

PENNSYLVANIA BULLETIN

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Agencies in this issue

The Courts

Department of Agriculture

Department of Banking

Department of Environmental Protection

Department of Health

Department of Public Welfare

Department of Revenue

Environmental Quality Board

Game Commission

Independent Regulatory Review Commission

Insurance Department

Legislative Reference Bureau

Liquor Control Board

Patient Safety Authority

Pennsylvania Public Utility Commission

Philadelphia Regional Port Authority

State Board of Nursing

State Board of Veterinary Medicine

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

No. 413, April 2009

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2009.

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THE COURTS

Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

[204 PA. CODE CH. 83]

Amendment of Pennsylvania Rules of Disciplinary Enforcement 205; No. 74; Disciplinary Rules; Doc. No. 1

Order

Per Curiam:

And Now, this 3rd day of April, 2009, Rule 205 of the Pennsylvania Rules of Disciplinary Enforcement is amended as follows.

This Order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration. The amendments adopted hereby shall take effect immediately.

PATRICIA NICOLA,
Chief Clerk
Supreme Court of Pennsylvania

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart B. DISCIPLINARY ENFORCEMENT

CHAPTER 83. PENNSYLVANIA RULES OF DISCIPLINARY ENFORCEMENT

Subchapter B. MISCONDUCT

Rule 205. The Disciplinary Board of the Supreme Court of Pennsylvania.

(a) The Supreme Court shall appoint a board to be known as "The Disciplinary Board of the Supreme Court of Pennsylvania" which shall be composed of [**fourteen (14)**] **twelve** members of the Bar of this Commonwealth and two non-lawyer electors. One of the members shall be designated by the Court as Chair and another as Vice-Chair.

(b) The regular terms of members of the Board shall be for three years, and no member shall serve for more than two consecutive three-year terms. [**The terms of one-third of the members of the Board, as nearly as may be, shall expire on April 1 of each year.**] Except when acting under paragraph (c)(5), (7), (8) and (9) of this rule, the Board shall act only with the concurrence of not less than the lesser of:

(i) seven members, or

(ii) a majority of the members in office who are not disqualified from participating in the matter or proceeding.

Seven members shall constitute a quorum. The presence of members who are disqualified from participating in one or more matters to be considered at a meeting shall nonetheless be counted for purposes of determining the existence of a quorum for the consideration of all matters on the agenda.

* * * * *

[Pa.B. Doc. No. 09-692. Filed for public inspection April 17, 2009, 9:00 a.m.]

[204 PA. CODE CH. 81]

Amendment of Rule 1.15 of the Pennsylvania Rules of Professional Conduct; No. 73; Disciplinary Rules; Doc. No. 1

Order

Per Curiam

And Now, this 2nd day of April, 2009, it is hereby ordered that Rule 1.15 of the Pennsylvania Rules of Professional Conduct is amended as follows. The amendment shall be effective for the 2009-2010 assessment year and shall continue until further Order of this Court.

Pursuant to Rule 103(a) of the Pennsylvania Rules of Judicial Administration, the immediate amendment of Rule 1.15 of the Pennsylvania Rules of Professional Conduct is required in the interest of efficient administration.

This order shall be processed in accordance with Rule 103(b) of the Pennsylvania Rules of Judicial Administration and shall be effective immediately.

PATRICIA NICOLA,
Chief Clerk
Supreme Court of Pennsylvania

Annex A

TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

PART V. PROFESSIONAL ETHICS AND CONDUCT

Subpart A. PROFESSIONAL RESPONSIBILITY

CHAPTER 81. RULES OF PROFESSIONAL CONDUCT

Subchapter A. RULES OF PROFESSIONAL CONDUCT

CLIENT-LAWYER RELATIONSHIP

Rule 1.15. Safekeeping Property.

* * * * *

(u) Every attorney who is required to pay an active annual assessment under Rule 219 of the Pennsylvania Rules of Disciplinary Enforcement (relating to periodic assessment of attorneys; voluntary inactive status) shall pay an additional annual fee of \$25.00 for use by the IOLTA Board. Such additional assessment shall be added to, and collected with and in the same manner as, the basic annual assessment, but the statement mailed by the Attorney Registration Office pursuant to Rule 219 shall separately identify the additional assessment imposed pursuant to this subdivision. All amounts received pursuant to this subdivision shall be credited to the IOLTA Board.

* * * * *

[Pa.B. Doc. No. 09-693. Filed for public inspection April 17, 2009, 9:00 a.m.]

Title 237—JUVENILE RULES

PART I. RULES

[237 PA. CODE CH. 16]

[Correction]

Proposed Amendments to Rule 1604

The text of proposed Rule 1604 (relating to submission of reports) should have been printed in bold face at 39 Pa.B. 1854 (April 11, 2009). Rule 1604 is a proposed court rule.

CYNTHIA K. STOLTZ, Esq.,
Chair

[Pa.B. Doc. No. 09-665. Filed for public inspection April 10, 2009, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WESTMORELAND COUNTY

Adoption of Booking Center Fee; Criminal No. 256 MD 2009

Order

And Now This 30th day of March 2009, upon recommendation of the Westmoreland County Criminal Justice Advisory Board, it is hereby *Ordered*, pursuant to Act 81 of 2008 that a booking center fee of \$50.00 per case be placed on all defendants:

1. placed on probation without verdict,
2. who receive Accelerated Rehabilitative Disposition for, plead guilty to or nolo contendere to or are convicted of a crime under the following:
 - a. 18 Pa.C.S. § 106(a) (relating to classes of offenses),
 - b. 75 Pa.C.S. § 3735 (relating to homicide by vehicle while driving under the influence),
 - c. 75 Pa.C.S. § 3802 (relating to driving under the influence of alcohol or controlled substance),
 - d. A violation of The Controlled Substance, Drug, Device and Cosmetic Act.

The booking center fee shall be paid to Westmoreland County through the Westmoreland County Clerk of Courts and deposited into a special regional center booking center fund established by the Westmoreland County Commissioners. Moneys in the fund shall be disbursed, pursuant to procedures promulgated by the Westmoreland County Board of Commissioners, and used solely for the implementation of a countywide booking center plan and the start-up, operation or maintenance of the regional booking centers.

This Order is effective on the first Monday following thirty days after publication in *The Pennsylvania Bulletin*.

By the Court

JOHN E. BLAHOVEC,
President Judge

[Pa.B. Doc. No. 09-694. Filed for public inspection April 17, 2009, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 78]

Oil and Gas Wells

The Environmental Quality Board (Board) amends Chapter 78, Subchapter B (relating to permits, transfers and objections) by adding a new § 78.19 (relating to permit application fee schedule) as set forth in Annex A.

Notice of proposed rulemaking is omitted under section 204(3) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(3)), known as the Commonwealth Documents Law (CDL). Paragraph (3) provides that an agency may omit the notice of proposed rulemaking if the agency finds for good cause that notice of proposed rulemaking is impracticable, unnecessary or contrary to the public interest. In this case, using the notice of proposed rulemaking procedure is contrary to the public interest for the reasons set forth in this preamble.

This order was adopted by the Board at its meeting of December 16, 2008.

A. *Effective Date*

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

B. *Contact Persons*

For further information contact Ronald Gilius, Director, Bureau of Oil and Gas Management, Rachel Carson State Office Building, 5th Floor, 400 Market Street, P. O. Box 8765, Harrisburg, PA 17105-8461, (717) 772-2199, or Scott Perry, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This final-form rulemaking is available on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us.

C. *Statutory Authority*

This final-form rulemaking is being made under the authority of section 201(d) of the Oil and Gas Act (act) (58 P. S. § 601.201(d)) which authorizes the Department to establish, by regulation, well permit fees that bear a reasonable relationship to the cost of administering the act, section 604 of the act (58 P. S. § 601.604) which directs the Board to adopt regulations necessary to implement the act, and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), authorizing and directing the Board to adopt regulations necessary for the proper performance of the work of the Department.

D. *Background of the Amendments*

The act was passed on December 19, 1984, and established a \$100 fee for oil and gas well permits. Section 201(d) of the act allows the Department to increase the fee by regulation. Under this provision, fees must be set at a level that "bears a reasonable relationship to the cost of administering" the act. The Department has never increased the current \$100 permit fee.

There is significant and recent interest in the development and recovery of natural gas resources in the Marcellus Shale formation that underlies much of this Commonwealth. The development of this geologic formation, which also extends beneath portions of West Virginia and New York, has long been considered prohibitively expensive. Recent advances in natural gas drilling technology and rising natural gas prices have attracted considerable interest in this previously untapped formation.

The recent technological advances that allow recovery of natural gas found in the Marcellus Shale present new and expanded environmental considerations that the Department must evaluate properly to ensure the gas is recovered in the most environmentally sensitive manner feasible. Many of the new or expanded environmental considerations are directly related to the size of the well drilling site and the use of water to recover natural gas from the Marcellus Shale formation. Extracting natural gas from the Marcellus Shale formation is enhanced by horizontal drilling within the formation after vertical drilling reaches the formation. The horizontal drilling and a process known as "hydraulic fracturing" are used to allow the natural gas to flow freely from the Marcellus Shale formation. Hydraulically fracturing the Marcellus Shale uses far greater amounts of water than traditional natural gas exploration. Large volumes of water are pumped into the formation, along with sand and other materials under high pressure, to fracture the rock surrounding the horizontal well bore. A single well can use millions of gallons of water to hydraulically fracture the rock. After the hydraulic fracturing process is completed, the wastewater must be properly managed.

The significantly greater use of water at Marcellus Shale wells creates a series of environmental issues during the drilling and development of a Marcellus Shale well. First, there are a number of considerations associated with withdrawal of water, including the need to monitor and restrict the amount of withdrawal to avoid dewatering streams and causing pollution. Under State water law, a person who withdraws water in the amounts generally associated with Marcellus Shale well development must register the withdrawal with the Department. Second, there are a number of considerations associated with the use and storage of the water used for hydraulic fracturing at the well site or at other locations. Third, there are a number of considerations associated with the proper management, treatment and discharge of the wastewater.

To address these additional environmental considerations associated with development of Marcellus Shale, the Department prepared a permit application addendum specifically for Marcellus Shale gas well development. The Department has expended considerable staff resources to review the additional information in the Marcellus Shale permit addendum. Because the Department's review of the addendum includes several water quality and quantity issues not normally associated with gas well permit application reviews, the Department needs to coordinate its Marcellus Shale permit application review among several water resource related program areas. Within the Susquehanna and Delaware River Basins, the Department also needs to coordinate its review with the Susquehanna and Delaware River Basin Commissions which have regulatory authority over water withdrawals within their respective river basins.

To properly evaluate the permit applications to recover gas from the Marcellus Shale formation, the Department has expended additional staff resources. The current \$100 per permit application fee does not have any "reasonable relationship" to the actual cost to implement this portion of the act program covering development of the Marcellus Shale. The Department needs additional resources to properly allow the development of the Marcellus Shale natural gas resources and to protect the environment. This regulatory fee increase is needed to provide the Department with the resources to perform the additional work associated with the review of Marcellus Shale gas well permit applications and with the oversight of any permits that are issued.

Use of the omission of the notice of proposed rulemaking procedures is appropriate to increase the permit application fee for Marcellus Shale well permit application under section 204 of the CDL, for the reasons set forth as follows. Under section 204(3), an agency can avoid the use of the notice of proposed rulemaking if the agency finds for good cause that the use of this procedure is unnecessary, impractical or contrary to the public interest.

The drilling for and recovery of the Marcellus Shale natural gas resources is a recent development in this Commonwealth. Recent technological improvements and higher energy prices have triggered a rush to develop this energy resource. The use of these technological improvements (hydraulic fracturing and horizontal drilling) present new environmental considerations that require prompt and thorough Department review to ensure the development of gas in this specific area occurs in an environmentally protective manner that State law requires. It is in the public interest to quickly establish and collect permit application fees from the regulated community for the review of a Marcellus Shale permit application. These higher permit application fees are necessary to support the Department's recently developed program initiative to regulate the permitting and development of Marcellus Shale natural gas wells. The public interest is served when the applicants for Marcellus Shale well permits pay application fees that cover the Department's additional program implementation costs for the review of these permit applications.

E. Summary of Final-form Rulemaking

This final-form rulemaking establishes oil and gas well permit fees in § 78.19. Section 78.19(a) includes a \$100 permit application fee for all applications except for Marcellus Shale permit applications. The \$100 amount is the statutory amount established by section 201 of the act.

Under § 78.19(b), Marcellus Shale well permit applicants will pay a base fee of \$900 with an additional \$100 for every 500 feet the well bore extends beyond 1,500 feet. The fees are rounded to the nearest foot interval. If the applicant drills a well longer than what was applied for, the applicant must remit the difference along with a processing fee equivalent to 10% of the correct fee amount.

Sections 78.15 is amended to include cross references to new § 78.19.

F. Relationship to Proposed Rulemaking to Increase Fees

This final-omit rulemaking is intended to quickly increase permit application fees for permits that are issued for the Marcellus Shale formation. For the reasons stated previously, the Department needs these higher fees

quickly. At the same meeting that the Board approved this rulemaking, the Board also approved a proposed rulemaking to increase permit application fees for other non-Marcellus Shale permits. The Board also included the new Marcellus Shale permit application fees in that proposed rulemaking to allow interested persons the opportunity to provide comments on the new Marcellus Shale fees as part of that proposed rulemaking. When that proposed rulemaking is adopted as final, the Board will make appropriate changes to the Marcellus Shale fees in that rulemaking in response to comments. The final-omitted fees will therefore only be in effect until that proposed rulemaking is adopted as final.

G. Benefits and Costs

Benefits

The residents of this Commonwealth and the regulated community will benefit from this rulemaking because the Department will be able to continue to uphold the purposes of the act. The purposes of the act are to:

(1) Permit the optimal development of the oil and gas resources of this Commonwealth consistent with the protection of the health, safety, environment and property of the citizens of this Commonwealth.

(2) Protect the safety of personnel and facilities employed in the exploration, development, storage and production of natural gas or oil or the mining of coal.

(3) Protect the safety and property rights of persons residing in areas where such exploration, development, storage or production occurs.

(4) Protect the natural resources, environmental rights and values secured by the Pennsylvania Constitution. See 58 P. S. § 601.102.

The public will benefit in two general ways. The public will benefit from a fiscal perspective when the costs of the regulatory program are imposed on the regulated community, as the act provides. For Marcellus Shale gas well development, the need for timely and special reviews has significantly increased the Department's cost of implementation of the program and it is in the public interest to impose these costs on the regulated community. The public also benefits from an environmental perspective since the review of the Marcellus Shale permit applications requires new and extensive reviews to ensure that the development of this natural gas resource occurs in an environmentally protective manner which State law requires. The higher fees will support the Department's newly developed and extensive efforts to review Marcellus Shale permit applications.

The regulated community will also benefit because the regulated community wants timely reviews of permit applications, which State law also requires. Having the staff to evaluate these Marcellus Shale permit applications in a timely and environmentally protective manner will benefit the regulated community and the public.

Costs

This rulemaking will not impose any additional costs on the Department. This rulemaking will help the Department offset the greater implementation costs to support new and extensive reviews of oil and gas permit applications. The new Marcellus Shale permit fee will impose a base permit fee of \$900 with an additional \$100 for every 500 feet the well bore extends beyond 1,500 feet.

Compliance Assistance Plan

A compliance assistance plan is not necessary because the new fee structure does not create a situation where a

well operator will be out of compliance with the regulation. Well permits that do not contain the appropriate fee will be deemed incomplete. The Department will return the application to the applicant and tell the applicant what the appropriate fee is. To minimize this circumstance from occurring, the Department will publicize the new permit fee requirements on its web site and inform potential applicants of the new fee structure at upcoming industry trainings.

Paperwork Requirements

No additional paperwork will be required as a result of this rulemaking. However, the Department will need to amend its well permit application form and instructions to incorporate and explain the new permit fee structure.

H. *Sunset Review*

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

I. *Regulatory Review*

Under section 5(f) of the Regulatory Review Act (71 P. S. § 745.5(f)), on February 4, 2009, the Department submitted a copy of this final-form rulemaking with notice of proposed rulemaking omitted to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees (Committees). On the same date, the Department also submitted this rulemaking to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506). In addition to the final-form rulemaking, IRRC and the Committees were provided with a copy of a detailed Regulatory Analysis Form prepared by the Department.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on February 10, 2009, the Senate Standing Committee notified IRRC and the Department of its intent to review the rulemaking. On March 18, 2009, under section 5.1(j.2) of the Regulatory Review Act, the House Standing Committee deemed approved the Board's final-form rulemaking. Under section 5.1(e) of the Regulatory Review Act, the Commission met on March 19, 2009, and approved the Board's final-form rulemaking. Under section 7(d) of the Regulatory Review Act (71 P. S. § 745.7(d)), on April 3, 2009, this final-form rulemaking was deemed approved by the Senate Standing Committee.

J. *Findings of the Board*

The Board finds that:

(1) Use of the omission of notice of proposed rulemaking procedure is appropriate because the notice of proposed rulemaking procedure specified in sections 201 and 202 of the CDL is, under the circumstances, contrary to the public interest. The current permit fee of \$100 is inadequate. Absent additional permit fees, the Department will not be able to uphold the purposes of the act by permitting the optimal development of this Commonwealth's oil and gas resources while protecting the health and safety of this Commonwealth's citizens and environment.

(2) Use of the notice of proposed rulemaking procedures is not in the public interest because higher permit application fees are necessary to support the Department's recently developed program initiative to regulate the permitting and development of Marcellus Shale natu-

ral gas wells. The public interest is served when the applicants for Marcellus Shale well permits pay applications fees that cover the Department's additional program implementation cost for these permits requiring special and timely reviews.

(3) These amendments are necessary and appropriate for administration of the authorizing acts identified in section C of this preamble and in the public interest.

K. *Order of the Board*

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

(a) The regulations of the Department, 25 Pa. Code Chapter 78, are amended by adding § 78.19 and amending § 78.15.

(b) The Chairperson shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval and review as to legality and form as required by law.

(c) The Chairperson shall submit this order and Annex A to IRRC and the Committees as required by the Regulatory Review Act.

(d) The Chairperson of the Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.

(e) This order shall take effect immediately.

JOHN HANGER,
Acting Chairperson
Environmental Quality Board

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 39 Pa.B. 1770 (April 4, 2009).)

Fiscal Note: 7-430. No fiscal impact; (8) recommends adoption.

Annex A

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

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE I. LAND RESOURCES

CHAPTER 78. OIL AND GAS WELLS

Subchapter B. PERMITS, TRANSFERS AND OBJECTIONS

PERMITS AND TRANSFERS

§ 78.15. Application requirements.

(a) An application for a well permit shall be submitted on forms furnished by the Department and contain the information required by the Department to evaluate the application.

(b) The permit application will not be considered complete until the applicant submits a complete and accurate plat, an approvable bond or other means of complying with section 215 of the act (58 P. S. § 601.215), the fee in compliance with § 78.19 (relating to permit application fee schedule), proof of notification, necessary requests for variance or waivers or other documents required to be furnished by law or the Department. The person named in the permit shall be the same person named in the bond or other security.

§ 78.19. Permit application fee schedule.

(a) Except as provided in subsection (b), an applicant shall pay a permit application fee of \$100.

(b) An applicant proposing to drill a well to produce gas from the Marcellus Shale formation shall pay a permit application fee according to the following schedule:

<i>New Marcellus Shale Wells</i>	
<i>Total Well Bore Length in Feet</i>	<i>Total Fee</i>
0 To 1,500	\$900
1,501 To 2,000	\$1,000
2,001 To 2,500	\$1,100
2,501 To 3,000	\$1,200
3,001 To 3,500	\$1,300
3,501 To 4,000	\$1,400
4,001 To 4,500	\$1,500
4,501 To 5,000	\$1,600
5,001 To 5,500	\$1,700
5,501 To 6,000	\$1,800
6,001 To 6,500	\$1,900
6,501 To 7,000	\$2,000
7,001 To 7,500	\$2,100
7,501 To 8,000	\$2,200
8,001 To 8,500	\$2,300
8,501 To 9,000	\$2,400
9,001 To 9,500	\$2,500
9,501 To 10,000	\$2,600
10,001 To 10,500	\$2,700
10,501 To 11,000	\$2,800
11,001 To 11,500	\$2,900
11,501 To 12,000	\$3,000

(c) An applicant for a Marcellus Shale well exceeding 12,000 feet in total well bore length shall pay a permit application fee of \$3,000 + \$100 for every 500 feet the well bore extends over 12,000 feet. Fees shall be rounded to the foot interval.

(d) If, when drilled, the total well bore length of a Marcellus Shale well exceeds the length specified in the permit application, the operator shall pay the difference between the amount paid as part of the permit application and the amount required by subsection (b) plus 10% of the total amount required by subsection (b).

(e) Fees are nonrefundable.

(f) At least every 3 years, the Department will provide the EQB with an evaluation of the fees in this chapter and recommend regulatory changes to the EQB to address any disparity between the program income generated by the fees and the Department's cost of administering the program with the objective of ensuring fees meet all program costs and programs are self-sustaining.

[Pa.B. Doc. No. 09-695. Filed for public inspection April 17, 2009, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF VETERINARY MEDICINE

[49 PA. CODE CH. 31]

Professional Conduct

The State Board of Veterinary Medicine (Board) amends §§ 31.1 and 31.21 (relating to definitions; and rules of professional conduct for veterinarians) to read as set forth in Annex A. The amendments more specifically define abuse or neglect of an animal by a veterinarian, provide details on competent practice and create mandatory reporting requirements by veterinarians of repeated acts of negligence or animal abuse or neglect by a professional colleague. Finally, the amendments further define unprofessional conduct and unethical conduct.

As published on proposed, the Board set forth amendments to Principles 1, 3 and 7. After reviewing the comments, the Board determined that it should separate its rulemaking on professional conduct from its rulemaking related to emergency services. The Board's rulemaking related to emergency services will be promulgated separately, as number 16A-5722.

Effective Date

The amendments will be effective upon publication of the final-form rulemaking in the *Pennsylvania Bulletin*.

Statutory Authority

Section 21(12) of the Veterinary Medicine Practice Act (act) (63 P. S. § 485.21(12)), provides that the Board "shall suspend or revoke" a licensee or certificate holder who is found guilty of "[e]ngaging in practices in connection with the practice of veterinary medicine which are in violation of the standards of professional conduct as defined herein or prescribed by the rules of the board." Section 5(2) of the act (63 P. S. § 485.5(2)) authorizes the Board to "[a]dopt rules and regulations of professional conduct appropriate to establish and maintain a high standard of integrity, skills and practice in the profession of veterinary medicine." These amendments update the Board's rules of professional conduct and set forth standards to maintain high standards of integrity, skills and practice in the profession.

Summary of Comments and the Board's Response

Notice of proposed rulemaking was published in 37 Pa.B. 1038 (March 3, 2007). The Board received comments from individual veterinarians and the Pennsylvania Veterinary Medical Association (PVMA). Both the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC) provided comments as part of their review of the proposed rulemaking.

At the suggestion of the PVMA, the Board amended the definitions of "animal abuse" and "neglect" in § 31.1. The current definitions of "animal abuse" and "neglect" track those in 18 Pa.C.S. (relating to the Crimes Code). The Board amended the definitions to tailor them to conduct by its licensees. In addition, the Board added language to Principle 1(a) to provide licensees with a specific suggestion regarding improving veterinary practice in this Commonwealth. The Board also added language to Principle 1(b) to mandate that a veterinarian suggest a referral if

the care required by an animal is beyond the veterinarian's capabilities or equipment. The Board provided that a veterinarian could continue care of the animal after referral with written consent from the client. PVMA has reviewed all of the Board's amendments and indicated its support for the final-form rulemaking.

HPLC commented that the combination of discretionary and mandatory reporting requirements in Principle 1, subsection (d) was confusing. HPLC suggested that if the Board were to retain both discretionary and mandatory reporting requirements, they should be broken into separate paragraphs. IRRC commented that the use of the word "should" is inappropriate because it is nonregulatory language that indicates that the provision is optional. IRRC also commented that the subsection should indicate how a licensee should "bring the matter to the attention of the Board." Finally, IRRC commented that, as drafted, it was unclear whether the Board intended the reporting requirements for abuse and neglect to be discretionary or mandatory.

Many veterinarians, and the Board, feel strongly that the rules of professional conduct must set both aspirational goals and mandates. As a learned profession, collegiality among licensees is essential to the provision of quality care. Therefore, the Board separated the aspirational goals set forth in subsection (b) from the mandatory provisions set forth in a new subsection (c). The current subsection (c) has been redesignated subsection (d) and subsequent subsections have been redesignated accordingly. The Board has separated the elements related to accepting or continuing care when the veterinarian lacks the capability or equipment to accept or continue into separate paragraphs, as suggested by the HPLC. The Board has added instructions on how a licensee should bring matters to the attention of the Board, as requested by IRRC. Finally, as requested by IRRC, the Board has clarified that if the conduct involves animal abuse or neglect, reporting is mandatory. Reporting is also mandatory if a veterinarian cannot informally resolve an issue with another veterinarian or if a veterinarian learns of repeated deviations from the standards of acceptable practice, professional incompetence or other misconduct set forth in the act or regulations.

Regarding the preamble to Principle 3, the HPLC requested that the Board strike the phrase "but is not limited to," as redundant, asserting that the word "includes" indicates that the enumerated provisions are not exhaustive. The Board has eliminated the redundant language.

IRRC commented that Principle 3(3) should make mandatory the notation on the veterinary medical record of the reason for surgical correction of a genetic defect. The Board agrees and has made the suggested amendment.

The Board added a new paragraph (5) to address conflicts of interest for veterinarians and, at the request of the HPLC, gave additional examples of prohibited conduct related to representing conflicting interests.

Regarding Principle 3(5), which has been renumbered as 3(10), HPLC noted the presence of two conditions that made the language confusing and suggested that the paragraph be redrafted for clarity with one paragraph addressing coercion and another addressing inducement. IRRC suggested that the Board consider replacing the word "immoral" with the word "unethical." The Board has made the suggested amendments. IRRC also questioned what would constitute "undue pressure" or "attempting to

induce" an individual. The word induce has its general meaning of offering something of value in exchange for not filing or withdrawing a complaint. "Attempting to induce" would include making a payment to an individual. The Board has clarified the language in new Principles 3(10) and (11). The Board has stricken the term "undue pressure" because it is impossible to define.

The Board believes that the disciplinary process set forth in the act and the 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) should be independent of any "amicable agreements" between contracting parties such as those mentioned by IRRC. The regulation does not restrict veterinarians from providing no-cost corrective treatment to animals and has added clarifying language to the subsection.

Regarding proposed Principle 3(6), which has been renumbered 3(12), HPLC questioned whether the paragraph should be restricted to acts occurring while acting within the scope of the veterinarian's practice or extend beyond the scope of practice. IRRC commented that the section was unclear, and stated that the Board needs to define, clarify and limit the breadth and scope of this provision in the final-form regulation. The provision provides that a veterinarian may be subject to discipline for behavior that is abusive, harassing or intimidating, as those terms are in defined in common usage, toward a client, former client, colleague, associate veterinarian or employee, would constitute unprofessional or unethical conduct, subject to discipline by the Board. Because that conduct only subjects a veterinarian to discipline if it is directed at individuals in these capacities, the conduct is necessarily limited to conduct related to the profession. IRRC also asked what was meant by the term "colleague." A veterinarian's colleague is another veterinarian who is a partner in the practice, a veterinarian who does not work in the practice, or another person who has a professional relationship with the veterinarian but who is not employed by the veterinarian, such as a freelance ultrasound technician.

Regarding proposed Principle 3(7), IRRC noted that the PVMA questioned how competence is to be determined and what level of training or expertise is required to be competent in a medical procedure. IRRC commented that the Board should include the standards that will be used to make these determinations in its final-form rulemaking. The Board determined that the conduct sought to be prohibited is already prohibited under section 21(11) or (20), or both of the act; therefore, the Board has deleted this subsection.

Regarding proposed Principle 3(8), renumbered as 3(13), IRRC noted that making false or misleading statements is already prohibited under Principle 5, and questioned the need for the new language. Principle 5 prohibits false or misleading statements only in advertising. IRRC noted that the PVMA questioned how it could be proven. When the false or misleading statement was made in writing, proof would include admission of the writing. When the false or misleading statement was made orally, proof would most likely be offered in the form of testimony.

IRRC asked whether the new documentation required in the Board's recently promulgated regulation on recordkeeping includes the client's signature and stated that the Board should explain how it intends to implement or enforce this new code of conduct. The Board's recordkeeping regulation requires a veterinarian to note in the patient's veterinary medical record, the diagnostic tests and treatment options discussed with the client and

to indicate the client's consent to or rejection of the options. The regulation does not require the client to sign the veterinary medical record. Records are open to inspection by the Board as set forth in section 27.1(b)(2) of the act (63 P. S. § 485.27a(b)(2)). The provisions of the recordkeeping regulation will be enforced as are all other provisions of the practice act, in accordance with the Administrative Agency Law. Specifically, recordkeeping violations are usually charged as violations of section 21(1) of the act.

Regarding proposed Principle 3(9), renumbered Principle 3(14), related to delegation of veterinary medical services, IRRC noted that a commentator questioned the impact of the rule on shelters or animal rescue groups where unlicensed persons are often involved in providing medical care to animals and suggested that the Board carefully examine the impact of the provision on volunteers or nonprofit organizations that seek to assist stray, unwanted or abused animals. The Board is sensitive to the concerns of organizations that provide care to stray, abused and unwanted animals. The types of treatments most often performed by unlicensed persons in a nonprofit animal welfare setting involve the provision of drugs and wound care. Drugs most frequently administered in these settings include antibiotics, antimicrobials, antihelminthics and parasiticides. The public interest is served when veterinarians are involved with the care of animals, including these treatments. The Board believes that all licensed health care providers should be responsible for making a reasonable assessment of the skills of persons to whom the licensed professional delegates the performance of professional services. This paragraph has been renumbered as Principle 3(14). In addition, the Board has added a reference to veterinary technician specialists, a title recognized by the Board.

Regarding the new Principle 3(9), which prohibits a veterinarian from allowing inappropriate use of the veterinarian's signature stamp, the HPLC asked the Board to provide at least two examples of inappropriate use in the Preamble to the final-form rulemaking. A veterinarian could allow inappropriate use of a signature stamp if the veterinarian allowed the signature stamp to be used on a document that requires an original signature. A veterinarian could allow inappropriate use of a signature stamp if the veterinarian permitted others to perform examinations or immunizations that are required to be performed by the veterinarian and then verified that the veterinarian provided the services by means of signature stamp.

Regarding proposed Principle 3(10), renumbered Principle 3(15), HPLC questioned whether the paragraph should be restricted to acts occurring while acting within the scope of the veterinarian's practice or extend beyond the scope of practice. The Board intends to include the abuse or neglect of any animal as unprofessional or unethical conduct by a veterinarian. The Board grants individuals the privilege of practicing the profession and is charged with upholding the integrity of the profession and ensuring that the public has confidence in members of the profession. By virtue of their education and training, veterinarians are expected to know the proper and acceptable way to treat animals. Abuse or neglect of any animal by a veterinarian would demonstrate a shortcoming in the veterinarian that must be remedied by appropriate Board action. The HPLC and IRRC questioned whether other states prohibit the abuse or neglect of any animal by a veterinarian. The Board's research indicates that at least one-third of the states prohibit the misconduct by a veterinarian.

The Board added new Principles 3(5)—(9) at the suggestion of the PVMA. Principle 3(5) prohibits a veterinarian from representing conflicting interests without disclosure to the client. Principles 3(6)—(8) provide needed detail to the statutory prohibition related to falsifying health certificates. See, section 21(6) of the act. Finally, Principle 3(9) clarifies that it is unprofessional for a veterinarian to allow another to misuse his or her signature stamp.

Principle 3(11) clarifies the proposed rulemaking's prohibition on inducing a client to file, not file or withdraw a complaint. Principle 3(6), renumbered 3(12), is amended for clarity. The terms used in this principle are in common usage and do not require definition. Finally, Principle 3(10) was renumbered Principle 3(15) and amended for clarity by cross-referencing § 31.1 proposed.

Fiscal Impact and Paperwork Requirements

The amendments should not have any financial impact on licensees or any other State entity. The proposed amendment will have no fiscal impact on the public. The amendments may have a small fiscal impact on the Board related to additional disciplinary matters if technicians violate the regulation. There are no additional paperwork requirements associated with the rulemaking.

Sunset Date

The Board continuously monitors its regulations. Therefore, no sunset date has been assigned.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), the Board submitted a copy of the notice of proposed rulemaking, published at 37 Pa.B. 1038, to IRRC and the Chairpersons of the HPLC and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC, the HPLC and the SCP/PLC were provided with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Board has considered all comments.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on March 18, 2009, the final-form rulemaking was approved by the HPLC. On March 18, 2009, the final-form rulemaking was deemed approved by the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC approved the final-form rulemaking on March 19, 2009.

Findings

The Board finds that:

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202), and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) This final-form rulemaking is necessary and appropriate for administering and enforcing the authorizing act identified in this preamble.

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code §§ 31.1 and 31.21, are amended to read as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

THOMAS J. MCGRATH, D.V.M.,
Chairperson

(*Editor's Note:* The proposal to amend Principle 7, included in the proposed rulemaking at 37 Pa.B. 1038, will be published as a separate final-form rulemaking.)

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 39 Pa.B. 1770 (April 4, 2009).)

Fiscal Note: Fiscal Note 16A-5721 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 31. STATE BOARD OF VETERINARY MEDICINE

GENERAL PROVISIONS

§ 31.1. Definitions.

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

Act—The Veterinary Medicine Practice Act (63 P. S. §§ 485.1—485.33).

