

NOTICES

DEPARTMENT OF AGRICULTURE

Partial Revocation of Plum Pox Virus Quarantine

Recitals

1. The Plant Pest Act (act) (3 P. S. §§ 258.1—258.27) empowers the Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests in this Commonwealth.

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

3. Plum Pox Virus (PPV) is a serious nonnative plant pest that injures and damages stone fruits such as peaches, nectarines, plums and apricots by drastically reducing the fruit yields from these stone fruit trees and by disfiguring the fruit to the point it is unmarketable and has been detected in certain areas of this Commonwealth.

4. The Department has exercised its authority under the act and issued several Orders of Quarantine affecting portions of Adams, Cumberland, Franklin and York Counties in an effort to contain, identify and eradicate PPV.

5. The Department is satisfied it is appropriate to rescind the Order of Quarantine applicable to Tyrone Township, Adams County, since 3-consecutive years of extensive testing have failed to detect the presence of PPV among stone fruit trees in this area and in a 1-mile buffer zone around this township.

Order

Under authority of section 21 of the act, the Department hereby enters the following order:

The portion of the Order of Quarantine dated November 16, 2006, and published at 36 Pa.B. 7298 (December 2, 2006) that pertains to Tyrone Township, Adams County, is hereby rescinded. This Order had imposed a quarantine on all properties North of Cranberry Road in Tyrone Township in Adams County, to facilitate the containment and eradication of PPV and to make the affected stone fruit tree owners eligible for reimbursement of certain costs related to the destruction of stone fruit trees, herbicide applications, insect control measures and other PPV eradication activities under the Department's Commercial Orchard and Fruit Tree Indemnity Program and the Department's Plum Pox Noncommercial Prunus Tree and Landscape Nursery Prunus Tree Indemnity Program. The PPV-infected stone fruit trees and all stone fruit trees within 500 meters of the infected trees have since been removed from the quarantined locations, and the owners of those trees compensated for the losses attendant to this removal. Three-consecutive years of intensive sampling and testing stone fruit leaves in the regulated portion of Tyrone Township, Adams County, and in the 1-mile buffer zone bordering the quarantined area have not yielded any additional positive detections of PPV. Therefore, the Tyrone Township location covered by the referenced December 2, 2006, Order of Quarantine is no longer considered a potential reservoir of the PPV virus, and as a result can be considered free of PPV. The location hereby released from quarantine is as follows:

The properties and land located North of Cranberry Road in Tyrone Township, Adams County, PA.

The Department will consult with the United States Department of Agriculture, European experts and scientific authorities with respect to the most efficacious measures by which to contain and eliminate this serious plant pest. The Department will issue further restrictions under authority of this Quarantine Order, as is required under section 21(a) of the act. These restrictions may address aphid control, elimination or reduction of aphid habitat, destruction of PPV-infected stone fruit trees and budwood, destruction of endangered or exposed stone fruit trees or budwood and any other measures necessary to the containment and elimination of the PPV in this Commonwealth.

This quarantine is effective as of November 18, 2008, and shall remain in effect until terminated by subsequent order.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 08-2200. Filed for public inspection December 5, 2008, 9:00 a.m.]

Year 2009 Dog Control Facility Bill Reimbursement Grant Program

The Department of Agriculture (Department) gives notice that it intends to award up to \$550,000 in grants under its Year 2009 Dog Control Facility Bill Reimbursement Program (Program). The Program will award bill reimbursement grants of up to \$15,000 per recipient to humane societies or associations for the prevention of cruelty to animals that meet the guidelines and conditions of this Program. The Program will be funded from the Dog Law Restricted Account, from funds which are hereby declared to be "surplus" funds for the limited purposes set forth in section 1002(b) of the Dog Law (3 P. S. § 459-1002(b)).

A proposed version of these guidelines and conditions was published at 38 Pa.B. 6174 (November 8, 2008). The Department invited public and legislative review of these proposed guidelines and conditions in accordance with 7 Pa. Code § 23.4 (relating to guidelines and conditions). The Department received no comments on the proposed guidelines and conditions; and intends to establish the proposed guidelines and conditions as the final guidelines and conditions for the Program.

The guidelines and conditions for the Program are set as follows.

Guidelines and Conditions for the Year 2009 Dog Control Facility Bill Reimbursement Grant Program

1. *Definitions.*

The following words and terms, when used in these guidelines and conditions, have the following meanings:

Department—The Department of Agriculture.

Dog control—The apprehending, holding and disposing of stray or unwanted dogs, or as otherwise defined in the Dog Law (3 P. S. § 459-102).

Eligible Bill—A document seeking payment for materials, services (other than veterinary services and spaying/neutering services) or utilities from a grant recipient, setting forth the following:

- i. The date the document is issued.
- ii. The name and address of the humane society or association for the prevention of cruelty to animals to which the bill is issued.
- iii. If for materials, a description of the materials and the date of delivery. Invoices and/or receipts for materials must set forth or be accompanied by a written description of the intended use of the material and the date the material is used. Materials may not include computers, computer equipment or software. Examples of eligible materials include the following:
 - Cleaning supplies;
 - Office supplies—typical supplies used to carry on daily office duties;
 - Materials for building and repair projects; and
 - Purchases of medication, needles, and the like . . .
- iv. If for services, the services must be other than veterinary services or spaying/neutering services, and shall include a description of the nature of the services and the dates upon which the services were rendered. Examples of services include the following:
 - Labor charges with respect to which the invoice details the exact service performed and the date of performance;
 - Cremation services with respect to which the invoice either verifies that only dogs were cremated or—in the event that animals other than dogs were cremated—separates the dogs from those other animals and identifies a charge attributable to only the cremation of the dogs.
 - Exterminator services with respect to which the invoice identifies the date of the service and identifies location of the service.
 - Property, casualty and liability insurance services (excluding workers compensation insurance).
- v. If for utilities (such as, electricity, water, sewer, waste disposal and similar purposes), a statement of the period for which the utility, for which payment is sought, was provided.
- vi. The name, address and telephone number of the entity issuing the invoice or receipt.

Humane society or association for the prevention of cruelty to animals (SPCA)—A nonprofit society or association duly incorporated under 15 Pa.C.S. Chapter 53, Subchapter A (relating to incorporation generally) for the purpose of prevention of cruelty to animals, or as otherwise defined in the Dog Law (3 P. S. § 459-102).

Program—The Year 2009 Dog Control Facility Bill Reimbursement Program.

2. Eligibility.

A humane society or association for the prevention of cruelty to animals is eligible to apply to receive a grant under the Program if that humane society or association for the prevention of cruelty to animals:

- a. Has been in operation for at least 1 year immediately preceding the application date.

- b. Has performed dog control functions for at least 1 year immediately preceding the application date.

- c. Has, in the performance of its dog control functions, accepted at least 100 stray or unwanted dogs into its facility within the year immediately preceding the application date.

- d. Is not a party to a contract with the Department under which the Department pays that humane society or association for the prevention of cruelty to animals for dog control activities performed in the year 2009.

- e. Agrees—as a condition of receiving any grant money under the Program—to continue to perform dog control activities and to accept stray or unwanted dogs from the Department's State Dog Wardens performing dog control functions, through the year 2009.

- f. Agrees—as a condition of receiving any grant money under the Program—to accept stray or unwanted dogs as described in the preceding paragraph without regard to whether the stray or unwanted dog originates from a county other than the county in which the humane society or association for the prevention of cruelty to animals is located.

- g. Has a valid Pennsylvania 2009 "Non Profit" kennel license, and operates only a nonprofit kennel at the facility for which grant reimbursement is requested. Facilities which house kennel operations other than a nonprofit facility (that is, boarding kennel and/or commercial kennel) at the same location are not eligible to participate in this program.

- h. If the Humane Society/SPCA has a total operating budget of \$350,000 or less for the 2009 calendar year or, if its budget is on a basis other than calendar year, has a total operating budget of \$350,000 or less for each fiscal year comprising any portion of calendar year 2009, the maximum grant amount will not exceed \$15,000.

- i. If the Humane Society/SPCA has a total operating budget exceeding \$350,000 for the 2009 calendar year or, if its budget is on a basis of other than calendar year, has a total operating budget over \$350,000 for each fiscal year comprising any portion of calendar year 2009, the maximum grant amount will not exceed \$10,000.

3. Use of Grant Funds.

The Department will allocate a specific maximum grant amount to a successful grant applicant through a written grant agreement. This maximum grant amount will be specified in the grant agreement, and will not exceed \$15,000 with respect to any application.

The maximum grant amount will be retained by the Department and used to reimburse the grant recipient for eligible bills the grant recipient has paid with respect to materials, services or utilities provided to the grant recipient from March 1, 2009, through December 31, 2009. The total reimbursement the Department will pay a grant recipient will not exceed the maximum grant amount. Any money remaining in a grant allocation beyond the termination date of the grant agreement will lapse into the Dog Law Restricted Account. If a bill covers materials, services or utilities provided, in whole or in part, before March 1, 2009, or after December 31, 2009, that bill is not an eligible bill and will not be reimbursed by the Department under the program.

4. *Application Process.*

a. *Application required.* A humane society or association for the prevention of cruelty to animals seeking a grant under the Program must complete a written application form and deliver it to the Department no later than 30 days from the date this notice is published in the *Pennsylvania Bulletin*. Applications received by the Department beyond that date will not be considered.

b. *Obtaining an application form.* The Department will provide grant application forms upon request, or the application may be downloaded from the Department's web site: www.agriculture.state.pa.us.

Requests for application forms should be directed to Susan West, Director, Bureau of Dog Law Enforcement, Department of Agriculture, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 787-4833, fax (717) 772-4352.

c. *Contents of grant application form.* A grant application form shall require the following information:

- i. The name and address of the applicant.
- ii. Information to verify that the applicant is a humane society or association for the prevention of cruelty to animals and otherwise meets the eligibility requirements set forth in paragraph 2.
- iii. The maximum grant amount sought by the applicant—not to exceed \$15,000 (or \$10,000, if Paragraph 2(i) is applicable).
- iv. A description of the eligible bills for which the grant applicant intends to seek reimbursement, including a description (and copies, if available) of bills received by the applicant in 2008 for the same type of materials, services (other than veterinary services and spaying/neutering services) or utilities for which reimbursement will be sought under the grant agreement.
- v. Verification that, in the event a grant is awarded, the applicant will continue to perform dog control activities, and to accept stray or unwanted dogs from the Department's State Dog Wardens performing dog control functions, through the year 2009.
- vi. Other information as the Department might reasonably require.

5. *Review and approval of grant application.*

a. *Review and notification.* The Department will review each timely grant application and provide the applicant written notification of whether the Department awards the grant, denies the grant or awards a grant in some amount less than the applicant sought. This written notification will be mailed no later than 30 days from the date the Bureau of Dog Law Enforcement receives the grant application, to the address provided by the applicant on the grant application form. If an application is incomplete or the Department requires additional information or documentation to evaluate the grant request, it will so advise the applicant within 30 days from the date it receives the grant application.

b. *Review criteria.* The Department will consider the following, among other factors, in determining whether to award a grant application:

- i. The number of applications received and the availability of funds for the grants sought.
- ii. The relative contribution of the applicant to dog control activities in the area it serves.
- iii. The relative contribution of the applicant to dog control as compared to the relative contribution of other applicants.
- iv. The relative importance of the grant to the continued operation of the applicant's dog control facility.
- v. The expense or logistical difficulty the Department would encounter if the applicant's dog control facility was no longer in operation.
- vi. The relative contribution of the applicant in terms of the number of stay or unwanted dogs it accepts from the Department's State Dog Wardens performing dog control functions.

6. *Grant agreement.*

a. *Grant agreement required.* A successful grant applicant must execute a grant agreement with the Department, setting forth the terms and conditions pursuant to which the grant money will be used by the Department to reimburse the grant recipient for payment of eligible bills.

b. *Reimbursement requests.* The grant agreement will set forth the exact procedure by which a grant recipient shall seek reimbursement from the Department for payment of eligible bills. The basic reimbursement request procedure will be as follows:

By August 15, 2009, the grant recipient will: (1) deliver copies of the eligible bills it has paid between March 1, 2009 and July 31, 2009; (2) verify that these bills have been paid and are eligible for reimbursement; and (3) provide a detailed report of the dog control activities performed by the successful applicant during the referenced 5-month period.

By January 15, 2010, the grant recipient will: (1) deliver copies of the eligible bills it has paid between August 1, 2009 and December 31, 2009; (2) verify that these bills have been paid and are eligible for reimbursement; and (3) provide a detailed report of the dog control activities performed by the successful applicant during the referenced 5-month period.

c. *Payment by the Department.* The Department will reimburse a grant recipient for eligible bills within 60 days of receiving a complete and timely reimbursement request.

d. *Termination.* The Department may terminate a grant agreement at any time by providing the grant recipient written notice of termination at the address set forth on the grant application.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 08-2201. Filed for public inspection December 5, 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 25, 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

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
11-19-2008	Riverview Financial Corporation (in organization), Halifax, to acquire 100% of First Perry Bancorp, Inc., Marysville, and its subsidiary The First National Bank of Marysville, Marysville, and HNB Bancorp, Inc., Halifax, and its subsidiary Halifax National Bank, Halifax	Halifax	Approved

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-17-2008	First Commonwealth Bank Indiana Indiana County	339 Mansfield Avenue Pittsburgh Allegheny County	Opened
11-24-2008	Fulton Bank Lancaster Lancaster County	Trindle Road and South 34th Street Camp Hill Cumberland County	Approved

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
10-31-2008	Lancaster Red Rose Credit Union Lancaster Lancaster County	150 South Street Lancaster Lancaster County	Opened

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. 08-2202. Filed for public inspection December 5, 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>
PA0052426 (Minor Sewage)	Allied Utility Services, Inc. Schnecksville North STP P. O. Box 1488 Skippack, PA 19474-1488	North Whitehall Township Lehigh County	UNT to Coplay Creek 02C	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>
PA0030341	East Lawrence Elementary School 1352 Golf Course Road Volant, PA 16156-9041	Plain Grove Township Lawrence County	Taylor Run 20-C	Y

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

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

PA0244449, Industrial Waste, SIC 4931, **FPL Energy Marcus Hook, LP**, 100 Green Street, Marcus Hook, PA 19061. This proposed facility is located in Marcus Hook Borough, **Delaware County**.

Description of Proposed Activity: Issuance of an NPDES permit to discharge cooling tower blowdown from Marcus Hook Generating Station.

The receiving stream, Delaware River Estuary—Zone 4, is in the State Water Plan Watershed 3G and is classified for: WWF, aquatic life, water supply and recreation. There is no downstream public water supply intake below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 4.32 mgd:

<i>Parameters</i>	<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	6.0 to 9.0 Standard Units at all times		
CBOD ₅	Monitor and Report	Monitor and Report	Monitor and Report
TSS	30	100	
Oil and Grease	15	20	
TRC	0.05		0.1
TDS	5,000	10,000	12,500
Temperature			95° F
Ammonia as N	Monitor and Report	Monitor and Report	Monitor and Report
Copper, Total	0.034	0.068	0.085
Lead, Total	Monitor and Report	Monitor and Report	Monitor and Report
Chloroform	Monitor and Report	Monitor and Report	Monitor and Report
Dichlorobromomethane	Monitor and Report	Monitor and Report	Monitor and Report
BIS (2-ethylhexyl) phthalate	Monitor and Report	Monitor and Report	Monitor and Report
PCB, Total (Wet Weather)		Monitor and Report	
PCB, Total (Dry Weather)		Monitor and Report	
Dissolved Oxygen			4.0 (Instantaneous Minimum)

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

1. Thermal Impact.
2. Thermal Mixing Zone.
3. Chemical Additives Approval.
4. Information on Chemical Additive.
5. Change in Ownership.
6. Chlorine Minimization.
7. Proper Sludge Disposal.
8. WET Requirement.
9. I-Max Condition.
10. No Discharge Condition.
11. Laboratory Certification.
12. 316(a) Determination.
13. PCB/PMP Requirement.
14. Annual Inspection for Stormwater.
15. CBOD₂₀ Allocation.
16. 85% Removal of TSS.

PA0244244, Industrial Waste, SIC 2893, **Flint Group North America**, 210 Philips Road, Lionville, PA 19341. This proposed facility is located in Uwchlan Township, **Chester County**.

Description of Proposed Activity: Renewal of existing NPDES permit to discharge stormwater from a printing ink manufacturing facility. The receiving stream, Pine Creek, is in the State Water Plan Watershed 3H and is classified for: HQ-TSF.

The proposed effluent limits for Outfall 001 are based on a design flow of an average storm event.

<i>Parameters</i>	<i>Concentration (mg/l)</i>	
	<i>Maximum Daily</i>	
CBOD ₅	Monitor and Report	
COD	Monitor and Report	
Oil and Grease	Monitor and Report	
pH	Monitor and Report	
Total Suspended Solids	Monitor and Report	
Total Kjeldahl Nitrogen	Monitor and Report	
Total Phosphorus	Monitor and Report	
Iron (Dissolved)	Monitor and Report	

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

1. Change of Ownership.
2. Remedial Measures if Public Nuisance.
3. Stormwater Requirements.
4. Laboratory Certification.

PA0050016, Industrial Waste, SIC 3082, **Markel Corporation**, 435 School Lane, Plymouth Meeting, PA 19462. This facility is located in Plymouth Township, **Montgomery County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge 60,000 gpd of contact and noncontact cooling water.

The receiving stream, Diamond Run, is in the State Water Plan Watershed 3F and is classified for: WWF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for City of Philadelphia is located on Schuylkill River.

The proposed effluent limits for Outfall 001 are based on a design flow of 60,000 gpd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum mg/l</i>
BOD ₅		13		Monitor and Report	
Suspended Solids		10		Monitor and Report	
Temperature					110° F
pH		Within limits of 6.0 to 9.0 Standard Units at all times			
Oil and Grease		7.5	15		30
Bis(2-Ethylhexyl) Phthalate			Monitor and Report		

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

1. Small Stream Discharge.
2. No Chemical Additives.
3. Required Test Methods.
4. Change in Ownership.
5. Additional Submission for TMDL Analysis.
6. Certified Laboratory.

