers' Firearms Education and Training Commission	11/14/08	Anticipated 2/26/09

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Tolled</i>	<i>Resubmitted</i>	<i>Public Meeting</i>
16A-4926	State Board of Medicine Nurse Midwife Prescriptive Authority	11/17/08	11/17/08	12/18/08

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-2169. Filed for public inspection November 28, 2008, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval of the Recapitalization of a Domestic Stock Casualty Insurance Company

The Green Tree Perpetual Assurance Company, a Commonwealth domiciled stock casualty insurance company, has submitted a Plan of Recapitalization, whereby it proposes to reduce the stated capital of the company. The initial filing was made under 15 Pa.C.S. §§ 1101—4162 (relating to the Business Corporation Law of 1988) and the GAA Amendments Act of 1990 (15 P.S. §§ 21205—21207). Persons wishing to comment on the grounds of public or private interest to the issuance of the Insurance Department's (Department) order approving this recapitalization are invited to submit a written statement to the

Department within 7 days from the date of this issue of the *Pennsylvania Bulletin*. A written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-2170. Filed for public inspection November 28, 2008, 9:00 a.m.]

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Rest Haven Nursing Center Chestnut Hill, Inc.

Rest Haven Nursing Center Chestnut Hill, Inc. has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Chestnut Hill Lodge Health and Rehabilitation Center in Wyndmoor, PA. The initial filing was received on November 18, 2008, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225). Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-2171. Filed for public inspection November 28, 2008, 9:00 a.m.]

Application and Request for Plan Approval of a Mutual-to-Stock Conversion

Tuscarora-Wayne Mutual Insurance Company, a Commonwealth domiciled mutual fire insurance company, has submitted a Plan of Mutual-to-Stock Conversion, whereby it proposes to convert from a mutual insurance company to an insurer organized as a stock company. The initial filing was made under requirements set forth under the Insurance Company Mutual-to-Stock Conversion Act (40 P. S. §§ 911-A—929-A). Any person wishing to comment on the grounds of public or private interest to the issuance of the Insurance Department's (Department) orders approving of this conversion is invited to submit a written statement to the Department within 45 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the author, 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 and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-2173. Filed for public inspection November 28, 2008, 9:00 a.m.]

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Rest Haven Nursing Center Whitemarsh, Inc.

Rest Haven Nursing Center Whitemarsh, Inc. has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Andorra Woods Healthcare Center in Whitemarsh, PA. The initial filing was received on November 18, 2008, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225). Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-2172. Filed for public inspection November 28, 2008, 9:00 a.m.]

Application and Request for Plan Approval of a Mutual-to-Stock Conversion

Washington Mutual Fire and Storm Insurance Company, a Commonwealth domiciled mutual fire insurance company, has submitted a Plan of Mutual-to-Stock Conversion, whereby it proposes to convert from a mutual insurance company to an insurer organized as a stock company. The initial filing was made under requirements set forth under the Insurance Company Mutual-to-Stock Conversion Act (40 P. S. §§ 911-A—929-A). Any person wishing to comment on the grounds of public or private interest to the issuance of the Insurance Department's (Department) order approving of this conversion is invited to submit a written statement to the Department within 45 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the author, 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 and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-2174. Filed for public inspection November 28, 2008, 9:00 a.m.]

Erie Insurance Exchange; Private Passenger Automobile; Rate and Rule Revisions; Rate Filing

On November 5, 2008, the Insurance Department (Department) received from Erie Insurance Exchange a filing for rate level changes for private passenger automobile insurance.

The company requests an overall rate increase of 2.50% amounting to \$21.0 million annually to be effective on April 1, 2009.

Unless formal administrative action is taken prior to January 4, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Eric Zhou, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, gzhou@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-2175. Filed for public inspection November 28, 2008, 9:00 a.m.]

Geisinger Health Plan-Employer Group (with fewer than 51 subscribers); Rate Filing

On November 10, 2008, Geisinger Health Plan submitted a filing for the Employer Group Rates for all groups with fewer than 51 average subscribers, requesting a rate increase of 5.5%. The filing will affect approximately 18,900 members and generate additional revenue of approximately \$3 million annually. An effective date of April 1, 2009, is requested.

This filing also proposes some benefit design changes such as, Diabetic test strips (charge Rx rider Tier 2 copay per box of 100 strips); add urological supplies; add Eyewear rider; add Employee Assistance Program Option.

Unless formal administrative action is taken prior to February 12, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Regional Office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, rmathurst@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-2176. Filed for public inspection November 28, 2008, 9:00 a.m.]