Advertising—Newspaper and periodical announcements and listings, professional cards, office and other signs, letterheads, telephone and other directory listings, and other forms of communication designed to inform the public about the availability, nature or prices of products or services.

Animal abuse—To do, order or aid another to do any act likely to cause unnecessary pain, injury, debility, disease or lameness, or unnecessary fright, stress, panic or hysteria in an animal.

Approved school—A school accredited by the American Veterinary Medical Association, including provisionally, probationally and fully accredited programs.

Board—The State Board of Veterinary Medicine.

Certified veterinary technician—A veterinary technician certified by the Board.

Client—A person who engages the professional services of a veterinarian for the care and treatment or the prevention, cure or alleviation of disease or injury, of an animal.

Consultation—A deliberation between two or more licensed veterinarians or a licensed veterinarian and other licensed professional concerning the diagnosis of an animal's condition, the care to be provided and the proper management of the case.

Direct veterinary supervision—A veterinarian has given either oral or written instructions to the certified veteri-

nary technician or noncertified employee, is on the premises and is easily and quickly available to assist the certified veterinary technician or the noncertified employee.

Endorsement or testimonial—A statement of recommendation made through a form of mass communication or correspondence by a veterinarian to the general public which is commercially rather than educationally motivated and is intended to influence attitudes regarding the purchase of a veterinary drug, device, product or procedure.

Immediate veterinary supervision—A veterinarian is in visual and audible range to assist the noncertified employee.

Indirect veterinary supervision—A veterinarian is not on the premises but is acquainted with the keeping and care of the animal by virtue of an examination of the animal or medically appropriate and timely visits to the premises where the animal is kept, and has given written or oral instructions to the certified veterinary technician for treatment of the animal patient.

Merchandising—Buying and selling of professional veterinary products without a veterinarian/client relationship.

Neglect—To abandon an animal or deprive, either personally or through one's employees or agents, an animal over which one has a duty of care, whether belonging to himself or otherwise, of necessary sustenance, drink, shelter or veterinary care appropriate to the animal's condition or access to sanitary shelter and support for an animal's basic physical and emotional needs.

Noncertified employee—An employee of a veterinarian who does not hold certification as a veterinary technician and whom the veterinarian deems competent to administer medication or render auxiliary or supporting assistance under direct veterinary supervision or immediate veterinary supervision.

Professional veterinary product—One which requires professional veterinary knowledge in the administration of or in the giving of instructions for safe and proper use of the product, including prescription drugs, biologicals, pharmaceuticals and prescription diets.

Solicitation—Advertising intentionally directed to specific individuals.

VTS—Veterinary technician specialist—A certified veterinary technician who holds current certification from a specialty organization recognized by the National Association of Veterinary Technicians in America (NAVTA).

Veterinarian—A licensed doctor of veterinary medicine as defined in section 3 of the act (63 P. S. § 485.3).

PROFESSIONAL CONDUCT

§ 31.21. Rules of Professional Conduct for Veterinarians.

Preamble

The Board is empowered under section 5(2) of the act (63 P. S. § 485.5(2)) to adopt rules and regulations of professional conduct appropriate to establish and maintain a high standard of integrity, skill and practice in the profession of veterinary medicine. In accordance with this authority, the Board has determined that the following rules are necessary in the public interest to protect the public against unprofessional conduct on the part of veterinarians. The Board therefore adopts this professional conduct code for veterinarians practicing veterinary

medicine in this Commonwealth. Some of the rules of conduct are imperatives, cast in the terms, "shall" or "may not." Veterinarians who fail to adhere to these rules will be subject to professional discipline. Other rules, generally cast in the terms "may" or "should," are intended as aspirational goals and define areas under which the veterinarian has professional discretion. No disciplinary action will be taken when a veterinarian acts within the bounds of discretion. References throughout this professional conduct code to imperative conduct on the part of veterinarians also apply to applicants for licensure and temporary permit holders where these persons render services under qualified supervision.

Principle 1. Competency.

(a) Veterinarians should strive continually to improve their veterinary knowledge and skill, making available to clients and their colleagues the benefit of their professional attainments. A veterinarian should provide opportunities for professional colleagues who request to observe the veterinarian's practice to develop or improve a professional colleague's veterinary medical skills.

(b) Veterinarians should seek, through consultation, the assistance of other veterinarians or other licensed professionals when it appears that the quality of veterinary service may be enhanced through consultation.

(c) A veterinarian shall recommend referral to a specialist or otherwise more qualified veterinarian in any case when the care and treatment of the animal is, in the veterinarian's sound judgment, beyond the veterinarian's capabilities or equipment. In that case, a veterinarian may accept or continue care and treatment of an animal after the veterinarian has done the following:

- (1) Suggested referral.
- (2) Explained the rationale for referral.
- (3) Explained the possible complications from the veterinarian's lack of expertise or equipment.
- (4) Obtained written consent from the client.

(d) Veterinarians shall participate in continuing education programs as provided under section 18 of the act (63 P. S. § 485.18).

(e) Veterinarians shall safeguard the public and the veterinary profession against veterinarians deficient in professional competence, professional conduct or ethical conduct as described in this chapter.

(1) When a veterinarian knows or has reason to believe that a professional colleague's actions demonstrate deviation from or failure to conform to the standards of acceptable and prevailing veterinary medical practice or professional incompetence, a veterinarian shall bring the behavior to the attention of the colleague.

(2) A veterinarian shall bring the behavior of another veterinarian to the attention of the Board by sending a written report to the Bureau of Professional and Occupational Affairs, Professional Compliance Office, P. O. Box 2649, Harrisburg, PA 17105-2649 if one or more of the following applies:

(i) The veterinarian cannot informally resolve an issue of the deviation from or failure to conform to the standards of acceptable and prevailing veterinary medical practice or professional incompetence with the other veterinarian.

(ii) The veterinarian learns of repeated deviation from or failure to conform to the standards of acceptable and prevailing veterinary medical practice, professional incompetence or misconduct.

(iii) The matter involves animal abuse or neglect.

* * * * *

Principle 3. Unprofessional or unethical conduct.

A veterinarian who engages in unprofessional or unethical conduct may be subject to disciplinary action under section 21(1), (11), (12) or (20) of the act (63 P. S. § 485.21(1), (11), (12) or (20)). Unprofessional or unethical conduct includes:

(1) Placing the veterinarian's professional knowledge, attainments or services at the disposal of a lay body, organization or group for the purpose of encouraging unqualified groups or individuals to perform surgery upon animals or to otherwise practice veterinary medicine on animals that they do not own.

(2) Performing or participating in a surgical procedure when the veterinarian knows that surgery has been requested with intent to deceive a third party.

(3) Performing surgical procedures on a species for the purpose of concealing genetic defects in animals to be shown, raced, bred or sold. If the health or welfare of an animal requires correction of a genetic defect, the surgical procedures will be permitted. In these instances, the veterinarian shall clearly inform the owner of this fact and note the reason for the surgery on the veterinary medical record of the animal.

(4) Engaging in merchandising.

(5) Representing conflicting interests, except with written consent of parties known to the veterinarian given after a full disclosure of the facts. Representing conflicting interests includes being employed by a buyer to inspect an animal for sale and accepting a fee from the seller and providing veterinary medical advice regarding a common matter to multiple persons interested in the matter.

(6) Issuing any certificate attesting to the physical condition or soundness of an animal without first having personally examined the animal within a reasonable period of time and, by actual inspection and appropriate tests, determined that the animal meets the requirements for issuance of the certificate. A veterinarian may permit an employee to collect samples from animals for tests under the veterinarian's direct supervision.

(7) Failing to personally sign any official health document issued by the veterinarian unless the use of a signature stamp is authorized by law.

(8) Issuing a presigned or prestamped official health document.

(9) Allowing inappropriate use of the veterinarian's signature stamp.

(10) Engaging in conduct which a reasonable person would believe is intended to coerce, pressure or intimidate another person to file, not file or withdraw a complaint made to the Board or any law enforcement official regarding matters related to a veterinarian's practice.

(11) Offering compensation beyond continued or corrective treatment of an affected patient or the replacement value of a patient, which a reasonable person would believe was intended to induce another to file, not file or withdraw a complaint made to the Board or any law enforcement official regarding matters related to a veterinarian's practice.

(12) Abusing, harassing or intimidating a client, former client, colleague, associate veterinarian or employee in the course of professional practice.

(13) Making any false, misleading or deceptive statement or claim as defined in Principle 5(a) (relating to advertising).

(14) Delegating a veterinary medical service to a certified veterinary technician, veterinary technician specialist or individual not licensed to practice veterinary medicine that is beyond the scope of practice for that individual as defined by law or regulation or who the veterinarian knows or should know is not qualified by education, training, experience, license or certification, to perform. The veterinarian delegating a veterinary medical service shall perform a reasonable investigation of the delegatee's ability to competently perform the service before delegating the service and shall provide supervision of the service consistent with the acceptable and prevailing standards of veterinary medical practice. A veterinarian who delegates a veterinary medical service to an individual not licensed to practice veterinary medicine shall be responsible for the acts and omissions of the delegatee.

(15) Abusing or neglecting any animal, as defined in § 31.1 (relating to definitions), whether or not the animal is a patient.

(16) Failing to report a matter to the Board as required by Principle 1(e).

* * * * *

[Pa.B. Doc. No. 09-696. Filed for public inspection April 17, 2009, 9:00 a.m.]

Title 58—RECREATION

GAME COMMISSION

[58 PA. CODE CH. 143]

Corrective Amendment to 58 Pa. Code § 143.12

The Game Commission (Commission) has discovered a discrepancy between the agency text of 58 Pa. Code § 143.12 (relating to hunter education training), as deposited with the Legislative Reference Bureau and published in 38 Pa.B. 1470 (March 29, 2008) and the official text which currently appears in the *Pennsylvania Code*. The amendments to § 143.12 in 38 Pa.B. 1470 were inadvertently omitted from the *Pennsylvania Code Reporter* MTS 403 (June 2008).

Therefore, under 45 Pa.C.S. § 901: The Commission has deposited with the Legislative Reference Bureau a corrective amendment to 58 Pa. Code § 143.12. The corrective amendment to 58 Pa. Code § 143.12 is effective as of June 7, 2008, the date the defective text was announced in the *Pennsylvania Bulletin*.

The correct version of 58 Pa. Code § 143.12 appears in Annex A.

JAYNE ARCHER,
Game Commission

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 143. HUNTING AND FURTKAKER LICENSES

Subchapter A. GENERAL

§ 143.12. Hunter education training.

(a) *Course registration fees.* Upon application for enrollment in each fee-based hunter education course, a student shall remit the associated, nonrefundable course registration fee in the form of cash, credit card, check or money order. Checks or money orders must be made payable to the "Pennsylvania Game Commission."

(b) *Training certificate.* The Commission will issue an appropriate certificate of training to each student who successfully completes an approved hunter education course. The Commission will issue a replacement hunter education training certificate to a person who provides sufficient affirmation or evidence of successful completion of that course of instruction. A \$10 fee shall be remitted by any person requesting a replacement hunter education training certificate.

(c) *Waiver.* The Director may waive any course registration fee required by this section when the waiver is determined to be consistent with the Commission's hunter education training program or the intent of the act.

[Pa.B. Doc. No. 09-697. Filed for public inspection April 17, 2009, 9:00 a.m.]

STATEMENTS OF POLICY

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CH. 1223]

Requirements for Clinic Supervisory Physician Reviews and Reevaluations of Diagnoses, Treatment Plans and Updates

Scope

This Statement of Policy (SOP) applies to outpatient drug and alcohol services clinics enrolled in the Medical Assistance (MA) Program to provide services in either the Fee-for-Service or the Managed Care delivery systems.

Purpose

The purpose of this SOP is to clarify the requirement in § 1223.52(a)(6)(iii) and (7)(ii) (relating to payment conditions for various services) that the clinic supervisory physician review and reevaluate diagnoses, treatment plans and updates shall be done in the outpatient drug and alcohol clinic.

Discussion

Providers of outpatient drug and alcohol clinic services have requested that the Department clarify the requirement that the clinic supervisory physician reviews and reevaluates diagnoses, treatment plans and updates be completed in the clinic. Specifically, they requested clarification of the boundaries for a physician to be “in the clinic.”

Although the Department of Health licenses each outpatient drug and alcohol clinic site separately, these facilities are recognized as part of one “project” if they are operated by the same legal entity or governing body. See 28 Pa. Code § 701.1 (relating to general definitions). Therefore, the Department will consider a physician to be “in the clinic” under § 1223.52(a)(6)(iii) and (7)(ii) when the physician is physically present in a licensed site of the same “project.”

Regulation Interpretation

The regulation interpretation is contained in Annex A.

Effective Date

This SOP is effective immediately upon publication in the *Pennsylvania Bulletin*.

Contact Person

Richard J. Novak, Bureau of Policy and Program Development, Office of Mental Health and Substance Abuse Services, (717) 772-7860 or rinovak@state.pa.us.

ESTELLE B. RICHMAN,
Secretary

(*Editor's Note:* Title 55 of the *Pennsylvania Code* is amended by adding a statement of policy in § 1223.52a to read as set forth in Annex A.)

Fiscal Note: 14-083. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART III. MEDICAL ASSISTANCE MANUAL

CHAPTER 1223. OUTPATIENT DRUG AND ALCOHOL CLINIC SERVICES

PAYMENT FOR OUTPATIENT DRUG/ALCOHOL CLINIC SERVICES

§ 1223.52a. Requirements for clinic supervisory physician reviews and reevaluations of diagnoses, treatment plans and updates—statement of policy.

The Department will consider a physician to be “in the clinic” under § 1223.52(a)(6)(iii) and (7)(ii) (relating to payment conditions for various services) when the physician is physically present in a licensed site of the same “project” as defined in 28 Pa. Code § 701.1 (relating to general definitions).

[Pa.B. Doc. No. 09-698. Filed for public inspection April 17, 2009, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Healthy Farms and Healthy Schools Matching Grant Program

The Healthy Farms and Healthy Schools Grant Project agreement period is July 1, 2009, through June 30, 2010, and the application period is April 13, 2009, through May 29, 2009. The commencement of an application period for grants under the Healthy Farms and Healthy Schools Grant Program (Program) administered by the Department of Agriculture (Department). The statement of policy describing the Program is available at www.agriculture.state.pa.us.

In summary, the Program provides matching funds to educational institutions located in this Commonwealth that have a kindergarten program, whether they be public, private or charter schools. The purpose of the Program is to educate kindergarten students and their families about the importance of choosing healthy, locally produced foods while increasing awareness of this Commonwealth's agriculture. The application, work plan and budget should reflect a project completion date of June 30, 2010.

Applications for the Program will be accepted by the Department beginning the date of publication in the *Pennsylvania Bulletin* and will continue through Friday, May 29, 2009. Applications must be received by 4 p.m. in the Bureau of Market Development on the closing date. Information on this Program may be obtained from JoAnna Gresham, Bureau of Market Development, Department of Agriculture, 2301 North Cameron Street, Room 310, Harrisburg, PA 17110-9408. Application documents can be accessed at www.agriculture.state.pa.us.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 09-699. Filed for public inspection April 17, 2009, 9:00 a.m.]

Partial Revocation of Plum Pox Virus Nursery Quarantine

Recitals

A. 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.

B. The powers granted to 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.

C. Plum Pox Virus (PPV) is a serious plant pest, indigenous to Europe. It 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 that it is unmarketable.

D. PPV has the potential to cause serious damage to the stone fruit production industry within this Common-

wealth. It is transmitted from infected trees by aphids and by budding or grafting and can be spread into new areas by movement of infected nursery stock. The movement of PPV-infected fruit trees poses a danger to stone fruit trees in noninfected areas. There is no known control for PPV other than destruction of infected trees.

E. As a result of the presence of PPV in several townships and boroughs, the Department has issued a series of quarantine orders establishing and adjusting a quarantine area. This series of orders included a January 5, 2005, order published in 35 Pa.B. 552 (January 22, 2005) establishing a PPV Nursery Quarantine Area.

F. The Department has determined that it is appropriate to release the PPV Nursery Quarantine with respect to those areas where testing has failed to detect the presence of PPV within the last 6 years.

Order

Under authority of section 21 of the act, and with the foregoing recitals incorporated herein, the Department hereby orders the following:

1. Conewago Township, located in York County, is hereby released from the PPV Nursery Quarantine Area established by Order of January 5, 2005, published in 35 Pa.B. 552, as there has been no detected presence of PPV in this area for at least 3 years after more expansive PPV-related quarantine restrictions have been rescinded.

2. Owners of nurseries located within Conewago Township, York County may, without restriction, propagate and grow nursery stock, use *Prunus* as a source of propagative material, and plant *Prunus* nursery stock in the ground, to be dug and sold. Propagators are advised to contact the Department for testing of *Prunus* before it is used for propagation.

3. The following local government units and areas remain subject to the Order described in Paragraph No. 1:

In Adams County

- Huntington Township.
- Latimore Township.
- That portion of Menallen Township as designated by the Order published in 35 Pa.B. 6543 (December 3, 2005).
- That portion of Franklin Township as designated by the Order published in 36 Pa.B. 6108 (October 7, 2006).
- That portion of Butler Township as designated by the Order published in 33 Pa.B. 5087 (October 11, 2003).
- That portion of Tyrone Township, as designated by Order published in 38 Pa.B. 6624 (December 6, 2008).
- The Borough of York Springs.

In Cumberland County

- Dickinson Township.
- South Middleton Township.
- The eastern corner of Southampton Township that lies within an 11.5 kilometer radius of Menallen Township (Adams County).
- The Borough of Mt. Holly Springs.

In York County

- Franklin Township.
- Monaghan Township.

Any area within 11.5 kilometers (7.15 miles) of any location from which a PPV-positive sample has been detected within the preceding 3 years. These PPV-positive locations and the 11.5-kilometer radius from these locations are identified on maps that are available from the Department upon request. The 11.5-kilometer radius is determined using location readings received from global positioning satellites (GPS) and the computer-assisted calculations of a geographical information system. The Department shall, upon request, visit any site to take GPS readings and determine whether that site is within the quarantine area.

4. The conditions of the Quarantine established in the Orders referenced in Paragraph Nos. 1 and 3 shall

remain in effect in a given local government unit for at least 3 years after a primary quarantine is rescinded, and until the Department issues an Order releasing that local government unit from quarantine.

5. The Department will continue to 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 PPV, and may, if warranted, reconsider the need for quarantine restrictions.

6. This Order is effective as of April 1, 2009.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 09-700. Filed for public inspection April 17, 2009, 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 April 7, 2009.

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

BANKING INSTITUTIONS

Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
4-1-2009	Penseco Financial Services Corporation, Scranton, acquired 100% of Old Forge Bank, Old Forge	Scranton	Effective

Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-1-2009	Penn Security Bank and Trust Company, Scranton, and Old Forge Bank, Old Forge Surviving Institution: Penn Security Bank and Trust Company, Scranton	Scranton	Effective

All offices of Old Forge Bank will become branch offices of Penn Security Bank and Trust Company, including the former principal place of business of Old Forge Bank located at:

216 South Main Street
Old Forge
Lackawanna County

Branch Applications

De Novo Branches

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-30-2009	First Priority Bank Malvern Chester County	10 Sentry Parkway Building 300, Suite 100 Blue Bell Montgomery County	Opened

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NOTICES

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-2-2009	Northwest Savings Bank Warren Warren County	2113 Chili Avenue Gates Monroe County, NY	Approved
4-2-2009	Somerset Trust Company Somerset Somerset County	1448 County Line Road Champion Westmoreland County	Approved

Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-2-2009	Pennsylvania Business Bank Berwyn Chester County	<i>To:</i> 1819 John F. Kennedy Boulevard Philadelphia Philadelphia County <i>From:</i> 1635 Market Street Philadelphia Philadelphia County	Approved
4-7-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 48 West Skippack Pike Ambler Montgomery County <i>From:</i> 7004 Butler Pike Broad Axe Montgomery County	Filed

Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
4-2-2009	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 1950 Old Philadelphia Pike Lancaster Lancaster County <i>From:</i> 2034 Lincoln Highway East Lancaster Lancaster County	Approved

Branch Discontinuances

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-31-2009	Wayne Bank Honesdale Wayne County	Weis Market Route 590 Hamlin Wayne County	Closed

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Community Charter Conversions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-31-2009	Riverset Credit Union Pittsburgh Allegheny County	Pittsburgh	Filed

The credit union proposes to amend Article 8 of its Articles of Incorporation to serve a field of membership limited to the following community: Persons who live, work (regularly conduct business in), worship, attend school in and businesses and other legal entities in Allegheny, Beaver and Butler Counties, PA.

Correction: The date of filing of the previously proposed community charter conversion by Riverset Credit Union was incorrectly stated in the previous issue of the *Pennsylvania Bulletin* (Volume 39, Number 15).

4-2-2009	Penn Drake Credit Union Karns City Butler County	Karns City	Approved
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The credit union proposes to amend its Articles of Incorporation to serve a field of membership limited to the following community: Persons who live, work, worship, attend school in, and businesses and other legal entities in Butler County, in this Commonwealth.

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. 09-701. Filed for public inspection April 17, 2009, 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

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>
PA0086266 (Sew)	Northern Lancaster County Authority—Kramer Mill Road STP 982 Beam Road Denver, PA 17517	Lancaster County Brecknock Township	Little Muddy Creek 7-J	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>
PA0081574 (Sew)	Salisbury Township—Gap STP 5581 Old Philadelphia Pike Gap, PA 17527	Lancaster County Salisbury Township	UNT Pequea Creek 7-K	Y
PA0082741 (IW)	Elizabethtown Area Water Authority 5 Municipal Drive Elizabethtown, PA 17022	Lancaster County Mount Joy Township	UNT Conoy Creek 7-G	Y
PA0082571 (Sew)	West Penn District Grace Brethren Mennonite, Inc.—Camp Mantowagan 2671 Camp Land P. O. Box 95 Saxton, PA 16678-0095	Huntingdon County Todd Township	UNT Tatman Run 11-D	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>
PA0044547 (Sewage)	Hills Creek State Park Department of Conservation and Natural Resources 111 Spillway Road Wellsboro, PA 16901	Charleston Township Tioga County	Hills Creek WWF	Y
PA0228052 (Sewage)	Allen's True Value, Inc. 759 Susquehanna Trail Watsontown, PA 17777	Delaware Township Lycoming County	UNT to Muddy Run WWF	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.

PA0052221, Industrial Waste, SIC 4911, **EXELON Generation Company, LLC**, 200 Exelon Way, Kennett Square, PA 19348. This facility is located in Bedminster Township, **Bucks County**.

Description of Proposed Activity: NPDES permit renewal for the discharge of diverted Delaware River from Bradshaw Reservoir water to East Branch Perkiomen Creek. This is an existing discharge.

The receiving stream, East Branch Perkiomen Creek, is in the State Water Plan Watershed 3E—Perkiomen Creek and is classified for: TSF. The nearest downstream public water supply intake for Aqua Pennsylvania is located on Perkiomen Creek.

The proposed effluent limits for Outfall 001 are based on a design flow of 42 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Dissolved Oxygen (5-1 to 7-31) (8-1 to 9-30)					6.0 Daily Minimum 5.0 Daily Minimum
pH (5-1 to 9-30)					Within limits of 6.0 to 9.0 Standard Units at all times
Fecal Coliform (5-1 to 9-30)					200 colonies/100 ml as a Geometric Mean
Total Phenolics					Monitor
Free Cyanide					Monitor
Total Phosphorus as P					Monitor
Orthophosphate as P					Monitor
Total Kjeldahl Nitrogen					Monitor
Ammonia as N					Monitor
Nitrite + Nitrate as N					Monitor

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

1. No Chemical Additives without Prior Approval.
2. TMDL/WLA Analysis.
3. Approved Test Methods.
4. Change in Ownership.
5. Certified Laboratory.

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

Application No. PA 0020508, Sewage, **McConnellsburg Sewer Authority**, P. O. Box 681, McConnellsburg, PA 17233. This facility is located in Ayr Township, **Fulton County**.

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

The receiving stream, Big Cove Creek, is in Watershed 13-B, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Hagerstown City is located on the Potomac 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 0.600 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD ₅			
(5-1 to 10-31)	15	22.5	30
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH ₃ -N			
(5-1 to 10-31)	2		4
(11-1 to 4-30)	6		12
Total Residual Chlorine	0.08		0.28
Total Phosphorus			
(Interim)	Report	Report	Report
(Final)	2.0		4.0
Total Copper	Report		
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	

Chesapeake Bay Requirements

	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia-N	Report	Report	Report	Report
Kjeldahl-N	Report	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	Report	XXX
Total Nitrogen	Report	Report	Report	Report
Total Phosphorus	Report	Report	Report	Report
Net Total Nitrogen	XXX	Report	Report	10,959*
Net Total Phosphorus	XXX	Report	Report	1,461*

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's (Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental Discharge Monitoring Reports submitted to the Department.

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

The EPA waiver is not in effect.

Application No. PA 0248541, CAFO, **Pat and Karen Shea Layer Facility**, 3304 Mountain Road, Hamburg, PA 19526.

Pat and Karen Shea have submitted an NPDES permit application for the Pat and Karen Shea Layer Facility, an existing poultry layer operation in Upper Bern Township, **Berks County**. The CAFO is situated near Mill Creek (Watershed 3-B), which is classified as a TSF. The CAFO has a target animal population of approximately 1,406 animal equivalent units consisting of 400,000 layers and 25 finishing beef cows.

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

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

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.

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

PA0233579, CAFO, SIC 214, **Marvin Carpenter**, R. D. 3, Box 471, Shunk, PA 17768. This proposed facility is located in Fox Township, **Sullivan County**.

Description of Proposed Activity: The Marvin Carpenter Farm is an existing Beef Steer Farm, totaling 50 Animal Equivalent Units (AEUs). He is proposing adding a finishing Swine operation of 4,360 head equaling 581 AEUs. Total AEUs for the permit will be 631.

The receiving stream, Hoagland Branch Elk Creek, is in the State Water Plan Watershed 10B and is classified for: HQ-CWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO individual permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required.

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

1. The permittee shall have a PE certify the structural integrity of the manure storage facility upon completion of the construction.

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

PA0252468, Industrial Waste, SIC 4941, **Kittanning Suburban Joint Water Authority**, R. R. 1, Box 23, Adrian, PA 16210-9712. This application is for issuance of an NPDES permit to discharge treated backwash water, clarifier sludge, filter-to-waste water and untreated stormwater runoff from KSJWA Water Treatment Plant in East Franklin Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is PA-American Water Company, located at Kittanning, 1.14 miles below the discharge point.

Outfall 001: new discharge, design flow of 0.0614 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Total Suspended Solids			30		60
Total Iron			2		4
Aluminum (T)			4		8
Manganese (T)			1		2
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0205176, Sewage, **Consolidated Steel Services, Inc.**, 632 Glendale Valley Boulevard, Fallentimber, PA 16639. This application is for renewal of an NPDES permit to discharge treated sewage from Consolidated Steel Services, Inc. STP in Reade Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Clearfield 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 Shawville Power Plant on West Branch Susquehanna River.

Outfall 001: existing discharge, design flow of 0.005 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60

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Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0098990, Sewage, **Joseph P. Graham**, P. O. Box 390, Rochester, PA 15074. This application is for renewal of an NPDES permit to discharge treated sewage from Joseph P. Graham Sewage Treatment Plant in Fallston Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Brady Run, which are classified as a TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Beaver Borough Municipal Authority.

Outfall 001: existing discharge, design flow of 0.0005 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.

PA0253961, Sewage, **L&T Enterprises, LLC**, 729 North Church Street, Mt. Pleasant, PA 15666. This application is for issuance of an NPDES permit to discharge treated sewage from L&T Enterprises STP in Donegal Township, **Westmoreland County**.

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

Outfall 001: new discharge, design flow of 0.02 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	25			50
Ammonia Nitrogen (5-1 to 10-31)	2.5			5.0
(11-1 to 4-30)	4.0			8.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Dissolved Oxygen	not less than 5 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

PA0216089, Sewage, **Westmoreland County Industrial Park Authority**, 601 Courthouse Square, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from I-70 Industrial Park STP in South Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Youghiogheny River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Westmoreland County Municipal Authority, McKeesport Plant, on the Youghiogheny River.

Outfall 001: existing discharge, design flow of 0.05 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Fecal Coliform	200/100 ml as a Geometric Mean			
(5-1 to 9-30)	2,000/100 ml as a Geometric Mean			
(10-1 to 4-30)				
Total Residual Chlorine	1.4			3.3
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: Once per quarter, the permittee shall provide a sample analysis result for the parameter of fecal coliform from the lagoon underdrain system discharge as an indicator that the lagoon liner may be torn and leaking, and may need to be repaired.

The EPA waiver is in effect.

PA0093874, Sewage, **Blairsville-Saltsburg School District**, 102 School Lane, Blairsville, PA 15717-8715. This application is for renewal of an NPDES permit to discharge treated sewage from Saltsburg Elementary School STP in Loyalhanna Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as a UNT of the Kiskiminetas River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Buffalo Township Municipal Authority-Freepport.

Outfall 001: existing discharge, design flow of 0.00465 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	9.5			19.0
(11-1 to 4-30)	28.5			57.0
Fecal Coliform	200/100 ml as a Geometric Mean			
(5-1 to 9-30)	2,000/100 ml as a Geometric Mean			
(10-1 to 4-30)				
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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. 4609405, Sewerage, **Upper Pottsgrove Township**, 1409 Farmington Avenue, Pottstown, PA 19464. This proposed facility is located Upper Pottsgrove Township, **Montgomery County**.

Description of Action/Activity: Installation of approximately 1,100 ft. of new 18" PVC sewer line.

WQM Permit No. 4609405, Sewerage, **Upper Pottsgrove Township**, 1409 Farmington Avenue, Pottstown, PA 19464. This proposed facility is located in Upper Pottsgrove Township, **Montgomery County**.

Description of Action/Activity: Installation of approximately 1,100 feet of new 18" PVC sewer line.

WQM Permit No. 2309406, Sewerage, **Delaware County Regional Water Quality Control Authority**, P. O. Box 999, Chester, PA 19016-0999. This proposed facility is located in City of Chester, **Delaware County**.

Description of Action/Activity: Clean up redevelopment of existing brownfield sites along the Delaware River. Combined Sewer Overflow outfall requires relocation.

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

WQM Permit No. 5409401, Sewerage, **Eagle Rock Resort Company**, 1031 Valley of Lakes, Hazleton, PA 18202. This proposed facility is located in East Union Township, **Schuylkill County**.

Description of Proposed Action/Activity: This project consists of four additions consisting of a low pressure sanitary sewer system, individual lot grinder pumps with laterals, air releases valves, cleanouts and pumping stations were necessary in the Eagle Rock development Western Summit South Phases I—IV.

WQM Permit No. 4009405, Sewerage, **Eagle Rock Resort Company**, 1031 Valley of Lakes, Hazleton, PA 18202. This proposed facility is located in Hazle Township, **Luzerne County**.

Description of Proposed Action/Activity: This project is for two additions consisting of a low pressure sanitary system, individual lot grinder pumps with laterals, air releases valves, cleanouts and pumping stations where necessary in the Eagle Rock development Laurel Valley and The Highlands.

WQM Permit No. 4009406, Sewerage, **Eagle Rock Resort Company**, 1031 Valley of Lakes, Hazleton, PA 18202. This proposed facility is located in Hazle Township, **Luzerne County**.

Description of Proposed Action/Activity: This project is for three new additions consisting of a low pressure sanitary system, individual lot grinder pumps with laterals; air releases valves, cleanouts and pumping stations in the Eagle Rock development The Timbers, The Woodlands and The Vistas.

WQM Permit No. 4009407, Sewerage, **Eagle Rock Resort Company**, 1031 Valley of Lakes, Hazleton, PA 18202. This proposed facility is located in Black Creek and Hazle Townships, **Luzerne County**.

Description of Proposed Action/Activity: This project is for five existing additions and consists of a low pressure sanitary system, individual lot grinder pumps with laterals; air releases valves, cleanouts and pumping stations where necessary in the Eagle Rock development Ridge View, Ridge View West, North Ridge, Valley View and JA East.

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

WQM Permit No. 0708404 09-1, Sewerage, **Altoona City Authority**, 20 Greenwood Road, Altoona, PA 16602. This proposed facility is located in Altoona City, **Blair County**.

Description of Proposed Action/Activity: Construction/operation of improvements to the Westerly Wastewater Treatment Facility.

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

WQM Permit No. 0309402, Sewerage, **East Franklin Township**, R. D. 3, Box 211A, Cherry Orchard Avenue, Kittanning, PA 16201. This proposed facility is located in East Franklin Township, **Armstrong County**.

Description of Proposed Action/Activity: Application for the construction and operation of the Cowansville Sewage Treatment Plant.

The Pennsylvania Infrastructure Investment Authority (PENNVEST) which administers Pennsylvania's State Revolving Fund has been identified as a possible funding source. The Department of Environmental Protection's review of the sewage facilities plan revision has not identified any significant environmental impacts resulting from this proposal.

WQM Permit No. 0209401, Sewerage, **Municipality of Penn Hills**, 12245 Frankstown Road, Penn Hills, PA 15235. This proposed facility is located in Penn Hills Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sanitary sewer extension.

WQM Permit No. WQG016403, Sewerage, **Richard McIntyre**, 526 Freeport Road, Freeport, PA 16229. This proposed facility is located in South Buffalo Township, **Armstrong County**.