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

Application No. PA 0261122, Sewage, **Train Collectors Association**, P. O. Box 248, Strasburg, PA 17579-0248. This facility is located in Paradise Township, **Lancaster County**.

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

The receiving stream, UNT to Pequea Creek, is in Watershed 7-K, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Holtwood Power Plant is located on the Susquehanna River, approximately 35 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.002 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD ₅	10		20
Total Suspended Solids	10		20
Total Phosphorus		Monitor	
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)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	

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

The EPA waiver is not in effect.

Application No. PA 0247324, CAFO, Rohrer Farms, LLC, 750 Doe Run Road, Lititz, PA 17543.

Rohrer Farms, LLC has submitted an application to renew the existing Individual NPDES permit for an existing CAFO known as the Rohrer Swine Farm, located in Penn and Warwick Townships, **Lancaster County**.

The CAFO is situated near Santo Domingo Creek, which is classified as a WWF. The CAFO includes five animal housing units designed to maintain an animal population of approximately 1,660 animal equivalent units consisting of 2,460 gestating sows, 448 sows with litters, 10 boars, 900 replacement gilts, 2,500 nursery pigs and 200,000 pullets. Manure is stored in high-density polyethylene-lined earthen impoundments with a total combined capacity of approximately 3.75 million gallons. Manure produced at the operation is applied onsite or 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.

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

PA0252476, Sewage, Alex Shuppe, P. O. Box 218, Dilliner, PA 15327. This application is for renewal of an NPDES permit to discharge treated sewage from Shuppe Rentals Trailer Park STP in Dunkard Township, **Greene County**.

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

Outfall 001: existing discharge, design flow of 0.002 mgd.

Parameter	Concentration (mg/l)			Instantaneous Maximum
	Average Monthly	Average Weekly	Maximum Daily	
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.1			6.2
(11-1 to 4-30)	7.4			14.8
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		

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Total Residual Chlorine	Monitor and Report			
Dissolved Oxygen	not less than 4.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0206067, Sewage, **Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. This application is for renewal of an NPDES permit to discharge treated sewage from Mon Valley/Fayette Expressway Northern Toll Plaza STP in California Borough, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as South Branch of Maple 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 Charleroi Municipal Authority on the Monongahela River.

Outfall 001: existing discharge, design flow of 0.00024 mgd.

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

The EPA waiver is in effect.

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

PA0101508, Industrial Waste, **Pennsylvania Brine Treatment, Inc.—Franklin Facility**, 5148 US 322, Franklin, PA 16323. This existing facility is located in Cranberry Township, **Venango County**.

Description of Proposed Activity: renewal and modification of an NPDES permit for an existing discharge of treated industrial waste. The modification is to increase the maximum discharge rate from 205,000 gpd to 300,000 gpd.

The receiving water is the Allegheny River. The receiving stream is in State Water Plan 16-G and is classified for the following uses: WWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, the Emlenton Water Company, is located on the Allegheny River approximately 32 miles below the point of discharge.

Interim Limits

The proposed effluent limits for Outfall 001 based on a design flow of 0.205 mgd.

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)		0.205			
Oil and Grease			15.0		30.0
Total Suspended Solids			30.0		60.0
Total Iron			3.5		7.0
Copper			0.56	1.12	1.40
Silver	0.37	0.75			0.55
Chloride (lbs/min)	147	245			
Acidity			Less than Alkalinity		
Alkalinity			Monitor and Report		
Barium			Monitor and Report		
pH			6.0 to 9.0 Standard Units at all times		

Final Limits

The proposed effluent limits for Outfall 001 based on a design flow of 0.300 mgd.

Parameter	Loadings		Concentrations		
	Average Monthly (lb/day)	Maximum Daily (lb/day)	Average Monthly (mg/l)	Maximum Daily (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)		0.30			
Oil and Grease			15.0		30.0
Total Suspended Solids			30.0		60.0
Total Iron			3.5		7.0
Copper			0.56	1.12	1.4
Silver	0.54	1.08			0.55
Chloride (lbs/min)	147	245			
Acidity			Less than Alkalinity		
Alkalinity			Monitor and Report		
Barium			Monitor and Report		
pH			6.0 to 9.0 Standard Units at all times		

XX—Monitor and report on monthly DMRs.

The EPA waiver is in effect.

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

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

WQM Permit No. 1508415, Sewerage, **Chadds Ford Investment Company**, 514 McCue Road, Avondale, PA 19311. This proposed facility is located in New Garden Township, **Chester County**.

Description of Action/Activity: Installation of a equalization tank.

WQM Permit No. 2308404, Sewerage, **Borough of Brookhaven**, 2 Cambridge Road, Brookhaven, PA 19015-1708. This proposed facility is located in Brookhaven Borough, **Delaware County**.

Description of Action/Activity: Modified primary settling tank, new chlorine contact tank, new aerobic digestion and a new final settling tank.

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

WQM Permit No. 5608406, Sewerage, **Seven Springs Municipal Authority**, 290 Lagoon Lane, Champion, PA 15622. This proposed facility is located in Middlecreek Township, **Somerset County**.

Description of Proposed Action/Activity: Permit application for the construction and operation of a pump station.

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

WQM Permit No. 1005402, Amendment No. 1, Sewerage, **Tracey, Inc.**, P. O. Box 55, Valencia, PA 16059. This proposed facility is located in Clinton Township, **Butler County**.

Description of Proposed Action/Activity: A minor amendment to acknowledge the relocation of the sewage treatment facility. The design of the previously permitted sewerage system will not be changing.

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.

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 0907021	Solebury Partners/ Logan Square Condominium Associates 2005 South Easton Road Suite 307 Doylestown, PA 18901	Bucks	Solebury Township	Aquetong Creek HQ-CWF
PAI01 0908011	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406-1525	Bucks and Montgomery	New Britain, Warrington and Montgomery Townships	Mill, Little Neshaminy and Neshaminy Creeks WWF-MF-TSF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 2308009	Leslie and Mark Lynch 773 Sugartown Road Malvern, PA 19355	Delaware	Newtown Township	Crum Creek HQ-CWF
PAI01 4607003A-1	Realen Valley Forge Greens Associates 1000 Chesterbrook Boulevard Berwyn, PA 19312	Montgomery	Upper Merion Township	UNT Trout Creek WWF
PAI01 4608005	Glenn Springs Holding, Inc. 3375 Armand Hammer Boulevard Pottstown, PA 19464	Montgomery	Lower Pottsgrove Township	Schuylkill River WWF, MF

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

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>
PAI024805021(1)	Route 512 Associates, LLC Attn: Richard Thulin 100 Gateway Drive Suite 310 Bethlehem, PA 18017	Northampton	East Allen Township	Monocacy Creek HQ-CWF

Pike County Conservation District: HC 6, Box 6770, Hawley, PA 18428, (570) 226-8220.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025208013	Pike County Commissioners 506 Broad Street Milford, PA 18337	Pike	Booming Grove Township	Billings Creek HQ-CWF

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

Westmoreland Conservation District, 211 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI056508003	West Penn Power 800 Cabin Hill Drive Greensburg, PA 15601	Westmoreland	Derry Township	Miller Run HQ-CWF Saxman Run WWF

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

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

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 1508509, Public Water Supply.

Applicant **Borough of Kennett Square**
120 Marshall Street
Kennett Square, PA 19348

Township Kennett

County **Chester**

Responsible Official Joseph Scalise
120 Marshall Street
Kennett Square, PA 19348

Type of Facility PWS

Consulting Engineer Rettew Associates, Inc.
3020 Columbia Avenue
Lancaster, PA 17603

Application Received Date October 15, 2008

Description of Action Installation of a new well (No. 2 "Yeatman") water softening with ion exchange and chlorine.

Application No. 0908515, Public Water Supply.

Applicant **Logan Square Condominium Association**

Township Solebury

County **Bucks**

Responsible Official Dan Peel
P. O. Box 106
New Hope, PA 18938

Type of Facility PWS

Consulting Engineer Bucher and James, Inc.
1456 Ferry Road
Suite 500
Doylestown, PA 18901

Application Received Date November 12, 2008

Description of Action Retrofit existing nontransient, noncommunity water system to reduce arsenic levels to acceptable standards.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**UNDER ACT 2, 1995****PREAMBLE 1****Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

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

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

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

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

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

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

Guadalupe Associates Property, Montgomery Township, **Montgomery County**. Mark J. Irani, P. G., Land Recycling Solutions, LLC, 3101 Mt. Carmel Avenue, Suite 3, Glenside, PA 19038 on behalf of Frieda Ambrose, Guadalupe Associates, LLC, 121 Commerce Drive, Montgomeryville, PA 18936 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of No. 2 fuel oil. The planned future use of the property will continue to be for a commercial use. A summary of the Notice of the Intent to remediate was reported to have been published in the *Bucks County Intelligencer* on October 22, 2008.

Transmontaigne Terminal Property, City of Philadelphia, **Philadelphia County**. Paul Martino, Pennoni Associates, One Drexel Plaza, 3001 Market Street, Suite 200, Philadelphia, PA 19105 on behalf of Bryan Cullen,

Westrum Urban Land Development, LLC, 370 Commerce Drive, Suite 100, Fort Washington, PA 19034 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of unleaded gasoline. The proposed future use of the site will be residential.

(UPDATED) US Postal Service Truck Terminal Annex, City of Philadelphia, **Philadelphia County**. Christopher Orzechowski, Keating Environmental Management, Inc., 123 John Robert Thomas Drive, Exton, PA 19341 on behalf of Kyle Rosato, University of Pennsylvania, 3101 Walnut Street, Philadelphia, PA 19104 has submitted a Notice of Intent to Remediate. Soil and groundwater at the site has been impacted with the release of chlorinated solvents. The site is intended to be developed for mixed use, including a combination of commercial, office and parking, and may also include a residential component in one of the towers.

Zieger Rose Nursery, Upper Dublin Township, **Montgomery County**. Mark Fortna, DelVal Soil Environmental Consultants, Inc., 4050 Skyron Drive, Suite A-1, Doylestown, PA 18902 on behalf of Richard McBride, The Culter Group, 5 Apollo Road, Suite 2, Plymouth Meeting, PA 19462 has submitted a Notice of Intent to Remediate. Soil at the site had been impacted with the release of inorganics. The future use of the site will be use as a Residential Housing Development.

Linfield Industrial Park, Limerick Township, **Montgomery County**. Jim LaRegina, Herbert Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110 on behalf of Eugene Ostreicher, Linfield Industrial Park, 527 Bedford Avenue, Brooklyn, NY 11211 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of leaded gasoline. The future use of the site is currently unknown but could include nonresidential use consistent with its industrial zoning.

Keystone Discount Tire, City of Philadelphia, **Philadelphia County**. John Forsyth, Mid-Atlantic Associates, Inc., 271 Bethlehem Pike, Suite 102, Colmar, PA 18915 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of used motor oil. The future use of the site will be remain the same.

Exelon Power Southwark Generation Station, City of Philadelphia, **Philadelphia County**. David Kistner, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 on behalf of Michael Fluehr, Delaware Avenue Enterprises, 101 South King Street, Gloucester City, NJ 08030 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of No. 2 fuel oil. The future use of the site is anticipated to remain unchanged.

Pier 98 South Annexation Concrete, City of Philadelphia, **Philadelphia County**. Michael Panettieri, Professional Services Industries, 1710 South Cameron Service, Site B, Harrisburg, PA 17104 on behalf of Charles J. Lawrence, Philadelphia Regional Port Authority, 3460 North Delaware Avenue, Philadelphia, PA 19134 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted by the release of unleaded gasoline. The current land use plans include developing the subject property for future use as a food distribution and warehouse facility. A summary of the Notice of Intent to Remediate was reported to have been published in the *Philadelphia Daily News* on September 22, 2008.

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

Sheppie Property (21 R-Own Lake), Hamilton Township, **Monroe County**. Sherry M. Carlo, P. G., United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222 has submitted a Notice of Intent to Remediate (on behalf of her client, Robert Sheppie, 21 R-Own Lake, Stroudsburg, PA 18360), concerning the remediation of soils and surface waters found to have been impacted by kerosene as a result of an accidental release from a leaking aboveground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. The intended future use of the property is residential. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

Former RUS Facility/Cintas Corp. (164 East Main Street), Emmaus Borough, **Lehigh County**. Peter Milionis, ARCADIS U.S., Inc., 6 Terry Drive, Suite 300, Newtown, PA 18940 has submitted a Notice of Intent to Remediate (on behalf of his client Cintas Corporation, 27 Whitney Drive, Milford, OH 45150), concerning the remediation of soils and groundwater found to have been impacted by dry cleaning related constituents as a result of historical operations by Rental Uniform Services. The applicant proposes to remediate the site to meet the Site-Specific Standard for both soils and groundwater. A summary of the Notice of Intent to Remediate was published in *The Morning Call* on November 13, 2008.

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

Former Myers Great Value Market, Dillsburg Borough, **York County**. EPSYS Corporation, 1414 North Cameron Street, Harrisburg, PA 17103, on behalf of Parula Properties, LLC, 100 South 7th Street, Akron, PA 17501, submitted a revised Notice of Intent to Remediate site soils and groundwater contaminated by leaded gasoline from underground storage tanks. The site is a former food market and it is anticipated that future use will be commercial, although residential use has not been excluded. The site is being remediated to the Site-Specific Standard. This publication corrects a notice that was published February 9, 2008, in the *Pennsylvania Bulletin* which omitted the standard being utilized.

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.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

Permit Application No. 101494. Waste Management of Pennsylvania, Inc., 1000 New Ford Mill Road, Morrisville, PA 19067. This minor permit modification application is to include a gabion lining option for Vertical Channel No. 1 of the Western Expansion of the Tullytown Resource Recovery Facility Landfill located in the Borough of Tullytown and Falls Township, **Bucks County**. The application was received by the Southeast Regional Office on November 19, 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 operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

PLAN APPROVALS

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

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

54-302-077: WPS Westwood Generation, LLC (1716 Lawrence Drive, DePere, WI 54115) for modification of their existing CFB boiler at their facility in Frailey and Porter Townships, **Schuylkill County**.

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

61-187D: SMS Millcraft (671 Colbert Avenue, Oil City, PA 16301) to replace the fume scrubber that controls the emissions from the existing hexavalent chrome plating operation in the Oil City Industrial Park in Oil City, **Venango County**.

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

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

46-0048D: Wyeth Pharmaceuticals (500 Arcola Road, Colleagueville, PA 19426) for installation of one 2,000-kW No. 2 fuel oil/diesel fired electric generator at an existing facility in Upper Providence Township, **Montgomery County**. The engine will be limited to 17,363 gallons of diesel/No. 2 fuel oil and 2.79 tons of NOx both on a 12-month rolling sum basis. The Plan Approval is a modification of the earlier Plan Approval 46-0048C. The generator will be used exclusively for emergency power generation. The facility is a major facility. The owner/operator shall keep records of fuel usage and sulfur content to show compliance with the requirements of the Plan Approval.

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

06-05069P: East Penn Manufacturing Co., Inc. (P. O. Box 147, Lyon Station, PA 19536-0147) for construction of two heat sealing operations controlled by fiberglass mist eliminators in Richmond Township, **Berks County**. The plan approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the sources operating within all air quality requirements. The facility is currently covered by the Title V operating permit No. 06-05069. The plan approval will be incorporated into the permit in accordance with 25 Pa. Code § 127.450 (Administrative Amendment).

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

49-308-003: Stonerod Iron & Metal, Inc. (699 Holly Road, Paxinos, PA 17860) for construction of an aluminum "sweat" furnace in Shamokin Township, **Northumberland County**.

The proposed furnace will be used to melt or "sweat" the aluminum out of "irony aluminum" automotive, and the like scrap (scrap consisting of both aluminum and iron/steel). The air contaminant emissions from the furnace will be controlled by an integral afterburner chamber.

The air contaminant emissions from the furnace are not expected to exceed .52 ton of NO_x, .14 ton of PM/PM₁₀, .07 ton of CO, .018 ton of VOCs, .005 ton of SO_x and .004 gram of dioxins/furans per year.

The facility in which the proposed furnace will be located will not be a major (Title V) facility for any air contaminant.

The Department of Environmental Protection's (Department) review of the information submitted by Stonerod Iron & Metal, Inc. indicates that the proposed sweat furnace should be capable of complying with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the BAT requirement of 25 Pa. Code §§ 127.1 and 127.12 and Subpart RRR of the National Emission Standards for HAPs, 40 CFR 63.1500–63.1519, (National Emission Standards for HAPs for Secondary Aluminum Production). Based on this finding the Department intends to issue plan approval for the proposed sweat furnace.

The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable requirements:

1. The air contaminant emissions from the sweat furnace shall be controlled by an integral afterburner chamber incorporating a burner with a rated capacity of no less than 1.0 mmBtu/hr of heat input.

2. The sweat furnace shall be used to process irony aluminum scrap. At no time shall the furnace be used to process lead, zinc, brass or bronze scrap nor shall it be used to recover aluminum or copper wire from insulated wire or cable nor shall it be used to recover aluminum from beverage cans, aluminum siding or aluminum scrap heavily contaminated with plastic (such as lawn furniture) nor shall it be used as an incinerator to dispose of wastes.

3. At no time shall fluxes be used in the sweat furnace.

4. The burners incorporated in the sweat furnace shall be fired with propane or natural gas only.

5. The sweat furnace shall not be operated more than 2,080 hours in any 12-consecutive month period.

6. The sweat furnace shall not be operated if the burner incorporated in the afterburner chamber is inoperable.

7. The sweat furnace shall be equipped with instrumentation to monitor and record the temperature at the exit of both the primary furnace chamber and the afterburner chamber on a continuous basis.

8. At any time scrap is being processed, a flue gas temperature of at least 1,600° F shall be maintained at the temperature sensor located at the exit of the afterburner. No scrap shall be placed into the furnace if the temperature at this location is less than 1,600° F.