Geisinger Health Plan-Employer Group (with 51 or more subscribers); Rate Filing

On November 10, 2008, Geisinger Health Plan submitted a filing for the Employer Group Rates for all groups with 51 or more average subscribers, requesting a rate increase of 7.1%. The filing will affect approximately 30,000 members and generate additional revenue of approximately \$6.8 million annually. An effective date of April 1, 2009, is requested.

This filing also proposes some benefit design changes such as, Diabetic test strips (charge Rx rider Tier 2 copay per box of 100 strips); add urological supplies; add Eyewear rider; add Employee Assistance Program Option.

Unless formal administrative action is taken prior to February 12, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at www.ins.state.pa.us. To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Regional Office in Harrisburg.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, rmathur@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-2177. Filed for public inspection November 28, 2008, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), enacted on March 20, 2002, announces a meeting of the Authority's Board on Tuesday, December 9, 2008, at 10 a.m. to be held at the Wildwood Conference Center, Harrisburg Area Community College, One HAAC Drive, Harrisburg, PA.

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

MICHAEL C. DOERING,
Executive Director

[Pa.B. Doc. No. 08-2178. Filed for public inspection November 28, 2008, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Interim Procedural Order

Public Meeting held
November 6, 2008

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

*Implementation of Act 129 of 2008;
Organization of Bureaus and Offices;
Doc. No. M-2008-2071852*

Interim Procedural Order

By the Commission:

On October 15, 2008, Governor Rendell signed into law Act 129 of 2008 (Act 129 or Act). The legislation requires electric distribution companies to adopt and implement cost-effective energy efficiency and conservation plans to reduce energy demand and consumption within the service territory of electric distribution companies in the Commonwealth. The Act also makes changes to the statutory structure of the Commission by eliminating the statutory requirement that the Commission maintain certain Commission bureaus.

The Act, effective November 14, 2008, repeals section 306 of the Public Utility Code, 66 Pa.C.S. § 306, which created the Commission's Office of Trial Staff (OTS). It also repeals sections 308(c) and (e), which recognized the Bureau of Conservation, Economics and Energy Planning (CEEP) and the Office of Special Assistants (OSA) in the statute. 66 Pa.C.S. § 308(c) and (e). However, Act 129 also adds language which gives the Commission greater flexibility in the ability to establish bureaus and assign staff through new section 308.2. 66 Pa.C.S. § 308.2.

The General Assembly, in amending the Public Utility Code, has provided the Commission with greater operational flexibility to respond to the rapidly changing utility environment of the twenty-first century. In particular, this enhanced operational flexibility will give the Commission the ability to realign Commission bureau and offices to meet the needs of a changing utility regulatory environment, to properly align resources and duties, to provide for greater accountability, and to recruit the best staff to meet its current responsibilities.

The Commission is currently undertaking an internal review of Commission operations to determine the best ways to use the enhanced operational flexibility given to us by the General Assembly. However, until this review is completed and to ensure continuity of the Commission staff's functional operations, the Commission intends to maintain the status quo with regard to the duties, responsibilities and functions of the OTS, OSA and CEEP. Utilities, common carriers, parties to Commission proceedings or others who may have a duty through statute, regulation or Commission order to file complaints, petitions, tariffs, reports and other documents and information with these bureaus will continue to do so¹ and will otherwise cooperate with these bureaus until the Commission determines the manner in which its resources

¹ Some examples include, but are not limited to, the requirements that general petitions be served upon OTS (52 Pa. Code § 5.41), as well as petitions for declaratory orders (52 Pa. Code § 5.42), and petitions for issuance, amendment, repeal, or waiver of Commission regulations (52 Pa. Code § 5.43).

should be organized to more effectively respond to the changing utility regulatory environment.

Accordingly, until such time as the Commission completes its internal review and takes formal action to alter the composition of its bureaus and offices, and to avoid any gap in necessary staff functions, the status quo will be maintained as to the duties, responsibilities and functions of these bureaus and offices; *Therefore,*

It Is Ordered That:

1. The Office of Trial Staff, the Office of Special Assistants, and the Bureau of Conservation, Economics and Energy Planning shall continue as bureaus and offices of the Commission and shall perform their duties, responsibilities and functions under the Public Utility Code as previously established by the Commission and the Code prior to enactment of Act 129 of 2008 until the Commission completes its internal review and takes formal action to alter the composition of its bureaus and offices.

2. All utilities, common carriers and other persons having business with the Commission shall cooperate with these bureaus as previously established by the Commission and the Code prior to enactment of Act 129 of 2008.