Description of Proposed Action/Activity: Application 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. 2599409, Sewerage, **McKean Township Sewer Authority**, P. O. Box 88, McKean, PA 16426. This proposed facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: The MTSA proposes to construct four sludge reed beds at their existing WWTP. These sludge reed beds (SRB) will be used to dewater aerobically digested sludge that is currently dewatered by a belt filter press system. It is anticipated that the SRBs will be used during the spring, summer and fall months and the existing belt filter press will be used during the winter months and during startup and maintenance of the SRBs.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1509012	Andy King 217 Media Road Oxford, PA 19363	Chester	East Nottingham Township	Jordan Run EV

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<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1509013	The Hankin Group 707 Eagleview Boulevard P. O. Box 562 Exton, PA 19341	Chester	Uwchlan Township	Shamona Creek HQ-TSF-MF
PAI01 2309002	Rose Tree Media School District 308 North Olive Street Media, PA 19063	Delaware	Upper Providence Township	Ridley Creek HQ-TSF
PAI01 2309003	MacDade Darby Development, LP 5004 State Road Drexel Hill, PA 19086	Delaware	Darby Borough	Darby Creek CWF-MF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10S056R(7)	Sanofi Pasteur, Inc. Discovery Drive Swiftwater, PA 18370	Monroe	Pocono Township	Swiftwater Creek HQ-CWF
PAS10S097R(1)	LTS Dev., LLC Seven Bridges Road R. R. 5 Box 5348 East Stroudsburg, PA 18301	Monroe	Middle Smithfield Township	Marshalls Creek HQ-CWF

Carbon County Conservation District: 5664 Interchange Road, Lehighton, PA 18235-5114, (610) 377-4894.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021309002	Justin D'Angelo 122 Fairhill Road Hatfield, PA 19440	Carbon	Franklin Township	Bull Run EV

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>
PAI025209002	Tamiment Dev. Corp., LLC 2701 Renaissance Boulevard Fourth Floor King of Prussia, PA 19406	Pike	Lehman Township	Little Bushkill Creek EV Tamiment Lake HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10U109R	Joleone Kinney 918 Blue Mountain Drive Walnutport, PA 18088	Northampton	Plainfield Township	Little Bushkill Creek HQ-CWF, MF

Wayne County Conservation District: 648 Park Street, Honesdale, PA 18431, (570) 253-0930.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026409004	Middle Creek Quarry, Inc. Attn: George Cabel 2893A Owego Turnpike Hawley, PA 18428	Wayne	Palmyra Township	Middle Creek HQ-CWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030709001	Department of Transportation Engineering District 9-0 Thomas A. Prestash, P. E. 1620 North Juniata Street Hollidaysburg, PA 16648	Blair	Allegheny Township	UNT to Gillians Run CWF

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

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

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 1508512, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc.
Township	Schuylkill
County	Chester

Responsible Official	Marc Lucca 762 West Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility	PWS
Consulting Engineer	CET Engineering Services 1240 North Mountain Road Harrisburg, PA 17112
Application Received Date	January 9, 2009
Description of Action	Modifications to an existing raw water pump station, construction of a new hydroburst station and installation of a hydroburst system.

Application No. 4609504, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc.
Township	Lower Providence
County	Montgomery
Responsible Official	Marc Lucca 762 West Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility	PWS
Consulting Engineer	CET Engineering Services 1240 North Mountain Road Harrisburg, PA 17112
Application Received Date	January 9, 2009
Description of Action	Construction of a replacement raw water pump station and modifications to the existing intake including the installation of new passive intake screens with a hydroburst system.

Application No. 0909502, Public Water Supply.

Applicant	Hilltown Township Water and Sewer Authority
Township	Hilltown
County	Bucks
Responsible Official	James Groff Hilltown Township Water and Sewer Authority P. O. Box 365 Sellersville, PA 18960
Type of Facility	PWS

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

Application Received February 10, 2009
Date

Description of Action Construction of a new well to
replace existing well No. 1 with
arsenic, iron and manganese
treatment and disinfection.

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

Permit No. 6709501, Public Water Supply.

Applicant **CHR Corporation**

Municipality Fawn Township

County **York**

Responsible Official Tim L. Rutter, President
2295 Susquehanna Trail Road
Suite C
York, PA 17403

Type of Facility Public Water Supply

Consulting Engineer Eric Thomas, P. E.
LSC Design, Inc.
111 East Princess Street
York, PA 17403

Application Received March 25, 2009

Description of Action Nitrate reduction treatment.

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.

Franklin Commons, Phoenixville Borough, **Chester County**. Shaun Gilday, Environmental Standards, Inc., 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482 on behalf of Dave H. Moskowitz, Palma, LP, 400 Franklin Avenue, Phoenixville, PA 19482, Roger Tartagila, Center Point Tank Service, Inc., 536 East Benjamin Franklin Highway, Douglasville, PA 19518 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted by the release of used motor oil. The intended future use of the property (where the Site is located) is a charter school for grades K-12. A summary of the Notice of Intent to Remediate was reported to have been published in the *Phoenixville Newspaper* on March 16, 2009.

101—103 Cricket Avenue, Lower Merion Township, **Montgomery County**. Samuel Kucia, Environmental Consulting, Inc., 500 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Samuel Galib, JAL Partners, 409 Boxwood Road, Bryn Mawr, PA 19010 has submitted a Notice of Intent to Remediate. Groundwater and soil at the site has been impacted with the release of unleaded gasoline. The proposed future use of the subject property will continue to be the existing nonresidential commercial use.

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

Cleveland Brothers Equipment Company, Inc., Lower Allen Township, **Cumberland County**. Geo-Technology Associates, Inc., 3578 Concord Road, York, PA 17402, on behalf of Cleveland Brothers Equipment Company, Inc., 4565 William Penn Highway, Murrysville, PA 15668 and Smith Land & Improvement Corporation, 2010 State Road, Camp Hill, PA 17011 submitted a Notice of Intent to Remediate site soils and groundwater contaminated with chromic acid. The site will remain industrial and will be remediated to the Site-Specific Standard.

Poppi Als Pizza, West Hanover Township, **Dauphin County**. Groundwater Services International, Inc., 443 McCormick Road, Mechanicsburg, PA 17055, on behalf of Poppi Als Pizza, 7750 Allentown Boulevard, Harrisburg, PA 17112, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with petroleum products from unregulated gasoline and heating oil underground storage tanks. The site will be remediated to the Statewide Health Standard and will remain commercial.

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

Renovo Rail Property, Renovo Borough, **Clinton County**. Chambers Environmental Group, 629 East Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of Renovo Rail Industries, LLC, 504 Erie Avenue, Renovo, PA 17764 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with tetrachloroethene, trichloroethene, 1,2 dichloroethene and metals. The applicant proposes to remediate the site to meet the Site-Specific Standard. The future use of the property will be for development of the Renovo Industrial Park.

Pa. College of Technology—Rose St. Student Housing/Parking, City of Williamsport, **Lycoming County**. TCI Environmental Services, Inc., 100 North Wilkes-Barre Boulevard, Wilkes-Barre, PA 18702 on behalf of Pa. College of Technology, 2245 Reach Road, Williamsport, PA 17701 has submitted a Notice of Intent to Remediate soil contaminated with Lead. The applicant proposes to remediate the site to meet the Site-Specific Standard. The future use of the property is as student housing and parking.

Palmer Industrial Coatings, Inc., Woodward Township, **Lycoming County**. Palmer Industrial Coatings, Inc., 191 Palmer Industrial Road, Williamsport, PA 17701 has submitted a Notice of Intent to Remediate soil contaminated with diesel fuel. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Williamsport Sun-Gazette* on March 6, 2009. The future use of the property will be for industrial use.

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

Worldwide Refractories, Tarentum Borough, **Allegheny County**. Dan Cusick, Conestoga-Rovers and Associates, 103 Gamma Drive Extension, Suite 190, Pittsburgh, PA 15238 on behalf of William Brown, Resco Products, Inc., Penn Center West Building 2, Suite 430, Pittsburgh, PA 15276 has submitted a Notice of Intent to Remediate. Elevated levels of arsenic and antimony were discovered in two of four groundwater monitoring wells sampled during 2000. The metal contamination is the result of historical industrial activities conducted in the late 19th and early 20th century. The property is currently used for the production of refractory materials and neither arsenic nor antimony is used in this production process. A Nonresidential Site-Specific Standard will be pursued.

Ambridge Regional Distribution and Manufacturing Center, Ambridge Borough, Harmony Township, **Beaver County**. John Matviya, Brownsfield Consultant, P. O. Box 64, New Alexandria, PA 15670 on behalf of Gene Pash, Value Ambridge Associates, LP, 2301 Duss Avenue, Suite 1, Ambridge, PA 15003 has submitted a Notice of Intent to Remediate. The property was used by Armco Steel as a seamless steel tube manufacturing facility from

1909 until 1985. From 1985 and 1988 a salvage operations company leased the property. Since 1988 the property has been owned by Value Ambridge Associates, LP, and used as a light industrial park. A 2008 phase I revealed potential environmental concerns. The property is within the Beaver County Enterprise Zone, and the remediator is expected to use the Special Industrial Area provisions within Act 2. The property is expected to remain nonresidential.

Reliant Energy Northeast Management Company (Coal Management Area), West Wheatfield Township, **Indiana County**. Stephen Frank, Reliant Energy, 121 Champion Way, Suite 200, Canonsburg, PA 15317 has submitted a Notice of Intent to Remediate. The power station managed by Reliant Energy Northeast Management Company in West Wheatfield, Indiana County is planning on undertaking a remedial investigation under Act 2 for the Coal Management Area (CMA) within the facility. The report will address the groundwater pathways from the CMA to the Conemaugh River. The current and intended use of this facility is as a coal-fired generation station. Therefore, a Nonresidential Site-Specific Standard will be pursued.

Zappi Oil & Gas Company, Inc., Canton Township, **Washington County**. Steven Gerritsen, SE Technologies, LLC, 98 Vanadium Road, Bridgeville, PA 15017 on behalf of Ed Zappi, Zappi Oil & Gas Company, Inc., 44 Bridge Street, Washington, PA 15301 has submitted a Notice of Intent to Remediate. Separate phase petroleum has been identified in the western parking lot area of the property, suspected to have originated from the former underground storage tanks removed in the 1980's. A trench was excavated along the embankment of catfish creek to intercept the contamination as an interim remedial measure. Site characterization activities are proposed to better define the extent of contamination. The site is a nonresidential property and will remain so for the foreseeable future.

Debbie Simpson Residence, Redstone Township, **Fayette County**. Robert Kleinschmidt, Miller Environmental, Inc., 514 Hartman Run Road, Morgantown, WV 26505 on behalf of Michael Miller, Miller Environmental, Inc., 514 Hartman Run Road, Morgantown, WV 26505 has submitted a Notice of Intent to Remediate. An overflow of a home heating oil aboveground storage tank occurred at 466 Braznell Concrete Road, Fayette County. The AST's were formerly located in the basement of the residence. The product collected in a sump and was then discharged to the front yard. Excavated impacted soil in the front and adjacent yard along with soils under the concrete slab were disposed of. The site is to remain residential by attaining a Residential Statewide Health Standard.

Allegheny County Field Sports Complex, Moon and Robinson Townships, **Allegheny County**. Steve McGuire, Chester Engineers, 260 Airside Drive, Moon Township, PA 15108 on behalf of James Wilharm (Trustee for Sports Legacy Foundation) Alliance Reality Management, 121 Towne Square Way, Pittsburgh, PA 15227, and Howard Schubel, Redevelopment Authority of Allegheny County, 425 Sixth Avenue, Suite 800, Pittsburgh, PA 15219 has submitted a Notice of Intent to Remediate. The 78 acre property is located along both sides of Montour Run in Coraopolis at the confluence with the Ohio River. For nearly 100 years the Montour Railroad maintained a rail yard and maintenance shops on the site. Previous site characterizations determined the presence of leaking USTs, which were subsequently remediated, and wide-

spread soil exceedances of the Statewide Health Residential MSCs. The previously completed Act 2 process attained a Nonresidential Statewide Health Standard. The intended future use of the property is for recreational use and will require the County to attain a Site-Specific Residential Standard. Additional characterization and risk assessments will be completed to attain the Site-Specific Residential Standard. An Environmental Covenant will be recorded on the deed.

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.

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

Permit Application No. 100329. Waste Management of PA, Inc., 851 Robison Road East, Erie, PA 16509, Summit Township, **Erie County**. The application is for a permit renewal at the Lake View Landfill. The application was received by the Northwest Regional Office on March 19, 2009.

Comments concerning the application should be directed to Todd Carlson, Program Manager, Northwest Regional Office, 230 Chestnut Street, Meadville, PA 16335. Persons interested in obtaining more information about the general permit application may contact the Northwest Regional Office at (814) 332-6848. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service at (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

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.

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

26-00586A: Highland Coaters, LLC (2241 Industrial Drive, Connellsville, PA 15425-6181) to construct a surface coating operation at their plant in Bullskin Township, **Fayette County**.

30-00108A: River Processing Corp. (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370-3020) to construct a coal preparation plant to service the Freeport underground coal mine (coal conveyance, storage and processing activities) in Jefferson Township, **Greene 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.

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

08-00003G: CraftMaster Manufacturing, Inc. (P. O. Box 311, Towanda, PA 18848) for modification of control devices for Line I and Line II refiners (Source IDs 141P and 142P) at their facility in Wysox Township, **Bradford County**. The modification of the control devices is the first step of two that are proposed to reduce HAP emissions to comply with 40 CFR Part 63, Subpart DDDD (National Emission Standards for HAPs: Plywood and Composite Wood Products). The respective facility is a major facility for which a Title V operating permit (08-00003) has been issued. Potential emission increases

in VOCs and total HAPs will be insignificant. PM, NOx and CO emissions will decrease as a result of this modification.

The Department of Environmental Protection's (Department) review of the information contained in the application indicates that the proposed sources and control devices will comply with all applicable requirements pertaining to air contamination sources and the emission of air contaminants including the BACT requirements of 25 Pa. Code §§ 127.1 and 127.12 and 25 Pa. Code §§ 123.13, 123.21, 123.31 and 123.41. Based on this finding, the Department intends to issue a plan approval for the proposed modification. Conditions in Plan Approval 08-00003F and Title V operating permit 08-00003 will remain in effect unless superseded or amended by this plan approval. Additionally, if the Department determines that the sources and the air cleaning devices are operating in compliance with the plan approval conditions, the conditions established in the plan approval will be incorporated into the operating permit by means of an administrative amendment under 25 Pa. Code § 127.450.

The Department proposes to place in the plan approval the following conditions to ensure compliance with all applicable regulatory requirements:

1. (Additional authority for this permit condition is derived from 25 Pa. Code §§ 127.1 and 127.12.)

(This condition supersedes Section D, Source ID 141P, Condition No. 012 of Plan Approval 08-00003F)

(a) Source ID 141P consists of four Line I pressurized refiners, four Line I first stage fiber dryers, four associated Renneburg Co. 8 foot diameter cyclone separators (Control Device ID D01) and one Line I refiner reject cyclone (Control Device ID C141R).

The air contaminant emissions from the Line I pressurized refiners (except during rejecting) and the Line I first stage fiber dryers shall be controlled by a Ducon Multivane Type L Model IV size 132 wet scrubber (scrubber No. 5, Control Device ID D10) which is equipped with a mist eliminator followed by a 12' by 12' by 12' water dropout box followed by a Durr Systems, Inc. model RL rotary valve regenerative thermal oxidizer (RTO) (Control Device ID C141) utilizing a natural gas/propane fired Maxon Kinedizer low-NOx burner with a rated heat input capacity of 10.697 mmBtu/hr. The RTO is also equipped with a natural gas/propane fuel enhancement system (FES) for NOx emission reduction and lowered fuel consumption. The air contaminant emissions from the refiner reject shall be controlled by one Line I refiner reject cyclone (Control Device ID C141R) and Scrubber A (Control Device ID D41), operating in series.

(b) Part of the flue gas from the No. 2 and No. 3 boilers is used as the primary heat source for drying wood fibers. The air contaminant emissions from the flue gas that is used in Source ID 141P shall be controlled by scrubber No. 5 (Control Device ID D10) and RTO (Control Device ID C141). The backup heat source for the Line I first stage dryer is a 12 mmBtu/hr natural gas/propane fired furnace used to supply heat for all 4 dryers of Source ID 141P.

The air contaminant emissions from the burners associated with Source ID 141P shall also be controlled by scrubber No. 5 (Control Device ID D10) and RTO (Control Device ID C141).

2. (Additional authority for this permit condition is derived from 25 Pa. Code §§ 127.1 and 127.12)

(This condition supersedes Section D, Source ID 161P, Condition No. 005 and Source ID 162P, Condition No. 004 of Operating Permit 08-00003)

Under the compliance assurance monitoring requirements of 40 CFR 64.6, the CAM identified scrubbers (Control Device IDs D10, E10, D41, D42, D43, E41, E42, E43, K12, C171A, C171B, D62, C172A, E61, E62, D81) shall be equipped with differential pressure monitors (except for the line I and line II quench scrubbers and tray scrubbers—Control Device IDs C171A, C171B, C172A and E61) and scrubber water flow rate monitors that shall accurately and continuously measure the pressure drops across the scrubbers and the water flow rates through the scrubbers. The pressure drops and scrubber water flow rates shall not be less than the following amounts:

D10: 4.0 in. w.c. (when entire drying line is operating),
140 gpm
E10: 5.0 in. w.c. (when entire drying line is operating),
160 gpm
D41: 4.0 in. w.c., 165 gpm
D42: 2.5 in. w.c., 100 gpm
D43: 2.5 in. w.c., 100 gpm
E41: 2.5 in. w.c., 190 gpm
E42: 2.5 in. w.c., 190 gpm
E43: 2.5 in. w.c., 190 gpm
K12: 5.0 in. w.c., 270 gpm
C171A: 300 gpm
C171B: 400 gpm
D62: 44 in. w.c., 1,020 gpm
C172A: 375 gpm
E61: 437 gpm
E62: 40 in. w.c., 1,562 gpm
D81: 5.0 in. w.c. (when both production lines are operating), 150 gpm

3. Under 40 CFR 63.6, the reject bin shall remain closed while the refiner is rejecting material. The permittee shall not empty the reject bin while any of the refiners are rejecting.

4. Under 40 CFR 63.2, the permittee shall reject material from the refiners (Source IDs 141P and 142P) only during startup, shutdown and malfunction as defined in 40 CFR 63.2.

5. Under 40 CFR 63.2250, the permittee shall not reject material from the refiners (Source ID 141P) for a period greater than 26 minutes during any 3-consecutive hours.

6. Source IDs 141P and 142P are subject to 40 CFR Part 63, Subpart DDDD—National Emissions Standards for HAPs: Plywood and Composite Wood Products. The permittee shall comply with all applicable requirements specified in 40 CFR 63.2230—63.2292.

7. (This condition supersedes Section D, Source ID 161P, Condition No. 004, test completion date, of Operating Permit 08-00003)

The permittee shall complete the following stack testing, as described below, on or before August 31, 2009. Under TVOP 08-00003, Section D, Condition No. 004, the permittee shall perform stack testing on Source ID 161P (on the exhaust of Control Device ID D41) to demonstrate compliance with the PM emissions limitations and to justify the compliance assurance monitoring indicator values.

8. (This condition supersedes Section D, Source ID 142P Condition No. 012 of Plan Approval 08-00003F)

(a) Source ID 142P consists of four Line II pressurized refiners, four Line II first stage fiber dryers, and four associated Renneburg Co. 8 foot diameter cyclone separators (Control Device ID E01) and one Line II refiner reject cyclones (Control Device ID C142R).

The air contaminant emissions from the Line II pressurized refiners (except during rejecting) and Line II first stage fiber dryers shall be controlled by a Ducon Multivane Type L Model IV size 144 wet scrubber (scrubber No. 6, Control Device ID E10) equipped with a mist eliminator followed by a 12' by 12' by 12' water dropout box followed by a Durr Systems, Inc. model RL rotary valve regenerative thermal oxidizer (RTO) (Control Device ID C142) utilizing a natural gas/propane fired Maxon Kinedizer low-NOx burner with a rated heat input capacity of 12.322 mmBtu/hr. The RTO is also equipped with a natural gas/propane fuel enhancement system (FES) for NOx emission reduction and lowered fuel consumption. The air contaminant emissions from the refiner reject shall be controlled by one Line II refiner reject cyclone (Control Device ID C142R) and Scrubber B (Control Device ID E42), operating in series.

(b) Part of the flue gas from the No. 2 and No. 3 boilers act as the primary heat source for drying wood fibers. The air contaminant emissions from which shall also be controlled by scrubber No. 6 (Control Device ID E10) and RTO (Control Device ID C142).

9. Under 40 CFR 63.2250, the permittee shall not reject material from the refiners (Source ID 142P) for a period greater than 28 minutes during any 3-consecutive hours.

Copies of the application and the Department's review of the application are available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693.

Interested persons may submit written comments, suggestions or objections concerning the proposed plan approval to the regional office within 30 days of publication of this notice. Written comments submitted to the Department during the 30-day public comment period should include the name, address and telephone number of the commentator, identification of proposed plan approval number 08-00003G and a concise statement regarding the relevancy of the information or objections to the issuance of the plan approval.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. The persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

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

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

PA-32-00059C: Reliant Energy Northeast Management Co. (121 Champion Way, Suite 200, Canonsburg, PA 15317-7625) for construction and operation of an activated carbon injection system rated at 1,500 pph per unit for mercury control on Units 1 and 2 at their existing Conemaugh Power Plant in West Wheatfield Township, **Indiana County**.

Under 25 Pa. Code § 127.44(a), that the Department of Environmental Protection (Department) intends to issue a Plan Approval to Reliant Energy Northeast Management Company (121 Champion Way, Suite 200, Canonsburg, PA 15317-7625) to allow the construction and operation of an activated carbon injection system rated at 1,500 pph per unit for mercury control on Units 1 and 2 at their existing Conemaugh Power Plant located in West Wheatfield Township, Indiana County.

Copies of the application, the Department's analysis and other documents used in evaluation of the application are available for public inspection during normal business hours at the address listed.

Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222

For the Department to assure compliance with all applicable standards, the Department proposes to place the following Special Conditions and General Conditions on the Plan Approval:

SPECIAL CONDITIONS

1. This Plan Approval is to allow the construction and operation of an activated carbon injection (ACI) system rated at 1,500 pounds per hour per unit on Units 1 and 2 at Reliant Energy Northeast Management Company's Conemaugh Power Plant located in the West Wheatfield Township, Indiana County (25 Pa. Code § 127.12b).

2. Air contamination sources covered by this Plan Approval include the following (25 Pa. Code § 127.12b):

- Two Sorbent Storage Silos
- Material Handling of Spent Sorbent Material
- Truck Traffic on Roads and Surfaces

3. Air pollution control equipment covered by this Plan Approval includes the following (25 Pa. Code § 127.12b):

- Hg Sorbent Injection Systems on Units No. 1 and No. 2, rated 1,500 pph per unit

- Two Griffin Model #54-LS (or equivalent) Bin Vent Collectors, approximately 760 ACFM each on Sorbent Storage Silos

4. Visible emissions from each Sorbent Storage Silo covered by this Plan Approval shall not exceed 10% opacity for a period or periods aggregating more than 3 minutes in any 1 hour or equal or exceed 30% opacity at any time (25 Pa. Code § 127.12b).

5. The Owner/Operator shall not permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source, in such a manner that the malodors are detectable outside the property of the facility (25 Pa. Code § 123.31).

6. There shall be no fugitive emissions from the facility contrary to 25 Pa. Code §§ 123.1 and 123.2.

7. The sorbent delivery trucks and spent sorbent disposal trucks shall travel on paved roads and designated truck haul routes. The Owner/Operator shall take all reasonable actions to prevent PM caused by truck traffic from becoming airborne (25 Pa. Code §§ 123.1 and 123.2).

8. The Owner/Operator shall perform a daily inspection for the presence of visible stack emissions, fugitive emissions, and malodorous emissions from the emission sources covered by this plan approval. This requirement does not apply for any day in which no sorbent is delivered or consumed. Records of the inspections shall be maintained in a log and include any corrective actions taken (25 Pa. Code § 127.12b).

e. The maintenance schedule for, and records of, all maintenance activities performed on each Bin Vent Collector.

9. The Bin Vent Collectors shall be equipped with gauges to monitor pressure drop across the filters. Pressure drop readings shall be kept using either electronic recording devices or recorded manually on a daily basis whenever the control device is operating. This requirement does not apply for any day in which no sorbent is delivered or consumed (25 Pa. Code § 127.12b).

10. The Owner/Operator shall maintain each Bin Vent Collector by the manufacturer's recommendation. The maintenance schedule for each unit and records of all maintenance activities performed on each unit shall be maintained in a log (25 Pa. Code § 127.12b).

11. At a minimum, the Owner/Operator shall maintain records of the following (25 Pa. Code § 127.12b):

- a. Tons of sorbent delivered to the facility per month.
- b. Tons of sorbent used in Units No. 1 and No. 2 per month.
- c. Pressure drop readings on the Bin Vent Collectors.
- d. Visible stack emission, fugitive emission and malodorous emission inspection for the sources covered by this plan approval.

12. Stack testing shall be conducted as follows (25 Pa. Code §§ 127.12b and 139.11):

a. Units No. 1 and No. 2: Within 60 days after achieving the normal production rate at which the sorbent injection will be operated, but not later than 180 days after initial start-up of the control device, the Owner/Operator shall perform total particulate testing to determine the filterable and condensable particulate concentration in the effluent both without the ACI system in operation and with the ACI system in operation.

b. Stack testing shall be conducted in accordance with the provisions of 25 Pa. Code Chapter 139 and the Department's Source Testing Manual.

c. The owner/operator shall submit three copies of a pretest protocol to the Department for review at least 60 days prior to the performance of any stack test. The proposed stack test methods shall be identified in the pretest protocol and approved by the Department prior to testing.

d. The owner/operator shall notify the Regional Air Quality Manager at least 15 days prior to any stack test so that an observer may be present at the time of the test.

e. The relevant operating parameters shall be recorded at appropriate intervals throughout the duration of stack test. Operating data recorded shall be sufficient to establish that the units and the air cleaning devices are

operating at maximum routine operating conditions. A discussion of the recorded operating parameters and values shall be included in the test report.

f. The owner/operator shall submit three copies of the stack test report to the Department within 60 days of the completion of testing.

13. The Owner/Operator shall install, certify, maintain, and operate a CEM system for monitoring mercury (Hg) in accordance with the requirements of 25 Pa. Code Chapter 139 and the most recent version of the Department's Continuous Source Monitoring Manual during the term of the Plan Approval, including extensions, modifications, and transfers (25 Pa. Code § 127.12b).

14. The logs and required records shall be maintained on site for a minimum of 5 years and shall be made available to the Department upon request (25 Pa. Code § 127.12b).

15. This Plan Approval authorizes the operation of the physically changed sources covered by this Plan Approval provided the following conditions are met (25 Pa. Code § 127.12b):

(a) Upon determination by the Owner/Operator that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection.

(b) Upon completion of Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall submit an application for revision to Title V Operating Permit to the Department at least 60 days prior to the expiration date of the Plan Approval.

(c) If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. Such testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required.

GENERAL CONDITIONS

1. Words and terms that are not otherwise defined in this plan approval shall have the meanings set forth in section 3 of the Air Pollution Control Act (APCA) (35 P. S. § 4003) and 25 Pa. Code § 121.1. (25 Pa. Code § 121.1)

2. The issuance of this plan approval does not prevent the future adoption by the Department of any rules, regulations or standards, or the issuance of orders necessary to comply with the requirements of the Federal Clean Air Act (CAA) or the Pennsylvania APCA, or to achieve or maintain ambient air quality standards. The issuance of this plan approval shall not be construed to limit the Department's enforcement authority. (25 Pa. Code § 127.12b(a)(b))

3. This plan approval authorizes temporary operation of the sources covered by this plan approval provided the following conditions are met.

(a) When construction, installation, modification, or reactivation is being conducted, the permittee should

provide written notice to the Department of the completion of the activity approved by this plan approval and the permittee's intent to commence operation at least 5 working days prior to the completion of said activity. The notice shall state when the activity will be completed and when the permittee expects to commence operation. When the activity involves multiple sources on different time schedules, notice is required for the commencement of operation of each source.

(b) Under 25 Pa. Code § 127.12b(d), temporary operation of the sources is authorized to facilitate the shakedown of sources and air cleaning devices, to permit operations pending the issuance of a permit under 25 Pa. Code Chapter 127, Subchapter F or G (relating to operating permits; and Title V operating permits) or to permit the evaluation of the air contaminant aspects of the source.

(c) This plan approval authorizes a temporary operation period not to exceed 180 days from the date of commencement of operation, provided the Department receives notice from the permittee under paragraph (a).

(d) The permittee may request an extension of the 180-day shakedown period if further evaluation of the air contamination aspects of the sources is necessary. The request for an extension should be submitted, in writing, to the Department at least 15 days prior to the end of the initial 180-day shakedown period and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established. This temporary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 120 days. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. Such testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required. (25 Pa. Code § 127.12b)

4. The permittee shall maintain and operate the sources and associated air cleaning devices in accordance with good engineering practice as described in the plan approval application submitted to the Department. (25 Pa. Code § 127.12(a)(10))

5. (a) The records, reports or information obtained by the Department or referred to at public hearings shall be available to the public, except as provided in paragraph (b) of this condition.

(b) Upon cause shown by the permittee that the records, reports or information, or a particular portion thereof, but not emission data, to which the Department has access under the act, if made public, would divulge production or sales figures or methods, processes or production unique to that person or would otherwise tend to affect adversely the competitive position of that person by revealing trade secrets, including intellectual property rights, the Department will consider the record, report or information, or particular portion thereof confidential in the administration of the act. The Department will implement this section consistent with sections 112(d) and 114(c) of the CAA (42 U.S.C.A. §§ 7412(d) and

7414(c)). Nothing in this section prevents disclosure of the report, record or information to Federal, State or local representatives as necessary for purposes of administration of Federal, State or local air pollution control laws, or when relevant in a proceeding under the act. (25 Pa. Code §§ 127.12(c) and (d) and 35 P. S. § 4013.2)

6. (a) This plan approval will be valid for a limited time, as specified by the expiration date contained on page 1 of this plan approval. Except as provided in §§ 127.11a and 127.215 (relating to reactivation of sources; and reactivation), at the end of the time, if the construction, modification, reactivation or installation has not been completed, a new plan approval application or an extension of the previous approval will be required.

(b) If construction has commenced, but cannot be completed before the expiration of this plan approval, an extension of the plan approval must be obtained to continue construction. To allow adequate time for Departmental action, a request for the extension should be postmarked at least 30 days prior to the expiration date. The Department will not issue an extension after the plan approval expires. The request for an extension should include the following:

(i) A justification for the extension.

(ii) A schedule for the completion of the construction.

If construction has not commenced before the expiration of this plan approval, then a new plan approval application must be submitted and approval obtained before construction can commence.

(c) If the construction, modification or installation is not commenced within 18 months of the issuance of this plan approval or if there is more than an 18-month lapse in construction, modification or installation, a new plan approval application that meets the requirements of 25 Pa. Code Chapter 127, Subchapters B, D and E (relating to plan approval requirements; prevention of significant deterioration of air quality; and new source review) shall be submitted. (25 Pa. Code § 127.13)

7. (a) This plan approval may not be transferred from one person to another except when a change of ownership is demonstrated to the satisfaction of the Department and the Department approves the transfer of the plan approval in writing.

(b) Section 127.12a (relating to compliance review) applies to a request for transfer of a plan approval. A compliance review form shall accompany the request.

(c) This plan approval is valid only for the specific source and the specific location of the source as described in the application. (25 Pa. Code § 127.32)

8. (a) Under 35 P. S. § 4008, no person shall hinder, obstruct, prevent or interfere with the Department or its personnel in the performance of any duty authorized under the APCA.

(b) The permittee shall also allow the Department to have access at reasonable times to said sources and associated air cleaning devices with such measuring and recording equipment, including equipment recording visual observations, as the Department deems necessary and proper for performing its duties and for the effective enforcement of the APCA and regulations adopted under the act.

(c) Nothing in this plan approval condition shall limit the ability of the Environmental Protection Agency (EPA) to inspect or enter the premises of the permittee in

accordance with section 114 or other applicable provisions of the CAA. (25 Pa. Code § 127.12(4) and 35 P. S. § 4008 and § 114 of the CAA)

9. This plan approval may be terminated, modified, suspended or revoked and reissued if one or more of the following applies:

(a) The permittee constructs or operates the source subject to the plan approval in violation of the act, the CAA, the regulations promulgated under the act or the CAA, a plan approval or permit or in a manner that causes air pollution.

(b) The permittee fails to properly or adequately maintain or repair an air pollution control device or equipment attached to or otherwise made a part of the source.

(c) The permittee fails to submit a report required by this plan approval.

(d) The EPA determines that this plan approval is not in compliance with the CAA or the regulations thereunder. (25 Pa. Code § 127.13a)

10. (a) The permittee, or any other person, may not circumvent the new source review requirements of 25 Pa. Code Chapter 127, Subchapter E by causing or allowing a pattern of ownership or development, including the phasing, staging, delaying or engaging in incremental construction, over a geographic area of a facility which, except for the pattern of ownership or development, would otherwise require a permit or submission of a plan approval application.

(b) No person may permit the use of a device, stack height which exceeds good engineering practice stack height, dispersion technique or other technique which, without resulting in reduction of the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise be in violation of this plan approval, the APCA or the regulations promulgated thereunder, except that with prior approval of the Department, the device or technique may be used for control of malodors. (25 Pa. Code §§ 121.9 and 127.216)

11. Reports, test data, monitoring data, notifications shall be submitted to the:

Regional Air Program Manager
Department of Environmental Protection

(At the address given on the plan approval transmittal letter or otherwise notified) (25 Pa. Code § 127.12c)

12. (a) If required by section 112(r) of the CAA, the permittee shall develop and implement an accidental release program consistent with requirements of the CAA, 40 CFR Part 68 (relating to chemical accident prevention provisions) and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (Pub. L. No. 106-40).