9. The sweat furnace shall be attended by an operator at all times it is in operation.

10. The PM emissions from the sweat furnace shall not exceed .01 gr/dscf of effluent gas volume, the visible air contaminant emissions shall not exceed 10% opacity at

any time and the dioxin/furan emissions (on a TEQ or toxicity equivalents basis, as defined in 40 CFR 63.1503) shall not exceed .0000000035 gr/dscf of effluent gas volume corrected to 11% O₂. The term "dioxins/furans" means tetra-, penta-, hexa- and octachlorinated dibenzo dioxins and furans.

11. The permittee shall implement an operation, maintenance and monitoring plan which shall, at a minimum, address the requirements specified in 40 CFR 63.1510(b)(1)–(8).

12. The permittee shall conduct a performance evaluation of the temperature monitoring instrumentation according to the requirements of 40 CFR 63.8. The performance evaluation shall, at a minimum, include measuring and recording the 15 minute block average temperature of the afterburner as well as determining the 3 hour block average temperature. This evaluation shall be completed within 120 days from the commencement of furnace operation.

13. The permittee shall maintain comprehensive accurate records of the number of hours the sweat furnace is operated each month, shall retain all such records for at least 5 years and shall make the records available to the Department upon request.

14. The sweat furnace shall comply with all applicable requirements specified in Subpart RRR of the National Emission Standards for HAPs, 40 CFR 63.1500–63.1519, (National Emission Standards for HAPs for Secondary Aluminum Production).

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

61-185F: Heath Oil Company (SR 8, Barkeyville, PA 16038), for the combustion of No. 5 fuel oil, in the heaters for Source 105 in Barkeyville Borough, **Venango County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- All conditions from the State-only Operating Permit 61-00185 revised on April 9, 2008, remain in effect unless otherwise indicated in this plan approval.

- This condition replaces condition No. 003(c) from State-only Operating Permit 61-00185 revised April 9, 2008. The heaters may use the following fuels:

- Natural gas supplied by a public utility or is certified pipeline quality or has been approved by the Department.

- Fuel oils that meet 25 Pa. Code § 123.22(a)(2).

- Transmix with a maximum sulfur content of 0.5% by weight.

- Bio-fuel with a maximum sulfur content of 0.5% by weight.

- Reprocessed or recycled No. 2 fuel oil with a maximum sulfur content of 0.5% by weight.

- Reprocessed or recycled No. 5 fuel oil with a maximum sulfur content of 0.5% by weight.

- Specifications for Reprocessed/Recycled No. 5 Fuel Oil:

- SULFUR < 0.5% by weight (Atomic Absorption).
 - FLASHPOINT < 140° F (EPA Method 1010 or ASTM 93-80).
 - TOTAL HALOGENS (TOX): ORGANIC AND INORGANIC < 1,000 PPM (ASTM D-808-81).
 - LEAD < 100 PPM (Atomic Absorption).
 - ARSENIC < 5 PPM (Atomic Absorption).
 - CADMIUM < 2 PPM (Atomic Absorption).
 - CHROMIUM < 10 PPM (Atomic Absorption).
 - PCB's < 2 PPM (H₂SO₄ Extraction/GC w/electron capture).
- Compliance with the previously listed limits shall be determined using appropriate methods from EPA's SW-846 or other methods approved in writing by the Department.
- The company shall perform an analysis of the reprocessed/recycled No. 5 fuel oil prior to burning to ensure it meets the specifications listed in this plan approval for this source.
- The permittee shall maintain records of the fuel analysis performed for each shipment of the reprocessed/recycled No. 5 fuel oil prior to burning in the heater. In lieu of an analysis for each shipment, the facility may perform an analysis of the storage tank prior to burning in the heater. A new analysis would be required whenever there is an addition to the tank.
- The company shall not accept shipment of reprocessed/recycled No. 5 fuel oil or use reprocessed/recycled No. 5 fuel oil alone or in combination with any other fuel unless one of the following is done:
- Each shipment of reprocessed/recycled No. 5 fuel oil is accompanied by a fuel certification sheet showing compliance with the specifications in the Fuel Restrictions.
 - Each batch of reprocessed/recycled No. 5 fuel oil is analyzed prior to burning in a heater to show compliance with the specifications stated in the Fuel Restrictions.
 - For the purposes of this work practice requirement, the term batch shall mean an accumulated amount of reprocessed/recycled No. 5 fuel oil which is stored alone or in combination with any other fuel in the same storage tank prior to use. Each subsequent batch of reprocessed/recycled No. 5 fuel oil stored in separate storage tanks (or in a previously used storage tank) is subject to separate analysis.
 - For the purposes of this work practice requirement, multiple shipments of reprocessed/recycled No. 5 fuel oil stored in a single storage tank are subject to a single analysis prior to use as an alternative to a fuel certification sheet. In addition, any single shipment of reprocessed/recycled No. 5 fuel oil stored in multiple storage tanks is subject to a single analysis prior to use as an alternative to a fuel certification sheet.

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.

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

20-00123: Lord Corp.—Mechanical Products Division (124 Grant Street, Cambridge Springs, PA 16403) for a Title V Operating Permit Re-issuance to operate a Fabricated Rubber Products manufacturing facility, in the Borough of Cambridge Springs, **Crawford County**.

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.

09-00180: White Engineering Surfaces Corp. (One Pheasant Run, Newtown, PA 18940) for issuance of a State-only Operating Permit to operate eight Metal and Ceramics Surface Coating Spray Booths with Dust Collectors and one Vapor Degreaser in Newtown Township, **Bucks County**. The facility is synthetic minor for HAP, VOC and PM. Plan Approvals, 09-0180 and 09-0180A, are being incorporated into the facility permit, SMOP-09-00180. This Operating Permit shall include monitoring and recordkeeping designed to ensure this facility complies with all applicable air quality regulations.

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

48-00075: CRAYOLA, LLC—Bethlehem (1100 Church Lane, P. O. Box 431, Easton, PA 18044) for operation of paint mixers and kettles in Bethlehem Township, **Northampton County**. This is a State-only Natural Minor operating permit.

39-00071: HAB Industries, Inc.—Anda Sportswear—Allentown Plant (15 South Albert Street, Allentown, PA 18109) for textile manufacturing in Allentown City, **Lehigh County**. This is a State-only Natural Minor operating permit.

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

01-03034: Texas Eastern Transmission, LP—Heidlersburg Compressor Station (P. O. Box 1642, Houston, TX 77251-1642) for auxiliary generator, parts washer and area fugitive emissions in Tyrone Township, **Adams County**. Primary emissions from the site are VOC's with worst case scenario of 35 tpy. This permit will incorporate plan approval No. 01-03034A issued in November 2007.

07-03022: Juniata Fabrics, Inc. (1301 Broadway, Altoona, PA 16601) for their fabric manufacturing plant in the City of Altoona, **Blair County**. This is a renewal of the State-only operating permit issued in 2004.

36-03103: Kunzler & Co., Inc. (652 Manor Street, Lancaster, PA 17604) for operation of a meat processing facility in the City of Lancaster, **Lancaster County**. This is a renewal of the State-only operating permit issued in 2003.

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

14-00017: Supelco, Inc. (595 North Harrison Road, Bellefonte, PA 16823) for modification of a State-only operating permit for a chromatographic equipment manufacturing facility in Spring Township, **Centre County**. This notice supersedes the notice published in the Penn-

sylvania Bulletin for State-only Operating Permit 14-00017 on November 15, 2008.

The proposed modifications to the operating permit consist of establishing new annual throughputs for a 3,000 gallon waste solvent storage tank and modifying an activated carbon drum monitoring requirement to require weekly monitoring of a solvent breakthrough detector.

As the waste solvent storage tank is equipped with an activated carbon drum for VOC/VHAP emission control, any change in VOC/VHAP emissions which will result from the proposed new annual tank throughputs are expected to be inconsequential.

The facility in which the waste solvent storage tank is located is not a major (Title V) facility for any air contaminant.

The Department proposes to incorporate the following modified conditions in State-only Operating Permit 14-00017:

1. The throughput through the waste solvent storage tank shall not exceed:

methanol: 13,290 gpy
 methylene chloride: 2,070 gpy
 toluene: 1,830 gpy
 acetonitrile: 2,170 gpy
 chloroform: 530 gpy
 carbon tetrachloride: 20 gpy
 hexane: 3,690 gpy
 isopropanol: 1,570 gpy
 ethanol: 1,200 gpy
 ethyl acetate: 900 gpy
 diethyl acetate: 50 gpy
 miscellaneous solvents (other than acetone): 230 gpy

The waste solvent storage tank may also be used for the storage of waste acetone without restriction on throughput.

2. The permittee shall monitor the exhaust of the activated carbon drum associated with the waste solvent storage tank for breakthrough on a weekly basis (or a less frequent basis if the Department of Environmental Protection determines that a less frequent basis is acceptable) by visually inspecting the carbon drum's breakthrough detector and shall replace the carbon, or the entire drum, within 1 business day after detecting a color change in the breakthrough detector.

3. The air contaminant emissions from the waste solvent storage tank shall be controlled by an activated carbon drum which incorporates a breakthrough detector.

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

43-00270: CCL Container—Advanced Monobloc Aerosol Division (One Llodio Drive, Hermitage, PA 16148) for a Synthetic Minor State-only Operating Permit issuance to operate a can manufacturing facility, in the City of Hermitage, **Mercer County**. This re-issuance also incorporates Plan Approval No. 43-270F which authorized the installation of two additional can making lines and the replacement of Catalytic Incinerator No. 2 with a Regenerative Thermal Oxidizer.

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:

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

¹The parameter is applicable at all times.

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

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

03921602 and NPDES Permit No. PA0214388, Glacial Sand and Gravel Company, (P. O. Box 1022, Kittanning, PA 16201), to renew the permit for the Glacial Coal Tipple in East Franklin Township, **Armstrong County** and related NPDES permit. No additional discharges. Application received October 24, 2008.

26081301 and NPDES Permit No. PA0235776, Amerikohl Mining, Inc., (1384 SR 711, Stahlstown, PA 15687), to operate the White Mine in Saltlick Township, **Fayette County** a new underground mine and related NPDES permit. Surface Acres Proposed 58.2, Underground Acres Proposed 693.2, Subsidence Control Plan Acres Proposed 425.5. Receiving Streams: Little Champion Creek and a UNT A to Little Champion Creek, both classified for the following use: CWF. Application received July 7, 2008.

63831302 and NPDES Permit No. PA0213608, Eighty Four Mining Company, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Mine No. 84 in North Bethlehem Township, **Washington County** to add underground permit and subsidence control plan acres for development and full extraction mining. Underground Acres Proposed 991.0, Subsidence Control Plan Acres Proposed 1,015.0. No additional discharges. Application received November 7, 2008.

63981301 and NPDES Permit No. PA0215171, Consolidation Coal Company, (R. D. 4, Box 425, Moundsville, WV 26041), to renew the permit for the Shoemaker Mine in West Finley Township, **Washington County** and related NPDES permit. No additional discharges. Application received October 15, 2008.

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

SMP No. 32020105. T & D Kraynak Mining Corporation, 3266 Firetower Road, Mahaffey, PA 15757, transfer of an existing bituminous surface auger mine from Kraynak Coal Company, 3124 Firetower Road, Mahaffey, PA 15757 located in Grant and Green Townships, **Indiana County**, affecting 126 acres. Receiving streams: UNTs to and Little Mahoning Creek classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 4, 2008.

SMP No. 32960103 and NPDES No. PA021331. T & D Kraynak Mining Corporation, 3266 Firetower Road, Mahaffey, PA 15757, transfer of an existing bituminous surface auger mine from Kraynak Coal Co., 3124 Firetower Road, Mahaffey, PA 15757 located in Grant and Green Townships, **Indiana County**, affecting 329.7 acres. Receiving streams: UNTs to East Run, and Little Mahoning Creek, Mahoning Creek and UNTs to North Branch of Two Lick Creek, classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 4, 2008.

56753048 and NPDES No. PA0119954. Gray Mining Company, Inc., 1134 Stoystown Road, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Quemahoning and Stonycreek Townships, **Somerset County**, affecting 296 acres. Receiving stream: Stonycreek classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority Stonycreek SWI. Application received November 13, 2008.

56813050 and NPDES No. PA0605891. Shade Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface mine in Shade, Quemahoning and Stonycreek Townships, **Somerset County**, affecting 150.7 acres. Receiving streams: UNTs to Oven Run and UNTs to Lamberts Run classified for the following use: no uses listed. The first downstream potable water supply intake from the point of discharge is Hooversville Borough Municipal Authority Stonycreek SWI. There are no potable water supply intakes within 10 miles downstream. Application received November 13, 2008.

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

03030105 and NPDES Permit No. 0250562. Thomas J. Smith, Inc. (2340 Smith Road, Shelocta, PA 15774). Renewal application for reclamation only to an existing bituminous surface mine, located in Mahoning Township, **Armstrong County**, affecting 154.4 acres. Receiving streams: Cathcar Run and UNTs to Cathcart Run, classified for the following use: CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received November 13, 2008.

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

1192-33070101-E-1. P. and N. Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767). Application for a stream encroachment to conduct surface mining activities (utilization of an existing driveway for a haul road) within 100 feet of the east bank of UNT 1 to Hadden Run in Oliver Township, **Jefferson County**. Receiving streams: UNT to Hadden Run and Little Elk Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received November 17, 2008.

10060101. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127). Revision to an existing bituminous surface strip operation in Clay Township, **Butler County** affecting 89.9 acres. Receiving streams: UNT to South Branch Findley Creek, classified for the following use: CWF. Revision to include a post mining landuse change from forestland to pastureland/land occa-

sionally cut for hay. There are no potable surface water supply intakes within 10 miles downstream. Application received November 17, 2008.

16940107 and NPDES Permit No. PA0226831. RFI Energy, Inc. (P. O. Box 162, Sligo, PA 16255). Renewal of an existing bituminous surface strip and sandstone removal operation in Perry Township, **Clarion County** affecting 217.0 acres. Receiving streams: Five UNTs to Cherry Run, classified for the following use: CWF. There are no portable surface water supply intakes within 10 miles downstream. Application received November 18, 2008.

33020107 and NPDES Permit No. PA0242233. Original Fuels, Inc. (P. O. Box 343, Punxsutawney, PA 15767). Revision to an existing bituminous surface strip and auger operation in Oliver Township, **Jefferson County** affecting 138.7 acres. Receiving stream: Hadden Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revision to include a post mining land use change from forestland to unmanaged natural habitat on a portion of the Beatty property and on the Delacour property. Application received November 20, 2008.

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

17080115 and NPDES No. PA0256960. RES Coal, LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Commencement, operation and restoration of a bituminous surface mine with augering in Beccaria Township, **Clearfield County**, affecting 103.6 acres. Receiving stream: Banian Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 13, 2008.

17080116 and NPDES No. PA0256978. Forcey Coal, Inc. (P. O. Box 225, Madera, PA 16661). Commencement, operation and restoration of a bituminous surface mine in Bigler Township, **Clearfield County**, affecting 42.0 acres. Receiving streams: Clearfield Creek, UNT to Clearfield Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 10, 2008.

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

54830104R5. Hardway Coal Company, (44 Keystoker Lane, Schuylkill Haven, PA 17972), renewal of an existing anthracite surface mine, coal preparation plant and coal refuse disposal operation in Cass Township, **Schuylkill County** affecting 54.4 acres, receiving stream: none. Application received November 18, 2008.

13980201R2. Rossi Excavating Company, (R. R. 1, Box 189E, Beaver Meadows, PA 18216), renewal of an existing anthracite coal refuse reprocessing operation in Banks Township, **Carbon County** affecting 18.0 acres, receiving stream: none. Application received November 18, 2008.

13990201R2. Rossi Excavating Company, (R. R. 1, Box 189E, Beaver Meadows, PA 18216), renewal of an existing anthracite coal refuse reprocessing operation in Banks Township, **Carbon County** affecting 493.0 acres, receiving stream: none. Application received November 18, 2008.

19980101R2. Kovalchick Coal Company, (P. O. Box 251, Mount Carmel, PA 17851), renewal of an existing anthracite surface mine operation in Conyngham Township, **Columbia County** affecting 215.0 acres, receiving stream: none. Application received November 18, 2008.

Noncoal Applications Received

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

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

* The parameter is applicable at all times.

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

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

56980301 and NPDES Permit No. PA0234991. Keystone Lime Company, P. O. Box 278, Springs, PA 15562, renewal of NPDES permit, Addison and Elk Lick Townships, **Somerset County**. Receiving streams: Christener Run, UNT to Zehner Run, UNT to Christener Run classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 7, 2008.

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

40020801. Dallas Nursery, (R. R. 5, Box 120, Dallas, PA 18612), Stages I and II bond release for a quarry operation in Nanticoke City, **Luzerne County** affecting 5.0 acres on property owned by Dallas Nursery. Application received November 18, 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 Flood Plain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E35-422. Burton Mott, 405 Cortez Road, Lake Ariel, PA 18436, in Jefferson Township, **Lackawanna County**, United States Army Corps of Engineers, Philadelphia District.

To remove 0.5 acre of soil to a depth of 128 feet below the current water level within an existing pond area upstream of a UNT to the West Branch of the Walpenpaupack Creek. Project is located 3.79 miles northwest of the intersection of I-84 and SR 690 (Lake Ariel, PA Quadrangle Latitude: 41° 25' 05"; Longitude: 75° 29' 18").

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

E05-347: Borough of Everett Municipal Authority, Ronald R. Wright, Manager, 100 Mechanic Street, Everett, PA 15537-1177, Everett Borough, **Bedford County**, United States Army Corps of Engineers, Baltimore District.

To remove 3 units of 25-foot by 34-foot plastic media sludge drying beds and a 55-foot by 43-foot gravity sand sludge drying bed and then to construct and maintain 4 units of 60-foot by 50-foot and 3 units of 60-foot by 45-foot reed sludge drying beds and related improvements at the existing sewage treatment plant, to improve the condi-

tions located along the left bank floodplain of the Raystown Branch Juniata River about 2,000 feet south-east of the East Main Street and River Lane intersection (Everett East, PA Quadrangle N: 1.60 inches; W: 15.20 inches, Latitude: 40° 00' 30"; Longitude: 78° 21' 31") in Everett Borough, Bedford County.