3. All utilities, common carriers and other persons having business with the Commission shall continue to serve complaints, petitions, tariffs, reports and other documents and information with these bureaus as required by our regulations and orders.

4. The Office of Trial Staff and Law Bureau shall continue to have standing to initiate and participate in Commission proceedings as previously established by the Commission and the Code prior to the enactment Act 129 of 2008.

5. This order shall be effective on November 14, 2008.

6. A copy of this Interim Procedural Order be published in the *Pennsylvania Bulletin*.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-2179. Filed for public inspection November 28, 2008, 9:00 a.m.]

Order

Public Meeting held
November 6, 2008

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

*Additional Numbering Resources to Local Exchange
Carriers: Safety Valve Process;
Doc. No. M-2008-2032767*

Order

The Commission issued a Secretarial letter on April 2, 2008, requesting interested parties to submit comments regarding the Commission's "safety valve" petition process. These petitions involve the Commission's delegated authority to award numbering resources to telecommuni-

cations carriers in certain situations where Neustar,¹ the national numbering resource administrator, is unable to do so. Comments were received from various interested parties. Additionally, a working group meeting was subsequently held on May 15, 2008. The Commission has reviewed all comments received by the interested parties and hereby adopts a streamlined safety valve process.

Background

In order to address the rapid growth and use of numbering resources, the Federal Communications Commission ("FCC") issued several orders implementing various methods to reduce the depletion of numbering resources.² In these orders, the FCC delegated to state commissions the ability to monitor and enforce a carrier's compliance with the Federal utilization requirements.³

Specifically, as part of its initiative to address the depletion of numbering resources, the FCC established procedures that address growth numbering resources in its *Third Report and Order*.⁴ The FCC, in that order, reaffirmed that carriers must meet a months-to-exhaust requirement before receiving growth numbering resources so as to ensure that telephone numbers are used efficiently and that carriers are prevented from maintaining excessive inventories of numbers.⁵ In addition, the utility must meet the national utilization threshold requirement of 75%.⁶ According to the FCC's regulations, the North American Numbering Plan Administrator ("NANPA"), Neustar, shall withhold numbering resources from any carrier based on its determination that the utility has not demonstrated a verifiable need for numbering resources and has not exhausted all other available remedies.⁷

However, in that same order, the FCC also established a "safety valve" process⁸ that allows a carrier to obtain additional NXX numbers, in limited circumstances, even if a carrier is not able to meet the utilization level and months-to-exhaust thresholds discussed above that are normally required to obtain additional numbering resources.⁹ The safety valve process is to be used as a last resort and, to the extent possible, as a stop-gap measure to enable carriers in need of additional numbering to continue to serve their customers. The FCC delegated this authority to state commissions. As such, the Commission can provide a telecommunications carrier with additional

numbering resources in a given rate center if the carrier cannot meet the demand for resources through its current inventory.

The Commission's current safety valve process involves a carrier filing a formal petition with the Commission requesting safety valve numbering relief. In that petition, the carrier provides a cover letter requesting a waiver to obtain additional numbering resources; details for the request are generally set forth in an attachment. The information contained in the attachment includes a statement of the purpose of the petition, background of the customer's numbering request, an explanation as to why the carrier is unable to fulfill the customer's request with current numbering resources, and an indication that the carrier applied to Neustar (the numbering administrator) for the requested numbers and evidence that the application was denied.

In addition, a petition must also include a "Thousands-Block Application Form, Part 1A," a months-to-exhaust and utilization certification worksheet, a copy of the written rejection from Neustar, and documentation from the end-user customer that supports the request.

Upon receipt of the petition, the Secretary's Bureau docketed the petition and allows 20 days for an answer or response to the petition in accordance with the Commission's regulations.¹⁰ In the interim, Commission staff drafts an order for consideration by the full Commission at the Public Meeting immediately following the expiration of the 20-day answer period. After approval at Public Meeting, the order is entered and served upon the carrier and the appropriate numbering administrator.¹¹ The Commission processes on average two to three safety valve process petitions from telecommunications carriers per month. To date, all safety valve petitions submitted for consideration at Public Meeting have been approved by the Commission.¹²

At its March 27, 2008 Public Meeting, the Commission unanimously approved the motion of Commissioner Pizzigrilli to convene a working group of interested stakeholders to examine the Commission's procedures for processing safety valve petitions. In her motion, Commissioner Pizzigrilli stated:

I believe that the Commission's current process for evaluating safety valve requests can be streamlined to improve the timeliness and efficiency with which these requests are reviewed. . . . I am confident that Pennsylvania can . . . develop a streamlined approach that will improve our current process while maintaining an appropriate level of oversight and continuing to ensure that any action taken is in the public interest.