(b) The permittee shall prepare and implement a Risk Management Plan (RMP) which meets the requirements of section 112(r) of the CAA, 40 CFR Part 68 and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act when a regulated substance listed in 40 CFR 68.130 is present in a process in more than the listed threshold quantity at the facility. The permittee shall submit the RMP to the EPA according to the following schedule and requirements:

(1) The permittee shall submit the first RMP to a central point specified by the EPA no later than the latest of the following:

(i) Three years after the date on which a regulated substance is first listed under § 68.130; or,

(ii) The date on which a regulated substance is first present above a threshold quantity in a process.

(2) The permittee shall submit any additional relevant information requested by the Department or the EPA concerning the RMP and shall make subsequent submissions of RMPs in accordance with 40 CFR 68.190.

(3) The permittee shall certify that the RMP is accurate and complete in accordance with the requirements of 40 CFR Part 68, including a checklist addressing the required elements of a complete RMP.

(c) As used in this plan approval condition, the term "process" shall be as defined in 40 CFR 68.3. The term "process" means any activity involving a regulated substance including any use, storage, manufacturing, handling or onsite movement of such substances or any combination of these activities. For purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process. (25 Pa. Code § 127.12(9) and 40 CFR Part 68)

Any person wishing to provide the Department with additional information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the address shown. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.

- Identification of the proposed Plan Approval (specify the Plan Approval number).

- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval. Written comments should be directed to:

Mark A. Wayner, P. E.
Regional Air Quality Program Manager
Commonwealth of Pennsylvania
Department of Environmental Protection
Southwest Region—Field Operations
400 Waterfront Drive
Pittsburgh, PA 15222-4745

For additional information you may contact the following at the same address:

Nicholas J. Waryanka, P. E.
Air Quality Program
(412) 442-4172

PA-26-00579A: Tri-State Bio Fuels, LLC (Thompson Recovery Road, Lemont Furnace, PA 15456) to allow construction and operation of a wood pellet manufacturing facility in Lemont Furnace, North Union Township, **Fayette County**.

Notice is hereby given, under 25 Pa. Code § 127.44(a), that the Department of Environmental Protection (Department) intends to issue a Plan Approval to Tri-State Bio Fuels, LLC (Thompson Recovery Road, Lemont Furnace, PA 15456) to allow the construction and operation of a wood pellet manufacturing facility, located in Lemont Furnace, North Union Township, Fayette County. The facility will process up to 77,376 tons of raw sawdust, of which 14,976 tons will be used process heat, and has the

potential to emit 38.1 tons of PM, 46.6 tons of PM₁₀, 30.1 tons of CO, 29.8 tons of NO_x, 13.0 tons of VOCs and 6.6 tons of HAPs per year.

For the Department to assure compliance with all applicable standards, the Department proposes to place the following General and Special Conditions on the Plan Approval:

GENERAL CONDITIONS

1. Words and terms that are not otherwise defined in this plan approval shall have the meanings set forth in section 3 of the Air Pollution Control Act (APCA) (35 P. S. § 4003) and 25 Pa. Code § 121.1. (25 Pa. Code § 121.1)

2. The issuance of this plan approval does not prevent the future adoption by the Department of any rules, regulations or standards, or the issuance of orders necessary to comply with the requirements of the Federal Clean Air Act (CAA) or the Pennsylvania APCA, or to achieve or maintain ambient air quality standards. The issuance of this plan approval shall not be construed to limit the Department's enforcement authority. (25 Pa. Code § 127.12b(a)(b))

3. This plan approval authorizes temporary operation of the sources covered by this plan approval provided the following conditions are met.

(a) When construction, installation, modification or reactivation is being conducted, the permittee should provide written notice to the Department of the completion of the activity approved by this plan approval and the permittee's intent to commence operation at least 5 working days prior to the completion of said activity. The notice shall state when the activity will be completed and when the permittee expects to commence operation. When the activity involves multiple sources on different time schedules, notice is required for the commencement of operation of each source.

(b) Under 25 Pa. Code § 127.12b(d), temporary operation of the sources is authorized to facilitate the shake-down of sources and air cleaning devices, to permit operations pending the issuance of a permit under 25 Pa. Code Chapter 127, Subchapter F or G (relating to operating permits; and Title V operating permits) or to permit the evaluation of the air contaminant aspects of the source.

(c) This plan approval authorizes a temporary operation period not to exceed 180 days from the date of commencement of operation, provided the Department receives notice from the permittee under paragraph (a).

(d) The permittee may request an extension of the 180-day shakedown period if further evaluation of the air contamination aspects of the sources is necessary. The request for an extension should be submitted, in writing, to the Department at least 15 days prior to the end of the initial 180-day shakedown period and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established. This temporary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 120 days. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. The testing shall be conducted

in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required. (25 Pa. Code § 127.12b)

4. The permittee shall maintain and operate the sources and associated air cleaning devices in accordance with good engineering practice as described in the plan approval application submitted to the Department. (25 Pa. Code § 127.12(a)(10))

5. (a) The records, reports or information obtained by the Department or referred to at public hearings shall be available to the public, except as provided in paragraph (b) of this condition.

(b) Upon cause shown by the permittee that the records, reports or information, or a particular portion thereof, but not emission data, to which the Department has access under the act, if made public, would divulge production or sales figures or methods, processes or production unique to that person or would otherwise tend to affect adversely the competitive position of that person by revealing trade secrets, including intellectual property rights, the Department will consider the record, report or information, or particular portion thereof confidential in the administration of the act. The Department will implement this section consistent with sections 112(d) and 114(c) of the CAA (42 U.S.C.A. §§ 7412(d) and 7414(c)). Nothing in this section prevents disclosure of the report, record or information to Federal, State or local representatives as necessary for purposes of administration of Federal, State or local air pollution control laws, or when relevant in a proceeding under the act. (25 Pa. Code §§ 127.12(c) and (d) and 35 P. S. § 4013.2)

6. (a) This plan approval will be valid for a limited time, as specified by the expiration date contained on page 1 of this plan approval. Except as provided in §§ 127.11a and 127.215 (relating to reactivation of sources; and reactivation), at the end of the time, if the construction, modification, reactivation or installation has not been completed, a new plan approval application or an extension of the previous approval will be required.

(b) If construction has commenced, but cannot be completed before the expiration of this plan approval, an extension of the plan approval must be obtained to continue construction. To allow adequate time for Departmental action, a request for the extension should be postmarked at least 30 days prior to the expiration date. The Department will not issue an extension after the plan approval expires. The request for an extension should include the following:

(i) A justification for the extension,

(ii) A schedule for the completion of the construction.

If construction has not commenced before the expiration of this plan approval, then a new plan approval application must be submitted and approval obtained before construction can commence.

(c) If the construction, modification or installation is not commenced within 18 months of the issuance of this plan approval or if there is more than an 18-month lapse in construction, modification or installation, a new plan approval application that meets the requirements of 25 Pa. Code Chapter 127, Subchapters B, D and E (relating to plan approval requirements; prevention of significant deterioration of air quality; and new source review) shall be submitted. (25 Pa. Code § 127.13)

7. (a) This plan approval may not be transferred from one person to another except when a change of ownership is demonstrated to the satisfaction of the Department and the Department approves the transfer of the plan approval in writing.

(b) Section 127.12a (relating to compliance review) applies to a request for transfer of a plan approval. A compliance review form shall accompany the request.

(c) This plan approval is valid only for the specific source and the specific location of the source as described in the application. (25 Pa. Code § 127.32)

8. (a) Under 35 P. S. § 4008, no person shall hinder, obstruct, prevent or interfere with the Department or its personnel in the performance of any duty authorized under the APCA.

(b) The permittee shall also allow the Department to have access at reasonable times to said sources and associated air cleaning devices with such measuring and recording equipment, including equipment recording visual observations, as the Department deems necessary and proper for performing its duties and for the effective enforcement of the APCA and regulations adopted under the act.

(c) Nothing in this plan approval condition shall limit the ability of the Environmental Protection Agency (EPA) to inspect or enter the premises of the permittee in accordance with section 114 or other applicable provisions of the CAA. (25 Pa. Code § 127.12(4) and 35 P. S. § 4008 and § 114 of the CAA)

9. This plan approval may be terminated, modified, suspended or revoked and reissued if one or more of the following applies:

(a) The permittee constructs or operates the source subject to the plan approval in violation of the act, the CAA, the regulations promulgated under the act or the CAA, a plan approval or permit or in a manner that causes air pollution.

(b) The permittee fails to properly or adequately maintain or repair an air pollution control device or equipment attached to or otherwise made a part of the source.

(c) The permittee fails to submit a report required by this plan approval.

(d) The EPA determines that this plan approval is not in compliance with the CAA or the regulations thereunder. (25 Pa. Code 127.13a)

10. (a) The permittee, or any other person, may not circumvent the new source review requirements of 25 Pa. Code Chapter 127, Subchapter E by causing or allowing a pattern of ownership or development, including the phasing, staging, delaying or engaging in incremental construction, over a geographic area of a facility which, except for the pattern of ownership or development, would otherwise require a permit or submission of a plan approval application.

(b) No person may permit the use of a device, stack height which exceeds good engineering practice stack height, dispersion technique or other technique which, without resulting in reduction of the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise be in violation of this plan approval, the APCA or the regulations promulgated thereunder, except that with prior approval of the Department, the device or technique may be used for control of malodors. (25 Pa. Code §§ 121.9 and 127.216)

11. Reports, test data, monitoring data, notifications shall be submitted to the:

Regional Air Program Manager
Department of Environmental Protection

(At the address given on the plan approval transmittal letter or otherwise notified) (25 Pa. Code § 127.12c)

12. (a) If required by section 112(r) of the CAA, the permittee shall develop and implement an accidental release program consistent with requirements of the CAA, 40 CFR Part 68 (relating to chemical accident prevention provisions) and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (Pub. L. No. 106-40).

(b) The permittee shall prepare and implement a Risk Management Plan (RMP) which meets the requirements of section 112(r) of the CAA, 40 CFR Part 68 and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act when a regulated substance listed in 40 CFR 68.130 is present in a process in more than the listed threshold quantity at the facility. The permittee shall submit the RMP to the EPA according to the following schedule and requirements:

(1) The permittee shall submit the first RMP to a central point specified by the EPA no later than the latest of the following:

(i) Three years after the date on which a regulated substance is first listed under § 68.130; or,

(ii) The date on which a regulated substance is first present above a threshold quantity in a process.

(2) The permittee shall submit any additional relevant information requested by the Department or the EPA concerning the RMP and shall make subsequent submissions of RMPs in accordance with 40 CFR 68.190.

(3) The permittee shall certify that the RMP is accurate and complete in accordance with the requirements of 40 CFR Part 68, including a checklist addressing the required elements of a complete RMP.

(c) As used in this plan approval condition, the term "process" shall be as defined in 40 CFR 68.3. The term "process" means any activity involving a regulated substance including any use, storage, manufacturing, handling or onsite movement of such substances or any combination of these activities. For purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process. (25 Pa. Code § 127.12(9) and 40 CFR Part 68)

SPECIAL CONDITIONS

1. This Plan Approval authorizes the construction and temporary operation of air pollution sources and control devices associated with wood pellet manufacturing at the Tri-State Bio Fuels Lemont Pellet Plant located in North Union Township, Fayette County. (25 Pa. Code § 127.12b)

2. Air contamination sources covered by this plan approval include the following (25 Pa. Code § 127.12b):

(a) Webb 50 mmBtu Biomass burner fitted to MEC 60-12 Drum Dryer.

(b) Hammer mill.

(c) Feedstock sizing screen.

(d) Two pellet mills.

- (e) Pellet cooler.
- (f) Rotoshaker.
3. Air pollution control equipment at the Facility includes the following (25 Pa. Code § 127.12b):
- (a) CGS 6-45 Type V2 6-Pack Multiclone, rated at 60,000 CFM.
- (b) MAC 144LVS64 Baghouse, rated at 9,360 SCFM.
- (c) Clark LP-120 LG 83-302 cyclone, rated at 10,000 ACFM.
- (d) Wheelabrator A126893 baghouse, rated at 10,000 SCFM.
4. At no time shall visible emissions from each stack at the facility be equal to or greater than 20% opacity for a period or periods aggregating more than 3 minutes in any 1 hour, or equal to or greater than 60% opacity at any time (25 Pa. Code § 123.41).
5. The Owner/Operator shall not permit the emission of, into the outdoor atmosphere, malodorous air contaminants from any source, in such a manner that the malodors are detectable outside the property of the facility (25 Pa. Code § 123.31).
6. There shall be no fugitive emissions from the facility contrary to 25 Pa. Code §§ 123.1—123.2.
7. At no time shall any source at this facility be operated without the simultaneous operation of each associated control device (25 Pa. Code § 127.12b).
8. The owner/operator shall maintain the following records on a 12-month rolling basis to be made available to the Department upon request (25 Pa. Code § 127.12b):
- (a) Monthly quantity of fuel used in the dryer (expressed in tons).
- (b) Monthly quantity of wood pellets produced (expressed in tons).
- (c) Monthly number of hours of dryer operation.
- (d) Weekly, facility-wide visible (stack), fugitive and malodorous emissions inspections.
- (e) The maintenance schedule for, and records of, all maintenance activities performed on the biomass burner and on each control device.
9. Emissions from the facility shall be limited to the following:
- | | | | |
|----------|---------------|------------|----------|
| (a) PM10 | | 9.6 lbs/hr | 46.6 tpy |
| (b) NOx | 0.14 lb/mmBtu | 6.8 lbs/hr | 29.8 tpy |
| (c) CO | 0.14 lb/mmBtu | 6.9 lbs/hr | 30.1 tpy |
10. PM emissions from the sawdust dryer multiclone shall not exceed 0.04 gr/dscf. (25 Pa. Code § 123.13).
11. Stack testing of the drum dryer shall be performed by an appropriately certified entity within 180 calendar days of initial start-up, but no later than 90 days of achieving maximum production, and retested a minimum of once every 5 years thereafter. Testing shall be conducted in accordance with the provisions of 25 Pa. Code § 139 and the Department's Source Testing Manual.
- (a) Tests shall be conducted for the following regulated pollutants (25 Pa. Code § 139):
- i. NO_x (as NO₂) expressed in lb/mmBtu and lbs/hr.
 - ii. CO expressed in lb/mmBtu and lbs/hr.
 - iii. PM10, expressed in gr/dscf and lbs/hr.

iv. EPA Method 9 visible emission readings, expressed as percent (%) opacity.

(b) At least 45 calendar days prior to commencing an emissions testing program, a test protocol shall be submitted to the Department for review and approval. The test protocol shall meet all applicable requirements specified in the most current version of the Department's Source Testing Manual. (25 Pa. Code § 139.3)

(c) One copy of the pretest protocol shall be submitted to the Regional Office and two copies of the pretest protocol shall be submitted to the Department of Environmental Protection, Bureau of Air Quality, Division of Source Testing and Monitoring, 400 Market Street, 12th Floor, Rachael Carson State Office Building, Harrisburg, PA 17105-8468. (25 Pa. Code § 139.3)

(d) At least 15 calendar days prior to commencing an emission testing program, notification as to the date and time of testing shall be given to the appropriate Regional Office. Notification shall also be sent to the Division of Source Testing and Monitoring. Notification shall not be made without prior receipt of a protocol acceptance letter from the Department. (25 Pa. Code § 139.3)

(e) Test reports shall include a summary of the emission results on the first page of the report indicating if each pollutant measured is within permitted limits and a statement of compliance or noncompliance with all applicable permit conditions. The summary results shall include, at a minimum, the following information: (25 Pa. Code § 139.53(b))

i. A statement that the owner or operator has reviewed the report from the emissions testing body and agrees with the findings.

ii. Permit numbers and conditions which provide the basis for the evaluation.

iii. Summary of results with respect to each applicable permit condition.

iv. Statement of compliance or noncompliance with each applicable permit condition.

(f) A complete test report shall be submitted to the Department no later than 60 calendar days after completion of the onsite testing portion of an emission test program. One copy of the test report shall be submitted to the Regional Office and two copies of the test report shall be submitted to the Department of Environmental Protection, Bureau of Air Quality, Division of Source Testing and Monitoring.

(g) The source testing submittals shall meet all applicable requirements specified in the most current version of the Department's Source Testing Manual. (25 Pa. Code § 139.3)

(h) Under 25 Pa. Code § 139.53(a)(1) and (3) all submittals, besides notifications, shall be accomplished through PSIMS*Online available through www.dep.greenport.state.pa.us/ecom/LogIn.jsp when it becomes available. If internet submittal can not be accomplished, three copies of the submittal shall be sent to the Department of Environmental Protection, Bureau of Air Quality, Division of Source Testing and Monitoring, 400 Market Street, 12th Floor, Rachael Carson State Office Building, Harrisburg, PA 17105-8468 with deadlines verified through document postmarks.

12. Notification as to the date and time of testing shall be provided to the appropriate Regional Office at least 15 calendar days prior to commencing an emission testing program. Notification shall also be sent to the Division of

Source Testing and Monitoring. Notification shall not be made without prior approval of test protocol by the Department. (25 Pa. Code § 139.3)

13. The Department may revise the maximum allowable emission rates based upon stack test results and may require additional controls in the event that emission limitations are not met. (25 Pa. Code § 127.12b).

14. This Plan Approval authorizes temporary operation of the sources covered by this Plan Approval provided the following conditions are met.

(a) The Owner/Operator shall submit written Notice of the Completion of Construction and the Operator's intent to commence operation at least 5 days prior to the completion of construction. The Notice shall state the date when construction will be completed and the date when the Operator expects to commence operation.

(b) Operation of the sources covered by this Plan Approval is authorized only to facilitate the start-up and shakedown of sources and air cleaning devices, to permit operations pending the issuance of an Operating Permit, or to permit the evaluation of the source for compliance with all applicable regulations and requirements.

(c) Upon receipt of the written Notice of the Completion of Construction from the Owner/Operator the Department shall authorize a 180-day Period of Temporary Operation of the sources from the date of commencement of operation. The Notice submitted by the Owner/Operator, prior to the expiration of this Plan Approval, shall modify the Plan Approval expiration date. The new Plan Approval expiration date shall be 180 days from the date of commencement of operation.

(d) Upon determination by the Owner/Operator that the sources covered by this Plan Approval are operating in compliance with all conditions of the Plan Approval the Owner/Operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection.

(e) Upon completion of Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall submit an application for a State-only Operating Permit to the Department at least 60 days prior to the expiration date of the Plan Approval.

(f) The Owner/Operator may request an extension of the 180-day Period of Temporary Operation if compliance with all applicable regulations and Plan Approval requirements has not been established. The extension request shall be submitted in writing at least 15 days prior to the end of the Period of Temporary Operation and shall provide a description of the compliance status of the source. The extension request shall include a detailed schedule for establishing compliance and the reasons compliance has not been established. This Period of Temporary Operation may be extended for additional limited periods, each not to exceed 120-days, by submitting an extension request as described previously.

(g) If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this Plan Approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. The testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable,

and in accordance with any restrictions or limitations established by the Department at such time as it notifies the company that testing is required. (25 Pa. Code § 127.12b)

Any person wishing to provide the Department with additional information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to the Department at the address shown. A 30-day comment period, from the date of this publication, will exist for the submission of comments. Each written comment must contain the following:

- Name, address and telephone number of the person submitting the comments.
- Identification of the proposed Plan Approval (specify the Plan Approval number).
- Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval. Written comments should be directed to:

Mark A. Wayner, P. E.
Regional Air Quality Program Manager
Commonwealth of Pennsylvania
Department of Environmental Protection
Southwest Region—Field Operations
400 Waterfront Drive
Pittsburgh, PA 15222-4745

For additional information you may contact the following at the same address:

Devin Tomko
Air Quality Program
(412) 442-5231

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.

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

46-00013: Hatfield Quality Meats, Inc.—A Subsidiary of The Clemens Family (2700 Funks Road, P. O. Box 902, Hatfield, PA 19440-0902) for renewal of the facility's Title V Operating Permit originally issued on August 4, 2004, located at 2700 Funks Road, Hatfield Township, **Montgomery County**. The major sources of pollution at the facility are NO_x, SO_x and PM. The operation is subjected to NSPS and FEEC. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

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

06-05002: Lehigh Cement Co. (537 Evansville Road, Fleetwood, PA 19522) for operation of a Portland Cement manufacturing facility (Evansville Plant) in Maiden Creek Township, **Berks County**. The facility is subject to 40 CFR Part 63, Subpart LLL, National Emission Standards for HAPs for Portland Cement Plants. The renewal will include an administrative amendment to include various plan approvals issued to the facility and the inclusion of changes to the Reasonably Available Control Technology plan for the cement kilns for the control of NO_x emissions. This action is a renewal of the Title V operating permit issued in 2004.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zaman, Facilities Permitting Chief, (570) 327-0512.

59-00002: Dominion Transmission, Inc. (445 West Main Street, Clarksburg, WV 26301) for renewal of the Title V Operating Permit for their Tioga facility in Farmington Township, **Tioga County**. The facility's sources include two reciprocating internal combustion engines, nine storage tanks, one water heater, one Tulpro heater, one boiler, one regen heater, two parts washers, one emergency generator and associated pipeline flanges and valves, which have the potential to emit major quantities of NOx and CO. The facility has the potential to emit, VOCs, VHAPs, PM/PM10 and SOx below the major emission thresholds. The Tulpro heater (Source ID 033) is subject to the Standards of Performance for New Stationary Sources (NSPS), 40 CFR Part 60 Subpart Dc, Section 60.40c—60.48c. This operating permit also serves as a Prevention of Significant Deterioration permit issued subsequent to the provisions of 40 CFR 52.21. The proposed Title V operating permit renewal contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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.

09-00106: Univar USA, Inc. (200 Dean Sievers Place, Morrisville, PA 19067) for renewal of a Non-Title V Facility, State-only, Synthetic Minor Permit in Falls Township, **Bucks County**. Univar USA, Inc. is a chemical and allied products merchant wholesaler. The sources of emissions include: a boiler, diesel fire pump, emergency generators, storage tanks and transfer stations. The facility voluntarily took a total VOC total HAP and total NOx emission limit of 24.9 tpy and a 9.9 tpy limit on individual HAPs calculated on a 12-month rolling sum. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

09-00157: Barrett Asphalt, Inc. (Steel Road North, Morrisville, PA 19060) for a Non-Title V Facility, State-only, Synthetic Minor Operating Permit in Falls Township, **Bucks County**. Barrett Asphalt, Inc. operates a Hot Mix Asphalt (HMA) plant, which operates on natural gas and utilizes No. 2 fuel as a backup fuel. The primary source of air emissions from the facility is the Drum Mix Asphalt Plant, Source ID 101. This source includes a recycled asphalt pavement plant, load-out for six identical storage silos, and fugitive sources (vehicular traffic, handling of aggregate material and storage piles). The HMA plant also operates a natural gas-fired hot oil heater, used to heat the six storage silos and six liquid asphalt cement tanks (30,000 gallons, each). The hot oil heater has been deemed an insignificant source. A Knockout Box/Baghouse, Source ID C01, is used to control emissions of PM from the HMA plant. Water suppression is used to control fugitive emissions of PM from the fugitive sources. Estimated potential emissions from the facility are: 12.5 tpy for NOx, 30.0 tpy for CO, 10.8 tpy for VOC, 7.8 tpy for PM, and less than 3.0 tpy for SOx and HAP. The permit will contain monitoring, recordkeeping, reporting and work practice standards 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.

21-03006: Nestle Purina Petcare Co. (6509 Brandy Lane, Mechanicsburg, PA 17050) for operation of a pet food manufacturing, packaging and distribution facility located in Hampden Township, **Cumberland County**. This is a renewal of the State-only operating permit issued in 2004.

31-05018: Texas Eastern Transmission, LP—Enriken Compressor Station (2601 Market Place, Suite 400, Harrisburg, PA 17110) for renewal of synthetic minor operating permit, in Todd Township, **Huntingdon County**, issued in September 2004. The facility's major sources of emissions include a natural gas fired combustion turbine, which primarily emits NOx.

67-03083: Utz Quality Foods, Inc. (900 High Street, Hanover, PA 17331) for operation of their snack food manufacturing facility in Hanover Borough, **York County**. The State-only operating permit will include emission restrictions, work practice standards, testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2004.

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

55-00024: Conestoga Wood Specialties Corp. (330 Snyder Avenue, Beaver Springs, PA 17812) for their Beaver Springs Plant in the Spring Township, **Snyder County**. The facility's main sources include one boiler, woodworking equipment with sawdust collection systems, emergency engine-generator, VOC-containing material usage, and one parts washer. The facility has the potential to emit PM10, NOx, CO, VOCs, SOx and combined and individual HAPs emissions below the major thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

49-00019: Sunoco Partners Marketing & Terminals, LP (525 Fritztown Road, Sinking Spring, PA 19608) for their petroleum bulk storage and distribution (Northumberland Terminal) facility in Point Township, **Northumberland County**. The facility's main sources include a seven storage tanks and two loading racks. The facility has taken restrictions to limit potential VOCs and HAPs emissions below Title V thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

53-00015: SMC Powder Metallurgy (Route 6, West Galeton, PA 16922) for their powdered metal parts manufacturing facility in Pike Township, **Potter County**. The facility's main sources include 10 sintering furnaces. The facility has the potential to emit SOx, NOx, CO, PM/PM10, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

53-00014: Emporium Specialties Co., Inc. (P. O. Box 65, Austin, PA 16720) for their metal parts and tool manufacturing facility in Austin Borough, **Potter County**. The facility's main sources include two vapor degreasers, a decorative chromium electroplating opera-

tion, three electric sintering furnaces, an oil impregnation operation and a sizing operation. The facility has the potential to emit HAP trichloroethylene in excess of 10 tpy. The facility has taken a synthetic minor restriction to limit its HAPs emissions below the major emission thresholds. The facility has the potential to emit NO_x, SO_x, CO, PM/PM₁₀ and VOCs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

25-00648: NEPA Energy, LP (South Lake Street, Northeast, PA 16428-3828) for renewal of the State-only Operating Permit for their facility in North East Township, **Erie County**. The primary sources covered by the Synthetic Minor Operating Permit are the ABCO boiler and the Auxiliary (Zurn) boiler. The steam from these units is used for the processing of grapes and juices by Welchs. The permit contains a sitewide restriction on the NO_x and CO emissions of 61.22 tpy and 64.64 tpy, respectively. The permittee is required to conduct emission testing for each of the boilers ever 5 years and must keep the hours of operation and the amount of natural gas used by each boiler to demonstrate compliance with the sitewide emission restrictions.

33-00147: Dominion Transmission, Inc. (501 Martindale Street, Suite 400, D L Clark Building, Pittsburgh, PA 15212-5817) for re-issuance of a Natural Minor Operating Permit to operate a natural gas compressor station on Township Road 628 in Big Run, Gaskill Township, **Jefferson County**. The primary emission sources include a glycol dehydrator, a reboiler burner, a reciprocating compressor and fugitive equipment emissions.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated above

each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

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

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

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

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

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

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

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

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

The Department will also accept requests or petitions for a public hearing on NPDES permit applications, as

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

the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal Applications Received

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

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

¹ The parameter is applicable at all times.

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

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

11090101 and NPDES No. PA0262773. Bedrock Mines, LP, 111 Freeport Road, Pittsburgh, PA 15215, commencement, operation and restoration of a bituminous surface and auger mine in Blacklick Township, **Cambria County**, affecting 101.0 acres. Receiving streams: UNTs to South Branch of Blacklick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 19, 2009.

31070101 and NPDES No. PA0262315. Ferlitch Construction Company, Inc., 62 Woodland Terrace, Duncansville, PA 16635, revision of an existing bituminous surface mine to change total SMP acres from 41.0 to 57.2 acres, in Wood Township, **Huntingdon County**, affecting 41.0 acres. Receiving streams: UNT to Great Trough Creek, Roaring Run Basin classified for the following uses: TSF, HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 30, 2009.

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

30090101 and NPDES Permit No. PA0251607. Shannopin Materials, LLC (308 Dents Run Road, Morgantown, WV 26501). Application for commencement, operation and reclamation of a bituminous surface mine, located in Monongahela Township, **Greene County**, affecting 125.0 acres. Receiving streams: UNT to Dunkard Creek and UNTs to Monongahela River, classified for the following use: WWF. The potable water supplies that have intakes within 10 miles downstream from the point of

discharge: Dunkard Valley Water Authority and Masontown Water Works. Application received March 20, 2009.

26090102 and NPDES Permit No. PA0251615. Piccolomini Contractors, Inc. (P. O. Box 78, Waltersburg, PA 15488). Application for commencement, operation and reclamation of a bituminous surface mine, located in Franklin Township, **Fayette County**, affecting 60.6 acres. Receiving streams: UNTs to Redstone Creek and Bolden Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received March 27, 2009.

63823020 and NPDES Permit No. PA0616621. Robert B. Goodall (1803 Beech Hollow Road, Bulger, PA 15019). Renewal application for continued operation and reclamation of an existing bituminous surface mine, located in Robinson Township, **Washington County**, affecting 39 acres. Receiving stream: UNT to Little Raccoon Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received April 1, 2009.

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

10090101 and NPDES Permit No. PA0258733. Anandale Quarries, Inc. (219 Goff Station Road, Boyers, PA 16020). Commencement, operation and restoration of a bituminous surface strip operation in Venango and Marion Townships, **Butler County** affecting 22.6 acres. Receiving streams: UNTs to Seaton Creek and Seaton Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received March 30, 2009.

24980106 and NPDES Permit No. PA0227919. Fairview Coal Company (P. O. Box R, Ridgway, PA 15853) Renewal of an existing bituminous surface strip, auger and coal ash placement operation in Horton Township, **Elk County** affecting 228.8 acres. Receiving streams: UNTs to Johnson Run and UNTs to Brandy Camp Creek, classified for the following use: CWF. There are no

potable surface water supply intakes within 10 miles downstream. Application received April 3, 2009.

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

17020113 and NPDES No. PA0243353. Junior Coal Contracting, Inc. (2330 Six Mile Road, Philipsburg, PA 16866), permit renewal for the continued operation and restoration of a bituminous surface mine in Decatur Township, **Clearfield County**, affecting 114.0 acres. Receiving streams: UNT A to UNT E, UNT B to UNT E, UNT C to Laurel Run, UNT D to UNT E, UNT E to Laurel Run and Laurel Run to Moshannon Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 13, 2009.

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

54840201T. Wheelabrator Culm Services, Inc., (4 Liberty Lane West, Hampton, NH 03842), transfer of an existing anthracite coal refuse reprocessing operation from Pagnotti Enterprises, Inc. in Mahanoy and West Mahanoy Townships and Shenandoah Borough, **Schuylkill County** affecting 268.3 acres, receiving stream: none. Application received March 31, 2009.

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.

E52-215. Sunrise Ventures, Inc., 3000 Sunrise Lake, Milford, PA 18337, in Dingman Township, **Pike County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstruction and encroachments: 1) a 6-inch PVC intake structure in Sprint Lake (Edgemere, PA Quadrangle Latitude: 41° 40' 13"; Longitude: 74° 58' 45") located on the northeast side of High Meadow Drive approximately 4.13 miles from the intersection of Interstate 84 and SR 0739; and 2) a 6-inch PVC intake structure in Sunrise Lake (Edgemere, PA Quadrangle Latitude: 41° 19' 20"; Longitude: 74° 57' 51" and Latitude: 41° 18' 58"; Longitude: 74° 57' 13") located approximately 9.8 miles from the intersection of Interstate 84 and SR 0739. Both intake structures are in the Rattlesnake Creek Watershed (HQ-CWF) to be used as dry hydrants for fire protection in Dingman Township, Pike County (Edgemere, PA Quadrangle).

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

E06-645: Earl Township, William G. Moyer, 19 Schoolhouse Road, Boyertown, PA 19512, Vale Drive Surface Water Conveyance System, Earl Township, **Berks County**, United States Army Corps of Engineers, Philadelphia District.

To remove an existing 405-foot long, 24-inch CMP and to construct and maintain a 525-foot long, 6-inch depressed, 30-inch CMP in a UNT to Ironstone Creek (CWF), for the purpose of reducing the risk of flooding on Vale Drive and the surrounding properties, located at the intersection of Vale Drive and SR 562 (Boyertown, PA Quadrangle N: 11.9 inches; W: 9.72, Latitude: 40° 18' 56"; Longitude: 75° 41' 41") in Earl Township, Berks County. No wetlands will be impacted by this project.

E06-646: Reading Area Water Authority, Dean Miller, Reading City Hall, 815 Washington Street, Reading, PA 19601-3697, Bern and Ontelaunee Townships, **Berks County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 270-foot long, 14-inch diameter HDPE water line utility crossing in the Schuylkill River (WWF) (Reading, PA Quadrangle N: 12.0 inches; W: 12.0 inches, Latitude: 40° 26' 3.178"; Longitude: 75° 57' 35.367") for the purpose of a water main extension, located in Bern and Ontelaunee Townships, Berks County.

E67-859: Larry C. Dolinger, Defense Distribution Depot, Susquehanna, Pennsylvania. 2001 Mission Drive, Building 103 Environmental Office, New Cumberland, PA 17070-5002, Defense Supply Depot, Fairview Township, York County, United States Army Corps of Engineers, Baltimore District.

To fill two emergent wetlands using approximately 8,510.0 cubic yards of fill totaling 0.779 acre of permanent wetland impacts located in the Marsh Run (WWF) watershed. The project is located at the Defense Distribution Depot (Steelman, PA Quadrangle N: 3.75 inches; W: 3.25 inches, Latitude: 40° 12' 1"; Longitude: 76° 49' 40") in Fairview Township, York County. The purpose of the project is to provide additional bulk storage space. The applicant is required to provide 0.800 acre of onsite mitigation.