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

E02-1596. Borough of Jefferson Hills, 925 Old Clairton Road, Jefferson Hills, PA 15025. To construct a stream enclosure in the Borough of Jefferson Hills, **Allegheny County**, United States Army Corps of Engi-

neers, Pittsburgh District (Glassport, PA Quadrangle N: 12.3 inches; W: 12.7 inches, Latitude: 40° 19' 04"; Longitude: 79° 57' 58"). The applicant proposes to construct and maintain a stream enclosure 276.5 feet in length and consisting of a box culvert having a span of 8.0 feet with an underclearance of 8.0 feet in the channel of a UNT to Lick Run (TSF) for the purpose of constructing an access road known as Frank Street to provide access for emergency vehicles to existing and proposed residential developments. The project is located on the west side of Gill Hall Road, approximately 3,000.0 feet southwest from the intersection of Old Clairton and Gill Hall Roads and will impact approximately 277.0 linear feet of stream channel.

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 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

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-0070254 (Minor Sewage)	Lynn Township Sewer Authority P. O. Box 208 New Tripoli, PA 18066	Lehigh County Lynn Township	Ontelaunee Creek 3B	N
PA-0061085 (Minor Sewage)	Glenburn Service Company 1301 Winola Road Clarks Summit, PA 18411	Lackawanna County Glenburn Township	Ackerly Creek 5A	Y
PA-0026042 (Major Sewage POTW)	City of Bethlehem 10 East Church Street Bethlehem, PA 18018	Northampton County City of Bethlehem	Lehigh River 02C	N

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>
PA0111422 (SEW)	Millerstown Municipal Authority P. O. Box 154 Thompstontown, PA 17094-0154	Juniata County Delaware Township	Delaware Creek 12-B	Y
PA0247031 (CAFO)	Keystone Dairy Ventures, LLC 324 Balance Meeting Road Peach Bottom, PA 17563	Lancaster County Little Britain Township	Little Conowingo Creek 7-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>
PA0113298 SP	Elkland Borough Authority 105 Parkhurst Street Elkland, PA 16920	Tioga County Elkland Borough	Cowanquesque River 4A	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>
PA0090719 Sewage	Indiana County Municipal Services Authority 602 Kolter Drive Indiana, PA 15701	Indiana County East Wheatfield Township	UNT of Conemaugh River	Y
PA0217841 Sewage	Bureau of State Parks Ryerson State Park 361 Bristonia Road Wind Ridge, PA 15308-1258	Greene County Richhill Township	North Fork of Dunkard Creek	Y
PA0205796 Sewage	Wilpen Fire Company of Ligonier Township 379 Wilpen Road Ligonier, PA 15658	Westmoreland County Ligonier Township	UNT of Hannas Run	Y
PA0093556 Sewage	North Union Township Municipal Services Authority 6 South Evans Station Road Lemont Furnace, PA 15456-1092	Fayette County North Union Township	UNT of Redstone Creek	Y
PA0093726 Sewage	Armstrong School District 410 Main Street Ford City, PA 16226	Armstrong County Kittanning Township	Rupp Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PAS208302	Keystone Powdered Metal Lewis Run 8 Hanley Drive Lewis Run, PA 16738	Lewis Run Borough McKean County	UNTs to East Branch Tunungwant Creek 16-C	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>
PA0222232	Gage Road Water Treatment North of Gage Road Albion, PA 16401	Conneaut Township Erie County	East Branch of Conneaut Creek 15CC	Y
PA0044016	Linesville Fish Culture Station 13300 Hartstown Road Linesville, PA 16424	Pine Township Crawford County	Shenango River 20-A	Y
PA0222356	TDY Industries, Inc. 1000 Six PPG Place Pittsburgh, PA 15222	Borough of Edinboro Erie County	UNT to Darrows Creek 16A	Y

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

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

WQM Permit No. 3508403, Sewerage, **Scott Township Sewer and Water Authority**, R. R. 1, Box 457, Olyphant, PA 18447. This proposed facility is located in Scott Township, **Lackawanna County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for sanitary sewage collection and conveyance system to serve the following areas of Scott Township: Chapman Lake, Eastview/Westview, Green Grove, Justus and Montdale. Grinder pumps, low pressure sewers and six pump stations will deliver sewage to a new 12-inch diameter gravity sewer line along SR 1006 (Rush Brook Road) near Chapman Lake. The new sanitary sewer line will convey flow to an existing manhole and sanitary sewer line along the Lackawanna River in the Borough of Jermyn, with ultimate treatment occurring at the Lackawanna River Basin Sewer Authority's wastewater treatment facility in Archbald.

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

NPDES Permit No. PA0261181, Sewerage, **Michael and Cynthia Camellerie**, 150 Corey Place, Huntingdon Station, NY 11746. This proposed facility is located in North Middleton Township, **Cumberland County**.

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

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

PA#0233561, SIC 4952, **Pine Air Mobile Park**, 9455 Old Erie Pike, Clearfield, PA 16830. This proposed action is for issuance of an NPDES permit for discharge of treated sewage to a UNT to Morgan Run in Boggs Township, **Clearfield County**.

The receiving stream is in Watershed 8C Clearfield and is classified for the following uses: CWF and aquatic life, water supply and recreation.

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride and phenolics, the downstream potable water supply considered during the evaluation is Reliant Energy located at Shawville.

Outfall 001:

The proposed effluent limits, based on a design flow of 0.0019 mgd, are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
C-BOD ₅	25	50
Suspended Solids	30	60
Total Chlorine Residual	1.0	2.3
Fecal Coliform		
(5-1 to 9-30)		200/100 ml as a Geometric Average
(10-1 to 4-30)		2,000/100 ml as a Geometric Average
pH		6.0 to 9.0 Standard Units at all times.

The EPA waiver is in effect.

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

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

WQM Permit No. 2108403, Sewerage, **Michael and Cynthia Camellerie**, 150 Corey Place, Huntington Station, NY 11746. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction/Operation of small flow sewage treatment system to serve their single-family residence at Enola Road, Carlisle, PA.

WQM Permit No. 3608202, Industrial Waste, **PPL Holtwood, LLC**, Two North Ninth Street, Allentown, PA 18101. This proposed facility is located in Martic Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of a 2,300 gpm grit chamber/oil/water separator including a temporary 400 gpm pre-engineered oil/water separator during construction.

WQM Permit No. WQG02360802, Sewage, **Ephrata Borough Authority**, 124 South State Street, Ephrata, PA 17522. This proposed facility is located in Clay Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of the Bethany Gardens Pump Station.

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

WQM Permit No. WQG02080801, Sewage, **Sayre Borough**, 110 West Packer Street, Sayre, PA 18840. This proposed facility is located in Sayre Borough, **Bradford County**.

Description of Proposed Action/Activity: Renovation and upgrade of the North East Street Pump Station, to include new controls, electrical equipment, backup power and flood protection. The hydraulic design of the new facility is 45 gpm.

WQM Permit No. 1708402, Sewerage 4952, **Pine Air Mobile Park**, 9455 Old Erie Pike, Clearfield, PA 16830. This proposed facility is located in Boggs Township, **Clearfield County**.

Description of Proposed Action/Activity: Small flow sewage treatment facilities serving the Pine Air Mobile Park.

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

WQM Permit No. WQG016168, Sewerage, **JoAnn Majetich**, 1634 Old Leechburg Road, New Kensington, PA 15068. This proposed facility is located in Plum Borough, **Allegheny County**.

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

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

WQM Permit No. 1005402, Amendment No. 1, Sewerage, **Tracey, Inc.**, P. O. Box 55, Valencia, PA 16059. This proposed facility is located in Clinton Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of a minor amendment to acknowledge the relocation of the sewage treatment facility. The design of the previously permitted sewerage system will not be changing.

WQM Permit No. WQG018660, Sewerage, **Joseph M. Paulsen**, 1797 SR 157, Oil City, PA 16301. This proposed facility is located in Cranberry Township, **Venango County**.

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

WQM Permit No. WQG018657, Sewerage, **Donna R. Hart**, 14952 Harmonsburg Road, Meadville, PA 16335-8770. This proposed facility is located in Vernon Township, **Crawford County**.

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

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

WQM Permit No. 4608412, Sewerage, **Borough of Bryn Athyn**, 2835 Buck Road, Bryn Athyn, PA 19009. This proposed facility is located in Bryn Athyn Borough, **Montgomery County**.

Description of Action/Activity: Hydraulic capacity rerate from 0.065 mgd to 0.08 mgd.

WQM Permit No. 0999403, Sewerage, Renewal, **Council Rock School District**, The Chancellor Center, 30 North Chancellor Street, Newtown, PA 18940. This proposed facility is located in Wrightstown Township, **Bucks County**.

Description of Action/Activity: A submersible grinder pump station an, aerobic/facultative lagoon, disinfection facility, irrigation pump station and sprayfield.

WQM Permit No. WQG01-0025, Sewerage, **Howard A. Kuntz, Jr.**, 1348 Highwood's Drive Tract, Jamison, PA 18929. This proposed facility is located in Warwick Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a small flow treatment plant.

WQM Permit No. WQG02460821, Sewerage, **Upper Merion Municipal Utility Authority**, 175 West Valley Forge Road, King of Prussia, PA 19406. This proposed facility is located in Bridgeport Borough, **Montgomery County**.

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

WQM Permit No. 0908201, Industrial Waste, **County of Bucks—Department of Public Works**, 55 East Court Street, Doylestown, PA 18901. This proposed facility is located in Nockamixon Township, **Bucks County**.

Description of Action/Activity: Reactivation/replacement of existing treatment equipment, two new drip zones and associated appurtenances for the disposal of leachate.

WQM Permit No. WQG02150804, Sewerage, **Spring City Borough**, 6 South Church Street, Spring City, PA 19475. This proposed facility is located in Spring City Borough, **Chester County**.

Description of Action/Activity: Construction and operation of pump station and force main for 15 residential connections.

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>
PAI010907015	Central PA Equities 9, LLC 146 Pine Grove Circle Suite 200 York, PA 17403	Bucks	Milford Township	Unami Creek HQ-TSF

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>
PAI026407003	Kernwood Homes, Inc. 1100 Church Street Honesdale, PA 18431	Wayne	Berlin Township	Holbert 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>
PAI033607009	Vernon Fisher 5691 Umbletown Road Gap, PA 17527	Lancaster	Salisbury Township	UNT to Pequea Creek HQ-CWF
PAI036708003	Gerald Mitchell TwoTon, Inc. 1743 Roherstown Road Lancaster, PA 17601	York	Hopewell Township	Deer Creek CWF-EV

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>
Chalfont Borough Bucks County	PAG200 0908099	Chalfont Volunteer Fire Company 101 North Main Street Chalfont, PA 18914	North Branch Neshaminy Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

NOTICES

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<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 Darby Township Delaware County	PAG200 2308020	Upper Darby School District 4611 Bond Avenue Drexel Hill, PA 19026	Cobbs Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 5107028	Waterford Development Associates 1000 Chesterbrook Boulevard Suite 100 Berwyn, PA 19132	Schuylkill River CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 5108023	City of Philadelphia Capital Program Office 1515 Arch Street 11th Floor Philadelphia, PA 19102	Tookany-Tacony- Frankford Watershed WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pittston Township Luzerne County	PAG2004008017	Mericle 112 Armstrong, LLC Attn: Robert Mericle East Mountain Corporate Center 100 Baltimore Drive Wilkes-Barre, PA 18702	Tributary to Mill Creek CWF	Luzerne County Conservation District (570) 674-7991
Glendon Borough Northampton County	PAR10U106-R	Glendon Properties, Inc. Attn: Joseph Reibman 2957 Fairfield Drive Allentown, PA 18103	Lehigh River WWF	Northampton County Conservation District (610) 746-1971
Upper Paxton Township Dauphin County	PAG2002203031-R	Gerald Regan Ned Smith Center for Nature and Art 176 Water Company Road Millersburg, PA 17061	Wiconisco Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Swatara Township Dauphin County	PAG2002208003	Greg Kile H-T Partners P. O. Box 277 Landisville, PA 17538	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Spring Township Berks County East Cocalico Township Lancaster County	PAG2000608061	David DeCampli PPL Electric Utilities Corp. 651 Delp Road Lancaster, PA 17601	Tulpehocken and Cocalico Creeks CWF-TSF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Centre County Patton Township	PAG2001408011	Ben Heim Tri Core Development 444 East College Avenue Suite 540 State College, PA 16801	UNT to Big Hollow CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Clearfield County Beccaria and Bigler Townships Glen Hope Borough	PAG2001708017	BCI Municipal Authority 625 Crestview Street Ext. P. O. Box 388 Irvona, PA 16656	Cofinan Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629

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

PAG2006008011

Weis Markets, Inc.
David Gill
1000 South Second
Street
Sunbury, PA 17801Buffalo Creek
TSFUnion County
Conservation District
Union County
Government Center
155 North 15th Street
Lewisburg, PA 17837
(570) 524-3860Cambria County
Cambria Township

PAG2001108011

Unifirst Corp.
P. O. Box 761
357 Industrial Park Road
Ebensburg, PA 15931UNT to South Branch
Blacklick Creek
CWFCambria County
Conservation District
(814) 472-2120Cambria County
Cambria Township

PAG2001108012

Dino S. Persio
S & P Estates
129 South Center Street
P. O. Box 239
Ebensburg, PA 15931UNT to South Branch
Blacklick Creek
CWFCambria County
Conservation District
(814) 472-2120Indiana County
Blacklick Township

PAG2003208007

Department of
Transportation
25509 Oakland Avenue
P. O. Box 429
Indiana, PA 15701

UNT to Muddy Run

Indiana County
Conservation District
(724) 463-8547Indiana County
Armstrong
Township

PAG2003208008

Sharp Four
108 Woods Run
Shelocta, PA 15774Crook Creek
WWF
Anthony Run
CWFIndiana County
Conservation District
(724) 463-8547Somerset County
Somerset Township
Somerset Borough

PAG2005608007

Frosty Sons of Thunder,
LLC
P. O. Box 2581
Vail, CO 81658

Parson Run TSF

Somerset County
Conservation District
(814) 445-4652Washington County
Hopewell Township

PAG2006308009

Range Resources
Range
Resources—Appalachia,
LLC
380 Southpointe
Boulevard
Suite 300
Canonsburg, PA 15317Cross Creek
HQ-WWFWashington County
Conservation District
(724) 228-6774Westmoreland
County
South Huntingdon
Township

PAG2006508012

David Macioce
2100 Route 51 South
Large, PA 15025-3275Youghiogheny River
WWFWestmoreland County
Conservation District
(724) 837-5271Westmoreland
County
Hempfield
Township

PAG2006508035

C. Angelicchio
Enterprises, LP
Waltz Mill Road
P. O. Box 431
New Stanton, PA 15672UNT to Sewickley Creek
WWFWestmoreland County
Conservation District
(724) 837-5271Westmoreland
County
North Huntingdon
Township

PAG2006508004-R

Mike Weems
DeBartolo Dev., LLC
4401 West Kennedy
Boulevard
Tampa, FL 33609Tinkers Run Tributary
TSFWestmoreland County
Conservation District
(724) 837-5271Westmoreland
County
South Greensburg
Township

PAG2006504010-R

Ron Wolf
Maronda Homes, Inc.
202 Park West Drive
Pittsburgh, PA 15275Jacks Run
WWFWestmoreland County
Conservation District
(724) 837-5271

*General Permit Type—PAG-3**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>
Cumberland County Lower Allen Township	PAR203519	Amstead Rail Company, Inc. 3420 Simpson Ferry Road Camp Hill, PA 17011	UNT to Cedar Run CWF 7E	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Bedford County Snake Spring Township	PAR213549	New Enterprise Stone and Lime Co., Inc. P. O. Box 77 New Enterprise, PA 16664	Raystown Branch Juniata River TSF 11C	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Harmar Township Alleghany County	PAR216172	PPG Industries, Inc. 400 Guys Run Road Cheswick, PA 15024-9464	Outfall 001 UNT to Rawlins Run Outfalls 002, 003, 005 and 007 Drainage ditches to Rawlins Run Outfalls 004 and 006 Drainage ditches to Guys Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Shippingport Borough Beaver County	PAR216142	FirstEnergy Generation Corporation P. O. Box 128 Shippingport, PA 15077	Haden Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4**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>
Plum Borough Alleghany County	PAG46391	JoAnn Majetich 1634 Old Leechburg Road New Kensington, PA 15068	Tributary to Little Plum Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Cranberry Township Venango County	PAG049475	Joseph M. Paulsen 1797 SR 157 Oil City, PA 16301	Wolf Branch 16-E	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Vernon Township Crawford County	PAG049472	Donna R. Hart 14952 Harmonsburg Road Meadville, PA 16335-8770	UNT to Van Horne Creek 16-D	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-8**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>
Winburne Cooper Township Clearfield County	PAG084835	Cooper Township Municipal Authority P. O. Box 446 Winburne, PA 16879	Winburne WWTP 239 Terrace Street Winburne, PA 16789	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

*Facility Location:
Municipality &
County*

Grassflat
Cooper Township
Clearfield County

Permit No.

PAG084834

*Applicant Name &
Address*

Cooper Township
Municipal Authority
P. O. Box 446
Winburne, PA 16879

*Receiving
Water/Use*

Grassflat WWTP
99 Peale Road
Grassflat, PA 16839

*Contact Office &
Phone No.*

Northcentral Regional
Office
Water Management
Program
208 West Third Street
Suite 101
Williamsport, PA 17701
(570) 327-3664

General Permit Type—PAG-9

*Facility Location:
Municipality &
County*

Concord Township
Butler County

Permit No.

PAG098302

*Applicant Name &
Address*

Lewis E. Stoughton
155 Bish Road
Chicora, PA 16025

*Receiving
Water/Use*

Lewis E. Stoughton
Septage
155 Bish Road
Chicora, PA 16025

*Contact Office &
Phone No.*

DEP—NWRO
Water Management
230 Chestnut Street
Meadville, PA 16335-3481
(814) 332-6942

**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

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

Permit No. 4608511, Public Water Supply.