By its Secretarial letter issued April 2, 2008, the Commission requested that interested parties submit comments on the safety valve process. Comments were received from AT&T,¹³ Verizon,¹⁴ the Pennsylvania Telephone Association ("PTA"), the United Telephone Company of Pennsylvania, LLC, d/b/a Embarq Pennsylvania

¹ Neustar is a private company selected by the FCC through a competitive bidding process to serve as the North American Numbering Plan Administrator ("NANPA"). In this role, Neustar serves as both the administrator for the North American Numbering Plan, which deals with full 10,000 block number codes, and the national number pooling system, which is a process by which carriers assigned full 10,000 number codes share telephone numbers in 1,000 number blocks.

² See Petition for Declaratory Order Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717, Memorandum Opinion and Order and Order on Reconsideration, CC Docket 96-98 (rel. September 28, 1998); In the Matter of Numbering Resources Optimization, Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 99-200, (rel. March 31, 2000); In the matter of Numbering Optimization, Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200, CC Dockets 99-200 and 96-98, (rel. December 29, 2000); In the Matter of Numbering Resources Optimization, Third Report and Order and Second Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, CC Docket Nos. 99-200, 96-98, and 95-116, (rel. December 28, 2001).

³ See 47 C.F.R. 52.15(i), (j)(5).

⁴ In the Matter of Numbering Resource Optimization, Third Report and Order and Second Order on Reconsideration, CC Docket No. 99-200 (Order adopted December 12, 2001). The order addresses the issue of national thousand-block pooling, including pooling for non-LNP capable and wireless carriers as well as a Federal cost recovery mechanism for thousand-block pooling. The order further addresses other numbering optimization measures including service-specific and technology-specific area code overlays.

⁵ *Id.* at ¶8.

⁶ 47 C.F.R. 52.15(g)-(h).

⁷ *Id.*

⁸ *Id.* at ¶64.

⁹ All applicants for growth numbering resources shall achieve a 75% utilization threshold, calculated in accordance with the Federal regulations for the rate center in which they are requesting growth numbering resources. In addition, the carrier shall provide a months-to-exhaust worksheet that provides utilization by rate center for the preceding 6 months and projected utilization for the next 12-months.

¹⁰ See 52 Pa. Code §§ 5.61 and 5.101.

¹¹ National Pooling has numbering administrators for each geographic region.

¹² There have been some instances where a telecommunications carrier has withdrawn its request.

¹³ AT&T's comments were filed on behalf of AT&T Communications of Pennsylvania, LLC; TCG Pittsburgh, Inc.; and TCG New Jersey, Inc.

¹⁴ Verizon's comments were filed on behalf of Verizon Pennsylvania Inc., Verizon North Inc. and MCIMetro Transmission Services LLC.

("Embarq"); the Broadband Cable Association of Pennsylvania ("BCAP"); D&E Systems, Inc. ("D&E"); and Sprint.¹⁵ A working group meeting was subsequently held on May 15, 2008. Participants included AT&T, Verizon, PTA, Embarq, BCAP and Sprint.

Comments

1. Written Comments

As noted above, written comments were filed by AT&T, Verizon, PTA, Embarq, BCAP, D&E and Sprint. Summaries of those written comments are as follow:

a. AT&T

AT&T stated that it agrees with Commissioner Pizingrilli that Pennsylvania should adopt a streamlined process for disposing of safety valve numbering requests. AT&T believes that such a process is necessary to enable businesses in Pennsylvania that need telephone numbers "to keep their plans for increased economic activity in the Commonwealth on schedule" because delays in "furnishing the numbers required . . . directly delays the [utility's customer's] plans to increase its operations . . ." AT&T also noted that no answers have ever been filed in response to safety valve petitions and no petitions have ever been denied by the Commission.

AT&T recommends: (1) shortening the 20-day response time for safety valve petitions to five calendar days pursuant to the Commission's authority under section 5.61(a) of its regulations;¹⁶ (2) mandating that copies of safety valve petitions be submitted by e-mail to staff; (3) if no answer is filed to a safety valve petition, automatically approving the petition on the sixth calendar day or the first business day thereafter; (4) directing staff to notify the petitioning carrier of the approval by electronic mail; and (5) issuing an order formally approving the petition at the first Public Meeting following the automatic approval period. In the event that an answer is filed, the petition would not be automatically approved but would be considered at the first Public Meeting after the five-day answer period has passed.

b. Verizon

Verizon also agrees that Pennsylvania should adopt a streamlined safety valve process. Verizon echoed AT&T's comment to this effect that no answers have ever been filed in response to safety valve petitions and that, in spite of this, it generally takes at least 30 days, and sometimes up to 60 days, from the date a petition is filed before it is granted. Verizon notes that, in its orders creating the safety valve process the FCC directed states to dispose of the requests "as expeditiously as possible." Verizon feels this directive is not being met under the current system.