E07-427: Department of Transportation, Engineering District 9-0, 1620 North Juniata Street Hollidaysburg, PA 16648, Allegheny Township, Blair County, United States Army Corps of Engineers, Baltimore District.

To: (1) construct and maintain a 64.5-foot long by 4.0-foot diameter concrete pipe culvert, depressed 6.0 inches in a UNT to Gillians Run (CWF); and (2) to permanently fill 0.08 acre PEM and 0.02 acre PSS EV wetlands as a result of roadway approach fill, for the purpose of constructing an access road to a Department of Transportation stockpile site in the Cross Keys Interchange (Hollidaysburg, PA Quadrangle N: 12.6 inches; W: 9.0 inches, Latitude: 40° 26' 41"; Longitude: 78° 26' 24") in Allegheny Township, Blair County. The project proposes to directly affect 64.5 linear feet of stream channel and 0.10 acre of EV wetlands. The applicant proposes to compensate for wetland impacts by debiting 0.10 acre from the Mowry Advanced Wetland Compensation Site.

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

E41-595. Chief Gathering, LLC, 6051 Wallace Road Extension, Suite 210, Wexford, PA 15090. Water Obstruction and Encroachment Joint Permit, in Mifflin and Watson Townships, Lycoming County, United States Army Corps of Engineers, Susquehanna River Basin District (Waterville, PA Quadrangle N: 41° 15' 59.5"; W: 77° 17' 22.3").

To construct and maintain a 1.22 mile natural gas pipeline to be located in eastern Watson and southwestern Mifflin Townships, Lycoming County, PA. The proposed pipeline extends generally east to west. There will be four impacts from the natural gas pipeline installation. The first impact of 0.025 acre will be an open cut and backfill of a UNT to the North Fork of Tombs Run. Three impacts will occur adjacent to SR 973. Directional boring will be utilized to avoid the impacts to the North Fork of Tombs Run, the wetland on the southwestern side of SR 973 and the UNT to the North Fork of Tombs Run, which flows through the wetland. Construction will involve clearing and grubbing a width of 60-feet, the entire length of the pipeline. Approximate disturbance area of 8.83 acres is expected from this project. A 30-foot wide permanent right of way will be reserved for operation and maintenance of said pipeline. The project is located along SR 973, 4800-feet southwest of the intersection of T-444, Ridge Road and SR 973, (Waterville, PA Quadrangle N: 41° 15' 59.5"; W: 77° 17' 22.3") in Mifflin and Watson Townships, Lycoming County. This project proposes to

have a minimal impact on Tombs Run, which is designated a HQ-CWF and minimal impact to jurisdictional wetlands.

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

E27-082, Pennsylvania General Energy Company, LLC, 120 Market Street, Warren, PA 16365. Kingsley Township Pipeline Crossings, in Kingsley Township, Forest County, United States Army Corps of Engineers, Pittsburgh District (Mayburg, PA and Kelletville, PA Quadrangles).

The applicant has already constructed this project and has submitted an application as a result of a compliance issue to construct and maintain a 17,300-foot-long natural gas pipeline involving three stream crossings by means of boring: 1) Salmon Creek N: 41° 31' 2.851"; W: 79° 14' 2.477"; 2) Two Mile Run Creek N: 41° 31' 3.08"; W: 79° 13' 49.836"; and 3) Fourmile Run Creek N: 41° 30' 41.597"; W: 79° 13' 9.765". Fourmile Run is a perennial stream classified as an EV. Salmon Creek and Twomile Run are perennial streams classified as HQ-CWF.

ENVIRONMENTAL ASSESSMENTS

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

D23-1223EA. DelCo Office of Housing and Community Development, 600 North Jackson Street, Room 101, Media, PA 19063-2561. Upper Darby Township, Delaware County, United States Army Corps of Engineers, Philadelphia District.

Project proposes to breach and remove Kent Park Dam across Darby Creek (TSF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 400 feet of stream channel. The dam is located approximately 1,900 feet north of the intersection of Baltimore Avenue and Springfield Road (Lansdowne, PA Quadrangle Latitude: 39° 56' 04"; Longitude: 75° 17' 54").

D65-205, D65-206, D65-207, D65-208, D65-209, D65-210, D65-211, D65-212, D65-213. Rolling Rock Club Fishing Lodge, 439 Hatchery Lane, Laughlintown, PA 15655-0439, Ligonier Township, Westmoreland County. Project proposes to breach and remove nine low head dams in an approximately 2 mile section of Rolling Rock Creek (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 900 linear feet of stream channel. The dams are located approximately 4 miles south of the intersection of US 30 and SR 381 (Rector Road).

Dam Number	Latitude	Longitude
D65-205	40° 10' 20"	79° 11' 41"
D65-206	40° 10' 34"	79° 11' 53"
D65-207	40° 10' 39"	79° 12' 10"
D65-208	40° 10' 45"	79° 12' 13"
D65-209	40° 10' 45"	79° 12' 13"
D65-210	40° 11' 20"	79° 12' 25"
D65-211	40° 11' 30"	79° 12' 35"
D65-212	40° 11' 42"	79° 12' 36"
D65-213	40° 11' 43"	79° 12' 36"

ACTIONS

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

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

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

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

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for 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>
PA0060429 (Minor Sewage)	Camp Speers—Eljabar YMCA R. R. 1 Box 89 Dingmans Ferry, PA 18328	Delaware Township Pike County	UNT to Dingmans Creek	Y
PA0040690 (Minor Sewage)	Lakeland School District 1569 Lakeland Drive Jermyn, PA 18433-3140	Scott Township Lackawanna County	South Branch Tunkhannock Creek 4F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0080748 (Sew)	Northern Lebanon County Authority P. O. Box 434 Jonestown, PA 17038	Lebanon County Union Township	Swatara Creek 7-D	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>
PA0209651 SN	Columbia Investment Corporation 6009 Columbia Boulevard Bloomsburg, PA 17815	Columbia County Main Township	UNT of Catawissa Creek 5E	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>
PA0093840 Sewage	Allegheny County Department of Parks 542 Forbes Avenue Room 211 Pittsburgh, PA 15219	Allegheny County Elizabeth Township	Douglass Run	Y

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

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

NPDES Permit No. PA0006343, Industrial Waste, **AK Steel Corporation—Butler Works**, P. O. Box 832, Butler, PA 16003-0832. This proposed facility is located in Butler Township and the City of Butler, **Butler County**.

Description of Proposed Action/Activity: Issuance of an NPDES renewal permit. This is a major discharge from a primary industry. SIC Code 3312 (Steel Works, Blast Furnaces and Rolling Mills).

NPDES Permit No. PA0101087, Sewage, **Twilight Mobile Home Park**, 1324 South Shore Drive #601, Erie, PA 16505-2536. This proposed facility is located in Mahoning Township, **Lawrence County**.

Description of Proposed Action/Activity: New permit for an existing discharge of treated sewage.

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

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

WQM Permit No. 1308401, Sewerage, **Tuthill Corporation, Blue Mountain Ski Area**, P. O. Box 216, Palmerton, PA 18071-0216. This proposed facility is located in Lower Towamensing Township, **Carbon County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for the expansion of the Blue Mountain Ski Area WWTP with projected sewage flows of 60,000 gpd.

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

WQM Permit No. WQG02010901, Sewage, **Conewago Township Municipal Authority**, 541 Oxford Avenue, Hanover, PA 17331. This proposed facility is located in Conewago Township, **Adams County**.

Description of Proposed Action/Activity: Construction/Operation of sewage pumping station to serve Chapel View—Phase 2 and existing Centennial Road residences.

WQM Permit No. WQG01360901, Sewage, **Train Collectors Association, National Toy Train Museum**, P. O. Box 248, Strasburg, PA 17579-0248. This proposed facility is located in Paradise Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/operation of a small flow treatment facility composed of a 6-inch gravity sewer pipe approximately 320 feet in length with four clean-outs that will convey wastewater to a raw sewage pump station.

WQM Permit No. WQG01010901, Sewage, **Joe E. Macharsky**, 1605 Tract Road, Fairfield, PA 17320. This proposed facility is located in Liberty Township, **Adams County**.

Description of Proposed Action/Activity: Construction/operation of a small flow sewage treatment system to serve their single-family residence.

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

WQM Permit No. WQG018686, Sewerage, **Michael Allan**, 281 Country View Road, Slippery Rock, PA 16057. This proposed facility is located in Worth Township, **Butler County**.

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

WQM Permit No. 1007401, Sewerage, **Butler Area Sewer Authority**, 100 Litman Road, Butler, PA 16003. This proposed facility is located in City of Butler, **Butler County**.

Description of Proposed Action/Activity: Issuance of a permit for the new installations of a sewage collection and a sewage pumping station to be used for public sewage service for the Pullman Center Business Park Expansion Project.

WQM Permit No. WQG018672, Sewerage, **James V. Gallagher**, 5511 Clinton Street, Erie, PA 16509. This proposed facility is located in McKean Township, **Erie 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. 4602412, Amendment, Sewerage, **Horsham Township Water and Sewer Authority**, 617 Horsham Road, Horsham, PA 19044. This proposed facility is located in Horsham Township, **Montgomery County**.

Description of Action/Activity: Increase in flow capacity to existing pump station from 12,000 gpd to 15,126 gpd.

WQM Permit No. 1598413, Amendment 1, Sewerage, **South Coatesville Borough**, 136 Modena Road, South Coatesville, PA 19320. This proposed facility is located in South Coatesville Borough, **Chester County**.

Description of Action/Activity: An increase in capacity of a WWTP consisting of a communitor, raw wastewater pumps, two SBR units, two aerated sludge holding tanks and an equalization/chlorine contact tank.

WQM Permit No. 1587447, Amendment 1, Sewerage, **Ponds of Woodward Homeowners Association**, 3 Orchard View, Chadds Ford, PA 19317. This proposed facility is located Kennett Township, **Chester County**.

Description of Action/Activity: Three sewage treatment units with subsurface discharge.

WQM Permit No. WQG02090903, Sewerage, **Warwick Township Water and Sewer Authority**, 1733 Township Greene, P. O. Box 315, Jamison, PA 18929. This proposed facility is located in Warwick Township, **Bucks County**.

Description of Action/Activity: Operate an existing sewage pump station. Construction of the pump station was completed in 2005 and serves five lots of which two are currently built on.

WQM Permit No. WQG010026, Sewerage, **Stephen Darlington**, P. O. Box 59, Solebury, PA 18963. This proposed facility is located in Solebury Township, **Bucks County**.

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

WQM Permit No. 0990406, Sewerage, Transfer, **Michael and Kim Flanigan**, 31 Militia Hill Road, Warrington, PA 18976. This proposed facility is located in Doylestown Township, **Bucks County**.

Description of Action/Activity: Operation of a single-residence sewage treatment plant being transferred from Robert and Barbara Childs to the previously listed individuals.

WQM Permit No. 1501403, Sewerage, Renewal, **West Vincent Township**, 729 St. Matthews Road, Chester Springs, PA 19425. This proposed facility is located in West Vincent Township, **Chester County**.

Description of Action/Activity: Renewal of existing operation of Stonecroft Sewer Plant and associated sprayfields.

WQM Permit No. 4609404, Sewerage, **Lower Salford Township Authority**, P. O. Box 243, 57 Main Street, Harleysville, PA 19438. This proposed facility is located in Lower Salford Township, **Montgomery County**.

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

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>
PAI01 1505043-R	The Hankin Group 707 Eagleview Boulevard P. O. Box 562 Exton, PA 19341	Chester	Uwchlan Township	Shamona Creek HQ-TSF
PAI01 1508070	West Pikeland Township 1645 Art School Road P. O. Box 6 Chester Springs, PA 19425	Chester	West Pikeland Township	Pine 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>
PAS10Q071R(2)	Cedar Fair, LP Dorney Park and Wildwater Kingdom 3830 Dorney Park Road Allentown, PA 18104	Lehigh	South Whitehall Township	Cedar Creek HQ-CWF
PAI024505029	William Applegate R. R. 4 Box 4302 Rolling Pine Drive Saylorsburg, PA 18353	Monroe	Chestnuthill Township	Pohopoco Creek EV
PAI023908024	Devonshire Park Apartments 1821 Sansom Street Philadelphia, PA 19103-4916	Lehigh	Salisbury Township Allentown City	Little Lehigh Creek HQ-CWF
PAI025208012	509 Central North, LLC 509 Central South, LLC 5020 Clark Road #315 Sarasota, FL 34233	Pike	Palmyra Township	Lake Wallenpaupack 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>
PAI034405004	Granville Township Supervisors 100 Helen Street Belleville, PA 17044	Mifflin	Granville Township	UNT Juniata River HQ-CWF
PAI034408001	Granville Township 100 Helen Street Lewistown, PA 17044	Mifflin	Granville Township	UNT to Juniata River HQ-CWF
PAI032108011	Limestone Creek Development Robert Frey/Steven Tiley 5 South Hanover Street Carlisle, PA 17013-3385	Cumberland	South Middleton Township	Letort Spring Run EV
PAI032208002	McNaughton Company 4400 Deer Path Road Suite 201 Harrisburg, PA 17110	Dauphin	Susquehanna Township	Paxton Creek WWF
PAI032808001	Ron Koontz AMK Partners, LLC 14113 Pennsylvania Avenue Hagerstown, MD 21742-2346	Franklin	Antrim Township	Muddy Run HQ-CWF
PAI032108014	Carlisle Developers, LLC Yentzer & Yentzer Enterprises 320 South Hanover Street Carlisle, PA 17013	Cumberland	Dickinson Township	Breches Creek HQ-CWF
PAI034407002	Newton Wayne Joint Authority c/o Victor Dimoff 45 Club Lane Mount Union, PA 17066	Mifflin	Newton Hamilton Borough	Juniata River WWF
PAI033608008	Harvey R. Zimmerman 1917 Birchwood Street East Earl, PA 17519	Lancaster	Brecknock Township	UNT to Rock Run HQ-TSF
PAI030508002	Bedford Township Municipal Authority	Bedford	Bedford Township	UNT to Shobees Run HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041403017(3)	Jeff Spackman Penn State University 113P Physical Plant Building University Park, PA 16802	Centre	College Township	Trib to Thompson Run HQ-CWF
PAI041408012	Michael Lorenz Nittany Farms Subdivision 1309 Shally Lane Cherry Hill, NJ 08034	Centre	Marion Township	Cedar Run HQ-CWF
PAI041409001	John Elnitski Bellefonte Airport 225 Snowbird Lane Bellefonte, PA 16823	Centre	Benner Township	UNT to Buffalo Run CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI061007001	Community Development Corporation of Butler County 122 Woody Drive Butler, PA 16001	Butler	Butler Township	Connoquenessing Creek WWF
PAI062508003	Birkmire Trucking Company 1612 Filmore Avenue Erie, PA 16505	Erie	McKean Township	Bear Run CWF; MF
PAI063308003	Brookside Assisted Living 49 Brookside Lane Brookville, PA 15825	Jefferson	Pine Creek Township	UNT North Fork Redbank Creek HQ-CWF

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

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

List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated 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>
West Fallowfield Township Chester County	PAG200 1509004	Department of Transportation District 6-0 7000 Geerdes Boulevard King of Prussia, PA 19406 and Co-Applicant: Johnson and Malhotra, PC 4040 Trindle Road Suite 200 Camp Hill, PA 17011-5600	Knights Run TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Bradford Township Chester County	PAG200 1504014-R	Sawmill Realty Associates, LP 1595 Paoli Pike West Chester, PA 19380	Sawmill Run and East Branch Brandywine Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 5103019-R	Toll Brothers, Inc. 250 Gibraltar Road Horsham, PA 19044	Schuylkill River CWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Scranton Lackawanna County	PAG2003509004	Anthony Mazonkey Box 1839 Kingston, PA 18704	Lackawanna River CWF	Lackawanna County Conservation District (570) 281-9495
Upper Mt. Bethel Township Northampton County	PAG2004808023	Voltaix, LLC Attn: Richard Budihias 197 Meister Avenue Branchburg, NJ 08876	Delaware River WWF, MF	Northampton County Conservation District (610) 746-1971
Jenkins Township Luzerne County	PAG2004007048	Willow View Homes, Inc. c/o Humford Equities 15 Public Square Suite 302 Wilkes-Barre, PA 18702	Susquehanna River WWF	Luzerne County Conservation District (570) 674-7991
Letterkenny Township Franklin County	PAG2002808036	Armed Forces Reserves Letterkenny Army Depot Building 14 Chambersburg, PA 17202	UNT to Conococheague Creek CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 (717) 264-5499
Greene Township Franklin County	PAG2002808033	Brad Gsell 470 Perry Road Fayetteville, PA 17222	UNT to Conococheague Creek CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 (717) 264-5499
Chambersburg Borough Franklin County	PAG2002805056-1	DELM Developers Progress Village Phases 6 and 7 P. O. Box 1010 Chambersburg, PA 17201	Conococheague Creek WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 (717) 264-5499
Chambersburg Borough Franklin County	PAG2002808005-R	Rachuba Group Mill Creek Acres West 946 A Marimich Court Eldersburg, MD 21784	UNT to Conococheague Creek WWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 (717) 264-5499
North Middleton Township Cumberland County	PAG2002103055-R1	Keystone Arms Associates, LLC David Marschka 120 North Pointe Boulevard Suite 300 Lancaster, PA 17601	Letort Spring Run HQ-CWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812

NOTICES

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*Facility Location:
Municipality &
County*

Permit No.

*Applicant Name &
Address*

*Receiving
Water/Use*

*Contact Office &
Phone No.*

East Hanover Township Dauphin County	PAG2002209005	Kevin Halbleib 8685 Devonshire Heights Road Hummelstown, PA 17036	Manada Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Lower Paxton Township Dauphin County	PAG2002209002	Linglestown Life UMC 1430 North Mountain Road Harrisburg, PA 17112	Paxton Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100
Liberty Township Adams County	PAG2000109002	Joe Macharsky 1605 Tract Road Fairfield, PA 17320	Flat Run WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Straban Township Adams County	PAG2000109001	Herbert F. and Naomi C. Klein Klein's Auto Salvage 3640 York Road New Oxford, PA 17350	UNT to Swift Run WWF	Adams County Conservation District 670 Old Harrisburg Road Suite 201 Gettysburg, PA 17325 (717) 334-0636
Bedford Township Bedford County	PAG2000509004	Bedford Township Municipal Authority P. O. Box 371 Bedford, PA 15522	Dunning Creek WWF	Bedford County Conservation District 702 West Pitt Street Fairlawn Court Suite 3 Bedford, PA 15522 (814) 623-7900, Ext. 3
Howe Township Perry County	PAG2035008014	Jeff Lefevre, Trustee Hope Eternal UMC P. O. Box 38 Newport, PA 17074	UNT to Juniata River WWF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068 (717) 582-3771
North Woodbury Township Blair County	PAG2000709004	Fisher & Thompson, Inc. Dale Weyant 110 Forshey Street Martinsburg, PA 16662	UNT to Plum Creek CWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0844, Ext. 5
Shippensburg Borough Cumberland County	PAG2002109002	Madison Court, LLC John Hoover, III 2000 Powell Drive Chambersburg, PA 17201	UNT to Burd Run— UNT to Middle Spring Creek CWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812
Exeter Township Berks County	PAG2000609033	Patrick Dolan Dolan Construction 401 South 13th Street Reading, PA 19602	Trout Run WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Muhlenberg Township Berks County	PAG2000609015	Raj Jagadesan Frush Valley Holdings, LLC 1549 Farr Road Wyomissing, PA 19610	Laurel Run WWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201

<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>
Marion Township Berks County	PAG2000608078	Kyle Batz 1171 Route 419 Womelsdorf, PA 19567	UNT to Tulpehocken Creek CWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Robeson Township Berks County	PAG2000609011	Robert L. Deeds, Jr. 1217 Whitebear Road Birdsboro, PA 19508	UNT to Seidel Creek—Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Muhlenberg Township Berks County	PAG2000609015	Raj Jagadesan Frush Valley Holdings, LLC 1549 Farr Road Wyomissing, PA 19610	Laurel Run WWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Boyertown Borough Berks County	PAG2000608068	Mildred Loper 216 West Sixth Street Boyertown, PA 19512	Swamp Creek TSF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Muhlenberg Township Berks County	PAG2000608080	Keith Thornton Spring Valley Church of God 2727 Old Pricetown Road Temple, PA 19560	Bernhart Creek—Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Fairview Township York County	PAG2006708077	Russell H. Burnell West Shore School District 507 Fishing Creek Road New Cumberland, PA 17070	UNT to Fishing Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Springettsbury Township York County	PAG2006709011	Dr. Kathryn Orban York Suburban School District 1800 Hollywood Drive York, PA 17403	UNT to Mills Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
East Providence Township Bedford County	PAG2000509001	Breezewood Enterprises 1663 Lincoln Highway Breezewood, PA 15533	UNT to Tub Mill Run WWF	Bedford County Conservation District 702 West Pitt Street Suite 3 Fairlawn Court Bedford, PA 15522 (814) 623-7900, Ext. 3
Centre County Spring Township	PAG2001405014R	Michael Glass Amberleigh Square 408 West James Street Lancaster, PA 17608	Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817

NOTICES

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*Facility Location:
Municipality &
County*

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Northumberland County Lower Augusta Township	PAG2004908016	Scott and Karen Hummel Hummel Poultry Operations 415 Christmas Road Sunbury, PA 17801	UNT to Hallowing Run WWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Northumberland County City of Sunbury	PAG2004909002	City of Sunbury Riverbank Stabilization Project 225 Market Street Sunbury, PA 17801	Susquehanna River WWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Northumberland County Lewis Township	PAG2004909004	Lewis Township 1428 Rovendale Drive Watsonstown, PA 17777	Warrior Run WWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Butler County Worth Township	PAG2 0010 08 011	Glacial Sand and Gravel Company P. O. Box 1022 Kittanning, PA 16201	Black Run CWF	Butler County Conservation District (724) 284-5270
Erie County Summit Township	PAG2 0025 09 001	Perry Hi-Way Hose Co. Fire Station Perry Hi-Way Hose, Co. P. O. Box 3351 Erie, PA 16508	UNT to Walnut Creek CWF; MF	Erie County Conservation District (814) 825-6403
Lawrence County Wayne Township	PAG2 0037 04 008R	Wayne Township Municipal Authority Cornel Jerome, Chairperson 1418 Wampum Road Ellwood City, PA 16117 and Forbes Excavating Blain Forbes 3340 US Route 422 New Castle, PA 16101 and Graziani Construction Jim Graziani 1050 Frew Mill Road New Castle, PA 16101	Squaw Run and Duck Run WWF	Lawrence County Conservation District (727) 652-4512

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

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Snyder County Monroe Township	PAR124810	National Beef Packing Company, LLC 12200 North Ambassador Drive Suite 500 Kansas City, MO 64195-0046	Rolling Green Run WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

*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>
Doylestown Township Bucks County	PAG040107	Michael and Kim Flanigan 31 Militia Hill Road Warrington, PA 18976	UNT to Neshaminy Creek Watershed 2F	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Solebury Township Bucks County	PAG040111	Stephen and Jesse Darlington P. O. Box 59 Solebury, PA 18963	UNT to Rabbit Run Watershed 2E	Southeast Regional Office 2 East Main Street Norristown, PA 19401
Bedford County Liberty Township	PAG043526 (Transfer)	Debra and Eugene Smith 575 Carberry Road Saxton, PA 16678	UNT Ravers Run TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4800
Adams County Liberty Township	PAG043889	Joe Macharasky 1605 Tract Road Fairfield, PA 17320	Flat Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4800
Worth Township Butler County	PAG049507	Michael Allan 281 Country View Road Slippery Rock, PA 16057	UNT to Black Run 20-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
McKean Township Erie County	PAG049492	James V. Gallagher 5511 Clinton Street Erie, PA 16509	UNT to Lamson Run 15	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

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

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

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

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

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

CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Pork Champ, LLC 1050 Shiprock Road Willow Street, PA 17584	Lancaster	7.1	536.5	Swine	NA	Approved

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Kenneth Brubaker 765 Glenwood Road Ephrata, PA 17522	Lancaster	67	315.1	Broilers	NA	Approved
Jared Rottmund Pigtail Acres, LLC 1030 Girl Scout Road Stevens, PA 17578	Lancaster	344.2	606.4	Swine	NA	Approved
Terry Hershey 573 Strasburg Road Paradise, PA 17562	Lancaster	82	82	Swine	NA	Approved
Lester B. Weaver 2560 Sunnyside Road Manheim, PA 17545	Lancaster	232	467.6	Dairy, swine	NA	Approved
Randall L. Clugston Hidden Springs Farm 2916 Safe Harbor Road Millersville, PA 17551	Lancaster	21	358	Layers	NA	Approved
M & M Farms Monte and Mary Edgin 10368 Furnace Road Shirleysburg, PA 17260	Huntingdon	170.6	585.6	Swine	NA	Approved

PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Permit No. 2808509, Public Water Supply.
 Applicant **Franklin County General Authority**
 Municipality Greene Township
 County **Franklin**
 Type of Facility Settling Basin and Filter Upgrades
 Consulting Engineer Yves E. Pollart BCEE, P. E. Rettew Associates, Inc. 2500 Gettysburg Road Camp Hill, PA 17011
 Permit to Construct Issued March 25, 2009

Permit No. 0608515, Public Water Supply.
 Applicant **Reading Area Water Authority**
 Municipality Ontelaunee Township
 County **Berks**
 Type of Facility Addition of more alum storage facilities and transfer pumps to transfer alum from new storage to existing day tanks with in the existing treatment building.

Consulting Engineer Max C. Kurbjun Jr., P. E.
 BCM Engineers
 920 Germantown Pike
 Plymouth Meeting, PA 19462

Permit to Construct March 25, 2009
 Issued

Permit No. 0608519 MA, Minor Amendment, Public Water Supply.

Applicant **Seven Twenty Four Corp.**
 Municipality Union Township
 County **Berks**
 Type of Facility Installation of nitrate treatment equipment at the existing restaurant.

Consulting Engineer James P. Cinelli, P. E.
 Liberty Environmental, Inc.
 10 North 5th Street
 Reading, PA 19601

Permit to Construct March 25, 2009
 Issued:

Operations Permit issued to Possum Valley Municipal Authority, 7010034, Menallen Township, Adams County on March 31, 2009, for the operation of facilities approved under Construction Permit No. 0108506.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted under section 5 of the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
West Earl Township	157 West Metzler Road P. O. Box 787 Brownstown, PA 17508	Lancaster

Plan Description: The approved plan provides for re-routing of sewer lines to serve the Village of Talmage, including the connection of an additional 21 dwelling units. The plan, as it relates to the use of interim holding tanks for new land developments in the Talmage area prior to construction of sewers, remains incomplete because it did not include municipal financial assurances for the replacement project's implementation as required by 25 Pa. Code § 71.63(c)(2) of the Department of Environmental Protection's (Department) regulations. The ID number for this minor plan revision is A3-36959-182-3M and the APS number is 687886. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Perry Township	680 Moselem Springs Road Shoemakersville, PA 19555	Berks

Plan Description: The approved plan provides for a proposed 197 lot residential subdivision to generate a total of 45,540 gallons of sewage per day to be served by a proposed interceptor tributary to Shoemakersville Borough sewage treatment plant. The proposed development is located at the intersection of Dreibelbis Mill and Moselem Springs Roads, Berks County. The plan revision DEP number is B3-06951-050-3. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Reading Township	650 Church Road East Berlin, PA 17316	Adams

Plan Description: The approved plan provides for the installation of two treatment plants in the Township. One to serve 30 EDUs in the Conewago Park area and another sized to accommodate 105 EDUs for the Laughman's Bottom area. The name of the plan is "A Special Study to Amend the Official Act 537 Plan, Laughman's Bottom and Conewago Park" and the DEP code No. is C3-01928-ACT. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality, authority as appropriate.

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>
Muncy and Fairfield Townships	Muncy Township 1922 Pond Road Muncy, PA 17756	Lycoming
Fairfield Township	834 Fairfield Church Road Montoursville, PA 17754	

Plan Description: The approved plan provides for the rerating of the Lycoming County Water and Sewer Authority's Turkey Run Pump Station from the currently permitted capacity of 43,250 gpd to 142,000 gpd. Phase 2 of this plan calls for the replacement of the existing pumps with larger pumps and a larger discharge line to further increase the capacity of the Turkey Run Pump Station. Phase 2 is a long term improvement and is not expected to be implemented within the next 5 years. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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.

Frankford and Darrah Site, City of Philadelphia, **Philadelphia County**. Bradley S. Wolf, BL Companies, Inc., 213 Market Street, 6th Floor, Harrisburg, PA 17101, Robert Lerner, Rite Aid Corporation, 30 Hunter Lane, Camp Hill, PA 17011 on behalf of Lawrence Gleman, Rite Aid of Pennsylvania, Inc., 30 Hunter Lane, Camp Hill, PA 17011 has submitted a Remediation Investigation Report concerning remediation of site groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Wawa North Coventry Township, North Coventry Township, **Chester County**. Matt Brainard, GES, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 on behalf of Matthew Winters, Wawa, Inc., 260 West Baltimore Pike, Wawa, PA 19063 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.

Calderon Residence, Falls Township, **Bucks County**. Michael Raffoni, Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602 on behalf of Jose Calderon, 27 Top Hill Lane, Levittown, PA 19054, Ann Bethke, 23 Top Hill Lane, Levittown, PA 19054 has submitted a 90 day 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.

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

Bethlehem Commerce Center—Lots 15 and 16, 1805 East 4th Street, Bethlehem City, **Northampton County**. Kenneth G. Robbins, HDR Engineering, Inc., 1720 Spillman Drive, Suite 280, Bethlehem, PA 18015-2165 has submitted a Cleanup Plan (on behalf of her client, Lehigh Valley Industrial Park, Inc., 1720 Spillman Drive, Suite 150, Bethlehem, PA 18015-2164), concerning the remediation of soils found to have been impacted by SVOCs (benzo (a) pyrene) and heavy metals (total chromium) as a result of historical manufacturing operations at the site. The report was submitted in partial fulfillment for demonstrating attainment of the Site-Specific Standard for soils. A public notice regarding the submittal of the Cleanup Plan was published in *The Morning Call* and *The Express-Times* on March 2, 2009.

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

Joan Buranich, Mount Carmel Borough, **Northumberland County**. REPSG, 6901 Kingessing Avenue, Philadelphia, PA 19142 on behalf of Joan Buranich, 701 East 7th Street, Mount Carmel, PA 17851 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.

Reinhart Food Service, LLC, Coal Township, **Northumberland County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Reinhart Food Service, LLC, 100 Industrial Park Road, Coal Township, PA 17866 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with diesel fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Union Railroad Company Monongahela Junction Yard (Former), City of Duquesne, **Allegheny County**. Nickolas Palumbo, KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 (on behalf of Tom Besselman, Union Railroad Company, 1200 Penn Avenue, Suite 300, Pittsburgh, PA 15222-4207 and Jerome Gibas, General Manager, Kennywood Entertainment Partners, LP, 4800 Kennywood Boulevard, West Mifflin, PA 15122) has submitted a Risk Assessment Report concerning remediation of site soil and groundwater contaminated with chlorinated solvents and other organics. The report is intended to document remediation of the site to meet the Site-Specific Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

Turnpike Valley Forge Service, Tredyffrin Township, **Chester County**. James Mulry, Mulry and Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 3,

Glenmoore, PA 19343, Martin Liebhart, Sunoco, Inc. (R & M), 350 Eagleview Boulevard, Suite 300, Exton, PA 19341 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with diesel fuel. The 90 day Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 18, 2009.

Kane Residence, Lower Merion Township, **Montgomery County**. Jeremy Boly, EMC, Inc., 1420 East Mermaid Lane, Glenside, PA 19066 on behalf of Anne Kane, 18 Merion Road, Merion Station, PA 19066 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 30, 2009.

Riverplace Homes of Marcus Hook, Marcus Hook Borough, **Delaware County**. Mark Zunich, Reliance Environmental, Inc., 130 Chestnut Street, Lancaster, PA 17602 on behalf of Bruce Dorbian, Marcus Hook Community Development Corporation, 1015 Green Street, Marcus Hook, PA 19061 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with other organics. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 13, 2009.

1574 Bristol Pike Site, Bensalem Township, **Bucks County**. Terry Harris, Boucher & James, Inc., Fountaineville Professional Building, 1456 Ferry Road, Building 500, Doylestown, PA 18901 on behalf of Chris Mazullo, Mazmar, LLC, 77 Wet Court Street, Doylestown, PA 18901 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with benzene, MTBE. The Final Report did not demonstrate attainment of the Statewide Health Standard and was withdrawn on by the Department of Environmental Protection on April 1, 2009.

Merton Price Property, Ridley Township, **Chester County**. Michael Christie, Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Kenneth Hurwitz, Merton Price Company, 207 Yorktown Place, Berwyn, PA 19312 has submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soil contaminated with chlorinated solvents and petroleum hydrocarbons. The Remedial Investigation Report and Cleanup Plan were approved by the Department of Environmental Protection on March 23, 2009.

165 Oak Street Property, Uwchlan Township, **Chester County**. James Mulry, Mulry and Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 3, Glenmoore, PA 19343 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on March 26, 2009.

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

Milus Property, 400 Ben Titus Road, Rush Township, **Schuylkill County**. The property owner, Eugene A. Milus, 6615 Huntsville Road, Fayetteville, AR 72701 submitted a Final Report, concerning the remediation of soil found to have been impacted by home heating oil as a result of an accidental release from an aboveground

storage tank. The report documented attainment of the Residential Statewide Health Standard and was approved on March 31, 2009.