Applicant **Superior Water Company**
1885 Swamp Pike
Suite 109
P. O. Box 525
Gilbertsville, PA 19525

Township Douglass

County **Montgomery**

Type of Facility PWS

Consulting Engineer Entech Engineering
4 South Fourth Street
P. O. Box 32
Reading, PA 19603-0032

Permit to Construct Issued November 6, 2008

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

Permit No. 5401503MA2, Minor Amendment, Public Water Supply.

Applicant **Pennsylvania American Water**
800 West Hersheypark Drive
Hershey, PA 17033

County **Schuylkill**

Type of Facility PWS

Consulting Engineer Joel A. Mitchell, P. E.
Pennsylvania American Water
852 Wesley Drive
Mechanicsburg, PA 17055

Permit to Construct Issued October 23, 2008

Permit No. 2580024, Operations Permit, Public Water Supply.

Applicant **Pennsylvania American Water**
800 West Hersheypark Drive
Hershey, PA 17033

Harmony Township

County **Susquehanna**
 Type of Facility PWS
 Consulting Engineer James P. Connor, P. E.
 Pennsylvania American Water
 100 North Pennsylvania Avenue
 Wilkes-Barre, PA 18701
 Permit to Operate October 31, 2008
 Issued

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

Permit No. 2808506 MA, Minor Amendment, Public Water Supply.

Applicant **Mt. Rock Manor, LLC**
 Municipality Southampton Township
 County **Franklin**
 Type of Facility Removal of the pressure sand filter system.
 Consulting Engineer 1—Not Available
 Permit to Construct November 18, 2008
 Issued

Operations Permit issued to **The York Water Company**, 7670110, West Manheim Township, **York County** on November 20, 2008, for the operation of facilities approved under Construction Permit No. 6707509 MA.

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

Permit No. M.A. 1894501—Operation, Public Water Supply.

Applicant **South Renovo Borough**
 Township or Borough South Renovo Borough
 County **Clinton**
 Responsible Official Ernie Peterson
 South Renovo Borough
 569 Pennsylvania Avenue
 South Renovo, PA 17764
 Type of Facility Public Water Supply—Operation
 Consulting Engineer K. Alan Uhler, Jr., P. E., PLS
 Kerry A. Uhler & Associates
 140 West High Street
 Bellefonte, PA 16823
 Permit Issued Date November 24, 2008
 Description of Action Operation of the transmission line and metering station to convey finished water from Renovo Borough water system to South Renovo Borough water system.

Permit No. M.A. 1889503—Operation, Public Water Supply.

Applicant **Renovo Borough**
 Township or Borough Renovo Borough
 County **Clinton**
 Responsible Official Randy Bibey, Chairperson
 Renovo Borough
 128 Fifth Avenue
 Renovo, PA 17764

Type of Facility Public Water Supply—Operation
 Consulting Engineer K. Alan Uhler, Jr., P. E., PLS
 Kerry A. Uhler & Associates
 140 West High Street
 Bellefonte, PA 16823
 Permit Issued Date November 24, 2008
 Description of Action Operation of the transmission line and metering station to convey finished water from Renovo Borough water system to South Renovo Borough water system.

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:

Borough or Township	Borough or Township Address	County
Middlesex Township	350 North Middlesex Road Carlisle, PA 17013	Cumberland

Plan Description: Approval of a revision to the Official Sewage Plan of Middlesex Township, Cumberland County. The proposed Sheetz subdivision consists of a new Sheetz convenience store with eight gas pumps. Total sewage flows will be 2,000 gpd and will be served by a new sewer extension of the Middlesex Township Municipal Authority's collection system. Treatment will occur at the Carlisle Borough Wastewater Treatment Plant. The proposed development is located at the intersection of Trindle Road and Army Heritage Drive, 1 mile east of Interstate 81. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

Plan Location:

Borough or Township	Borough or Township Address	County
Southampton Township	200 Airport Road Shippensburg, PA 17257	Cumberland

Plan Description: Approval of a revision to the Official Sewage Plan of Southampton Township, Cumberland County. The proposed Southwood Crossing subdivision consists of 277 new residential building lots having 201 detached single-family dwellings, 76 villas and 132 townhouse units on approximately 132 acres. Build out will occur in 14 Phases with the last Phase to be built in 2021-2022. Total sewage flows will be 92,025 gpd and will be served by a sewer extension of the Cumberland-Franklin Joint Municipal Authority's collection system which in turn will connect to the Airport Road gravity sewer main. Treatment will occur at the Shippensburg Borough Wastewater Treatment Plant. The proposed development is located on the north side of Baltimore Road and the east side of Interstate 81. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

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>
South Creek Township	P. O. Box 60 Gillett, PA 16925-0060	Bradford

Plan Description: The approved plan provides for sewer service to 99 houses in the Village of Fassett using approximately 14,000 feet of low pressure sewer, 77 grinder pump stations and a new 25,000 gpd sewage treatment plant. A sewage management program will be implemented to address the 142 dwellings in the Village of Gillett and the Doty Hill area. Three small flow treatment facilities will be constructed in the Village of Gillette to address existing malfunctions. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. All required NPDES permits and WQM permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bell Acres Borough	1151 Camp Meeting Road Sewickley, PA 15143	Allegheny

Plan Description: The approved plan provides for the elimination of four sewage treatment plants. Each treatment plant will be replaced with a pump station and the flow transferred by means of a network of force mains and existing gravity lines to this Summerlawn Development currently served by Leet Township. The existing gravity sewer system ultimately flows to the Ambridge Sewage Treatment Plant. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. A WQM Permit must be obtained in the name of the municipality or authority as appropriate.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results

which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

2781 East Lincoln Highway, Middletown Township, **Bucks County**. Steven Coe, Brown Environmental Services Corporation, 301 South State Street, Suite S201, Newtown, PA 18940, Roman Iwaskiw, Brown Environmental Services Corporation, 301 South State Street, Suite S201, Newtown, PA 18940 has submitted a Remedial Investigation Report concerning remediation of site groundwater contaminated with inorganics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Siegfried Residence, Hilltown Township, **Bucks County**. Richard Werner, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, PA 19401 on behalf of Tina and John Siegfried, 1106 Souderton Road, Perkasio, PA 18944 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Passanante Residence, Bedminster Township, **Bucks County**. Richard Werner, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Paul Passanante, 277 Swamp Road, Fountainville, PA 18923 has submitted a Final Report concerning remediation of site soil contaminated with heating oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Ashland Inc. Property, Conshohocken Borough, **Montgomery County**. David Kistner, URS Corporation, 335 Commerce Drive, Suite 300, Fort Washington, PA 19034 on behalf of H. Morgan Smith, Colwell Properties, LLC, 210 East Elm Street, Conshohocken, PA 19428 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel and other organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

The Hake Building, Borough of Eddystone, **Delaware County**. Richard Werner, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Nor-

ristown, PA 19401 on behalf of Frank Hake, Hake Headquarters, LP, 1380 Wisteria Drive, Malvern, PA 19355 has submitted a Remedial Investigation, Cleanup Plan and Risk Assessment Report concerning remediation of site groundwater and soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Bey Residence, City of Philadelphia, **Philadelphia County**. Richard Trimpi, Trimpi Associates, Inc., 1635 Old Plains Roads, Pennsburg, PA 18073 on behalf of Doris Bey, 4927 Pulaski Avenue, Philadelphia, PA 19144 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

3662 Market Street, City of Philadelphia, **Philadelphia County**. Raymond Duchaine, ENVision Environmental, Inc., 912 North Orianna Street, Philadelphia, PA 19123 on behalf of Gregory Harvey, Wawa, Inc., 260 West Baltimore Pike, Wawa, PA 19063 has submitted a Final Report concerning remediation of site soil contaminated with lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Linfield Industries Park, Limerick Township, **Montgomery County**. Jim LaRegina, Herbert Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110 on behalf of Eugene Ostreicher, Linfield Industries Park, 527 Bedford Avenue, Brooklyn, NY 11211 has submitted a Final Report concerning remediation of site soil contaminated with petroleum and unleaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

410 Monastery Avenue, City of Philadelphia, **Philadelphia County**. Brenda MacPhail, REPSG, 6901 Kingsessing Avenue, Philadelphia, PA 19142 on behalf of Laura Boylna, 410 Monastery Avenue, Philadelphia, PA 19128 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Interstate Container Facility, City of Reading, **Berks County**. Alternative Environmental Solutions, 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, on behalf of Interstate Container, LLC, 100 Grace Street, P. O. Box 317, Reading, PA 19603, submitted a Final Report concerning remediation of groundwater contaminated with No. 4 and No. 6 fuel oils from underground storage tanks. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard. Soils will be addressed in a separate report.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental

Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

2424 Howard Street, City of Philadelphia, **Philadelphia County**. Robert Totaro, Brandywine Financial Group, 2 Ponds Edge Drive, Chadds Ford, PA 19317, John Luxford, Malcolm Pirnie, Inc., 111 South Independence Mall, East Suite 1010, Philadelphia, PA 19106 on behalf of Patricia DeCarlo, Norris Square Civic Association, 149 West Susquehanna Avenue, Philadelphia, PA 19122 has submitted a Final Report concerning the remediation of site soil contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on November 4, 2008.

Goldman Paper/Wilde Dyehouse, City of Philadelphia, **Philadelphia County**. Robert Byer, Penn Environmental and Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Domeic Vallone, Jewish Federation of Greater of Philadelphia, 2100 Arch Street,

Philadelphia, PA 19103 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with chlorinated solvents. The Final Report demonstrated attainment of the Site-Specific Standard and was disapproved by the Department of Environmental Protection on October 31, 2008.

Canada Residence, Bristol Township, **Bucks County**. Richard Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Ty Gawlik, State Farm, P. O. Box 13, Concordville, PA 19331 on behalf of Joseph and Cheketa Canada, 1 Gooseneck Road, Levittown, PA 19057 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on November 13, 2008.

Boulevard Plaza, City of Philadelphia, **Philadelphia County**. James Mullan, Hodge Consulting Incorporated, 987 Haddon Avenue, Collingswood, NJ 08108 has submitted a Risk Assessment and Remedial Investigation Report concerning the remediation of site groundwater contaminated with chlorinated solvents. Remedial Investigation and Risk Assessment Report was approved by the Department of Environmental Protection on November 13, 2008

Germantown Friends School Post Office Lot, City of Philadelphia, **Philadelphia County**. Toby Kessler P. G., Gilmore Associates, Inc., 350 East Butler Avenue, New Britain, PA 18901 on behalf of Nick Dobrowolski, Germantown Friends School, 31 West Coulter Street, Philadelphia, PA 19144 has submitted a Risk Assessment Report and Cleanup Plan concerning the remediation of site soil contaminated with PAH and pesticide. Risk Assessment Report and Cleanup Plan were approved by the Department of Environmental Protection on October 30, 2008.

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

Huntingdon Former MGP Site, Huntingdon Borough, **Huntingdon County**. Haley and Aldrich, 340 Granite Street, 3rd Floor, Manchester, NH 03102 on behalf of UGI Utilities, Inc., P. O. Box 12677, Reading, PA 19612-2677, submitted a Cleanup Plan concerning remediation of site soils and groundwater contaminated with coal tar, PAHs and VOCs. The plan was approved by the Department of Environmental Protection on November 19, 2008. The site is being remediated to the Site-Specific Standard.

Miller's Greenhouses, Inc., East Hempfield Township, **Lancaster County**. Hafer Environmental Services, Inc., P. O. Box 4418, Reading, PA 19606, on behalf of Miller's Greenhouses, Inc., 485 Church Street, Landisville, PA 17538, submitted a Final Report concerning remediation of site soils and groundwater 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 20, 2008.

Former Cole Steel Facility, Spring Garden Township, **York County**. CDM, Inc., Raritan Plaza I, Raritan Center, Edison, NJ 08818, on behalf of Cresticon, Inc., 1840 Century City Park East, Los Angeles, CA 90067-2199, submitted a combined Remedial Investigation and Risk Assessment Report concerning remediation of soils and groundwater contaminated with VOCs, semi-VOCs and metals. The applicant is seeking to remediate the site to the Site-Specific Standard. The

Remedial Investigation Report and Risk Assessment Report were approved by the Department of Environmental Protection on November 20, 2008.

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

North Michael Street—St. Marys, 354 North Michael Street, City of St. Marys, **Elk County**. Insite Group, Inc., 611 South Irvine Avenue, Sharon, PA 16146-1165 on behalf of Alan Weis, 147 East Oilwell Street, St. Marys, PA 15857 has submitted a Final Report concerning remediation of site soil contaminated with Cadmium. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on November 19, 2008.

RESIDUAL WASTE GENERAL PERMITS

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

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

General Permit Number WMGR066. Enviro Waste Oil Recovery, LLC, 279 Route 6, P. O. Box 747, Mahopac, NY, 10541. Facility is located at Routes 6 and 209, Milford PA 18337-2429. General Permit Number WMGR066 is for the for the operation of a transfer facility for waste oil, oil/water mixtures, fuel oil and fuel oil tank bottoms prior to beneficial use as waste oil fuel. The Permit was originally issued to S & M Waste Oil of Pennsylvania, Inc. The permit was reissued by Central Office on November 21, 2008.

Persons interested in reviewing the general permit should contact Ronald C. Hassinger, Chief, General Permits and Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Land Recycling and Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472. (717) 787-7381. TDD users should contact the Department of Environmental Protection through the Pennsylvania Relay Service, (800) 654-5984.

AIR QUALITY

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

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

58-310-015GP3: Haines & Kibblehouse (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on November 13, 2008, to construct and operate a Portable Crushing Operation with watersprays at their site at Summers Quarry in New Milford Township, **Susquehanna County**.

58-329-004GP9: Haines & Kibblehouse (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on November 13, 2008, to installation and operate a Diesel I/C engine

at their site at Summers Quarry in New Milford Township, **Susquehanna County**.

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

GP2-36-05011A: Pittsburgh Terminals Corp. (P. O. Box 2621, Harrisburg, PA 17105-2621) on November 13, 2008, for Storage Tanks for Volatile Organic Liquids under GP2 in Manheim Township, **Lancaster County**.

GP4-67-03051: Swam Electric Co., Inc. (490 High Street, Hanover, PA 17331-2124) on November 17, 2008, for a Burn Off Oven under GP4 in Hanover Borough, **York County**.

GP6-28-03015: Tip-Top Cleaners (337 Wayne Avenue, Chambersburg, PA 17201-3716) on November 18, 2008, for Petroleum Dry Cleaning under GP6 in Chambersburg Borough, **Franklin County**. This is a renewal of the GP6 permit.

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

GP5-03-00230A: The Peoples Natural Gas Co. (1201 Pitt Street, Wilkesburg, PA 15221-2098) on November 13, 2008, to install and operate a Tri-ethylene glycol Dehydration unit with a natural gas fired Thermal Oxidizer for VOC/HAP control at Belknap Compressor Station at Wayne Township, **Armstrong County**.

GP5-63-00940: Mark West Liberty Gas Gathering, LLC (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202) on November 14, 2008, to install and operate two Caterpillar Model 3516 LE 1340-bhp compressor engines and a Natco Dehydrator rated at 0.275 mmBtu/hr equipped with a flare at their Black Compressor Station located at Greene Township, **Greene County**.

GP5-65-01005: Rex Energy I, LLC (476 Rolling Ridge Drive, Suite 300, State College, PA 16801-7639) on November 18, 2008, under GP5, to construct and operate a natural gas production facility at their Bergman Road Compressor Site, in Derry Township, **Westmoreland County**.

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

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2531.

66-399-006: Procter & Gamble Paper Products (P. O. Box 32, Mehoopnay, PA 18629) on November 13, 2008, to modify their diaper operations at their facility in Washington Township, **Wyoming County**.

40-399-062: Valmont Penn Summit (225 Kiwanis Boulevard, West Hazleton, PA 18202) on November 19, 2008, to construct and operate two fabric collectors to control emissions from the plasma cutting and blast machine operations at their site in Hazle Township, **Luzerne County**.

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

06-05066G: Exide Technologies (P. O. Box 13995, Reading, PA 19612-3995) on November 18, 2008, to modify the secondary lead smelter furnaces at their facility in Laureldale Borough/Muhlenberg Township, **Berks County**.

36-03160B: G/S/M Industrial, Inc. (3249 Hempland Road, Lancaster, PA 17601-6913) on November 17, 2008, to re-activate a spray paint booth at their facility in East Hempfield Township, **Lancaster 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.

63-00650B: Reaxis, Inc. (941 Robinson Highway, P. O. Box 279, McDonald, PA 15057-0279) on November 20, 2008, to construct a 3,200 gallon reactor, a 2,000 cfm packed bed scrubber and associated equipment at the Reaxis McDonald facility, in Robinson Township, **Washington County**.

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

25-025M: GE Transportation (2901 East Lake Road, Erie, PA 16351) on November 14, 2008, to modify three existing engine test cells and the construction of three new engine test cells in Lawrence Park Township, **Erie County**. This is a Title V facility.

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

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

09-0010: TEVA Pharmaceuticals USA, Inc. (650 Cathill Road, Sellersville, PA 18960) on November 19, 2008, to operate a 60" Accela-Cota Tablet Coater in West Rockhill Township, **Bucks County**.

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

14-328-002: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) on November 19, 2008, to authorize the construction of a 656 horsepower natural gas-fired auxiliary generator instead of the 814 horsepower natural gas-fired auxiliary generator originally approved by the Department of Environmental Protection at the Centre Compressor Station in Spring Township, **Centre County**.

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

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.

38-05035: PPL Renewable Energy, LLC (2 North 9th Street (GENPL8), Allentown, PA 18101-1105) on November 18, 2008, for a landfill gas to energy facility with Greater Lebanon Refuse Authority to operate two engine generators (Caterpillar model G3520C, 1,600 kilowatts each) in North Annville Township, **Lebanon County**.