Verizon suggests a streamlined process that mirrors the process proposed by AT&T.

c. Sprint

Sprint recommends establishing a ten-day period for considering safety valve requests. Sprint also provided a list of criteria the Commission should consider when reviewing safety valve requests that is similar to the criteria currently used by the Commission.

¹⁵ Sprint's comments were filed on behalf of Sprint Communications Company, LP; Sprint Spectrum, LP; Nextel Communications of Mid-Atlantic, Inc.; and NPCR, Inc.
¹⁶ 52 Pa. Code § 5.61(a).

d. Remaining Comments

D&E and Embarq did not provide any specific comments of their own but did voice support for the comments filed by AT&T. PTA and BCAP also did not provide any specific comments but also voiced support for the Commission adopting a streamlined process and indicated that they would like to participate in the working group session.

2. Working Group Session

A working group session for interested parties was held on May 15, 2008; all commenting parties participated with the exception of D&E. The session consisted of a give-and-take dialogue of the ideas proposed in the written comments as well as of ideas proposed by staff.

Discussion

After reviewing the comments and meeting with the interested parties, we have determined that the following changes will be made to the current safety valve process: (1) requests for numbering relief shall no longer be filed in the nature of a formal petition; (2) the Commission will create a template form that companies can file when requesting numbering relief from the Commission; and (3) safety valve requests will be disposed of via Secretarial letters approved at Public Meeting.

1. Cease Requiring Numbering Requests to be in the Form of Petitions

As noted above, the Commission currently treats numbering requests as petitions. By doing so, the 20-day answer/responsive pleading requirements found in the Commission's regulations automatically attach.¹⁷ We acknowledge that this 20-day answer period often causes an excessive delay in the granting of these requests since the numbering requests will not be processed and submitted for consideration at Public Meeting until the response time has elapsed. This delay is unnecessary largely because no numbering request has ever been protested by another party. Moreover, numbering petitions are not served on any parties, so it is unlikely that a numbering petition ever would be protested. Further, there is a question as to whether anyone has standing to protest a numbering petition.

Additionally, we note that there is no requirement in any of the FCC orders delegating safety valve authority that applications for numbering resources be docketed as petitions; rather, the FCC used the generic term "request" to describe an application for numbering resources.¹⁸

We are opposed to simply shortening the responsive period for numbering petitions as was suggested by AT&T and those supporting AT&T's comments. We strongly believe that the response periods for all petitions filed with the Commission should be kept uniform so as to avoid confusion. While all commenting parties do not necessarily share our view that all response times should be kept consistent, they do accept changing the form of the numbering requests away from petitions as a reasonable alternative to keeping the requests as petitions with a shortened response period. Accordingly, we will begin to designate all future safety valve matters as "requests" so that the 20-day response period set forth in our regulations is not applicable.

¹⁷ See 52 Pa. Code §§ 5.61 and 5.101.

¹⁸ See In the Matter of Numbering Resources Optimization Third Report and Order and Second Order on Reconsideration in CC docket No. 96-98 and CC docket No. 99-200, CC Docket Nos. 99-200, 96-98, 95-116, December 12, 2001.

2. Create Uniform Request Form

While all numbering requests are currently docketed as petitions, there is no uniformity in the form of pleadings filed by the companies. Some companies file formal petitions while others file letter petitions.¹⁹ While this generally does not cause technical and legal staff any issues, it does understandably tend to create confusion as to how to docket the different filings.

As such, we hereby adopt the working group's consensus recommendation to create a standard form for companies to file when requesting numbering relief. The form will help expedite docketing and provide a more consistent and orderly flow of information. We have created a template referred to as a "Safety Valve Numbering Resource Request Form" in light of the discussion above. A copy of that form, to be included on the Commission's web site, is attached to this order. The Commission directs that carriers file the request form with the Secretary's Bureau, but contemporaneously serve the Law Bureau and the Bureau of Fixed Utility Services with copies of the filing.

3. Delegate Authority to Dispose of Numbering Requests to Staff

All commenting parties fully supported delegating authority to Commission staff to dispose of safety valve requests. The parties noted that numerous other states including New Jersey, New York and Delaware dispose of safety valve requests via administrative action. The parties believe that such delegation would expedite the safety valve process. In fact, in order to truly expedite the process, AT&T proposed that after a five-day response time frame that safety valve requests should be automatically "pre-approved" by staff and then subsequently an order formally approving the staff determination be issued by the Commission at the first Public Meeting following the automatic staff pre-approval.