Rhodes Residence, 532 North Tenth Street, Allentown City, **Lehigh County**. Jeremy Boly, Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038 submitted a Final Report (on behalf of his client, Carol Rhodes, 532 North Tenth Street, Allentown, PA 18102), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as the result of an accidental release, which occurred following the over-pressurization of an aboveground storage tank. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on March 26, 2009. The report was originally submitted within 90 days of the release.

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

Suburban Heating Oil Partners, Chambersburg Borough, **Franklin County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Suburban Energy Services, P. O. Box 4833, Syracuse, NY 13221, submitted a remedial investigation report and cleanup plan concerning site soils and groundwater contaminated by petroleum products. This site is being remediated to a Site-Specific Standard. The report and plan were approved by the Department of Environmental Protection on March 25, 2009.

Amber Trucking Diesel Spill, Marion Township, **Berks County**. Marshall Geoscience, Inc., 170 East First Avenue, Collegeville, PA 19426, on behalf of Douglas S. and Donna M. Cummings, 4 Charming Forge Road, Womelsdorf, PA 19567 and Amber Trucking, Inc., P. O. Box 667, Turlock, CA 95381 submitted a Final Report concerning remediation of site soils contaminated with diesel fuel released during a vehicle accident. The Final Report, which was submitted within 90 days of the release, demonstrated attainment of the Residential Statewide Health standard. The Final Report was approved by the Department of Environmental Protection on March 31, 2009.

Kingston House Apartments, West York Borough, **York County**. Groundwater Services International, Inc., 443 McCormick Road, Mechanicsburg, PA 17055, on behalf of Delphia Management Corporation/York Area Development Corporation, 118 North George Street, York, PA 17401, submitted a Final Report concerning remediation of site soils and groundwater contaminated with metals and SVOCs from historical industrial activities. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on March 31, 2009.

Armstrong World Industries (AWI)/Lancaster's Northwest Gateway, City of Lancaster and Manheim Township, **Lancaster County**. ARM Group, P. O. Box 797, Hershey, PA 17033, on behalf of EDC Finance Corporation, 100 South Queen Street, Lancaster, PA 17608-1558, submitted a Final Report concerning remediation of site soils on the college parcel, a 26.7 acre portion of the approximately 67 acre former AWI Liberty Street Flooring Plant. The college parcel was contaminated with VOCs, SVOCs and metals. The Final Report demonstrated attainment of the Background and Residential Statewide Health Standards and was approved by the Department of Environmental Protection on April 2, 2009.

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

Schreiber Industrial Development Company Property, New Kensington City and Arnold City, **Westmoreland County**. Bruce Shaw, American Geosciences, Inc., 3925 Reed Boulevard, Suite 400, Murrysville, PA 15668 on behalf of David Schreiber, Schreiber Industrial Development Company, 5840 Ellsworth Avenue, Suite 100, Pittsburgh, PA 15232 has submitted a Baseline Environmental Report concerning the remediation of site soil and groundwater contaminated with other organics and chlorinated solvents. The Baseline Environmental Report was approved by the Department of Environmental Protection (Department) on February 6, 2009. To obtain cleanup liability protection, the person undertaking the reuse of a Special Industrial Area shall enter into an agreement with the Department, based on the approved Baseline Environmental Report which outlines cleanup liability of the property.

Triangle II Restaurant, Blacklick Township, **Cambria County**. Douglas McKee, ATC Associates, Inc., 101 Allegheny Street, Hollidaysburg, PA 16648 on behalf of Debra Whinney, Benjamin Franklin Highway, Belsano, PA 15931 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with fuel oil No. 2. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on February 18, 2000.

Crane Plumbing (Former), Somerset Township, **Somerset County**. Mark Johnson, ENVIRON, 10 East Baltimore Street, Suite 1400, Baltimore, MD 21202 on behalf of Reed Beidler, RLB Holdings, LLC, 1235 Hartrey Avenue, Evanston, IL 60202, Jeremy Sigmund, JMS Recycling, 1029 South Center Avenue, Somerset, PA 15501 and Randy Martel, ENVIRON International Corp., 4350 North Fairfax Drive, Suite 300, Arlington, VA 22203 has submitted a Final Report concerning the remediation of site soil contaminated with inorganics. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on September 2, 2008.

West Penn Hat and Cap Site, East Deer Township, **Allegheny County**. Christopher D. Tower, C.D. Tower & Associates, Inc., P. O. Box 307, Export, PA 15632 on behalf of F. Lynn Thompson, 1000 Treadway Trust, P. O. Box 428, Tarentum, PA 15084 has submitted a Remedial Investigation Report and a Final Report concerning the remediation of site groundwater contaminated with chlorinated solvents. The Remedial Investigation Report was approved by the Department of Environmental Protection (Department) on February 23, 2009, and the Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on February 23, 2009.

Liberty Park, East Liberty Section of Pittsburgh, **Allegheny County**. Joseph Harrick, Penn Environmental & Remediation, Inc., 359 Northgate Drive, Suite 400, Warrendale, PA 15086 on behalf of David Dumey, McCormack Baron Salazar, 1415 Olive Street, Suite 310, St. Louis, MO 63103 and John Coyne, Urban Redevelopment Authority of Pittsburgh, 200 Ross Street, Pittsburgh, PA 15219 has submitted a Final Soils Report concerning the remediation of site soils contaminated with metals including antimony, arsenic, boron, lead, thallium, silver and PAH. The Final Soils Report demonstrated attainment of

the Site-Specific Standard and was approved by the Department of Environmental Protection on April 22, 2008.

Federal Laboratories Area 11, Conemaugh Township, **Indiana County**. Kelly McIntosh, Amec Geomatrix, Inc., 90 B John Muir Drive, Suite 104, Amherst, NY 14228 on behalf of Gerald Harvey, Breeze-Eastern Corporation, 700 Liberty Avenue, Union, NJ 07083 has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning the remediation of site soil contaminated with lead. The Remedial Investigation Report, Risk Assessment Report and Cleanup Plan were approved by the Department of Environmental Protection on March 10, 2009.

Costco Wholesale Store, West Homestead Borough, **Allegheny County**. Christopher Carlson, P. G., ATC Associates, Inc., 2200 Garden Drive, Suite 200, Seven Fields, PA 16046 on behalf of Heidi Macomber, Costco Wholesale Corp., 45940 Horseshoe Drive, Suite 150, Sterling, VA 20166 has submitted a Final Report concerning the remediation of site soil contaminated with inorganics. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on December 22, 2009.

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

Former Robert M. Chambers, Inc., Taylor Township, **Lawrence County**. R.A.R Engineering Group, Inc., 1135 Butler Avenue, New Castle, PA 16101 on behalf of R. W. Elliott & Sons, Inc., R. D. 1, Box 242, Ellwood City, PA 16117 has submitted a Baseline Environmental Report concerning the remediation of site soil contaminated with antimony, boron, lead anthracene, benzo[a]pyrene, dibenzofuran, naphthalene and site groundwater contaminated with arsenic, boron, selenium, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[g,h,i]perylene, chrysene, indeo[1,2,3-cd]pyrene. The Baseline Environmental Report demonstrated attainment of the Special Industrial Area requirements and was approved by the Department of Environmental Protection on March 17, 2009.

DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

Determination of Applicability for General 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. §§ 4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.

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

General Permit No. WMGR028SW002. Quaker Sales Corporation, P. O. Box 880, Johnstown, PA 15907-0880. Johnstown Asphalt Plant, 183 Asphalt Road, Johnstown, PA 15906 and Northern Cambria Asphalt Plant, 336 Shawna Road, Northern Cambria, PA 15714. A residual waste general permit for the beneficial use of baghouse fines and scrubber pond precipitates as: (i) an aggregate in roadway construction; (ii) a soil additive; (iii) a soil conditioner; or (iv) a component or ingredient in the manufacturing of construction products in West Taylor/

Susquehanna Townships, **Cambria County**, was approved by the Regional Office on March 31, 2009.

Persons interested in reviewing the general permit should contact Diane McDaniel, P. E., Environmental Engineering Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, TDD users should contact the Department of Environmental Protection through the Pennsylvania AT&T 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.

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

GPA-1-46-0272: SmithKline Beechman Corp.—d/b/a GlaxoSmithKline (709 Swedeland Road, UE 4021, Building 40, King of Prussia, PA 19406-2711) on March 31, 2009, to operate a small gas and No. 2 oil fired combustion unit in Upper Merion Township, **Montgomery County**.

GP4-09-0010: Perkasio Industries Corp. (50 East Spruce Street, Perkasio, PA 18944) on April 3, 2009, to operate burn off oven in Perkasio Borough, **Bucks 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.

45-310-053GP3: Haines & Kibblehouse (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on March 23, 2009, to construct and operate a Portable Crushing Operation with watersprays at their site in Stroud Township, **Monroe County**.

45-310-054GP3: Haines & Kibblehouse (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on March 23, 2009, to construct and operate a Portable Crushing Operation with watersprays at their site in Stroud Township, **Monroe County**.

45-329-009GP9: Haines & Kibblehouse (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on March 23, 2009, to install and operate a Diesel I/C Engines at the site in Stroud Township, **Monroe County**.

45-329-010GP9: Haines & Kibblehouse (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on March 23, 2009, to install and operate a Diesel I/C Engines at their site in Stroud Township, **Monroe County**.

48-310-079GP3: Brandenburg Industrial Service Co. (2217 Spillman Drive, Bethlehem, PA 18015) on April 1, 2009, to construct and operate a Portable Crushing Operation with watersprays at their site in Lower Mount Bethel Township, **Northampton County**.

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

67-03153A: Keener Coatings, Inc. (3711 Board Road, York, PA 17406-8425) on April 1, 2009, to construct two coating booths at their facility in Manchester Township, **York County**.

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

14-00014D: Glenn O. Hawbaker, Inc. (711 College Avenue, Bellefonte, PA 16823) on April 1, 2009, to construct a mineral filler storage silo and associated bulk truck loadout spout, a RAP crusher, two single deck screens, three RAP bins, three belt feeders and five belt conveyors in the facility's asphalt concrete plant, a cone crusher, a vibrating feeder, a belt feeder and six belt conveyors in the facility's primary crushing operation, five belt conveyors and three storage silos in the facility's limestone conveying operation, a liquid asphalt storage tank in the facility's oil/liquid asphalt storage operation, a portable crushing plant and associated diesel engine and two water pumps and associated diesel engines, as well as for the modification of the facility's secondary crushing operation's description, the modification of the facility's railcar loading/unloading operation to permit the loading of railcars and the modification of the facility's two portable plants to limit the hours of operation of each plant to 2,000 hours per year, at the Spring Township, **Centre County** facility.

17-00020A: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on April 1, 2009, to replace: 1) the existing 300 tph asphalt drying drum mixer with a new 400 tph asphalt drying drum mixer; 2) the existing 93 mmBtu/hr dryer/mixer burner and associated burner blower with a 120 mmBtu/hr burner and associated burner blower; 3) the existing dust silo with a 1,000-barrel dust silo; 4) the existing knock-out box with a new knock-out box; 5) the existing exhaust fan associated with the existing fabric collector with an equivalent exhaust fan; and 6) the existing 4' by 8' double deck screen with a 5' by 12' double deck screen. This plan approval authorized the use of waste asphalt shingles in the hot mix asphalt, process a combination of recycled asphalt pavement (RAP) and/or asphalt shingles at a rate not to exceed 40% of the total weight of all materials charged into the drum at any time and to use recycled/reprocessed oil as fuel in the dryer/mixer burner. This plan approval also authorized the construction of a RAP material handling system that includes seven conveyors, lengthening one conveyor, two single deck screens, one crusher and one bin. Additionally, this plan approval authorized the construction of a portable stone crushing and screening plant and associated 400 horsepower diesel engine, construction of a portable stone crushing plant and associated 425 horsepower diesel engine and the construction of a portable stone screening plant and associated 100 horsepower diesel engine at their Dubois facility (Plant No. 4) in Sandy Township, **Clearfield County**.

08-00002D: E.I. DuPont de Nemours and Co. (Patterson Boulevard, Towanda, PA 18848) on April 6, 2009, to utilize an existing regenerative thermal oxidizer to control the air contaminant emissions from Sources P142, P150 and P159 at their Towanda facility located in North Towanda Township, **Bradford 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.

26-00541E: CNX Marine Terminals, Inc. (1000 Consol Energy Drive, Canonsburg, PA 15317-6506) on March 26, 2009, to construct on-ground stockpiling, recovery and transfer equipment at the Alicia Dock in Luzerne Township, **Fayette County**.

63-00936A: Mark West Liberty Midstream and Resources, LLC, (1515 Arapahoe Street, Tower 2, Suite 700, Denver, CO 80202-2126) on April 3, 2009, to construct a propane removal system and other supporting equipment at their Houston Gas Processing Plant in Chartiers Township, **Washington County**.

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

AMS 09006: Naval Support Activity (700 Robbins, Philadelphia, PA 19111-5098) on April 6, 2009, to replace two existing boilers with two 32.65 mmBtu/hr Cleaver Brooks boilers firing No. 6 oil/natural gas in the City of Philadelphia, **Philadelphia County**. The new boilers will have the following combined potential annual emissions: 28.61 tons of PM. The Facility will be limited to less than 25 tons of NOx and 100 tons of SOx emissions per year.

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.

09-0157B: Barrett Asphalt, Inc. (7503 Weymouth Road, Hammonton, NJ 08037-3410) on March 31, 2009, to operate a fuel oil and No. 6 fire dryer in Falls Township, **Bucks County**.

46-0256: Horgan Recycling, Inc. (2188 Detwiler Road, Harleysville, PA 19438-2931) on April 2, 2009, to operate a concrete and asphalt crushing and recycling plant with dust suppression system in Upper Gwynedd Township, **Montgomery County**.

46-0264: Caddick Construction Company, Inc. (P. O. Box 179, Ambler, PA 19002-0179) on March 27, 2009, to operate a new nonmetallic mineral processing plant in Whitmarsh Township, **Montgomery County**.

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

30-00072E: Consol Pennsylvania Coal Co., LLC (1525 Pleasant Grove Road, Claysville, PA 15323) on April 2, 2009, to construct one additional belt-to-belt transfer point at the proposed Crabapple Overland Conveyor, in Richhill Township, **Greene County**. The Plan Approval Expires on October 20, 2009. The addition of one additional transfer point at this facility increases total potential emissions for the project by 0.43 ton of PM10 and 0.94 ton of total PM, annually and does not trigger NSR or PSD regulatory requirements. The following Plan Approval Conditions have been revised to accommodate this physical change: 1. The facility-wide maximum allowable emission rate for PM is 439.58 tons in any consecu-

tive 12-month period (25 Pa. Code § 127.12b); 2. The facility-wide maximum allowable emission rate for PM10 is 345.41 tons in any consecutive 12-month period. (25 Pa. Code § 127.12b)

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

37-290D: Ferrotech Corp. (526 South Jefferson Street, New Castle, PA 16101) on April 3, 2009, to install a new Torit Model DF-04 102,000 ACFM fabric filter to be used in conjunction with an existing JPC Model 100 fabric filter for controlling PM emissions associated with a torch cutting operation in the City of New Castle, **Lawrence County**.

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.

15-00114: Action Manufacturing Co. (500 Bailey Crossroads, Atglen, PA 19310) on April 1, 2009, for a non-Title V Facility, State-only, Natural Minor Operating Permit in West Fallowfield Township, **Chester County**. Action Manufacturing Company produces detonators of various shapes and sizes, along with other miscellaneous components of the detonators. The primary sources of air emissions from the facility are Misc. Combustion Sources (Source ID 030), Six Detonator Chambers (Source ID 100) and a Thermal Treatment Unit (TTU, Source ID 101). The boilers associated with Source ID 030 are all rated at less than 2.5 mmBtu/hr and are therefore uncontrolled. Source ID 100 and 101 are each controlled by particulate filtration systems (Source ID C100 and C101). Potential emissions of NOx from the facility will be less than 9.0 tpy. SOx emissions will be less than 3.0 tpy. Emissions of VOC, CO, PM and HAP will each be less than 2.0 tpy. The permit will contain monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

46-00165: Murlin Chemical, Inc. (10 Balligomingo Road, West Conshohocken, PA 19428) on April 1, 2009, to operate a Bone Ash Manufacturing Facility in West Conshohocken, **Montgomery County**. This action is a renewal of the original State-only Operating Permit (Natural Minor), which was issued on March 18, 2004. Several typographical changes have been made to the permit. The pressure drop across the baghouse was changed from 4-6 in. w.g. to 4-11 in. w.g. The calciner was removed as a source from the operating permit. The facility shall continue to remain a natural minor. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

09-00183: Donaldson Company, Inc. (85 Railroad Drive, Ivyland, PA 18974) on April 2, 2009, for a State-only, Synthetic Minor Operating Permit in North Hampton Township, **Bucks County**. The company has one polytetrafluoroethylene extrusion line controlled by a Regenerative Thermal Oxidizer. The pollutant of concern is VOCs. The estimated VOC emissions after control are less than 4.4 tpy. The permit will include monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements.

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

40-00110: Quality Collision, Inc. (365 Courtdale Avenue, Courtdale, PA 18704) on March 30, 2009, to issue a new State-only Operating Permit to operate a spray coating operation in Courtdale Borough, **Luzerne County**.

35-00017: Art Print Co. (6 Stauffer Industrial Park, Taylor, PA 18517-9620) on March 30, 2009, to renew a State-only Operating Permit to operate a lithographic printing facility in Taylor Borough, **Lackawanna County**.

45-00013: All American Sports Corp. (140 Second Street, Stroudsburg, PA 18360) on March 30, 2009, to renew a State-only Operating Permit to operate a spray coating operation at their facility in Stroudsburg Borough, **Monroe County**.

45-00030: United Envelope (1200 Industrial Park Drive, P. O. Box 37, Mount Pocono, PA 18344) on March 30, 2009, to renew a State-only Operating Permit to operate an envelope manufacturing operation at the facility in Coolbaugh Township, **Monroe County**.

48-00093: Oldcastle APG Northeast, Inc. (800 Uhler Road, Easton, PA 18040-6617) on March 31, 2009, for a new State-only Operating Permit to operate a concrete block and brick operation in Forks Township, **Northampton County**.

35-00036: SNF Polychemie (P. O. Box 250, Riceboro, GA 31323) on March 30, 2009, to renew a State-only Operating Permit to operate of an industrial organic chemical manufacturing facility in Taylor Borough, **Lackawanna County**.

35-00015: Metso Paper—USA (P. O. Box 155, Clarks Summit, PA 18411-0155) on March 30, 2009, to renew a State-only Operating Permit to operate a fabricated rubber products facility in Clarks Summit Borough, **Lackawanna County**.

48-00012: American Nickeloid Co. (131 Cherry Street, Walnutport, PA 18088-1608) on March 30, 2009, to renew a State-only Operating Permit to operate an electro-plating facility in Walnut Borough, **Northampton County**.

54-00043: Goulds Pumps ITT Ind. (500 East Centre Street, Ashland, PA 17921) on March 31, 2009, to renew a State-only Operating Permit to operate a pump manufacturing facility in Ashland Borough, **Schuylkill County**.

45-00029: Transistor Devices (1901 West Main Street, Stroudsburg, PA 18360) on March 30, 2009, for a new State-only Operating Permit to operate a primary metal production facility in Stroudsburg Borough, **Monroe County**.

40-00118: Valmont Newmark (225 Kiwanis Boulevard, West Hazleton, PA 18202) on March 30, 2009, for a new State-only Operating Permit for operation of a fabricated metal product manufacturing facility in West Hazleton Borough, **Luzerne County**.

13-00016: Haulmark Industries, Inc. (6 Banks Avenue, McAdoo Industrial Park, McAdoo, PA 18237-0147) on March 30, 2009, for a new State-only Operating Permit to operate a spray coating operation in Banks Township, **Carbon County**.

58-00002: Donald Dean and Sons, Inc. (99 Grow Avenue, Montrose, PA 18801) on March 30, 2009, to

renew a State-only Operating Permit to operate a wood-working facility in Montrose Borough, **Susquehanna County**.

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

06-03089: Reading Materials, Inc. (P. O. Box 196, Skippack, PA 19474) on March 31, 2009, for their nonmetallic mineral crushing plant operation at their Pottstown Traprock Quarry in Douglass Township, **Berks County**. This is a renewal of a State-only operating permit.

36-03048: Hubbard Feeds, Inc. (3349 Hempland Road, Lancaster, PA 17601-1315) on March 30, 2009, for their animal feed mill in East Hempfield Township, **Lancaster County**. This is a renewal of the State-only operating permit.

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

20-00094: Dad's Products Co., Inc. (18746 Mill Street, Meadville, PA 16335) on March 26, 2009, to operate a facility that manufactures pet food in Vernon Township, **Crawford County**. The facility's primary emission sources include two natural gas fired boilers, two natural gas fired space heaters, miscellaneous natural gas combustion for space heating, pneumatic conveying, three natural gas fired dryers, two coolers and ingredient receiving, milling and transfer equipment.

42-00181: Elkhorn Gas Processing, LLC (P. O. Box 60B, Kinuza Road, Warren, PA 16365) on March 25, 2009, to operate a natural gas processing plant at their Lewis Run Facility in Bradford Township, **McKean County**. The facility's primary emission sources include an oil medium heater, two natural gas fired compressor engine, a glycol regenerator (Dehydrator), equipment leaks (VOC emissions) and product storage tanks and loading.

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.

46-00026: Global Packaging Inc. (Brower and Montgomery Avenues, Oaks, PA 19456) on April 1, 2009, to correct emission limitations for printing press No. 107 and specify the applicable 40 CFR 63, Subpart KK requirements for the facility at Upper Providence Township and **Montgomery County**. The amended State-only Operating Permit contains all of the applicable regulatory requirements including monitoring, recordkeeping, reporting and emission limits.

46-00254: Campania International, Inc. (2452 Quakertown Road, Pennsburg, PA 18073) on April 1, 2009, to correct the pressure drop across the filter of their fiberglass layup room at Upper Hanover Township, **Montgomery County**. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

23-00027: 3M Dyneon, LLC (50 Milton Drive, Aston, PA 19014) on April 3, 2009, to incorporate a Donaldson Torit Baghouse and it's conditions from Plan Approval 23-0027A into the State-only Operating Permit in Chester

Township, **Delaware County**. Administrative Amendment of State-only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450.

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

42-00061: Dresser Piping Specialties (41 Fisher Avenue, Bradford, PA 16701) on March 24, 2009, for an administrative amendment to the facilities Natural Minor Operating Permit. This facility is located in the City of Bradford, **McKean County** and is permitted to operate a process that manufactures specialty piping products. This amendment was for a change permit contact person. The permit contact person was changed from Ernest M. Retzer to Shane Dunn.

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

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

32-00206: Amfire Mining Company, LLC (One Energy Place, Latrobe, PA 15650) on March 30, 2009, per 25 Pa. Code § 127.449(i), for the following de minimis emission increases at the Clymer Plant, located in Cherryhill Township, **Indiana County**:

Less than 0.04 tpy of PM10, less than 0.1 tpy of NOx and less than 0.05 tpy of CO resulting from the installation and operation of one Powerscreen Mark II Portable Coal Screen with a rated capacity of 250 tph powered by a 46 bhp Deutz Diesel Engine.

There are no previously-authorized de minimis increases at the facility to list.

Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

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

09-00190: Transcontinental Direct (75 Hawk Road, Warminster, PA 18974-5102) on April 3, 2009, revocation of their non-Title V Operating Permit for the operation of printing presses in Warminster Township, **Bucks County**. This operating permit was revoked because of a permanent shutdown of operations at the facility.

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 re-

quirements 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.

30020701 and NPDES Permit No. PA0235482, Consol Pennsylvania Coal Company, (1800 Washington Road, Pittsburgh, PA 15241), to renew the permit for the Bailey Central Mine Complex CRDA No. 3 and No. 4 in Richhill and Gray Townships, **Greene County** and related NPDES Permit. No additional discharges. Application received May 21, 2008. Permit issued April 1, 2009.

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

32803010 and NPDES No. PA0124834. Keystone Coal Mining Corporation, P. O. Box 219, Shelocta, PA 15774, permit renewal for reclamation only of a bituminous surface mine in Blacklick Township, **Indiana County**, affecting 89.9 acres. Receiving streams: UNT to Aultman's Run classified for the following use: TSF. The first downstream potable water supply intake from the point of discharge is Saltsburg Borough Indiana County Municipal Waterworks Conemaugh River SWI. Application received February 11, 2009. Permit issued March 31, 2009.

56803093 and NPDES No. PA0124656. Croner, Inc., P. O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 79.6 acres. Receiving streams: UNTs to Buffalo Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 6, 2009. Permit issued March 31, 2009.

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

65970103 and NPDES Permit No. PA0201898. Derry Stone & Lime Co., Inc. (117 Marcia Street, Latrobe, PA 15650). Permit revised to add 9.7 acres of mining at an existing bituminous surface mining/limestone quarrying site located in Derry Township, **Westmoreland County**, now affecting 139.1 acres. Receiving streams: UNTs to McGee and Stony Runs to Conemaugh River. Application received February 29, 2008. Permit revision issued April 3, 2009.

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

33813012 and NPDES Permit No. PA0603210. P & N Coal Co., Inc. (P. O. Box 332, Punxsutawney, PA 15767) Renewal of an existing bituminous strip and auger operation in Gaskill Township, **Jefferson County** affecting 598.0 acres. This renewal is issued for reclamation only. Receiving streams: UNT to Clover Run and UNTs to East Branch Mahoning Creek and Lost Run. Application received February 9, 2009. Permit issued March 30, 2009.

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

17820104 and NPDES No. PA0609218. Sky Haven Coal Company (5510 State Park Road, Penfield, PA 15849). Permit renewal for the continued operation and restoration of a bituminous surface mine in Boggs and

Bradford Townships, **Clearfield County**, affecting 479.5 acres. Receiving streams: Long Run to Clearfield Creek to West Branch Susquehanna, classified for the following uses: CWF, CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received January 23, 2009. Permit issued March 24, 2009.

17930128 and NPDES No. PA0219720. AMFIRE Mining Company, LLC (One Energy Place, Latrobe, PA 15650). Permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Penn Township, **Clearfield County**, affecting 106.2 acres. Receiving stream: UNTs to Bell Run and Bell Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received January 28, 2009. Permit issued March 31, 2009.

17970102 and NPDES No. PA0220558. EnerCorp, Inc. (1310 Allport Cutoff, Morrisdale, PA 16858). Revision of an existing bituminous surface mine for a Land Use Change in Graham Township, **Clearfield County**, affecting 58.9 acres. Receiving streams: Alder Run or Flat Run to West Branch Susquehanna, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received February 3, 2009. Permit issued March 30, 2009.

17980113. Beth Contracting, Inc. (815 Rock Run Road, Glen Campbell, PA 15742), permit renewal for reclamation only of a bituminous surface mine in Gulich Township, **Clearfield County**, affecting 90.1 acres. Permit issued March 17, 2009.

17020111. Lee Coal Contracting, Inc. (1395 German Road, Drifting, PA 16834), permit renewal for reclamation only of a bituminous surface mine in Cooper Township, **Clearfield County**, affecting 19.4 acres. Permit issued March 13, 2009.

Noncoal Permits Actions

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

01930302 and NPDES Permit No. PA0223239. ISP Minerals, Inc., P. O. Box O, Blue Ridge Summit, PA 17214, renewal of NPDES Permit, Hamiltonban Township, **Adams County**. Receiving streams: UNT to Tom's Creek classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received February 9, 2009. Permit issued March 31, 2009.

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

08080812. Alec Harned (R. R. 3, Box 32A, Wyalusing, PA 18853), commencement, operation and restoration of a quarry operation (flagstone/bluestone) in Herrick Township, **Bradford County**, affecting 1.0 acre. Receiving stream: Wyalusing Creek, tributary to Susquehanna River. Application received December 19, 2008. Permit issued March 25, 2009.

53070801. Roger Long (270 West Branch Road, Galeton, PA 16922), commencement, operation and restoration of a quarry operation (flagstone) in Hector Township, **Potter County**, affecting 3.0 acres. Receiving stream: California Creek, tributary to Genesee Forks to Pine Creek. Application received May 9, 2007. Permit issued March 31, 2009.

**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

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

20094002. Great Lakes Geophysical, Inc. (P. O. Box 127, Williamsburg, MI 49690) Blasting activity permit for well exploration in Conneaut, Summit and Summerhill Townships, **Crawford County**. This blasting activity permit will expire on December 31, 2009. Application received March 27, 2009. Permit issued March 31, 2009.

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

08094002. John Brainard (3978 SR 2073, Kingsley, PA 18826), blasting for Resso Excavating—manure pit, located in Smithfield Township, **Bradford County**. Permit issued March 31, 2009. Permit expires April 30, 2009.

17094004. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), blasting on Long Run GFCC#-17-05-09 located in Bradford Township, **Clearfield County**. Permit issued March 30, 2009. Permit expires October 31, 2009.

17094005. Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), blasting on Kovalick GFCC#-17-08-11 located in Bradford Township, **Clearfield County**. Permit issued March 30, 2009. Permit expires May 31, 2011.

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

36094114. Warren's Excavating & Drilling, Inc., (P. O. Box 214, Myerstown, PA 17067), construction blasting for Stonehenge Reserve in East Hempfield and Manheim Townships, **Lancaster County** with an expiration date of March 25, 2010. Permit issued March 30, 2009.

67094107. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for Eagle View Development in Manchester Township, **York County** with an expiration date of December 10, 2010. Permit issued March 30, 2009.

06094102. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for Green Valley Middle School in Lower Heidelberg Township, **Berks County** with an expiration date of March 31, 2010. Permit issued April 1, 2009.

06094103. Schlouch, Inc., (P. O. Box 69, Blandon, PA 19510), construction blasting for Route 422 retail development in Womelsdorf Borough, **Berks County** with an expiration date of March 31, 2010. Permit issued April 2, 2009.

38094104. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for BTKD, LLC in North Cornwall Township, **Lebanon County** with an expiration date of April 30, 2010. Permit issued April 2, 2009.

39094105. Austin Powder Northeast, LLC, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Lehigh Hills in Upper Macungie Township, **Lehigh County** with an expiration date of March 27, 2011. Permit issued April 2, 2009.

36094115. M & J Explosives, Inc., (P. O. Box 608, Carlisle, PA 17013), construction blasting for Urban Outfitters warehouse in Salisbury Township, **Lancaster County** with an expiration date of April 30, 2010. Permit issued April 3, 2009.

**FEDERAL WATER POLLUTION
CONTROL ACT SECTION 401**

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

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

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

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for 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 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).

Permits, Environmental Assessments and 401 Water Quality Certifications Issued

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E05-348: Bedford Borough Municipal Authority, 244 West Penn Street, Bedford, PA 15522, Waste Water Treatment Plant along Shobers Run, Bedford Township, **Bedford County**, United States Army Corps of Engineers, Baltimore District.

To rehabilitate the existing sewage treatment plant by removing the existing aeration tanks, chlorine tanks, sequencing batch reactor (SBR) tanks and related pipings and then to construct and maintain 4 units of 60-foot diameter SBR tanks, 25-foot by 40-foot headworks building, 50-foot by 50-foot biofilter building, 28-foot by 40-foot SBR control building, 36-foot by 40-foot U.V. building and related pipings to upgrade the condition located along the floodplain of Shobers Run (HQ-CWF-TSF) at the east end of John Street (Everett West, PA Quadrangle N: 3.0 inches; W: 16.40 inches, Latitude: 40° 00' 59"; Longitude: 78° 29' 32") in Bedford Township, Bedford County.

E21-408: Stephen T. Blair and Suzanne White, 101 East Pine Street, Mt. Holly Springs, PA 17065, Mt. Holly Springs Borough, **Cumberland County**, United States Army Corps of Engineers, Baltimore District.

To construct a 1,470.0 square foot single-family dwelling along the right bank floodway and floodplain of Mountain Creek (HQ-CWF) located 600.0 feet downstream of Pine Street Bridge (Mt. Holly Springs, PA Quadrangle N: 21.27 inches; W: 8.90 inches, Latitude: 40° 07' 01"; Longitude: 77° 11' 04") in Mt. Holly Springs Borough, Cumberland County.