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

TV-11-00370: Laurel Highlands Landfill, Inc. (625 Cherrington Parkway, Moon Township, PA 15108-4321) on November 18, 2008, to renew the permit for operation of their municipal solid waste landfill in Jackson Township, **Cambria County**. Company operates landfill, gas control system and soil processing system at this site. The facility wide potential emissions of air contaminants are 28.65 tpy of NOx, 0.45 tpy of SOx, 12.45 tpy of VOCs, 51.70 tpy of PM10 and 56.43 tpy of CO. The Title V Operating Permit contains applicable emission limits, as well as testing, monitoring, recordkeeping and reporting requirements.

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

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

23-00102: Brandywine Veterinary Hospital (1270 Baltimore Pike, Chadds Ford, PA 19317) on November 20, 2008, to renew a Non-Title V (State-only) facility for their veterinary hospital in Chadds Ford Township, **Delaware County**. The permit is for a Non-Title V (State-only) facility. The source of air emissions is an animal crematory with an integral afterburner. No changes have taken place since the permit was last issued on November 13, 2003. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

44-03010: Trinity Packaging Corp. (13 Industrial Park Road, Lewistown, PA 17044-9342) on November 17, 2008, for manufacturing, laminating and coating of plastic bags in Granville Township, **Mifflin County**. This is a renewal of the State-only operating permit.

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

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

15-00052: Allan A. Myers, LP—d/b/a Independence Construction Materials—Coatesville Asphalt Plant (Route 82 South, Coatesville, PA 19320) on November 20, 2008, for its batch asphalt plant in East Fallowfield Township, **Chester County**. The State-only Synthetic Minor Operating Permit was modified to remove the monitoring and recordkeeping requirements for the pressure drop across the cyclone and to change the operating pressure drop range for the baghouse to 2 to 7 inches (w.g.). The modified SOOP includes monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

09-00001: Avery Dennison—Fasson Roll Division (35 Penn AM Drive, Quakertown, PA 18951-2434) an

administrative amendment of the Title V Operating Permit to address a typographical error and clarify some permit conditions in the previous operating permit in Richland Township, **Bucks County**. Administrative Amendment of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. Title V Administrative Amendment—Final Issuance

09-00022: Cleveland Steel Container Corp. (350 Mill Street, Quakertown, PA 18951) The facility's major emission points include paint booths and lithographic printing presses, which emit major levels of VOCs in Quakertown Borough, **Bucks County**. Administrative Amendment of Title V Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The amendment revises monitoring, recordkeeping and work practice standard conditions surrounding pressure drop readings for source ID 103A. In addition, Source ID 103B and 103C have been removed from the facility and no longer appear in the Title V Permit. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility 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.

28-03041: Mountain Brook Industrial Coatings, LLC (9226 Mountain Brook Road, Saint Thomas, PA 17252-9778) on November 17, 2008, to install two spray booths and ancillary equipment to finish metal parts in Saint Thomas Township, **Franklin County**. The State-only operating permit was administratively amended due to a change of ownership. This is Revision No. 1.

28-05041: Jerr-Dan Corp. (1080 Hykes Road, Greencastle, PA 17225-9647) on November 19, 2008, to construct two coating booths and three natural gas fired curing ovens of combined 7.5 mmBtu/hr rated heat input, in Antrim Township, **Franklin County**. The State-only operating permit was administratively amended to incorporate plan approval 28-05041A. This is Revision No. 1.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

17921604 and NPDES Permit No. PA0214167, Waroquier Coal Company, (P. O. Box 128, 3056 Wash-

ington Avenue, Clearfield, PA 16830), to renew the permit for the Truck Tipple in Lawrence Township, **Clearfield County** and related NPDES permit. No additional discharges. Application received May 27, 2008. Permit issued November 17, 2008.

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

56980109 and NPDES No. PA0234931. Mountaineer Mining Corporation, 1010 Garrett Shortcut Road, Berlin, PA 15530, permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 35.5 acres. Receiving streams: UNTs to/and Hays Run and UNTs to/and Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 17, 2008. Permit issued November 17, 2008.

11070201 and NPDES No. PA0262391. Fuel Recovery, Inc., 2593 Wexford-Bayne Road, Suite 100, Sewickley, PA 15143, commencement, operation and restoration of a bituminous surface refuse reprocessing mine including the beneficial use of coal ash, in Washington Township, **Cambria County**, affecting 87.8 acres. Receiving streams: UNT to Bear Rock, Bear Rock and Burgoon Runs classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 16, 2007. Permit issued November 17, 2008.

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

03080102 and NPDES Permit No. PA0251399. State Industries, Inc. (P. O. Box 1022, Kittanning, PA 16201). Permit issued for commencement, operation and reclamation of a bituminous surface mine, located in East Franklin Township, **Armstrong County**, affecting 112.3 acres. Receiving streams: UNTs to Alleghany County. Application received May 19, 2008. Permit issued November 18, 2008.

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

10080102 and NPDES Permit No. PA0258610. Ben Hal Mining Company (389 Irishtown Road, Grove City, PA 16127) Commencement, operation and restoration of a bituminous strip operation in Mercer Township, **Butler County** affecting 4.0 acres. Receiving streams: UNTs to Swamp Run. Application received July 21, 2008. Permit issued November 20, 2008.

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

54870206R4 and NPDES Permit No. PA0593982. White Pine Coal Co., Inc. (P. O. Box 119, Ashland, PA 17921), renewal of an existing anthracite coal refuse reprocessing operation in Gordon Borough, Butler, Barry, Eldred, East Cameron and West Cameron Townships, **Schuylkill and Northumberland Counties** affecting 870.0 acres, receiving stream: Mahanoy Creek. Application received June 20, 2008. Renewal issued November 20, 2008.

Noncoal Permits Actions

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

29890301 and NPDES Permit No. PA0212504. K. G. Richards, 810 Lincoln Way East, P. O. Box 128, McConnellsburg, PA 17233-1510, renewal of NPDES Permit,

Todd Township, **Fulton County**. Receiving streams: Licking Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received September 15, 2008. Permit issued November 14, 2008.

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

26082805. Mon River Energy Corp. (P. O. Box 466, Brier Hill, PA 15415). Permit for a small noncoal surface mine, located in Luzerne Township, **Fayette County**, affecting 4.86 acres. Receiving stream: Monongahela River. Application received September 15, 2008. Permit issued November 20, 2008.

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

62970801. Martha J. Young (R. R. 1, Box 1039, Clarendon, PA 16313). Final bond release for a small noncoal mining operation in Mead Township, **Crawford County**. Restoration of 1.0 acre completed. Receiving streams: UNT to West Branch Tionesta Creek. Application received September 25, 2008. Final bond release approved November 12, 2008.

37930305. Three Rivers Aggregates (P. O. Box 6090, Falmouth, VA 22403) Renewal of existing NPDES Permit No. PA0211745 in Plain Grove Township, **Lawrence County**. Receiving streams: UNT to Taylor Run and Taylor Run. Application received September 30, 2008. Permit issued November 20, 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.

28084129. David H. Martin Excavation, Inc., 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for commercial development in Hamilton Township, **Franklin County**. Blasting activity permit end date is November 13, 2009. Permit issued November 14, 2008.

21084162. M & J Explosives, Inc., P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for sewer line development in Monroe Township, **Cumberland County**. Blasting activity permit end date is November 30, 2009. Permit issued November 14, 2008.

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

30084008. Shallenberger Construction (2611 Memorial Avenue, Connellsville, PA 15425). Blasting Activity Permit for construction of gas well Willis No. 24, located in Cumberland Township, **Greene County**. The duration of blasting is expected to be 180 days. Permit issued November 17, 2008.

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

38084001. Anrich, Inc., (1271 South Gulph Road, Wayne, PA 19087) and Bernard J. Hasara, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting for the Jackson Township/Strackdam Interceptor in Jackson Township, **Lebanon County** with an expiration date of December 12, 2009. Permit issued November 17, 2008.

67084006. Explosives Experts, Inc., (500 Dairy Road, Parkton, MD 21120), construction blasting for the South Hanover Mall Renovation in Penn Township, **York County** with an expiration date of February 28, 2009. Permit issued November 17, 2008.

06084131. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Stonecroft Village in Marion Township, **Berks County** with an expiration date of November 15, 2009. Permit issued November 17, 2008.

22084122. Warren's Excavating & Drilling, Inc., (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for South Point Meadows in Derry Township, **Dauphin County** with an expiration date of November 15, 2009. Permit issued November 17, 2008.

360841112. J. Roy's, Inc., (Box 125, Bowmansville, PA 17507), construction blasting for Elmcrest Subdivision in Mt. Joy Township, **Lancaster County** with an expiration date of November 10, 2009. Permit issued November 17, 2008.

360841115. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Weatherburn Town Center in Manheim Township, **Lancaster County** with an expiration date of April 30, 2009. Permit issued November 17, 2008.

360841116. TJ Angelozzi, Inc., (7845 Kabik Court, Woodbine, MD 21797), construction blasting for Hawthorne Ridge in Lancaster Township, **Lancaster County** with an expiration date of May 1, 2009. Permit issued November 18, 2008.

67084133. Geological Technologies, Inc., (P. O. Box 70, Falling Waters, WV 25419), construction blasting for Hanover Gateway in Conewago Township, **York County** with an expiration date of November 10, 2009. Permit issued November 18, 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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

E45-493. Department of Transportation, Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18103-1013, Chestnuthill Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a single-span, prestressed concrete beam bridge having a normal span of 29 feet and a minimum underclearance of 5.2 feet across Pohopoco Creek (EV). The project will also permanently impact a de minimis area of EV wetlands equal to 0.01 acre and temporarily impact 0.01 acre of EV wetlands. The project is located along SR 3016 (Jonas Road), Segment 0060, Offset 0609, approximately 0.1 mile northeast of its intersection with Merwinsburg Road (Broadheadsville, PA Quadrangle Latitude: 40° 58' 02"; Longitude: 75° 27' 57").

[Pa.B. Doc. No. 08-2203. Filed for public inspection December 5, 2008, 9:00 a.m.]

DEPARTMENT OF HEALTH

Amendments to Charges for Medical Records

Under 42 Pa.C.S. §§ 6152 and 6155 (relating to subpoena of records; and rights of patients), the Secretary of Health (Secretary) is directed to adjust annually the amounts which may be charged by a health care facility or health care provider upon receipt of a request or subpoena for production of medical charts or records. These charges apply to any request for a copy of a medical chart or record except as follows:

(1) Flat fees (as listed in this notice) apply to amounts that may be charged by a health care facility or health care provider when copying medical charges or records either: a) for the purpose of supporting any claim or appeal under the Social Security Act or any Federal or State financial needs based program; or b) for a district attorney.

(2) An insurer shall not be required to pay for copies of medical records required to validate medical services for which reimbursement is sought under an insurance contract, except as provided in: (a) the Worker's Compensation Act (77 P. S. §§ 1—1041.4 and 2501—2506) and the regulations promulgated thereunder; (b) 75 Pa.C.S. Chapter 17 (relating to financial responsibility) and the regulations promulgated thereunder; or (c) a contract between an insurer and any other party.

The charges listed in this notice do not apply to an X-ray film or any other portion of a medical record which is not susceptible to photostatic reproduction.

Under 42 Pa.C.S. § 6152.1 (relating to limit on charges), the Secretary is directed to make a similar adjustment to the flat fee which may be charged by a health care facility or health care provider for the expense of reproducing medical charts or records where the request is: (1) for the purpose of supporting a claim or appeal under the Social Security Act or any Federal or State financial needs based benefit program; or (2) made by a district attorney.

The Secretary is directed to base these adjustments on the most recent changes in the consumer price index reported annually by the Bureau of Labor Statistics of the United States Department of Labor. For the annual period of October 31, 2007, through October 31, 2008, the consumer price index was 4.2%.

Accordingly, the Secretary provides notice that, effective January 1, 2009, the following fees may be charged by a health care facility or health care provider for production of records in response to subpoena or request:

	<i>Not to Exceed</i>
Amount charged per page for pages 1—20	\$ 1.33
Amount charged per page for pages 21—60	\$.99
Amount charged per page for pages 61—end	\$.33
Amount charged per page for microfilm copies	\$ 1.96
Flat fee for production of records to support any claim under Social Security	\$25.09
Flat fee for supplying records requested by a district attorney	\$19.08
* Search and retrieval of records	\$19.08

* *Note:* Federal regulations enacted under the Health Insurance Portability and Accountability Act at 45 CFR Parts 160—164 state that covered entities may charge a reasonable cost based fee that includes only the cost of copying, postage and summarizing the information (if the individual has agreed to receive a summary) when providing individuals access to their medical records. The Department of Health and Human Services has stated that the fees may not include costs associated with searching for and retrieving the requested information. For further clarification on this issue, inquiries should be directed to the Office of Civil Rights, United States Department of Health and Human Services, 200 Independence Avenue, S.W., Room 509F, HHH Building, Washington, D.C. 20201, (866) 627-7748, www.hhs.gov/ocr/hipaa.

In addition to the amounts listed previously, charges may also be assessed for the actual cost of postage, shipping and delivery of the requested records.

The Department of Health is not authorized to enforce these charges.

Questions or inquiries concerning this notice should be sent to James T. Steele, Jr., Deputy Chief Counsel, Room 825, Health and Welfare Building, Harrisburg, PA 17120 or for speech and or hearing impaired persons the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT) or V/TT (717) 783-6514.

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 08-2204. Filed for public inspection December 5, 2008, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

Neshaminy Manor Home
1660 Easton Road
Warrington, PA 18976

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Harrison Senior Living of Christiana
41 Newport Avenue
Christiana, PA 17509
FAC ID 080502

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

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

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

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

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 08-2205. Filed for public inspection December 5, 2008, 9:00 a.m.]

Rescheduling of Health Policy Board Meeting

The Health Policy Board meeting scheduled for Wednesday, December 10, 2008, in Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA

17120 has been rescheduled. The next meeting will be held on Wednesday, January 21, 2009, from 10 a.m. until 12 p.m. in Room 812 of the Health and Welfare Building.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Lew Wolkoff, Bureau of Health Planning at (717) 772-5298 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

A. EVERETTE JAMES,
Acting Secretary

[Pa.B. Doc. No. 08-2206. Filed for public inspection December 5, 2008, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Deluxe Winner Take All '08 Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Deluxe Winner Take All '08.

2. *Price:* The price of a Pennsylvania Deluxe Winner Take All '08 instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania Deluxe Winner Take All '08 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area, a "YOUR NUMBERS" area and a "WINNER TAKE ALL NUMBER" area. The play symbols and their captions located in the "WINNING NUMBERS" area, the "YOUR NUMBERS" area and the "WINNER TAKE ALL NUMBER" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTEEN), 14 (FOURTEEN), 15 (FIFTEEN), 16 (SIXTEEN), 17 (SEVENTEEN), 18 (EIGHTEEN), 19 (NINETEEN), 20 (TWENTY), 21 (TWENTYONE), 22 (TWENTYTWO), 23 (TWENTYTHREE) and 24 (TWENTYFOUR).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$2.00 (TWO DOL), \$5.00 (FIV DOL), \$10.00 (TEN DOL), \$20 (TWENTY), \$24 (TWY FOR), \$40 (FORTY), \$50 (FIFTY), \$60 (SIXTY), \$100 (ONE HUN), \$400 (FOR HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO) and \$100,000 (ONEHUNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$2, \$5, \$10, \$20, \$24, \$40, \$50, \$60, \$100, \$400, \$500, \$1,000, \$5,000 and \$100,000. A player can win up to 12 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 9,000,000 tickets will be printed for the Pennsylvania Deluxe Winner Take All '08 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching

"YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5,000 (FIV THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$400 (FOR HUN) appears in ten of the "prize" areas, and a prize symbol of \$500 (FIV HUN) appears in two of the "prize" areas, on a single ticket, shall be entitled to a prize of \$5,000.

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

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$50 (FIFTY) appears in four of the "prize" areas, and a prize symbol of \$100 (ONE HUN) appears in eight of the "prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$20 (TWENTY) appears in five of the "prize" areas, and a prize symbol of \$50 (FIFTY) appears in two of the "prize" areas, and a prize symbol of \$60 (SIXTY) appears in five of the "prize" areas, on a single ticket, shall be entitled to a prize of \$500.

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

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

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$5.00 (FIV DOL) appears in six of the "prize" areas, and a prize symbol of \$10.00 (TEN DOL) appears in five of the "prize" areas, and a prize symbol of \$20 (TWENTY) appears in one of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$5.00 (FIV DOL) appears in four of the "prize" areas, and

a prize symbol of \$10⁰⁰ (TEN DOL) appears in eight of the "prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$60\$ (SIXTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$60.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$2⁰⁰ (TWO DOL) appears in ten of the "prize" areas, and a prize symbol of \$20\$ (TWENTY) appears in two of the "prize" areas, on a single ticket, shall be entitled to a prize of \$60.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$5⁰⁰ (FIV DOL) appears in twelve of the "prize" areas, on a single ticket, shall be entitled to a prize of \$60.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$2⁰⁰ (TWO DOL) appears in ten of the "prize" areas, and a prize symbol of \$10⁰⁰ (TEN DOL) appears in two of the "prize" areas, on a single ticket, shall be entitled to a prize of \$40.