The Commission, however, recognizes that safety valve requests involve scarce public resources. Because of that, we believe that future safety valve requests should continue to be submitted to the full Commission for consideration at Public Meeting. If granting the request is found to be in the public interest, the full Commission will issue a Secretarial letter awarding the numbering relief. That letter will be served on the carrier and the appropriate numbering administrator. The Commission notes that Secretarial letters can have same legal effect as Commission orders. See *West Pennsylvania Power Company v. Pennsylvania Public Utility Commission*, 100 A.2d 110 (Pa. Super. 1954).

In order to expedite the process, we direct staff to review the requests within a ten-day time frame and to submit a recommendation to the Commission for consideration at the next available Public Meeting thereafter. We believe that a ten-day time frame will still provide a requesting carrier with numbering resources in a reasonable amount of time while not hampering the Commission's ability to fully review each request. However, the Commission reserves the right to review safety valve requests beyond the ten day time frame as prescribed in this Order if the carrier's information is incomplete or warrants additional review.

¹⁹ All companies do, however, provide the same information; it is simply the form of the information that varies by company.

Conclusion

Based on the foregoing, we modify the current safety valve process in the following manner: (1) requests for numbering relief shall no longer be filed in the nature of a formal petition; (2) the Commission will create a template form that companies shall file when requesting numbering relief from the Commission; and (3) safety valve requests will be disposed of via Secretarial letter approved at Public Meeting; *Therefore,*

Statement of Commissioner Kim Pizzigrilli

Today the Commission implements a streamlined safety valve process which will improve the timeliness and efficiency of the review of requests for numbering resources made pursuant to the Safety Valve provision of the FCC's *Third Report and Order*²⁰ (FCC Order). I wish to thank the stakeholders, who filed comments and participated in the working group, and Staff for their collaborative efforts in providing valuable insight which resulted in improving the manner in which the Commission processes safety valve requests.

Since telecommunications carriers generally request additional numbers in response to service orders from large business customers, I believe it is imperative that the Commission expeditiously act upon these requests to ensure that Pennsylvania remains attractive to businesses seeking to expand or relocate its activities within the Commonwealth. Therefore, I encourage Staff to monitor the revised process and continue to develop further enhancements.

KIM PIZZINGRILLI,
Commissioner

It Is Ordered That:

1. The Commission will streamline the "safety valve" process as set forth in the body of this Order.
2. The future safety valve requests submitted to the Commission after the entry date of this Order shall be completed on the template form adopted by the Commission and attached to this Order as "Appendix A."
3. The future safety valve requests submitted to the Commission after the entry date of this Order shall be processed in the manner set forth in the body of this Order.
4. The Secretary's Bureau shall serve a copy of this Order upon all jurisdictional telecommunications carriers.
5. The copy of this Order be published in the *Pennsylvania Bulletin* and published on our web site.
6. This docket be marked closed.

JAMES J. MCNULTY,
Secretary

Appendix A: Pennsylvania Safety Valve Numbering Request Form

APPENDIX A

PENNSYLVANIA SAFETY VALVE NUMBERING RESOURCE REQUEST FORM

1. Certify existing numbering inventory cannot satisfy this specific request and/or requirement, and customer's request is not a "vanity number" request:

²⁰ In the Matter of Numbering Resource Optimization, Third Report and Order and Second Order on Reconsideration, CC Docket No. 99-200 (Order adopted December 12, 2007).

Name of Certifier _____
 Company Name _____
 OCN _____
 Date _____
 Telephone _____
 Email _____

2. Indicate reason(s) for this safety valve request (check all that apply):

Specific customer request—verified by attached confidential customer letter/document

- _____ need specific block(s) / NXX(s) for internal dialing plan (e.g. NXX ending in 2)
- _____ equipment limitations (e.g. cannot use 0, 9 blocks)
- _____ need large block(s) of sequential TNs for business expansion/growth
- _____ wholesale/resale business arrangement
- _____ other customer requirement as explained in attachment

SP technical requirement—verified in attached confidential document

- _____ need TNs for specific technology (e.g., TLDNs, prepaid service, test #s)
- _____ Location Routing Number (LRN) requirements
- _____ other technical requirement as explained in attachment

Growth requirement—verified in attached confidential document

- _____ new technology release
- _____ accelerated demand
- _____ market promotion
- _____ other growth requirement as explained in attachment

3. All requests will require NANPA/PA application request and associated denial and one of the following (check accompanying document):

- _____ Customer letter—required for specific customer request
- _____ SP technical requirement—documentation
- _____ Growth request—documentation

Explanation for "Other" entry on checklist:

Confidentiality Notice: This document and all attachment(s) are for the sole use of the intended recipient(s) at the PA PUC, and contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. This confidentiality requirement does not apply to transfer of necessary data between the PA PUC and NANPA/PA.