E67-849: Windsor Township, 1480 Windsor Road, P. O. Box 458, Red Lion, PA 17356, Windsor Township, **York County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain: (P) 1,600 cubic yards of fill within the floodplain of Kreutz Creek (WWF) for the construction of a sewage pump station (WWF) (Red Lion, PA Quadrangle N: 15.3 inches; W: 15.4 inches, Latitude: 39° 56' 27"; Longitude: 76° 39' 21"),

(A) a 12.0-inch and an 18.0-inch diameter force main and a 18.0-inch diameter sewer line crossing impacting 1,547 square feet (0.035 acre) PEM wetland crossing (Red Lion, PA Quadrangle N: 15.2 inches; W: 15.6 inches, Latitude: 39° 57' 34"; Longitude: 76° 36' 43"),

(B1) two 12.0-inch diameter force mains and a 21.0-inch diameter sewer line crossing impacting 12.0-feet of a UNT to Kreutz Creek (WWF) (Red Lion, PA Quadrangle N: 15.2 inches; W: 15.8 inches, Latitude: 39° 57' 32"; Longitude: 76° 36' 49"),

(B2) 16.0 lineal feet of 60.0-inch by 38.0-inch culvert pipe depressed 6.0 inches located within a UNT to Kreutz Creek (WWF) (Red Lion, PA Quadrangle N: 15.2 inches; W: 15.8 inches, Latitude: 39° 57' 32"; Longitude: 76° 36' 49"),

(C) a 12.0-inch and an 18.0-inch diameter force main and a 18.0-inch diameter sewer line crossing impacting 20.0-feet of Kreutz Creek (WWF) (Red Lion, PA Quadrangle N: 15.1 inches; W: 16.4 inches, Latitude: 39° 57' 28"; Longitude: 76° 37' 05"),

(D) a 12.0-inch and an 18.0-inch diameter force main and a 18.0-inch diameter sewer line crossing impacting 3,520 square feet (0.080 acre) PEM wetland crossing (Red

Lion, PA Quadrangle N: 15.0 inches; W: 16.4 inches, Latitude: 39° 57' 25"; Longitude: 76° 37' 05"),

(E) a 12.0-inch and an 18.0-inch diameter force main and a 18.0-inch diameter sewer line crossing impacting 30.0-feet of Kreutz Creek (WWF) (Red Lion, PA Quadrangle N: 15.0 inches; W: 16.5 inches, Latitude: 39° 57' 24"; Longitude: 76° 37' 05"),

(G) a 12.0-inch and an 18.0-inch diameter force main and a 18.0-inch diameter sewer line crossing impacting 20.0-feet of Kreutz Creek (WWF) (Red Lion, PA Quadrangle N: 14.6 inches; W: 16.6 inches, Latitude: 39° 57' 21"; Longitude: 76° 37' 09"),

(H1) a 12.0-inch and an 18.0-inch diameter force main and a 18.0-inch diameter sewer line crossing impacting 12.0-feet of Kreutz Creek (WWF) (Red Lion, PA Quadrangle N: 14.6 inches; W: 16.7 inches, Latitude: 39° 57' 19"; Longitude: 76° 37' 10"),

(H2) 16.0 lineal feet of 60.0-inch by 38.0-inch culvert pipe depressed 6.0 inches located within a UNT to Kreutz Creek (WWF) (Red Lion, PA Quadrangle N: 14.6 inches; W: 16.7 inches, Latitude: 39° 57' 21"; Longitude: 76° 37' 09"),

(I1) a 12.0-inch and an 18.0-inch diameter force main and a 18.0-inch diameter sewer line crossing impacting 12.0-feet of a UNT to Kreutz Creek (WWF) (York, PA Quadrangle N: 14.3 inches; W: 0.1 inch, Latitude: 39° 57' 11"; Longitude: 76° 37' 30"),

(I2) 16.0 lineal feet of 60.0-inch by 38.0-inch culvert pipe depressed 6.0 inches located within a UNT to Kreutz Creek (WWF) (York, PA Quadrangle N: 14.3 inches; W: 0.1 inch, Latitude: 39° 57' 11"; Longitude: 76° 37' 30"),

(J) four culvert pipes, 30.0 lineal feet in length by 30.0 inch diameter for a temporary road crossing of Kreutz Creek (WWF) (York, PA Quadrangle N: 14.4 inches; W: 0.1 inch, Latitude: 39° 57' 14"; Longitude: 76° 37' 29"),

(K1) a 12.0-inch and an 18.0-inch diameter force main and a 18.0-inch diameter sewer line crossing impacting 20.0-feet of Kreutz Creek (WWF) (York, PA Quadrangle N: 13.4 inches; W: 1.6 inches, Latitude: 39° 56' 58"; Longitude: 76° 38' 09"),

(K2) four culvert pipes, 30.0 lineal feet in length by 30.0 inch diameter for a temporary road crossing of Kreutz Creek (WWF) (York, PA Quadrangle N: 14.40 inches; W: 0.1 inch, Latitude: 39° 57' 14"; Longitude: 76° 37' 29"),

(L1) a 12.0-inch and an 18.0-inch diameter force main and a 15.0-inch diameter sewer line crossing impacting 18.0-feet of a UNT to Kreutz Creek (WWF) (York, PA Quadrangle N: 13.3 inches; W: 1.8 inches, Latitude: 39° 56' 54"; Longitude: 76° 38' 16"),

(L2) 16.0 lineal feet of 42.0-inch by 27.0-inch culvert pipe depressed 6.0 inches within a UNT to Kreutz Creek (WWF) (York, PA Quadrangle N: 13.3 inches; W: 1.8 inches, Latitude: 39° 56' 54"; Longitude: 76° 38' 16"),

(M1) a 12.0-inch and an 18.0-inch diameter force main and a 15.0-inch diameter sewer line crossing impacting 20.0-feet of a UNT to Kreutz Creek (WWF) (York, PA Quadrangle N: 13.0 inches; W: 2.1 inches, Latitude: 39° 56' 46"; Longitude: 76° 38' 21"),

(M2) 16.0 lineal feet of 42.0-inch by 27.0-inch culvert pipe depressed 6.0 inches within a UNT to Kreutz Creek (WWF) (York, PA Quadrangle N: 13.0 inches; W: 2.1 inches, Latitude: 39° 56' 46"; Longitude: 76° 38' 21"),

(N) a 21.0-inch diameter sewer line crossing impacting 3,425 square feet (0.078 acre) of a PEM wetland (York, PA Quadrangle N: 11.9 inches; W: 4.4 inches, Latitude: 39° 56' 27"; Longitude: 76° 39' 21"),

(O1) a 21.0-inch diameter sewer main impacting 30.0-feet of Mill Creek (WWF) (York, PA Quadrangle N: 11.9 inches; W: 4.4 inches, Latitude: 39° 56' 27"; Longitude: 76° 39' 21"),

(O2) four culvert pipes, 30.0 lineal feet in length by 30.0 inch diameter for a temporary road crossing of a UNT to Kreutz Creek (WWF) (York, PA Quadrangle N: 11.90 inches; W: 4.4 inches, Latitude: 39° 56' 27"; Longitude: 76° 39' 21"),

The project will result in 80.0 linear feet of permanent channel impacts, 425 feet of temporary stream impacts and 0.193 acre of temporary PEM wetland impacts all for the purpose of installing a sanitary sewer collection system.

E44-133: Newton-Wayne Joint Municipal Authority, Newton-Wayne Joint Municipal Authority Wastewater Collection and Pumping Project, Newton Hamilton and Kistler Boroughs and Wayne Township, **Mifflin County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain: (1) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 40° 23' 41" N; Longitude: 77° 50' 31" W); (2) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 40° 23' 40" N; Longitude: 77° 50' 30" W); (3) an 8.0-inch PVC sanitary sewer line crossing temporarily disturbing 8,000.0 square feet of Palustrine Forested Wetlands (Latitude: 40° 23' 38" N; Longitude: 77° 50' 18" W); (4) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 40° 23' 36" N; Longitude: 77° 50' 05" W); (5) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 40° 23' 35" N; Longitude: 77° 50' 01" W); (6) an 8.0-foot high by 8.0-foot wide by 12.0-foot long concrete sewer pump station in the 100-year floodplain of the Juniata River (WWF) (Latitude: 40° 23' 34" N; Longitude: 77° 50' 02" W); (7) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 40° 23' 37" N; Longitude: 77° 50' 01" W); (8) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 40° 23' 38" N; Longitude: 77° 49' 55" W); (9) an 8.0-inch PVC sanitary sewer line crossing temporarily disturbing 2,200.0 square feet of Palustrine Forested Wetlands (Latitude: 40° 23' 39" N; Longitude: 77° 49' 55" W); (10) an 8.0-inch PVC sanitary sewer line crossing temporarily disturbing 3,520.0 square feet of Palustrine Forested Wetlands (Latitude: 40° 23' 43" N; Longitude: 77° 49' 47" W); (11) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 40° 23' 45" N; Longitude: 77° 49' 32" W); (12) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 40° 23' 16" N; Longitude: 77° 50' 26" W); (13) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 40° 23' 08" N; Longitude: 77° 50' 34" W); (14) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 40° 22' 38" N; Longitude: 77° 51' 02" W); (15) an 8.0-inch PVC sanitary sewer line crossing temporarily disturbing 1,120.0 square feet of Palustrine Scrub-Shrub Wetlands (Latitude: 40° 22' 43" N; Longitude: 77° 50' 59" W); (16) an 8.0-inch PVC sanitary sewer line crossing temporarily disturbing 400.0 square feet of

Palustrine Forested Wetlands (Latitude: 40° 22' 32" N; Longitude: 77° 51' 13" W); (17) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 40° 22' 44" N; Longitude: 77° 50' 59" W); (18) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 40° 22' 29" N; Longitude: 77° 51' 16" W); (19) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 40° 22' 31" N; Longitude: 77° 51' 19" W); (20) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 40° 22' 34" N; Longitude: 77° 51' 23" W); (21) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 40° 22' 37" N; Longitude: 77° 51' 27" W); (22) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 40° 22' 39" N; Longitude: 77° 51' 31" W); (23) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 40° 22' 41" N; Longitude: 77° 51' 35" W); (24) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 40° 22' 45" N; Longitude: 77° 51' 43" W); (25) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 40° 22' 18" N; Longitude: 77° 51' 09" W); (26) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 40° 22' 16" N; Longitude: 77° 51' 53" W); (27) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 40° 22' 22" N; Longitude: 77° 51' 03" W); (28) an 8.0-foot high by 8.0-foot wide by 12.0-foot long concrete sewer pump station in the 100-year floodplain of the Juniata River (WWF) (Latitude: 40° 21' 44" N; Longitude: 77° 49' 25" W); (29) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 40° 22' 17" N; Longitude: 77° 51' 43" W); (30) an 8.0-inch PVC sanitary sewer line crossing temporarily disturbing 128.0 square feet of Palustrine Forested Wetlands (Latitude: 40° 23' 33" N; Longitude: 77° 49' 47" W); (31) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 40° 22' 29" N; Longitude: 77° 51' 15" W); and (32) an 8.0-inch PVC sanitary sewer line crossing of a UNT to the Juniata River (HQ-CWF) (Latitude: 41° 42' 42" N; Longitude: 77° 51' 43" W) in Newton Hamilton Borough, Kistler Borough and Wayne Township for the purpose of replacing malfunctioning onlot systems as well as many "wildcat" sewers located in the project area.

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

E20-573, Sharon Rice, 24448 Willow Street, Union City, PA 16438. Sharon Rice Dock, in Bloomfield Township, **Crawford County**, United States Army Corps of Engineers, Pittsburgh District (Canadohta Lake, PA Quadrangle N: 41° 49' 00"; W: 79° 50' 3.45").

To construct and maintain a 65 ft. long by 32 in. wide walking deck connected to a 20 ft. by 4 ft. private boat dock on Canadohta Lake, across the street from 24448 Willow Street (Canadohta Lake, PA Quadrangle N: 41° 49' 00"; W: 79° 50' 3.45"), Bloomfield Township, Crawford County, approximately 100 ft. south of the intersection of Willow Street and Lakeview Drive in Bloomfield Township, Crawford County. The deck and dock will be raised approximately 2 ft. above normal summer lake pool elevation.

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

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

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

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

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

<i>ESCP No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
ESCGP-1 0809811	Fortuna Energy, Inc. 337 Daniel Zenker Drive Horseheads, NY 14845	Bradford	Armenia, Canton, Columbia, Granville, Troy and Wells Townships Canton, Sylvania and Troy Boroughs	Wallace Brook CWF
ESCGP-1 0809811-01	Fortuna Energy, Inc. 337 Daniel Zenker Drive Horseheads, NY 14845	Bradford	Granville and Troy Townships	Mud Creek TSF
ESCGP-1 0809811-02	Fortuna Energy, Inc. 337 Daniel Zenker Drive Horseheads, NY 14845	Bradford	Canton Township	Alba Creek CWF
ESCGP-1 1809803	Bertha Nefe Anadarko E&P Company, LP P. O. Box 1330 Houston, TX 77251-1330	Clinton	Beech Creek Township	East Branch Big Run and UNT to Big Run CWF

SPECIAL NOTICES**Certified Emission Reduction Credits in the Commonwealth's EEC Registry**

Emission reduction credits (ERCs) are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of oxides of nitrogen (NOx), volatile organic compounds (VOCs) and the following criteria pollutants: carbon monoxide (CO), lead (Pb), oxides of sulfur (SOx), particulate matter (PM), PM-10 and PM-10 precursors.

The Department of Environmental Protection (Department) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. The ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC Registry Applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered and certified ERCs in the ERC Registry are currently available for use as follows:

- (1) To satisfy new source review (NSR) emission offset ratio requirements;
- (2) To "net-out" of NSR at ERC-generating facilities;
- (3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The certified ERCs shown as follows, expressed in tons per year (tpy), satisfy the applicable ERC requirements contained in 25 Pa. Code §§ 127.206—127.208. ERCs created from the curtailment or shutdown of a source or facility expires for use as offsets 10 years after the emission reduction occurs. ERCs generated by the over control of emissions by an existing facility do not expire for use as offsets. However, credits in the registry that are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or United States Environmental Protection Agency.

For additional information concerning this listing of certified ERCs, contact the Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. This Pennsylvania ERC registry report, ERC Registry application and instructions are located at www.depweb.state.pa.us, select Air Topics, Air Quality Home, Permits, Emission Reduction

Credits.

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
R. R. Donnelley & Sons Co. County: Lancaster Contact Person: Frederick Shaak, Jr.	VOCs	16.00		Internal Use
Kurz Hastings, Inc. County: Philadelphia Contact Person: George Gornick (215) 632-2300	VOCs	137.45		Trading
Kurz Hastings, Inc. County: Philadelphia Contact Person: George Gornick (215) 632-2300	NOx VOCs	8.01 64.55	Varies from 03/28/2013 to 01/9/2014	Trading
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Contact Person: Lori Burgess (412) 274-3884	VOCs	171.82		Trading
Recipient/Holder of ERC: Coastal Aluminum Rolling Mills, Inc. ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating facility location: Quakertown, Bucks Contact Person: Jesse Hackenberg (570) 323-4430	VOCs	3.62		Internal Use/ Trading
Congoleum Corporation Source Location: Marcus Hook County: Delaware Contact Person: Theresa C. Garrod (609) 584-3000	NOx VOC	5.20 0.9		Trading
Recipient/Holder of ERC: PG&E Energy Trading-Power, LP ERC Generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Contact Person: Sarah M. Barpoulis (301) 280-6607	VOCs	43.50		Trading
The Procter & Gamble Paper Products Company Source Location: Mehoopany Plant County: Wyoming Contact Person: John Romero (570) 833-3285	NOx PM10 VOCs PM10	91.10 14.0 206.10 31.10	05/03/2009 05/03/2009	Internal Use/Trading
Newcomer Products, Inc. Source Location: Latrobe County: Westmoreland Contact Person: Edward M. Nemeth (724) 694-8100	VOCs	16.00	07/14/2010	Trading
Scranton-Altoona Terminals Corporation Source Location: Monroe Township County: Cumberland County Contact Person: Thomas M. Carper (717) 939-0466	VOCs	4.84	09/30/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Contact Person: David W. Dunn (713) 546-6941	NOx VOCs CO	15.47 0.68 14.86	02/26/2010	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Contact Person: David W. Dunn (713) 546-6941	NOx VOCs CO	2.82 44.34 0.57	04/1/2010	Trading
INDSPEC Chemical Corp. Source: Boiler No. 8 Source Location: Petrolia County: Butler Contact Person: Terry Melis (412) 756-2376	NOx SOx	158.68 1,217.95		Trading
Sun Company, Inc. Source: Wastewater Conveyance System Source Location: Marcus Hook Borough County: Delaware Contact Person: Steve Martini (610) 859-1000	VOCs	147.93		Trading/ Internal Use
Columbia Gas Transmission Corporation Source Location: Kent Station County: Indiana Contact Person: Gregory Lago (304) 357-2079	NOx VOCs	44.36 2.66	05/31/2011	Trading
Columbia Gas Transmission Corporation Source Location: Homer Station County: Indiana Contact Person: Gregory Lago (304) 357-2079	NOx VOCs	45.89 3.79	05/31/2011	Trading
ISG Steelton, Inc. Source: Rail Heat Treating and Quenching Source Location: Steelton Plant County: Dauphin Contact Person: James R. Hernjak (717) 986-2042	NOx VOCs	7.00 43.00	11/9/2009	Trading
General Electric Transportation System Source: Boiler No. 2 Source Location: East Lake Road County: Erie Contact Person: Mark D. Restifo (814) 875-5406	NOx VOCs PM SOx CO	280.90 1.70 29.50 2,006.70 111.90	12/31/2010	Trading
3M Minnesota Mining & Manufacturing Source Location: Bristol Plant County: Bucks Contact Person: Jeff Muffat (651) 778-4450	VOCs VOCs	479.00 279.00	11/30/2011 12/17/2011	Trading
Kosmos Cement Company, Cemex, Inc. Source Location: Neville Road, Pittsburgh County: Allegheny Contact Person: Amarjit Gill (713) 653-8554	NOx VOCs PM10 SOx CO	910.00 26.00 61.00 442.00 44.00	04/24/2011	Trading
Recipient/Holder of ERC: Maple North America Development Company, LLC ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Contact Person: Paul D. Jones (415) 768-2281	NOx VOCs	104.00 45.00	11/29/2011	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Recipient/Holder of ERC: Natsource Emissions Brokers ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Contact Person: David Oppenheimer (212) 232-5305	NOx VOCs	0.27 1.50	11/29/2011	Trading
Trinity Industries, Inc. Source Location: Greenville County: Mercer County Contact Person: Dennis Lencioni (214) 589-8141	VOCs	61.65	10/31/2010	Trading
Rohm and Haas Company Source Location: Bristol Township County: Bucks Contact Person: Lloyd Davis (215) 785-8871	VOCs VOCs	1.15 0.32	10/30/2010 01/30/2011	Trading
Recipient/Holder of ERC: Waste Management Disposal Services of Pennsylvania ERC Generating Facility: The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Contact Person: Eli Brill (215) 269-2111	VOCs	43.00	01/31/2012	Traded
Recipient/Holder of ERC: Waste Management of Pennsylvania, Inc. ERC Generating Facility: The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Contact Person: Eli Brill (215) 269-2111	VOCs	70.00	01/31/2012	Traded
North American Refractories Company Source Location: Womelsdorf County: Lebanon Contact Person: Rhonda Vete (412) 375-6848	NOx	5.11	12/15/2010	Trading
The Quaker Oats Company Source Location: Shiremanstown Plant County: Cumberland Contact Person: Richard C. Pitzer (717) 731-3334	NOx VOCs	4.00 1.68	Varies from 04/3/2010 to 07/15/2011	Trading
Glasgow, Inc. Source Location: Plymouth Meeting County: Montgomery Contact Person: Brian Chabak (215) 884-8800	NOx VOCs NOx VOCs	2.72 0.21 6.54 0.52	12/31/2010 12/31/2010 06/01/2010 06/01/2010	Trading
Scranton-Altoona Terminals Corporation Source Location: East Freedom Terminal County: Cumberland County Contact Person: Thomas M. Carper (717) 939-0466	VOCs	9.19	04/1/2009	Trading
SLI Lighting, Inc. Source Location: Ellwood City County: Lawrence Contact Person: Tim Haubach (724) 752-6493	VOCs	5.70	06/3/2010	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Harvard Industries, Inc. Plant Name: Pottstown Precision Casting, Inc. Source Location: West Pottsgrove Township County: Montgomery Contact Person: Allan B. Currie, Jr. (517) 740-2991 or (517) 592-3706	NOx VOCs	28.25 8.70	11/12/2011	Trading
ALCOA, Inc. Source Location: Lebanon Township County: Lebanon Contact Person: Kevin S. Barnett (412) 553-2094	VOCs	197.43	Varies from 09/29/2010 to 05/1/2012	Trading
American Color Graphics, Inc. Formerly Flexi-Tech Graphics, Inc. Source Location: Barnhart Drive, Hanover County: York Contact Person: Glenn Shaffer (717) 792-8104	VOCs	9.60	01/15/2012	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Contact Person: Wendy Cooper (610) 286-7434	VOCs	42.61	03/29/2012	Trading
Calumet Lubricants Company Source Location: Rouseville Plant County: Venango Contact Person: Harry Klodowski (724) 940-4000	NOx VOCs SOx	89.80 2.38 87.70	05/21/2012	Trading
Avery Dennison Corporation Source Location: Dungan Road County: Philadelphia Contact Person: Frank J. Brandauer (626) 398-2773	VOCs	3.13	06/30/2012	Trading
Henry Miller Spring & Manufacturing Company Source Location: Sharpsburg County: Allegheny Contact Person: David J. Jablonowski (412) 782-7300	NOx VOCs	10.96 36.47	01/22/2010	Trading
Penco Products, Inc. Source Location: Lower Providence Township County: Montgomery Contact Person: Allan J. Goss (610) 666-0500	NOx VOCs	3.11 29.48	10/1/2011	Trading
Norfolk Southern Railway Co. Source Location: Hollidaysburg Car Shop County: Blair Contact Person: Carl Russo (814) 949-1479	NOx VOCs	4.35 69.80	07/19/2012	Trading
World Kitchen, Inc. Source Location: Charleroi Plant County: Washington Contact Person: James Rowlett (724) 489-2288	NOx	251.43		Trading
PPG Industries, Inc. Source Location: Greenwood Township County: Crawford Contact Person: David J. Neal (412) 492-5507	NOx	1,118.50		Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Sentry Paint Technologies, Inc. Source Location: Mill Street, Darby County: Delaware Contact Person: Benjamin Breskman (610) 522-1900	VOCs	3.56	04/30/2013	Trading
R. H. Sheppard Company, Inc. Source Location: Core making operation in Hanover County: York Contact Person: Julie L. Smith (717) 637-3751	VOCs	14.43	04/15/2013	Trading
International Paper Source: Bleach Plant, Erie Mill County: Erie Contact Person: Allyson Bristow (901) 419-4852	VOCs	72.06		Trading
International Paper Source Location: Erie Mill County: Erie Contact Person: Allyson Bristow (901) 419-4852	NOx VOCs	1,178.00 868.00	09/30/2012	Trading
Corning Incorporated Source Location: College Township County: Centre Contact Person: Steven Ritter (607) 974-7247	NOx	1,042.01	06/23/2013	Trading
Sea Gull Lighting Products, Inc. Source Location: 25th and Wharton Streets County: Philadelphia Contact Person: Mark Gardiner (215) 468-7255	VOCs	12.50	03/1/2013	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Contact Person: Wendy Cooper (610) 286-7434	NOx CO	2.90 1.30	10/20/2013	Trading
Recipient/Holder of ERC: First Quality Tissue, LLC ERC Generating Facility: PPL Holtwood, LLC ERC Generation Source Location: Martic Township County: Lancaster Contact Person: Mark Zeffiro (814) 231-5267	NOx	74.98	04/29/2009	Internal Use
Recipient/Holder of ERC: First Quality Tissue, LLC ERC Generating Facility: ALCOA, Inc. ERC Generation Source Location: South Lebanon County: Lebanon Contact Person: Mark Zeffiro (814) 231-5267	VOCs	43.72	04/05/2012	Internal Use
Lancaster Malleable Castings Company Source Location: Manheim Township County: Lancaster Contact Person: Jeffrey L. Ressler (717) 295-8200	VOCs CO	11.71 1.30	03/31/2013	Internal Use/Trading
International Paper Source: Lock Haven Mill Source Location: Castanea Township County: Clinton Contact Person: Allyson Bristow (901) 419-4852	NOx VOC SOx	1,287.00 27.90 6,606.00	03/22/2012	Offsets/Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Brodart Company Source Location: Montgomery Facility County: Lycoming Contact Person: Robyn J. Dincher (570) 326-2461, Ext. 6408	VOCs	24.91	04/18/2013	Trading
Pennsylvania House White Deer Furniture Plant Source: Conveyor and Monorail lines Source Location: White Deer Plant County: Union Contact Person: Robert J. Varney (570) 523-2356	VOCs	82.90	03/15/2012	Trading
Exelon Power Source: Delaware Generating Station Source Location: Philadelphia County: Philadelphia Contact Person: Kimberly Scarborough (610) 765-5883	NOx	286.5	12/16/2014	Trading
Worthington Steel Company Source Location: East Whiteland Township County: Chester Contact Person: Matt Johnson (614) 438-7960	NOx	10.00	04/01/2013	Trading
Buckeye Pipe Line Company, LP Source Location: Reed Township County: Dauphin Contact Person: Jason Mengel (484) 232-4491	VOCs	12.00	02/28/2012	Trading
Bollman Hat Company Source Location: Willow Street, Adamstown County: Lancaster Contact Person: David L. Wails (717) 484-4361	VOCs	14.34	10/03/2013	Trading
Property Investing Center (Goodville Industrial Center) Source Location: East Earl Township County: Lancaster Contact Person: Richard Stauffer (717) 738-3488	VOCs	84.09	09/13/2013	Trading
Armstrong World Industries, Inc. (Lancaster Flooring) Source Location: 1067 Dillerville Road County: Lancaster Contact Person: Gene Hartzell (717) 396-3668	VOC	31.79	09/01/2013 to 08/20/2014	Internal Use/ Trading
	NOx	1.9	08/20/2014	
RUTGERS Organics Corporation Source Location: 201 Struble Road, State College County: Centre Contact Person: Mary Jo Smith (814) 231-9277	NOx NOx VOC	5.27 3.35 2.17	08/15/2013 04/16/2014 03/26/2014	Internal Use/ Trading
AK Steel Corporation Source Location: Butler County: Butler Contact Person: Robert J. Hocks (724) 284-2685	NOx NOx	13.00 24.82	11/06/2011 01/30/2012	Trading/ Internal Use
Cabinet Industries, Inc. Source Location: Danville Borough County: Montour Contact Person: Laura Lee Spatzer (570) 275-1400, Ext. 1400	VOC	7.29	09/01/2015	Trading

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Honeywell-International Source Location: Emlenton Plant County: Venango Contact Person: Shane Dunn (814) 887-4081	VOC	49.82	04/30/2010	Trading
Reliant Energy Mid-Atlantic Power Holdings, LLC Source Location: Pennsylvania Avenue, Warren County: Warren Contact Person: Keith A. Schmidt (724) 597-8193	NOx VOCs SOx PM10 PM2.5 Lead	1,043.00 5.32 5,197.00 155.6 70.1 0.02	9/28/2012	Trading
Arbill Industries, Inc. Source Location: 2207 West Glenwood Avenue County: Philadelphia Contact Person: Barry Bickman (800) 523-53673	VOCs NOx SOx	20.32 0.38 0.21	01/01/2016	Trading
Dominion Transmission, Inc. Source Location: Big Run Compressor Station County: Jefferson Contact Person: David Testa (412) 690-1815	NOx	10.00	10/13/2013	Trading
Carmeuse Lime, Inc. Source Location: Hanover Lime Plant County: Adams Contact Person: Kenneth Kauffman (717) 630-8266	NOx VOC SOx PM10 PM2.5	46.61 1.96 10.26 14.64 7.18	01/03/2016	Trading
Port Glenshaw Glass, LLC Source Location: 1101 William Flynn Highway, Glenshaw, PA 15116 County: Allegheny Contact Person: Harry Klodowski (724) 940-4000	VOC NOx SOx PM2.5 PM10	10.64 59.46 74.89 23.11 25.40	11/24/2014	Trading/ Internal Use
Cinram Manufacturing, LLC Source Location: City of Olyphant County: Lackawanna Contact Person: Mark A. Thallmayer (570) 383-3291	VOC VOC	6.53 6.75	02/06/2016 05/09/2016	Internal Use
Bemis Company, Inc. Source Location: Hazle Township County: Luzerne Contact Person: Thomas G. Franko (570) 501-1429	VOC	22.27	01/1/2016	Trading
Techneglas, Inc. Source Location: Pittston Facility County: Luzerne Contact Person: Harry F. Klodowski, Jr. (724) 940-4000	VOC NOx	784.88 33.82	12/17/2013 to 8/11/2014	Trading
Horsehead Corporation (Zinc Corp. of America) Source: Acid Roaster Plant-Monaca Smelter Source Location: Monaca County: Beaver Contact Person: William N. Bailey (724) 773-9057	NOx SOx PM10 PM2.5 CO	3.3 382.5 9.4 3.2 1.4	10/23/2012	Netting/ Offsetting
Recipient/Holder of ERC: Natsource MAC 77, Ltd. ERC Generating Facility: Eljer Plumbingware, Inc. Source Location: Ford City Plant County: Armstrong Contact Person: Mithun Rathore (281) 340-8300	NOx VOCs	105.22 7.26	6/8/2014 to 10/4/2014 3/15/2014 to 10/4/2014	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Bluegrass Folding Carton Company, LLC (Formerly Smurfit Stone Container Enterprises, Inc.) Source Location: Upper Providence Township County: Montgomery Contact Person: Tom Tutwiler (610) 935-4119	VOC	60.36	05/31/2015	Internal Use/Trade
Fleetwood Industries Source Location: St. Lawrence Plant County: Berks Contact Person: Robert Mervine (610) 779-7700	VOC	24.5	07/31/2015	Internal Use/Trade
Sunoco Inc. (R & M) Source Location: 200 Neville Road, Pittsburgh, PA 15225 County: Allegheny Contact Person: Gary P. Rabik (610) 859-3435	VOC	25.16	04/01/2017	Trading /Internal Use
Leggett & Platt, Inc. Source Location: Zell Brothers County: York Contact Person: Theresa Block (417) 358-8131	VOC	6.51	11/1/2015	Trading
Anchor Glass Container Corporation Source Location: Plant No. 5 County: Fayette Contact Person: Joseph G. Clemis (813) 884-0000	VOCs NOx PM10 PM2.5 SOx CO	21.0 309.0 68.0 51.0 259.0 20.0	11/04/2014	Trading
R. R. Donnelley & Sons Co. Source Location: Lancaster East Facility County: Lancaster Contact Person: Stacey Haefner (717) 293-2363	VOCs VOCs	7.8 10.5	11/30/2015 12/31/2015	Trading
Philadelphia Gas Works (PGW) Source Location: Richmond Plant County: Philadelphia Contact Person: Megan E. Brown (215) 684-6613	NOx VOC PM10 PM2.5 SO ₂ CO	47.86 6.54 0.56 0.56 0.16 22.48	1/1/2015	Trading
Ashland, Inc. (Ashland Performance Products) Source Location: Neville Island Facility, Pittsburgh County: Allegheny Contact Person: Tara L. Lanier (614) 790-3214	NOx VOC CO	10.73 41.78 461.00	11/1/2011	Trading
Philadelphia Baking Company Source Location: 2550 Grant Avenue County: Philadelphia Contact Person: Brent Williams (410) 266-0006	NOx VOC PM10 SOx CO	4.09 24.2 0.10 0.02 1.33	9/21/2017	Trading
Lindy Paving, Inc. Source Location: 200 Neville Island Facility County: Allegheny Contact Person: Paul J. Reiner, Jr. (412) 462-6121	NOx VOC PM10 PM2.5 SOx CO	6.85 9.10 5.71 1.77 0.66 18.78	10/27/2017	Trading/ Internal Use

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Recipient/Holder of ERC: Dominion Transmission, Inc. ERC Generating Facility: Corning, Inc. Source Location: College Township County: Centre Contact Person: Roberta J. Jackson (804) 787-6145	NOx	108	06/23/2013	Trading/Use
Eastman Chemical Resins, Inc. Source Location: Jefferson Facility, West Elizabeth County: Allegheny Contact Person: Fred Mullner (412) 384-2520, Ext. 2201	NOx VOC PM2.5 CO	0.50 31.10 2.90 0.40	7/1/2014	Trading

Bureau of Air Quality

Summary of ERC Transaction

The following ERC transactions are approved by the Bureau of Air Quality, Department of Environmental Protection, Commonwealth of Pennsylvania. The ERC transaction requirements are specify in 25 Pa. Code § 127.208.