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

"WINNING NUMBERS" play symbols and a prize symbol of \$24\$ (TWY FOR) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$24.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches the "WINNER TAKE ALL NUMBER" play symbol, and a prize symbol of \$2⁰⁰ (TWO DOL) appears in twelve of the "prize" areas, on a single ticket, shall be entitled to a prize of \$24.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2⁰⁰ (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

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

<i>When Any Of Your Numbers Match Any Winning Number, Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,000,000 Tickets</i>
\$5	\$5	9.68	930,000
\$2 x 5	\$10	60	150,000
\$5 x 2	\$10	60	150,000
\$10	\$10	60	150,000
\$5 x 4	\$20	120	75,000
\$10 x 2	\$20	120	75,000
\$20	\$20	60	150,000
\$2 x 12 w/Winner Take All Match	\$24	75	120,000
\$24	\$24	300	30,000
(\$2 x 10) + (\$10 x 2) w/Winner Take All Match	\$40	300	30,000
\$10 x 4	\$40	600	15,000
\$20 x 2	\$40	600	15,000
\$40	\$40	600	15,000
\$5 x 12 w/Winner Take All Match	\$60	300	30,000
(\$2 x 10) + (\$20 x 2) w/Winner Take All Match	\$60	300	30,000
\$60	\$60	600	15,000
\$10 x 10	\$100	2,400	3,750
(\$5 x 4) + (\$10 x 8) w/Winner Take All Match	\$100	774.19	11,625
(\$5 x 6) + (\$10 x 5) + \$20 w/Winner Take All Match	\$100	800	11,250
\$100	\$100	2,400	3,750

<i>When Any Of Your Numbers Match Any Winning Number; Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 9,000,000 Tickets</i>
(\$20 × 5) + (\$50 × 2) + (\$60 × 5) w/Winner Take All Match	\$500	12,000	750
\$500	\$500	24,000	375
(\$50 × 4) + (\$100 × 8) w/Winner Take All Match	\$1,000	40,000	225
\$1,000	\$1,000	40,000	225
(\$400 × 10) + (\$500 × 2) w/Winner Take All Match	\$5,000	600,000	15
\$5,000	\$5,000	600,000	15
\$100,000	\$100,000	600,000	15

Winner Take All Match = Win all 12 prizes instantly.

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

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Deluxe Winner Take All '08 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Deluxe Winner Take All '08, prize money from winning Pennsylvania Deluxe Winner Take All '08 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Deluxe Winner Take All '08 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

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

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Deluxe Winner Take All '08 or through normal communications methods.

STEPHEN STETLER,
Acting Secretary

[Pa.B. Doc. No. 08-2207. Filed for public inspection December 5, 2008, 9:00 a.m.]

Pennsylvania Triple Cash Instant Lottery Game

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

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

2. *Price:* The price of a Pennsylvania Triple Cash instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Triple Cash instant lottery game ticket will contain one play area. The play area will contain two "WINNING NUMBERS" and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE) and 10 (TEN). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), \$\$ symbol (DBLS) and a \$\$\$ symbol (TRPS).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$3⁰⁰ (THR DOL), \$5⁰⁰ (FIV DOL), \$6⁰⁰ (SIX DOL), \$10⁰⁰ (TEN DOL), \$15\$ (FIFTN), \$20\$ (TWENTY), \$30\$ (THIRTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN) and \$1,000 (ONE THO).

5. *Prizes:* The prizes that can be won in this game are: Free \$1 ticket, \$1, \$2, \$3, \$5, \$6, \$10, \$15, \$20, \$30, \$50, \$100, \$400 and \$1,000. A player can win up to 5 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Triple Cash instant lottery game.

7. *Determination of Prize Winners:*

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

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

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

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a \$\$ symbol (DBLS), and a prize symbol of \$50\$ (FIFTY) appears in the

(bb) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1.⁰⁰ (ONE DOL) appears in the "PRIZE" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(cc) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of FREE (TICKET) appears in the "PRIZE" area to the

right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Triple Cash instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

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

*When Any Of Your Numbers
Match Either Winning
Number, Win With Prize(s)
Of:*

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 12,000,000 Tickets</i>
FREE \$1 TICKET	12	1,000,000
\$1	60	200,000
\$1 × 2	60	200,000
\$1 w/\$\$	50	240,000
\$2	60	200,000
\$1 w/\$\$\$	75	160,000
\$1 × 3	100	120,000
(\$1 w/\$\$\$) + (\$1 × 2)	600	20,000
(\$2 w/\$\$) + \$1	600	20,000
\$5	300	40,000
\$2 × 3	600	20,000
\$2 w/\$\$\$	600	20,000
\$3 × 2	600	20,000
\$3 w/\$\$	600	20,000
\$6	600	20,000
\$2 × 5	750	16,000
(\$3 w/\$\$\$) + \$1	750	16,000
\$5 × 2	750	16,000
\$5 w/\$\$	750	16,000
\$10	750	16,000
\$3 × 5	1,500	8,000
\$5 w/\$\$\$	1,500	8,000
(\$6 w/\$\$) + \$3	1,500	8,000
\$15	1,500	8,000
\$10 w/\$\$	1,000	12,000
\$20	1,500	8,000
\$6 × 5	5,333	2,250
\$10 w/\$\$\$	5,333	2,250
\$15 w/\$\$	5,333	2,250
\$30	5,333	2,250
\$10 × 5	6,000	2,000
(\$10 w/\$\$\$) + (\$10 × 2)	6,000	2,000
(\$20 w/\$\$) + \$10	6,000	2,000
\$50	6,000	2,000
\$20 × 5	9,600	1,250
(\$30 w/\$\$\$) + (\$10)	9,600	1,250
\$50 w/\$\$	9,600	1,250
\$100	9,600	1,250
\$100 × 4	60,000	200
\$400	60,000	200
\$1,000	240,000	50

\$\$ (DBL\$) = Win double the prize shown.

\$\$\$ (TRPS) = Win triple the prize shown.

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

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

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Triple Cash, prize money from winning Pennsylvania Triple Cash instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Triple Cash instant lottery game, the right

of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

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

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

STEPHEN STETLER,
Acting Secretary

[Pa.B. Doc. No. 08-2208. Filed for public inspection December 5, 2008, 9:00 a.m.]

Realty Transfer Tax Revised; 2007 Common Level Ratio Real Estate Valuation Factors

The following real estate valuation factors are based on sales data compiled by the State Tax Equalization Board in 2007. These factors are the mathematical reciprocals of the actual common level ratios. For Pennsylvania Realty Transfer Tax purposes, these factors are applicable for documents accepted from January 1, 2009, to June 30, 2009. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument. See 61 Pa. Code § 91.102 (relating to acceptance of documents).

<i>County</i>	<i>Revised Common Level Ratio Factor</i>
* Clinton	1.00
** Butler	8.06
** Clarion	3.87

* Adjusted by the Department of Revenue (Department) to reflect assessment base change effective January 1, 2009.

** Adjusted by the Department to reflect an assessment ratio change effective January 1, 2009.

STEPHEN STETLER,
Acting Secretary

[Pa.B. Doc. No. 08-2209. Filed for public inspection December 5, 2008, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Draft Public Participation Plan for Statewide Planning

The Department of Transportation (Department) is seeking public comment on its Draft Public Participation Plan for Statewide Planning (Plan). The Plan helps to guide public involvement in the development of the State Transportation Improvement Program and future State-

wide Long-Range Transportation Plans. It is used to engage a broad array of organizations, interests and constituencies in the development of these documents. Public involvement helps to ensure that the concerns of residents and stakeholders of this Commonwealth are identified and addressed in decision making, resulting in better transportation outcomes.

The 45-day public comment period on the Plan begins on December 8, 2008, and ends on January 22, 2009. A copy of the Plan is available online at www.dot.state.pa.us or by contacting Brian Wall at the Department's Center for Program Development and Management at (717) 772-0827 or bwall@state.pa.us. Copies are also available at the Department's District Offices and at the respective offices of the Metropolitan Planning Organizations and Rural Planning Organizations across this Commonwealth.

Provide your comments no later than 5 p.m. on January 22, 2009, to Brian Wall at bwall@state.pa.us, fax (717) 787-5247 or Department of Transportation, Center for Program Development and Management, P. O. Box 3365, Harrisburg, PA 17105-3365.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 08-2210. Filed for public inspection December 5, 2008, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Clarks Summit-South Abington Joint Sewer Authority v. DEP; EHB Doc. No. 2008-324-MG; 10-17-08 NPDES Permit; No. PA-0028576

Clarks Summit-South Abington Joint Sewer Authority has appealed the issuance by the Department of Environmental Protection of an NPDES permit to same for a facility in South Abington Township, Lackawanna County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81. Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,
Acting Chairperson

[Pa.B. Doc. No. 08-2211. Filed for public inspection December 5, 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 20, 2008, and announced the following:

Regulations Approved:

Pennsylvania Gaming Control Board #125-87: Trustee-ship (adds 58 Pa. Code Chapter 443a)

Environmental Quality Board #7-409: Hazardous Waste Regulations (amends 25 Pa. Code Chapters 260a—266a, 266b, 267a, 269a and 270a)

Regulation Disapproved: Order Not Yet Issued

* Environmental Quality Board #7-421: Triennial Review of Water Quality Standards

* Will advise when order is issued.

Approval Order

Public Meeting held
November 20, 2008

Commissioners Voting: Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson, by Phone; Nancy Sabol Frantz, Esq.; Karen A. Miller; John F. Mizner, Esq., by Phone

*Pennsylvania Gaming Control Board—
Trusteeship;
Regulation No. 125-87 (#2706)*

On June 25, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking adds 58 Pa. Code Chapter 443a. The proposed regulation was published in the July 12, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 15, 2008.

This regulation adds a new chapter establishing circumstances under which the Board may appoint a trustee along with the general powers and duties of a trustee.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. § 1202(b)(30)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
November 20, 2008

Commissioners Voting: Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson, by Phone; Nancy Sabol Frantz, Esq.; Karen A. Miller; John F. Mizner, Esq., by Phone

*Environmental Quality Board—
Hazardous Waste Regulations;
Regulation No. 7-409 (#2619)*

On June 21, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 260a—266a, 266b, 267a, 269a and 270a. The proposed regulation was published in the July 14, 2007 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on October 7, 2008.

This rulemaking brings existing regulations into greater consistency with Federal rules and standards, eliminates obsolete and outdated provisions, and clarifies financial assurance and requirements for bonding and insurance.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. §§ 6018.105, 6018.402, 6020.303 and 6020.305(e)(2)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-2212. Filed for public inspection December 5, 2008, 9:00 a.m.]

Notice of Comments Issued

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

The Commission has issued comments on the following proposed regulation. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-404	Environmental Quality Board Bluff Recession and Setback 38 Pa.B. 4617 (August 23, 2008)	10/22/08	11/21/08

**Environmental Quality Board
Regulation #7-404 (IRRC #2717)**

Bluff Recession and Setback

November 21, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the August 23, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

Section 85.26. Designated municipalities and minimum bluff setback distances for identified categories of structures.—Statutory Authority; Reasonableness.

The Bluff Recession and Setback Act (Act) defines a “bluff recession hazard area” as “[a]n area or zone where the rate of progressive bluff recession creates a substantial threat to the safety or stability of nearby or future structures or utility facilities.” (32 P. S. § 5203). The Act requires the EQB to “identify and designate those areas and municipalities subject to bluff recession hazards” (32 P. S. § 5204(c)) and to establish by regulation “minimum bluff setback requirements for bluff recession hazard areas.” (32 P. S. § 3206). We note that although municipalities may contain within their borders “one or more areas subject to bluff recession hazards” (32 P. S. § 5203), EQB’s statutory mandate to promulgate regulations is limited to governing bluff recession hazard areas, not municipalities.

Commentators assert that while some portions of the City of Erie shoreline meet the definition of “bluff recession hazard area,” others do not. They further argue that by designating the entire City of Erie as a bluff recession hazard area, rather than distinguishing specific bluff recession hazard areas within its boundaries, the EQB has exceeded the scope of its statutory authority. The final-form regulation should either identify the specific bluff recession hazard areas within the City of Erie’s boundaries or further explain the EQB’s statutory authority for designating the entire municipality as a bluff recession hazard area.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 08-2213. Filed for public inspection December 5, 2008, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval of the Recapitalization of a Domestic Stock Property Insurance Company

Daily Underwriters of America, a Commonwealth domiciled stock property insurance company, has submitted a Plan of Recapitalization. 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. 08-2214. Filed for public inspection December 5, 2008, 9:00 a.m.]

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Birchwood SNF, LLC

Birchwood SNF, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Birchwood Nursing and Rehabilitation Center in Nanticoke, PA. The initial filing was received on November 5, 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. 08-2215. Filed for public inspection December 5, 2008, 9:00 a.m.]

Pennsylvania National Mutual Casualty Insurance Company; Homeowners Program; Rate Filing

On November 19, 2008, the Insurance Department (Department) received from Pennsylvania National Mutual Casualty Insurance Company a filing for a rate and rule revision for homeowners insurance.

The company requests an overall 0.0% change annually, to be effective March 15, 2009, for new business and renewal business.

Unless formal administrative action is taken prior to January 18, 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. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-2216. Filed for public inspection December 5, 2008, 9:00 a.m.]

Qualified Unlicensed Reinsurers List

Under section 319.1 of The Insurance Company Law of 1921 (40 P. S. § 442.1), the Insurance Commissioner (Commissioner) hereby lists reinsurers not licensed by the Insurance Department (Department) which shall be considered qualified to accept reinsurance from insurers licensed by the Department.

This listing of qualified unlicensed reinsurers shall be published in the *Pennsylvania Bulletin* when additions to or deletions from such listing are made by the Commissioner. This present listing shall replace in their entirety previously published listings of qualified unlicensed reinsurers which appeared at 6 Pa.B. 2423 (September 25, 1976); 6 Pa.B. 3140 (December 18, 1976); 7 Pa.B. 501 (February 19, 1977); 7 Pa.B. 1766 (June 25, 1977); 8 Pa.B. 276 (January 28, 1978); 8 Pa.B. 1646 (June 17, 1978); 8 Pa.B. 1646 (June 17, 1978); 8 Pa.B. 3461 (December 2, 1978); 9 Pa.B. 4235 (December 22, 1979); 11 Pa.B. 38 (January 3, 1981); 12 Pa.B. 37 (January 2, 1982); 12 Pa.B. 2368 (July 23, 1982); 13 Pa.B. 657 (February 5, 1983); 13 Pa.B. 2826 (September 10, 1983); 14 Pa.B. 1053 (March 24, 1984); 14 Pa.B. 3065 (August 18, 1984); 15 Pa.B. 402 (February 2, 1985); 15 Pa.B. 3214 (September 7, 1985); 16 Pa.B. 290 (January 25, 1986); 17 Pa.B. 461 (January 24, 1987); 17 Pa.B. 5368 (December 26, 1987); 18 Pa.B. 5540 (December 10, 1988); 19 Pa.B. 713 (February 18, 1989); 19 Pa.B. 3129 (July 22, 1989); 19 Pa.B. 5476 (December 23, 1989); 20 Pa.B. 6227 (December 15, 1990); 21 Pa.B. 3286 (July 20, 1991); 21 Pa.B. 5445 (November 23, 1991); 22 Pa.B. 4591 (September 5, 1992); 23 Pa.B. 60 (January 2, 1993); 23 Pa.B. 5678 (November 27, 1993); 24 Pa.B. 4151 (August 13, 1994); 24 Pa.B. 6033 (December 3, 1994); 25 Pa.B. 5799 (December 16, 1995); 46 Pa.B. 5665 (November 16, 1996); 21 Pa.B. 2593 (May 24, 1997); 46 Pa.B. 6019 (November 15, 1997);

46 Pa.B. 5733 (November 14, 1998); 28 Pa.B. 5922 (December 5, 1998); 29 Pa.B. 5965 (November 20, 1999); 30 Pa.B. 6033 (November 18, 2000); 31 Pa.B. 205 (January 13, 2001); 31 Pa.B. 6251 (November 10, 2001); 31 Pa.B. 7083 (December 29, 2001); 33 Pa.B. 92 (January 4, 2003); 33 Pa.B. 6474 (December 27, 2003); 34 Pa.B. 6617 (December 11, 2004); 35 Pa.B. 7073 (December 31, 2005); 36 Pa.B. 7359 (December 2, 2006); and 38 Pa.B. 327 (January 12, 2008).