[Pa.B. Doc. No. 08-2180. Filed for public inspection November 28, 2008, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by December 15, 2008. 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-2008-2073876. Phil's Auto and Taxi, Inc., t/a Phil's Dependable Taxi (405 Walnut Street, Sharon, Mercer County, PA 16146)—persons in paratransit service, from points in Mercer County, to points in Pennsylvania, and return.

A-2008-2073878. Chris L. Cloud and Associates, LLC (747 Cypress Street, Yeadon, Delaware County, PA 19050), a limited liability company of the Commonwealth—persons, in limousine service, from points in the Counties of Montgomery, Delaware, Chester and Bucks, to points in Pennsylvania and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

A-2008-2074819. RDC Bus Lines, LLC (500 Greentree Commons, 381 Mansfield Avenue, Pittsburgh, Allegheny County, PA 15220)—persons, upon schedule, and their baggage together with mail, newspapers and such property as can be transported in buses without the removal of seats, between the Township of Ross, Allegheny County, and the City of Harrisburg, Dauphin County, over the following routes: beginning at the North Hills Village in the Township of Ross, Allegheny County, thence by means of US Truck Route 19 to Interstate Highway 279, thence by means of Interstate Highway 279 to the City of Pittsburgh, Allegheny County, thence by means of various city streets to Interstate Highway 376, thence by means of Interstate Highway 376 to PA Highway 48, thence by means of PA Highway 48 to the City of Monroeville, thence by means of US Highway 22 to Interstate Highway 76, thence by means of Interstate Highway 76 to US Highway 15, thence by means of US Highway 15 to PA Highway 581, thence by means of PA Highway 581 to Interstate Highway 83, thence by means of Interstate Highway 83 to the City of Harrisburg, and return over the same routes. *Attorney:* William A. Gray, Vuono & Gray, LLC, 310 Grant Street, Suite 2310, Grant Building, Pittsburgh, PA 15219-2383.

Application 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 the application.

A-2008-2073865. Executive Car and Limousine Service, Inc. (1009 Hearthstone Way, Lewisburg, Union County, PA 17837), a corporation of the Commonwealth—persons, in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Union, Lycoming, Montour, Snyder and Northumberland, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Fred P. Rinaldi, Esquire, Rinaldi & Poveromo, P. C., 520 Spruce Street, P. O. Box 826, Scranton, PA 18501.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.

A-2008-2073844. Guyon Fisher, t/a Fisher's Moving (48 Lincoln Avenue, Ephrata, Lancaster County, PA 17522)—household goods in use, from points in the Borough and Township of Ephrata, Lancaster County, to points in Pennsylvania, and vice versa.

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-2008-2074290. Rainbow Transportation, LLC (P. O. Box 3428, Easton, Northampton County, PA 18043)—a limited liability corporation of the Commonwealth—discontinuance of service and cancellation of its certificate—persons upon call or demand, in the City of Easton, the Borough of Wilson, the Townships of Palmer and Williams, all in Northampton County; subject to the following general conditions: that no right power or privilege is granted to provide service in the Township of Bethlehem, Northampton County.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-2181. Filed for public inspection November 28, 2008, 9:00 a.m.]

Transfer of Control

A-2008-2074706. Orwell Natural Gas Company and Energy West Incorporated. Joint application of Orwell Natural Gas Company and Energy West Incorporated for approval of the Transfer of Control of Orwell Natural Gas Company to Energy West Incorporated.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 15, 2008. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Orwell Natural Gas Company

Through and By Counsel: Thomas T. Niesen, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, P. O. Box 9500, Harrisburg, PA 17108-9500

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-2182. Filed for public inspection November 28, 2008, 9:00 a.m.]

Wastewater Service

A-2008-2074772. Nantmeal Warwick Sewer Company, Inc. Application of Nantmeal Warwick Sewer Company, Inc. for approval to extend its service area and to supply wastewater service to the public in an additional portion of Warwick Township, Chester County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 9, 2008. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Nantmeal Warwick Sewer Company, Inc.