Qualified Reinsurers List

1. 10651 AIG Global Trade & Political Risk Insurance Company, Parsippany, New Jersey
2. 10932 AIG Excess Liability Insurance Company Limited, Wilmington, Delaware
3. 30511 Allstate Floridian Insurance Company, Northbrook, Illinois
4. 10852 Allstate New Jersey Insurance Company, Northbrook, Illinois
5. 37990 American Empire Insurance Company, Cincinnati, Ohio
6. 26883 American International Specialty Lines Insurance Company, Anchorage, Alaska
7. 10316 Appalachian Insurance Company, Johnston, Rhode Island
8. 11680 Aspen Insurance UK Limited, London, England
9. 27189 Associated International Insurance Company, Woodland Hills, California
10. 50687 Attorneys' Title Insurance Fund, Inc., Orlando, Florida
11. 19925 Audubon Indemnity Company, Ridgeland, Mississippi
12. 98167 Blue Cross Blue Shield of Florida, Jacksonville, Florida
13. 36951 Century Surety Company, Columbus, Ohio
14. 36552 Coliseum Reinsurance Company, Wilmington, Delaware
15. 39993 Colony Insurance Company, Richmond, Virginia
16. 40371 Columbia Mutual Insurance Company, Columbia, Missouri
17. 27955 Commercial Risk Re-Insurance Company, South Burlington, Vermont
18. 40509 EMC Reinsurance Company, Des Moines, Iowa
19. 39020 Essex Insurance Company, Wilmington, Delaware
20. 35378 Evanston Insurance Company, Evanston, Illinois
21. 97071 Generali USA Life Reassurance Company, Lansing, Michigan
22. 37532 Great American E & S Insurance Company, Wilmington, Delaware
23. 41858 Great American Fidelity Insurance Company, Wilmington, Delaware
24. 14117 Grinnell Mutual Reinsurance Company, Grinnell, Iowa
25. 88340 Hannover Life Reassurance Company of America, Orlando, Florida

26. 10241 Hannover Ruckversicherungs, Ag
Hannover, Germany
27. 93505 Hartford International Life Reassurance
Corporation, Hartford, Connecticut
28. 78972 Healthy Alliance Life Insurance Company, St.
Louis, Missouri
29. 42374 Houston Casualty Company, Houston, Texas
30. 27960 Illinois Union Insurance Company, Chicago,
Illinois
31. 22829 Interstate Fire & Casualty Company,
Chicago, Illinois
32. 35637 Landmark Insurance Company, Los Angeles,
California
33. 19437 Lexington Insurance Company, Wilmington,
Delaware
34. 41939 Liberty Northwest Insurance Corporation,
Portland, Oregon
35. Lloyd's Underwriters, London, England
36. 12324 Mapfre Re, Compania de Reaseguros, S.A.,
Madrid, Spain
37. 10744 Markel International Insurance Company
Limited, London, England
38. 33189 Max Specialty Insurance Company,
Wilmington, Delaware
39. 32089 Medmarc Mutual Insurance Company,
Montpelier, Vermont
40. 20079 National Fire & Marine Insurance Company,
Omaha, Nebraska
41. 41629 New England Reinsurance Corporation,
Hartford, Connecticut
42. 17400 Noetic Specialty Insurance Company,
Chicago, Illinois
43. 31143 Old Republic Union Insurance Company,
Chicago, Illinois
44. 88099 Optimum Re Insurance Company, Dallas,
Texas
45. 38636 Partner Reinsurance Company of the U. S.,
New York, New York
46. 88536 Protective Life and Annuity Insurance
Company, Birmingham, Alabama
47. 29807 PXRE Reinsurance Company, Hartford,
Connecticut
48. 87017 SCOR Global Life Re Insurance Company of
Texas, Los Angeles, California
49. RiverStone Insurance (UK) Limited, London,
England
50. 28053 Rockhill Insurance Company, Phoenix,
Arizona
51. 21911 San Francisco Reinsurance Company, Novato,
California
52. 90670 Scottish Re Life Corporation, Wilmington,
Delaware
53. 41297 Scottsdale Insurance Company, Columbus,
Ohio
54. 23388 Shelter Mutual Insurance Company,
Columbia, Missouri
55. 26557 Shelter Reinsurance Company, Columbia,
Missouri
56. 39187 Suecia Insurance Company, Nanuet, New
York
57. 19887 Trinity Universal Insurance Company, Dallas,
Texas
58. 37982 Tudor Insurance Company, Keene, New
Hampshire
59. 10292 Unionamerica Insurance Company Limited,
London, England
60. 36048 Unione Italiana Reinsurance Company of
America, Inc., New York, New York
61. 10172 Westchester Surplus Lines Insurance
Company, Atlanta, Georgia
62. 13196 Western World Insurance Company, Keene,
New Hampshire
63. 10242 Zurich Specialties London Limited, London,
England

2008 Changes to the Qualified Unlicensed Reinsurers List

The following company has been added since the list was published at 38 Pa.B. 327:

- Grinnell Mutual Reinsurance Company

The following company has been removed since the list was published at 38 Pa.B. 327:

- Milwaukee Insurance Company

The following companies have changed their name since the list was published at 38 Pa.B. 327:

- Monticello Insurance Company has changed its name to Max Specialty Insurance Company
- AXA Corporate Solutions Reinsurance Company has changed its name to Coliseum Reinsurance Company

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 08-2217. Filed for public inspection December 5, 2008, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; Milk Marketing Area No. 6

Under the Milk Marketing Law (31 P. S. § 700j-101—700j-1302), that the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 6 on January 7, 2009, commencing at 10 a.m. in Room 202 of the Department of Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive evidence regarding Milk Marketing Area No. 6 retail milk in-store handling costs and the rate of return to Milk Marketing Area 6 retailers on milk sales.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on December 11, 2008, a notice of appearance substantially in the form prescribed by 1

Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on December 11, 2008, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@state.pa.us.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on December 23, 2008, the Pennsylvania Food Merchants Association shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

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

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

2. By 4 p.m. on December 29, 2008, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 2 p.m. on January 2, 2009, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

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

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 12 p.m. on December 24, 2008.

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

Persons who require this information in an alternate format call (717) 787-4194 or (800) 654-5984 (Pennsylvania AT&T Relay Service for TDD users).

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 08-2218. Filed for public inspection December 5, 2008, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by December 22, 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-2008-2074872. Susan P. Gratalo, t/a Castle Transportation (23 Griffith Street, Hughestown, Luzerne County, PA 18640—persons, in paratransit service, between points in the County of Luzerne, subject to the following conditions: 1) That the service is limited to the transportation of passengers who are ambulatory; 2) That the service is limited to the use of vehicles that have not been modified to handle wheelchairs; and 3) That service is limited to transportation to or from day programs, workshop programs and social events within the Cities of Pittston and Wilkes-Barre, the Townships of Pittston, Dallas and Plains, and the Boroughs of Avoca, Dupont, Duryea, Hughestown, Forty-Fort, Kingston, West Pittston, Wyoming, West Wyoming and Exeter, all in Luzerne County. *Attorney:* Michael T. Vough, Vough & Associates, 126 South Main Street, Pittston, PA 18640.

A-2008-2075658. RDC Bus Lines, LLC (500 Greentree Commons, 381 Mansfield Avenue, Pittsburgh, Allegheny County, PA 15220), a limited liability company, of the Commonwealth—persons on 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, Esquire, 310 Grant Street, Suite 2310, Grant Building, Pittsburgh, PA 15219.

*Pennsylvania Public Utility Commission, Bureau of
 Transportation and Safety v. Cheema Cab Co.;*
Doc. No. C-2008-2062302

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Cheema Cab Co., maintains its principal place of business at 35 Marian Court, Upper Darby, PA 19082-1806.

2. That respondent was issued a certificate of public convenience by this Commission on March 2, 2005, at Application Docket No. A-00121442.

3. That respondent abandoned or discontinued service without having first filed an application to this Commission for abandonment or discontinuance of service. Respondent has not reported intrastate revenue for calendar year 2007.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00121442.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
 Motor Carrier Services & Enforcement Division
 Bureau of Transportation and Safety
 P. O. Box 3265
 Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel, Chief of Enforcement
 Motor Carrier Services and Enforcement
 Bureau of Transportation and Safety

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal

arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary
 Pennsylvania Public Utility Commission
 P. O. Box 3265
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-2219. Filed for public inspection December 5, 2008, 9:00 a.m.]

Tentative Order

Public Meeting held
 September 11, 2008

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

Guidelines for Temporary Waiver of the Call Recording Prohibition Set Forth at 52 Pa. Code § 63.137(2);
Doc. No. M-2008-2074891

Tentative Order

By the Commission:

By order entered on September 23, 2008, at Docket No. P-2008-2051138, we granted, in part, the petition of four D&E Local Exchange Carriers (LECs) for partial waiver of 52 Pa. Code § 63.137(2), which, *inter alia*, prohibits recording telephone calls between customers and telephone company service representatives.¹ We had previously granted similar waivers to two Verizon LECs and two Full Service LECs.² Specifically, the eight petitioning LECs received waivers allowing them to record, for training and quality of service purposes, customer calls to their call centers. Rather than continue to address such waivers on a piecemeal basis, we will address waiver of section 63.137(2) on an industry-wide basis in this tentative order by proposing guidelines for terms and conditions that will qualify for a temporary partial waiver of

¹ Buffalo Valley Telephone Company, Conestoga Telephone and Telegraph Company, Denver and Ephrata Telephone and Telegraph Company, and D&E Systems, Inc., were granted partial waivers of 52 Pa. Code § 63.137(2) at Docket No. P-2008-2051138 (September 23, 2008).

² Verizon Pennsylvania Inc. and Verizon North Inc. (Verizon LECs) were granted partial waivers at Docket No. P-00072333 (December 20, 2007). Full Service Computing Co. and Full Service Network LP (Full Service LECs) were granted partial waivers at Docket No. P-2008-2020446 (May 5, 2008).

section 63.137(2). Comments are due in hand 30 days after publication of this tentative order in the *Pennsylvania Bulletin*.

Background

Currently, all “telephone companies,”³ except the eight LECs that have been granted partial waivers, are expressly prohibited from recording telephone conversations between customers and call center personnel. 52 Pa. Code § 63.137(2). As we noted in the Verizon order, section 63.137(2) was promulgated in an effort to balance customer privacy interests with business interests of the telecommunications utilities.⁴ To establish this balance, telecommunications call center supervisors are allowed to monitor communications between customers and service representatives through “live” or “real-time” listening in, but calls may not be recorded.

Substantively, 52 Pa. Code § 63.137(2) provides, in relevant part, as follows:

(2) *Service evaluation and monitoring.* The telephone company may evaluate and monitor those aspects of its operations, including customer communications, necessary for the provision of service to its customers.

The recording of conversations is prohibited.

(Emphasis added.) The remainder of section 63.137(2) explains, in several subparts, the types of service evaluation and monitoring of customer telephone calls a telecommunications company may perform in the provision of service to its customers.

No jurisdictional utility industry outside the telecommunications industry is subject to similar customer or call-center call-recording prohibitions under our regulations.

Discussion

The strikingly similar arguments presented by the eight petitioning LECs in support of their individual waiver requests, coupled with the differences in the specific features and permissions requested by the petitioning LECs, lead us to conclude that establishing guidelines for terms and conditions for waivers for call recording practices may be necessary until such time as this Commission can institute a generic rulemaking regarding the applicable regulations. Among other arguments related to improving customer service, the eight LECs noted, in support of their waiver requests, that they are the only class of jurisdictional utilities that is prohibited from recording calls for any purpose including training and measuring and improving service quality. Other utilities, as well as other businesses including this Commission, routinely record calls for service quality purposes within the bounds of applicable laws concerning wiretaps and trap and trace devices.

Rather than continue to address the concerns of LECs in a piecemeal fashion, we shall propose herein establishing guidelines regarding the terms and conditions that will qualify for temporary waiver of the call recording provision in section 63.137(2). Procedurally, section 63.53(e)⁵ of our regulations permits us to waive our

regulations under certain circumstances and after notice to the affected parties.

Under section 63.53(e), notice of a request for exemption must be provided to the persons who would be affected by the exemption. This tentative order provides notice to the public, in general, of the proposal to adopt guidelines for terms and conditions for temporary waivers of the call recording prohibition in our regulations. Further, under the proposed guidelines, customers will be ensured the option of refusing to be recorded by requesting a call back from a service representative in which case any waiver of the section 63.137(2) call recording prohibition will not affect them because the call back will not be recorded.

Under the proposed guidelines, petitions for waiver would have to include the following elements:

- Recorded calls would be erased after a 90-day retention period.
- Customers calling a call center equipped to record customer calls would hear a prerecorded message to the effect that “this call may be monitored or recorded for training or quality control purposes.”
- The system will afford customers the option to discontinue the call and request a callback from an unmonitored line.
- Recorded telephone calls will be used solely for the purpose of training or measuring and improving service quality.
- The waiver will be for 1 year, commencing with the utility’s go-live date.
- The utility may petition for up to two 1-year extensions of an initial waiver.
- Petitions for the extensions need to be filed at least 2 months prior to the end of any existing waiver.
- Petitions for extension will contain a status report detailing any customer complaints about the operation of the call recording program as well as details on the resolution of the complaint.⁶

Parties filing comments to this tentative order should address whether they believe further or alternate limitations would be appropriate. Other matters to be commented upon include but are not limited to:

- When the initial 1-year period would commence.
- Whether the utility’s intention to utilize a call recording system should be addressed in the utility’s tariff.
- Alternative terms and conditions.

The D&E LECs petitioned to be able to use the recorded calls for “evidentiary” purposes. We rejected that use, asserting that we believe that permitting calls taped under the mantle of training and quality service improvement purposes to be used for any evidentiary purpose may violate Pennsylvania’s wiretapping law. Thus, none of the eight petitioning LECs that have been granted partial waivers of section 63.137(2) have been granted permission to use the recorded calls for evidentiary purposes. We see no reason to change our position on this

³ Section 63.137(2) applies to “telephone companies,” which would include all jurisdictional telecommunications entities.

⁴ The provisions of section 63.137(2) were issued pursuant to 66 Pa.C.S. §§ 501 and 1501, and were adopted July 24, 1992, effective September 23, 1992, 22 Pa.B. 3892.

⁵ 52 Pa. Code § 63.53 (e) provides that:

If unreasonable hardship to a person or to a utility results from compliance within this subchapter, application may be made to the Commission for modification of the section or for temporary exemption from its requirements. The adoption of this subchapter by the Commission will not preclude the altering or amending of the provisions in a manner consistent with applicable statutory procedures, nor will the adoption of this subchapter preclude the Commission from granting temporary exemptions in exceptional cases. A

person or utility that files an application under this section shall provide notice to a person who may be affected by the modification or temporary exemption. Notice may be made by a bill insert or in another reasonable manner.

⁶ In other proceedings where we have granted waivers of our regulations, we have required status reports from the utility and imposed time or duration limits on waivers. See, for example, *The Peoples Natural Gas Company, d/b/a Dominion Peoples*, Docket No. P-00052159 (June 23, 2006); and *Petition of Columbia Natural Gas of Pennsylvania*, Docket No. P-00062230 (March 27, 2007).

matter in the context of establishing guidelines for terms and conditions for waivers. The Wiretap Act provides, in pertinent part, that:

It shall not be unlawful and no prior court approval shall be required under this chapter for:

* * * * *

(6) Personnel of any public utility to record telephone conversations with utility customers or the general public relating to receiving and dispatching of emergency and service calls provided there is, during such recording, a periodic warning which indicates to the parties to the conversation that the call is being recorded.

* * * * *

(15) The personnel of a business engaged in telephone marketing or telephone customer service by means of wire, oral or electronic communication to intercept such marketing or customer service communications where such interception is made for the sole purpose of training, quality control or monitoring by the business, provided that one party involved in the communications has consented to such intercept. Any communications recorded pursuant to this paragraph may only be used by the business for the purpose of training or quality control. Unless otherwise required by Federal or State law, communications recorded pursuant to this paragraph shall be destroyed within one year from the date of recording. 18 Pa.C.S. § 5704(6) and (15). Accordingly, use of recorded customer calls is and will remain limited to training and quality control purposes, and the retention of recordings for "evidentiary" or other purposes is and will remain prohibited.⁷

By establishing guidelines for terms and conditions of waivers, prospectively, we may create a disparity between the waivers previously granted (to the eight LECs) and any waivers that would be granted subsequently to the establishment of such guidelines in certain minor aspects. Specifically, under the guidelines for terms and conditions of waivers that we propose for prospective application, we would require that such waivers be granted for a 1-year period with the possibility of two 1-year extensions. Also, we would also require that status reports be filed with requests for extensions. Further, we would also require that the duration for which a call could be retained be set at 90 days, and, finally, that the utilities could not use the recorded calls in either formal or informal complaint cases. In all other respects, however, the limitations proposed herein mirror the conditions imposed in the partial waivers previously granted to the eight petitioning LECs. Parties filing comments to this tentative order should address whether they believe that further or alternate limitations would be appropriate for the eight LECs.

In granting the petition filed by the Verizon, Full Service, and D&E LECs, we noted that a rulemaking proceeding may ultimately be appropriate in order to determine whether a revision to section 63.137(2) is necessary to address this issue on an industry-wide basis. Parties filing comments to this tentative order should address whether establishing guidelines terms and conditions for waivers is sufficient or whether

there are further related matters that should be addressed in a rulemaking.

Conclusion

Under the totality of the circumstances, the Commission finds, under its authority under 66 Pa.C.S. § 501(a) and 66 Pa.C.S. § 3019(b)(2), that establishing guidelines for terms and conditions for waivers under which telecommunications utilities may request a temporary waiver of the call recording prohibition at 52 Pa. Code § 63.137(2) may be warranted. Comments on this proposal are due in hand within 30 days of publication of this tentative order in the *Pennsylvania Bulletin*. Interested parties are requested to specifically address the points raised here in and are free to raise additional points in their comments. It is expressly noted neither the establishment of guidelines for terms and conditions for waivers nor the granting of a partial waiver would enlarge or limit, in any way, a jurisdictional utility's obligations or a customer's protections pursuant either to Pennsylvania's Wiretapping and Electronic Surveillance Control Act (18 Pa.C.S. §§ 5701—5704), or to any applicable Federal statutes or regulations; *Therefore*,

It Is Ordered:

1. That interested parties are requested to comment on the proposal to establish guidelines for terms and conditions under which telecommunications utilities may petition for temporary waivers of the call recording prohibition contained in 52 Pa. Code § 63.137(2), consistent with this Order.

2. That all other provisions of 52 Pa. Code § 63.137(2) remain in full force and effect.

3. That interested parties may file comments to this tentative order within 30 days after the date of publication of this tentative order in the *Pennsylvania Bulletin*. The mailbox rule does not apply.

4. The contact persons for this tentative order are Louise Fink Smith, Esq., Law Bureau, (717) 787-8866, finksmith@state.pa.us, Melissa Derr, Bureau of Fixed Utility Services, (717) 783-6171, mderr@state.pa.us, and Holly Frymoyer, Bureau of Consumer Services, (717) 783-1628, mrfrymoyer@state.pa.us. An electronic version of any comments filed must be provided (by e-mail) to Louise Fink Smith, Melissa Derr and Holly Frymoyer at the time of filing.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 08-2220. Filed for public inspection December 5, 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. 08-147.3, Plumbing Invest and Repairs, PRPA Piers until 2 p.m., January 6, 2009, mandatory prebid job-site meeting, December 18, 2008, 10 a.m., PRPA office. Also, Project No. 08-148.7, Rail Track Maintenance and Quarterly Inspection, PRPA Piers until 3 p.m., January 6, 2009, mandatory prebid job-site meeting, December 18, 2008, 11 a.m., PRPA office. Bid documents (for each project) are available December

⁷ This prohibition also prevents the use of recordings in informal complaint proceedings before the Commission.

9, 2008, in the office of the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600. The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. Bidders must provide the Procurement Department in writing (24 hours prior to the meeting), the names of individuals that will be attending, fax (215) 426-6800, Attn: Procurement Department. PRPA is an equal opportunity employer. Contractor must comply with all applicable EEO laws. Additional information and project listings may be found at www.philaport.com.

JAMES T. MCDERMOTT, Jr.
Executive Director

[Pa.B. Doc. No. 08-2221. Filed for public inspection December 5, 2008, 9:00 a.m.]