Through and By Counsel: Daniel P. Delaney, Esquire, K&L Gates, LLP, 17 North Second Street, 18th Floor, Harrisburg, PA 17101-1507

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-2183. Filed for public inspection November 28, 2008, 9:00 a.m.]

Water Service

A-2008-2074746. Aqua Pennsylvania, Inc. and Emlenton Water Company. Joint application of Aqua Pennsylvania, Inc. (Aqua) and Emlenton Water Company (Emlenton) for approval of: 1) the acquisition by Aqua of the water system assets of Emlenton situated in Emlenton Borough and a portion of Richland Township, Venango County, and a portion of Richland Township, Clarion County, PA; 2) the right of Aqua to begin to supply water service to the public in Emlenton Borough and a portion of Richland Township, Venango County, and a portion of Richland Township, Clarion County, PA; and 3) the abandonment by Emlenton of public water service in Emlenton Borough and a portion of Richland Township, Venango County, and a portion of Richland Township, Clarion County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 15, 2008. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Aqua Pennsylvania, Inc. and Emlenton Water Company

Through and By Counsel: Thomas T. Niesen, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-2184. Filed for public inspection November 28, 2008, 9:00 a.m.]

Water Service

A-2008-2074771. Elverson Water Company, Inc. Application of Elverson Water Company, Inc., for approval to extend its service area and to supply water service to the public in an additional portion of Warwick Township, Chester County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 9, 2008. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Elverson Water Company, Inc.

Through and By Counsel: Daniel P. Delaney, Esquire, K&L Gates, LLP, 17 North Second Street, 18th Floor, Harrisburg, PA 17101-1507

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-2185. Filed for public inspection November 28, 2008, 9:00 a.m.]

Water Service

A-2008-2073929. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in portions of Valley Township, Chester County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before December 15, 2008. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Susan Simms Marsh, Corporate Counsel, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-2186. Filed for public inspection November 28, 2008, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 08-138.P, High Mast Lighting Replacement at Tioga Marine Terminal (TMT) until 2 p.m. on Tuesday, December 23, 2008. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available December 2, 2008. Additional information and project listings may be found at www.philaport.com. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractor must comply with all applicable EEO laws. Bidders must provide to the Procurement Department in writing (24 hours prior to the meeting), the names of individuals that will be attending, fax to (215) 426-6800, Attn: Procurement Department.

Mandatory prebid job site meeting will be held December 11, 2008, 10 a.m. at Pier entrance gate, Delaware Avenue and Tioga Street, Philadelphia, PA 19134.

JAMES T. MCDERMOTT, Jr.
Executive Director

[Pa.B. Doc. No. 08-2187. Filed for public inspection November 28, 2008, 9:00 a.m.]

STATE BOARD OF BARBER EXAMINERS

Bureau of Professional and Occupational Affairs v. Jeffrey Anderson; Doc. No. 1793-42-2008

On September 30, 2008, Jeffrey Anderson, of Philadelphia, Philadelphia County, had his license no. BL-049465-L to practice barbering suspended under the Order of the Court of Common Pleas in Philadelphia County dated September 8, 2008, which the court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). This suspension is effective immediately.

Individuals may obtain a copy of the adjudication by writing to Cynthia K. Montgomer, Senior Board Counsel, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Barber Examiners (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

VINCENT IACONO,
Chairperson

[Pa.B. Doc. No. 08-2188. Filed for public inspection November 28, 2008, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.
Cornel Clinkscale; Doc. No. 1789-42-2008**

On September 30, 2008, Cornel Clinkscale, of Philadelphia, Philadelphia County, had his license no. BL-050163-L to practice barbering suspended under the Order of the Court of Common Pleas in Philadelphia County dated September 8, 2008, which the court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). This suspension is effective immediately.

Individuals may obtain a copy of the adjudication by writing to Cynthia K. Montgomer, Senior Board Counsel, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Barber Examiners (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

VINCENT IACONO,
Chairperson

[Pa.B. Doc. No. 08-2189. Filed for public inspection November 28, 2008, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v.
Carlos Favors, Sr.; Doc. No. 1792-42-2008**

On September 30, 2008, Carlos Favors, Sr., of Philadelphia, Philadelphia County, had his license no. BL-049978-L to practice barbering suspended under the Order of the Court of Common Pleas in Philadelphia County dated September 8, 2008, which the court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). This suspension is effective immediately.

Individuals may obtain a copy of the adjudication by writing to Cynthia K. Montgomer, Senior Board Counsel, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Barber Examiners (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

VINCENT IACONO,
Chairperson

[Pa.B. Doc. No. 08-2190. Filed for public inspection November 28, 2008, 9:00 a.m.]