ERC GENERATING FACILITY INFORMATION

ERC Generating Facility Name: International Paper—Erie
Location of Source: 1540 East Lake Road, Erie, PA 16533
Certified ERCs (tpy): 1,235 tpy of NOx and 990 tpy of VOC ERCs
Amount of ERCs traded to Purchaser/Recipient: 47 tpy of VOC; 75tpy of VOC; 57 tpy of NOx
Date of ERCs Transfer: 8/17/2004; 4/1/2009; 4/2/2009
ERCs available for future use: 1,178 tpy of NOx and 868 tpy of VOC
ERC Expiration date: 9/30/2012

PURCHASER/RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: CraftMaster Manufacturing, Inc.
Location of Source: P. O. Box 311, Shiner Road, Towanda, PA 18848
Plan Approval Number: 08-0003A
VOC credits used: 0 tpy
VOC credits available for future use: 47 tpy

PURCHASER/RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: GE Transportation
Location of Source: 2901 East Lake Road, Erie, PA 16531
Plan Approval Number: 25-025N
VOC credits used: 0 tpy
VOC credits available for future use: 75 tpy

PURCHASER/RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: CraftMaster Manufacturing, Inc.
Location of Source: P. O. Box 311, Shiner Road, Towanda, PA 18848
Plan Approval Number: 08-00003F
NOx credits used: 0 tpy
NOx credits available for future use: 47 tpy

ERC HOLDER/GENERATING FACILITY INFORMATION

ERC Generating Facility Name: ALCOA, Inc.
Location of Source: Lebanon Township, Lebanon County, PA
Certified ERCs (tpy): 468.43 tpy of VOCs
Amount of ERCs traded to Purchaser/Recipient: 73 tpy, 48 tpy and 150 of VOC
Date of ERCs Transfer: 8/29/2007; 1/15/2008; 2/4/2009
ERCs available for future use: 197.43 tpy of VOCs

PURCHASER/RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: Alumax Mill Products, Inc.
Location of Source: Lancaster County, PA
Permit Number: NA
VOC credits used: 0
VOC credits available for future use: 73 tpy

PURCHASER/RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: Carpenter Technology Corporation.
Location of Source: Reading, Berks County, PA
Plan Approval: 06-05007E
VOC credits used: 48 tpy
VOC credits available for future use: 0 tpy

PURCHASER/RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: Clarion Boards, Inc.
 Location of Source: Shippenville, Clarion County, PA
 Plan Approval: NA
 VOC credits used: 0
 VOC credits available for future use: 150 tpy

ERC HOLDER/GENERATING FACILITY INFORMATION

ERC Purchaser/Holder: Elements Markets, LLC
 ERC Generating Facility Name: The Quaker Oats Company
 Location of Source: Cumberland County, PA
 Certified ERCs (tpy): 4 tpy NOx, 1.68 tpy VOC and 25.03 tpy PM2.5 portion of certified 60.42 tpy of PM10
 Amount of ERCs traded to Purchaser/Holder: 25.03 tpy of PM2.5
 Date of ERCs Transfer: 2/2/2009
 ERCs available for future use: 4.0 tpy NOx and 1.68 tpy VOC

PURCHASER/HOLDER OF ERCs

Purchaser/Recipient of ERCs: Element Markets, LLC
 Location of Purchaser: Houston, TX 77027
 Location of User Source: NA
 PM 2.5 credits used: NIL
 PM 2.5 credits available for future use: 25.03 tpy
 Expiration Date: 4/3/2010 to 7/27/2011

GENERATING FACILITY INFORMATION—(Continuation of 88)

ERC Generating Facility Name: PPL, Inc. (Now owned by its associate PPL Energy Plus, LLC).
 Location of Source: Lancaster County, PA
 Certified ERCs (tpy): 9.7 tpy of VOC, 3,521.09 tpy of NOx, 13,241.30 tpy of SOx and 105.50 tpy of PM10 of which 33.76 tpy of PM2.5.
 Amount of ERCs traded to Purchaser/Recipient: 9.7 tpy of VOC, 3,521.09 tpy of NOx, 13,241.30 tpy of SOx and 105.50 tpy of PM10 of which 33.76 tpy of PM2.5.
 Date of ERCs Transfer: 2/9/2009
 ERCs available for future use: Nil

PURCHASER/RECIPIENT OF ERCs

Purchaser/Recipient of ERCs: Conectiv Mid Merit, LLC
 Location of Purchaser: Delta Power Plant
 Location of User Source: York County, PA
 ERC credits used: Nil
 Plan Approval No: 67-05083B
 ERC credits available for use: 9.7 tpy of VOC, 3,521.09 tpy of NOx, 13,241.30 tpy of SOx and 105.50 tpy of PM10 of which 33.76 tpy of PM2.5.
 Expiration Date: 4/29/2009

Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of March 2009, the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Mark Achuff	16 East Main Street Lansdale, PA 19446	Mitigation
James F. Andrews	353 Loveville Road Warriors Mark, PA 16877	Mitigation
J. Keith Baicker Radiation Data	403 Skillman Road Skillman, NJ 08558	Mitigation
James Budzeak	9609 Meadow Road Allison Park, PA 15101	Mitigation
Jeffrey Calta	106 Vensel Lane P. O. Box T Chicora, PA 16025	Mitigation
Keith Dague	811 Wellington Drive Seven Fields, PA 16046	Testing
James DeBouno, Jr., Ph.D.	P. O. Box 265 Marlton, NJ 08053	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Scott Earley	19 Sunset Avenue Honesdale, PA 18431	Testing
Michael Fiscus	P. O. Box 211 Worthington, PA 16262	Testing
Scott Hagan	78 Hamilton Drive Abbottstown, PA 17301	Testing
James Hetrick	766 Magaro Road Enola, PA 17025	Testing
Robert J. Hoffman	943 High Street Akron, PA 17501	Mitigation
Ludwig Kubli, Jr.	1090 Aerie Drive North Huntingdon, PA 15642	Testing
Edward Lampl	462 Biddle Avenue Pittsburgh, PA 15221	Testing
Thomas Laurito	6006 Forest Drive Monaca, PA 15601	Testing
Chase Millard	345 West Lancaster Avenue Haverford, PA 19041	Testing
Jon Melvin	1024 Ledgeview Lane West Pittston, PA 18643	Testing
Stephanie Myers Hillman Environmental Group, LLC	1600 Route 22 East Union, NJ 07083	Testing
Tuan Nguyen American Radon Solutions, Inc.	125 Brindle Road Mechanicsburg, PA 17055	Mitigation
Michael Nowicki	167 Pleasantview Drive Peters Township, PA 15317	Mitigation
Garrett Ray EMSL Analytical, Inc.	107 Haddon Avenue Westmont, NJ 08108	Laboratory
Sam Sain	248 East Lake Road Acme, PA 15610	Testing
Robert Ulm	543 Twele Road Greenock, PA 15047	Testing
Peter Weber	6 Boor Cove Lane West Grove, PA 19390	Testing
William Weitzel	176 West Pomfret Street Carlisle, PA 17013	Testing
Chris Willig	4 Theresa Drive Conestoga, PA 17516	Testing
Joseph Wruble	321 North 5th Street Reynoldsville, PA 15851	Testing

[Pa.B. Doc. No. 09-702. Filed for public inspection April 17, 2009, 9:00 a.m.]

Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at www.depweb.state.pa.us (DEP Keywords: "Technical Guidance"). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2009.

Ordering Paper Copies of Department Technical Guidance

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

Changes to Technical Guidance Documents

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

Final Technical Guidance

DEP ID: 273-4000-005. Title: Compliance Assurance Policy for Continuous Emission Monitoring Systems (CEMS) on Combustion Units. Description: This final technical guidance document establishes uniform criteria for assessing monetary penalties for exceedances of emission standards reported from Continuous Emission Monitoring (CEM) Systems, as well as data availability and timeliness requirements for report submittal.

In accordance with 25 Pa. Code § 139.5 (relating to revisions to the source testing manual and continuous source monitoring manual), the Department of Environmental Protection provided notice of intent to implement the Compliance Assurance Policy for Continuous Emission Monitoring Systems (CEMS) on Combustion Units at 38 Pa.B. 5718 (October 11, 2008). The comment period closed on November 10, 2008.

Copies of this technical guidance document are available on the Department's public participation web site at www.depweb.state.pa.us (DEP Keyword: Participate) and on the Bureau of Air Quality's web site at www.dep.state.pa.us/dep/deputate/airwaste/aq/default.htm. Contact: Ronald Gray, Chief, Continuous Compliance Section, Department of Environmental Protection, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 772-4482 or rongray@state.pa.us. Effective Date: This technical guidance document will be effective April 18, 2009, and will be applied to Continuous Source Monitoring System Quarterly Reports beginning with the second quarter 2009.

DEP ID: 400-0200-001. Title: Policy for Pennsylvania Natural Diversity Inventory (PNDI) Coordination During Permit Review and Evaluation. Description: The purpose of this revision is to support continued PNDI coordination, thereby facilitating the existence, protection, and recovery of identified threatened and endangered species and their habitats and special concern species and resources. This policy is a revision of Department's existing policy, clarifying the procedures for processing permit applications when threatened and endangered species and their habitats and special concern species and resources are detected during a PNDI search. Contact: Questions regarding this final guidance document should be directed to Kelly Heffner at (717) 783-8727 or kheffner@state.pa.us. Effective Date: April 18, 2009.

Interim Final Guidance

DEP ID: 563-2112-224. Title: Certification Guidelines for the Chemical and Physical Properties of Coal Ash Beneficially used at Mines. Description: Technical guidance document 563-2112-224 contains guidelines relative to the approval process for a coal ash generator to obtain approval for beneficial use of its ash and the chemical and physical standards applicable to qualification for beneficial use. This guidance applies to generators of coal ash, mine operators, consultants, reclamation contractors, and Department staff who are involved in the beneficial use of coal ash at active surface and deep coal mines, coal refuse reprocessing sites, coal refuse disposal sites, and abandoned coal. The guidance has been updated to incorporate additional chemical parameters for the coal ash that were recommended by the National Academy of Sciences (NAS) for sites that receive coal ash. This

document explains the minimum standards for physical and chemical characteristics of coal ash that are used by the Department to assure that the beneficial use of coal ash at mine sites will not cause pollution and will meet reclamation objectives. This document also explains the procedures for a generator of coal ash to obtain approval for the ash to be beneficially used at mine sites for reclamation. The owners of approximately 13 ash generators and 50 coal mines will be affected by these guidance documents. The Department originally published the technical guidance for Certification Guidelines for Beneficial Uses of Coal Ash at Mines on September 20, 2008, with a close of comment period of November 19, 2008. Approximately 200 comments were received from more than 20 commentators. This interim final document incorporates changes based on the comments received. Because of the extensive nature of the changes made in response to the comments, this technical guidance will be published as interim final with an additional 30-day comment period. Written Comments: Interested persons may submit written comments on this draft technical guidance document by May 18, 2009. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Keith Brady, Department of Environmental Protection, Bureau of Mining and Reclamation, Division of Permits, P. O. Box 8461, Harrisburg, PA 17105-2454 or kbrady@state.pa.us. Contact: Questions regarding the technical guidance document should be directed to Keith Brady at (717) 787-5103 or kbrady@state.pa.us. Effective Date: April 18, 2009.

DEP ID: 563-2112-225. Title: Mine Site Approval for the Beneficial Use of Coal Ash. Description: Technical guidance document 563-2112-225 contains guidelines relative to use of coal ash at active and abandoned coal mines. This guidance applies to generators of coal ash, mine operators, consultants, reclamation contractors, and Department staff who are involved in the beneficial use of coal ash at active surface and deep coal mines, coal refuse reprocessing sites, coal refuse disposal sites and abandoned coal. The Department provides for two beneficial uses of coal ash, placement and soil substitute or soil additive, that can be approved at mine sites as part of the Department's mine reclamation contracts or in other Department approved permitted projects. This document describes acceptable procedures for the beneficial uses of coal ash at mines. Changes to the guidance document include improved procedures for groundwater data collection, longer post-closure water monitoring, and increased sample frequency for ash and water chemistry. The guidelines address water monitoring, ash placement and the groundwater table, types of beneficial uses, permitting procedures at active coal mine sites, assessment and remediation procedures, and use at abandoned mine sites. The owners of approximately 13 ash generators and 50 coal mines will be affected by these guidance documents. The Department published the technical guidance for Beneficial Uses of Coal Ash at Mines on September 20, 2008, with a close of comment period of November 19, 2008. Approximately 210 comments were received from more than 20 commentators. This interim final document incorporates changes based on the comments received. Because of the extensive nature of the changes made in response to the comments an additional 30-day comment period will be provided. Written Comments: Interested persons may submit written comments on this draft technical guidance document by May 18, 2009. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be ac-

cepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Keith Brady, Department of Environmental Protection, Bureau of Mining and Reclamation, Division of Permits, P. O. Box 8461, Harrisburg, PA 17105-2454 or kbrady@state.pa.us. Contact: Questions regarding the technical guidance document should be directed to Keith Brady at (717) 787-5103 or kbrady@state.pa.us. Interim Final Effective Date: April 18, 2009.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 09-703. Filed for public inspection April 17, 2009, 9:00 a.m.]

Draft of Pennsylvania Climate Impact Assessment Report

The Department of Environmental Protection (Department) is requesting comments on the draft report, "Pennsylvania Climate Impacts Assessment." The report is required by the Pennsylvania Climate Change Act of 2008 (P. L. 935, Act 70). The report is available on the Department's web site of the Climate Change Advisory Committee <http://www.depweb.state.pa.us/energy/cwp/view.asp?a=1532&q=539829>. Comments must be received by May 18, 2009. Comments must be submitted in writing; those submitted by means of email or facsimile will not be accepted.

Comments on the report should be directed to Joseph Sherrick, Office of Energy and Technology Deployment, Climate Change Program, 400 Market Street, Harrisburg, PA 17101.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-704. Filed for public inspection April 17, 2009, 9:00 a.m.]

Water Resources Advisory Committee Meeting

The Water Resources Advisory Committee will hold a meeting on April 23, 2009, at 9:30 a.m. in the 17th Floor Conference Room of the Labor and Industry Building, 651 Boas Street, Harrisburg, PA 17121.

The agenda and materials for the April 23, 2009, meeting will be available at the meeting and on the Department of Environmental Protection's web site www.depweb.state.pa.us. Questions concerning this meeting should be directed to Phil Consonery, Office of Water Management, Bureau of Water Standards and Facility Regulations, 400 Market Street, Harrisburg, PA 17101, (717) 772-2184, pconsonery@state.pa.us.

JOHN HANGER,
Acting Secretary

[Pa.B. Doc. No. 09-705. Filed for public inspection April 17, 2009, 9:00 a.m.]

DEPARTMENT OF HEALTH

Human Immunodeficiency Virus (HIV) Community Prevention Planning Committee; Public Meetings

The Statewide HIV Community Prevention Planning Committee, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Wednesday, May 20, 2009 and on Thursday, May 21, 2009.

The meeting will be held at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050 on Wednesday, May 20 from 9 a.m. until 4 p.m. and on Thursday, May 21 from 9 a.m. until 2:30 p.m.

For additional information, contact Kenneth McGarvey, Department of Health, Bureau of Communicable Diseases, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should also contact Kenneth McGarvey at the previous number or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-706. Filed for public inspection April 17, 2009, 9:00 a.m.]

Integrated Human Immunodeficiency Virus (HIV) Integrated Council; Public Meeting

The Statewide Integrated HIV Planning Council, established by the Department of Health (Department) under sections 301(a) and 317(b) of the Public Health Service Act (42 U.S.C.A. §§ 241(a) and 247(b)), will hold a public meeting on Tuesday, May 19, 2009, from 9 a.m. to 2 p.m. at the Harrisburg Holiday Inn West, 5401 Carlisle Pike, Mechanicsburg, PA 17050.

For additional information, contact Joseph Pease, Department of Health, Bureau of Communicable Diseases, Room 1010, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-0572.

Persons with a disability who desire to attend the meeting, and require an auxiliary aid, service or other accommodation to do so should also contact Joseph Pease at the previously listed number or at V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

The Department reserves the right to cancel this meeting without prior notice.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-707. Filed for public inspection April 17, 2009, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exception

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

Julia Pound Care Center
1155 Indian Springs Road
Indiana, PA 15701

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

Wallingford Nursing and Rehabilitation Center
115 South Providence Road
Wallingford, PA 19086
FAC ID 230102

St. Barnabas Nursing Home
5827 Meridian Road
Gibsonia, PA 15044

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, ra-paexcept@state.pa.us.

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

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

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

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-708. Filed for public inspection April 17, 2009, 9:00 a.m.]

DEPARTMENT OF PUBLIC WELFARE

Social Security Number Exemption

Purpose of Notice

The United States Department of Health and Human Services (DHHS) is announcing it has been granted an exemption request to the Department of Public Welfare (Department). This notice provides information regarding an exemption from the Title IV-D Child Support Enforcement Law requiring collection of Social Security Numbers (SSNs) for Pennsylvania license applications for recreational licenses.

Under the Social Security Number Privacy Act, Act 2006-160 (Act 160), the Department was required to apply to DHHS for an exemption from Federal law that

requires an applicant applying for or renewing a professional license or certification, occupational license or certification, or recreational license (hunting and fishing), to include the applicant's SSN on the application. See 42 U.S.C.A. § 666(a)(13)(A). Act 160 further provides that if the exemption is granted, an applicant shall be permitted to provide a driver's license number or Department of Transportation (PennDOT)-issued nondriver identification card number as an alternative to disclosing the applicant's SSN.

DHHS granted the Department's exemption request in part and denied the request in part. DHHS granted the Department's exemption request to collect a driver's license number or PennDOT-issued nondriver's identification card number instead of a SSN for any applicant for a recreational license. The Department's request was granted because of privacy concerns with the current collection process for SSNs on recreational license applications and that compliance with 42 U.S.C.A. § 666(a)(13)(A) would not increase the efficiency and effectiveness of the Commonwealth's Title IV-D Child Support Enforcement Program. However, any recreational license applicant who does not possess a PennDOT-issued driver's license number or nondriver identification card number is required to supply an SSN on the recreational license application.

DHHS, however, denied the Department's request to collect a driver's license number or PennDOT-issued nondriver identification card number instead of a SSN on applications for professional and occupational licenses or certifications. The Department's request was denied since the application information for these programs is adequately safeguarded, and the proposed procedure to use driver's license numbers and nondriver identification card numbers would not be as efficient and effective as the existing procedure.

Effective Date

The use of the SSN alternatives for the application or renewal of recreational licenses will take effect 1 year after the publication date of this notice.

Fiscal Impact

The Department estimates that the necessary change in the application process for recreational licenses as it affects the Commonwealth's Title IV-D Child Support Enforcement Program will be minimal.

Public Comment

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Bureau of Child Support Enforcement, P. O. Box 801, Harrisburg, PA 17105-8018, ATTN: Thomas Sheaffer.

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

ESTELLE B. RICHMAN,
Secretary

Fiscal Note: 14-NOT-592. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 09-709. Filed for public inspection April 17, 2009, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania Millionaire Raffle VIII

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 874.4 (relating to notice of raffle lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following raffle lottery game:

1. *Name:* The name of the raffle game is Pennsylvania Millionaire Raffle VIII.

2. *Price:* The price of a Pennsylvania Millionaire Raffle VIII lottery game ticket is \$20.

3. *Ticket Sales And Drawing Date:* Pennsylvania Millionaire Raffle VIII lottery game tickets sales will commence on or after April 27, 2009, and will continue until all 500,000 tickets have been sold, or 5 p.m. on July 4, 2009, whichever occurs earlier.

4. *Ticket Characteristics:* Each Pennsylvania Millionaire Raffle VIII lottery game ticket will contain one unique eight-digit number between 00000001 and 00500000, for a total of 500,000 tickets.

5. *Prizes:* The prizes that can be won in this game are \$100, \$1,000, \$100,000 and \$1,000,000. A player may only win one time on each ticket or chance.

6. *Maximum Number of Tickets Printed and Sold for the Game:* There will be no more than 500,000 tickets printed and sold for the Pennsylvania Millionaire Raffle VIII lottery game. The chances will be sequentially issued on a Statewide basis from the range of individual unique numbers representing the chances available for the game.

7. *Conduct of Drawing:* The results of the Pennsylvania Millionaire Raffle VIII will be televised on July 4, 2009, at or about 7 p.m. The drawing will be conducted with the aid of an electronic device. Six-thousand (6,000) unique eight-digit numbers will be drawn, between 00000001 and 00500000. The first four unique eight-digit numbers drawn will be the first-prize-tier winning numbers. The fifth through eighth unique eight-digit numbers drawn will be the second-prize-tier winning numbers. The ninth through 108th unique eight-digit numbers drawn will be the third-prize-tier winning numbers. The 109th through 6,000th unique eight-digit numbers drawn will be the fourth-prize-tier winning numbers.

8. *Determination of Prize Winners:*

(a) Holders of tickets upon which the unique eight-digit number matches exactly one of the first-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets upon which the unique eight-digit number matches exactly one of the second-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which the unique eight-digit number matches exactly one of the third-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which the unique eight-digit number matches exactly one of the fourth-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100.

9. *Number and Description of Prizes and Approximate Odds:* The Pennsylvania Millionaire Raffle VIII prizes and determination winners are as follows:

Ticket Matching Exactly the Unique Eight-digit Number Drawn In:

	<i>Win Prize Of:</i>
First-Prize-Tier	\$1,000,000
Second-Prize-Tier	\$100,000
Third-Prize-Tier	\$1,000
Fourth-Prize-Tier	\$100

<i>Maximum Odds Of Winning Are 1 In:</i>	<i>Number Of Winners</i>
125,000	4
125,000	4
5,000	100
85	5,892

All Pennsylvania Millionaire Raffle VIII lottery game prize payments, including first-prize-tier prizes, will be made as one-time lump-sum cash payments.

10. *Consumer Promotional Programs:* The Lottery may conduct promotional activities to promote the sale of Pennsylvania Millionaire Raffle VIII tickets, including offering tickets at a discounted price. Details of any such offering will be disseminated through media used to advertise or promote Millionaire Raffle VIII or through normal communications methods.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Millionaire Raffle VIII lottery game tickets. The conduct of the Program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

12. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Millionaire Raffle VIII, prize money from winning Pennsylvania Millionaire

Raffle VIII 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 anniversary date of the raffle drawing in which the ticket or chance was entered, 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.

13. *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.

STEPHEN H. STETLER,
Acting Secretary

[Pa.B. Doc. No. 09-710. Filed for public inspection April 17, 2009, 9:00 a.m.]

Pennsylvania Monopoly™ '09 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 Monopoly™ '09.

2. *Price:* The price of a Pennsylvania Monopoly™ '09 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Monopoly™ '09 instant lottery game ticket will contain "WINNING NUMBERS" and "YOUR NUMBERS" areas. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), Hotel (HOTEL) symbol and a Top Hat (TOPHAT) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "PRIZE" areas are: \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$4⁰⁰ (FOR DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$50⁰⁰ (FIFTY), \$100 (ONE HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$25,000 (TWYFIVTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$40, \$50, \$100, \$400, \$1,000 and \$25,000. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 7,200,000 tickets will be printed for the Pennsylvania Monopoly™ '09 instant lottery game.

7. Determination of Prize Winners:

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$25,000 (TWYFIVTHO) appears 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 \$25,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears 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.

(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 \$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.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Hotel (HOTEL) play symbol and a prize symbol of \$400 (FOR HUN) appears in the "PRIZE" area to the right of that Hotel (HOTEL) play symbol, on a single ticket, shall be entitled to a prize of \$400.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols 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.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Hotel (HOTEL) play symbol and a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" area to the right of that Hotel (HOTEL) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$50⁰⁰ (FIFTY) 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 \$50.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Hotel (HOTEL) play symbol and a prize symbol of \$50⁰⁰ (FIFTY) appears in the "PRIZE" area to the right of that Hotel (HOTEL) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$40⁰⁰ (FORTY) 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 \$40.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Hotel (HOTEL) play symbol and a prize symbol of \$40⁰⁰ (FORTY) appears in the "PRIZE" area to the right of that Hotel (HOTEL) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches either of the "WINNING NUMBERS" play symbols and a prize symbol of \$20⁰⁰ (TWENTY) 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 \$20.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Hotel (HOTEL) play symbol and a prize symbol of \$20⁰⁰ (TWENTY) appears in the "PRIZE" area to the right of that Hotel (HOTEL) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets upon which any of the "YOUR NUMBERS" play symbols is a Top Hat (TOPHAT) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(n) 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 \$10⁰⁰ (TEN 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 \$10.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Hotel (HOTEL) play symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "PRIZE" area to the right of that Hotel (HOTEL) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(p) 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 \$5⁰⁰ (FIV 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 \$5.

(q) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Hotel (HOTEL) play symbol and a prize symbol of \$5⁰⁰ (FIV DOL) appears in the “PRIZE” area to the right of that Hotel (HOTEL) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(r) 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 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 \$4.

(s) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Hotel (HOTEL) play symbol and a prize symbol of \$4⁰⁰ (FOR DOL) appears in the “PRIZE” area to the right of that Hotel (HOTEL) play symbol, on a single ticket, shall be entitled to a prize of \$4.

(t) 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 \$2⁰⁰ (TWO 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 \$2.

(u) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols is a Hotel (HOTEL) play symbol and a prize symbol of \$2⁰⁰ (TWO DOL) appears in the “PRIZE” area to the right of that Hotel (HOTEL) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(v) 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 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.

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 Prize Shown To The Right Of That Number. Win With Prize(s) Of:

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
\$1 × 2	30	240,000
\$2 w/HOTEL	30	240,000
\$2	30	240,000
\$1 × 4	75	96,000
\$2 × 2	75	96,000
\$4 w/HOTEL	75	96,000
\$4	75	96,000
\$1 × 5	150	48,000
\$5 w/HOTEL	150	48,000
\$5	75	96,000
\$1 × 10	375	19,200
\$5 × 2	150	48,000
\$10 w/HOTEL	500	14,400
\$10	500	14,400
\$2 × 10	1,500	4,800
\$4 × 5	1,500	4,800
\$5 × 4	1,500	4,800
\$10 × 2	1,500	4,800
\$20 w/HOTEL	750	9,600
\$20 w/TOPHAT	214.29	33,600
\$20	750	9,600
\$4 × 10	3,000	2,400
\$5 × 8	3,000	2,400
\$10 × 4	3,000	2,400
\$20 w/TOPHAT + \$20	821.92	8,760
\$40 w/HOTEL	3,000	2,400
\$40	3,000	2,400
\$5 × 10	3,000	2,400
\$10 × 5	3,000	2,400
\$20 w/TOPHAT + (\$10 × 3)	3,000	2,400
\$50 w/HOTEL	3,000	2,400
\$50	3,000	2,400
\$10 × 10	6,000	1,200
\$20 w/TOPHAT + (\$20 × 4)	6,000	1,200
\$50 × 2	6,000	1,200
\$100 w/HOTEL	6,000	1,200
\$100	6,000	1,200
\$40 × 10	40,000	180
\$400 w/HOTEL	40,000	180

When Any Of Your Numbers Match Either Winning Number; Win Prize Shown To The Right Of That Number. Win With Prize(s) Of:

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 7,200,000 Tickets</i>
\$400	40,000	180
\$100 × 10	60,000	120
\$1,000	60,000	120
\$25,000	720,000	10

Hotel (HOTEL) = Win prize shown to the right of it automatically.
 Top Hat (TOPHAT) = Win \$20 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 Monopoly™ '09 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 Monopoly™ '09, prize money from winning Pennsylvania Monopoly™ '09 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 Monopoly™ '09 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 Monopoly™ '09 or through normal communications methods.

STEPHEN H. STETLER,
Acting Secretary

[Pa.B. Doc. No. 09-711. Filed for public inspection April 17, 2009, 9:00 a.m.]

Pennsylvania Odds/Evens 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 Odds/Evens. The name appearing on the tickets will be one of the following scenes on an alternating consecutive basis: Odds or Evens. The play method for each scene is the same but the determination of prize winners is different. For readability, this notice will use Odds/Evens to represent the two different scene names.

2. *Price:* The price of a Pennsylvania Odds/Evens instant lottery game ticket is \$1.

3. *Play Symbols:* Each Pennsylvania Odds/Evens instant lottery game ticket will contain one play area. The play symbols located in the play area are the circled numbers 1 through 26, and a Moneybag symbol (MNBAG). The numbers appearing in a circle and their captions are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWOONE), 22 (TWTWO), 23 (TWTTHR), 24 (TWFOR), 25 (TWFIV) and 26 (TWSIX).

4. *Prize Symbols:* The prize symbols and their captions located in the play area are: FREE (TICKET), \$1⁰⁰ (ONE DOL), \$2⁰⁰ (TWO DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20⁰⁰ (TWENTY), \$40⁰⁰ (FORTY), \$100 (ONE HUN), \$400 (FOR HUN), \$1,000 (ONE THO) and \$2,000 (TWO THO).

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

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

7. *Determination of Prize Winners:*

(a) Holders of tickets with the “Odds” scene upon which a circled odd number play symbol appears in the play area and a prize symbol of \$2,000 (TWO THO) appears under that circled odd number play symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(b) Holders of tickets with the “Evens” scene upon which a circled even number play symbol appears in the play area and a prize symbol of \$2,000 (TWO THO) appears under that circled even number play symbol, on a single ticket, shall be entitled to a prize of \$2,000.

(c) Holders of tickets with the “Odds” scene upon which a circled odd number play symbol appears in the play area and a prize symbol of \$1,000 (ONE THO) appears under that circled odd number play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets with the “Evens” scene upon which a circled even number play symbol appears in the play area and a prize symbol of \$1,000 (ONE THO) appears under that circled even number play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets with the “Odds” scene upon which a circled odd number play symbol appears in the play area and a prize symbol of \$400 (FOR HUN) appears

under that circled odd number play symbol, on a single ticket, shall be entitled to a prize of \$400.

(f) Holders of tickets with the “Evens” scene upon which a circled even number play symbol appears in the play area and a prize symbol of \$400 (FOR HUN) appears under that circled even number play symbol, on a single ticket, shall be entitled to a prize of \$400.

(g) Holders of tickets with the “Odds” scene upon which a circled odd number play symbol appears in the play area and a prize symbol of \$100 (ONE HUN) appears under that circled odd number play symbol, on a single ticket, shall be entitled to a prize of \$100.

(h) Holders of tickets with the “Evens” scene upon which a circled even number play symbol appears in the play area and a prize symbol of \$100 (ONE HUN) appears under that circled even number play symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets with the “Odds” scene upon which a circled odd number play symbol appears in the play area and a prize symbol of \$40⁰⁰ (FORTY) appears under that circled odd number play symbol, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets with the “Evens” scene upon which a circled even number play symbol appears in the play area and a prize symbol of \$40⁰⁰ (FORTY) appears under that circled even number play symbol, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets with the “Odds” scene upon which a circled odd number play symbol appears in the play area and a prize symbol of \$20⁰⁰ (TWENTY) appears under that circled odd number play symbol, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets with the “Evens” scene upon which a circled even number play symbol appears in the play area and a prize symbol of \$20⁰⁰ (TWENTY) appears under that circled even number play symbol, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets with the “Odds” scene upon which a circled odd number play symbol appears in the play area and a prize symbol of \$10⁰⁰ (TEN DOL) appears under that circled odd number play symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets with the “Evens” scene upon which a circled even number play symbol appears in the play area and a prize symbol of \$10⁰⁰ (TEN DOL) appears under that circled even number play symbol, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets with either the “Odds” or the “Evens” scene upon which a Moneybag (MN BAG) symbol appears in the play area, on a single ticket, shall be entitled to a prize of \$10.

(p) Holders of tickets with the “Odds” scene upon which a circled odd number play symbol appears in the play area and a prize symbol of \$5⁰⁰ (FIV DOL) appears under that circled odd number play symbol, on a single ticket, shall be entitled to a prize of \$5.

(q) Holders of tickets with the “Evens” scene upon which a circled even number play symbol appears in the play area and a prize symbol of \$5⁰⁰ (FIV DOL) appears under that circled even number play symbol, on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets with the “Odds” scene upon which a circled odd number play symbol appears in the play area and a prize symbol of \$2⁰⁰ (TWO DOL) appears under that circled odd number play symbol, on a single ticket, shall be entitled to a prize of \$2.

(s) Holders of tickets with the “Evens” scene upon which a circled even number play symbol appears in the play area and a prize symbol of \$2⁰⁰ (TWO DOL) appears under that circled even number play symbol, on a single ticket, shall be entitled to a prize of \$2.

(t) Holders of tickets with the “Odds” scene upon which a circled odd number play symbol appears in the play area and a prize symbol of \$1⁰⁰ (ONE DOL) appears under that circled odd number play symbol, on a single ticket, shall be entitled to a prize of \$1.

(u) Holders of tickets with the “Evens” scene upon which a circled even number play symbol appears in the play area and a prize symbol of \$1⁰⁰ (ONE DOL) appears under that circled even number play symbol, on a single ticket, shall be entitled to a prize of \$1.

(v) Holders of tickets with the “Odds” scene upon which a circled odd number play symbol appears in the play area and a prize symbol of FREE (TICKET) appears under that circled odd number play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Odds/Evens instant game ticket or one Pennsylvania Lottery instant game ticket of equivalent sale price which is currently on sale.

(w) Holders of tickets with the “Evens” scene upon which a circled even number play symbol appears in the play area and a prize symbol of FREE (TICKET) appears under that circled even number play symbol, on a single ticket, shall be entitled to a prize of one Pennsylvania Odds/Evens 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:

Odds Scene: Reveal An Odd Number And Win With Prize(s) Of:
Evens Scene: Reveal An Even Number And Win With Prize(s) Of:

	Win:	Approximate Odds Are 1 In:	Approximate No. Of Winners Per 12,000,000 Tickets
FREE	FREE \$1 TICKET	11.54	1,040,000
\$1	\$1	75	160,000
\$1 × 2	\$2	33.33	360,000
\$2	\$2	33.33	360,000
\$1 × 5	\$5	75	160,000
\$5	\$5	75	160,000
\$2 × 5	\$10	600	20,000
\$5 × 2	\$10	600	20,000

Odds Scene: Reveal An Odd Number And Win With Prize(s) Of:
Evens Scene: Reveal An Even Number And 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>
\$10 w/MONEYBAG	\$10	300	40,000
\$10	\$10	300	40,000
(\$2 × 5) + \$10	\$20	1,500	8,000
\$5 × 4	\$20	1,500	8,000
\$10 + \$10 w/MONEYBAG	\$20	1,500	8,000
\$20	\$20	750	16,000
\$10 × 4	\$40	3,200	3,750
(\$10 × 3) + \$10 w/MONEYBAG	\$40	3,200	3,750
\$20 × 2	\$40	3,200	3,750
\$40	\$40	3,200	3,750
(\$20 × 2) + \$10 w/MONEYBAG + \$10 + \$40	\$100	12,000	1,000
(\$40 × 2) + (\$10 × 2)	\$100	12,000	1,000
\$100	\$100	10,909	1,100
\$100 × 4	\$400	120,000	100
\$400	\$400	80,000	150
(\$100 × 2) + (\$400 × 2)	\$1,000	480,000	25
\$1,000	\$1,000	480,000	25
\$400 × 5	\$2,000	480,000	25
\$2,000	\$2,000	480,000	25

Moneybag (MNBAG) = Win \$10 automatically.

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 Odds/Evens 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 Odds/Evens, prize money from winning Pennsylvania Odds/Evens 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 Odds/Evens 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 Odds/Evens or through normal communications methods.

STEPHEN H. STETLER,
Secretary

[Pa.B. Doc. No. 09-712. Filed for public inspection April 17, 2009, 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, April 2, 2009, and announced the following:

Regulations Deemed Approved Under Section 5(g) of the Regulatory Review Act—Effective April 1, 2009:

Department of Agriculture #2-156: Seed Testing, Labeling and Standards (amends 7 Pa. Code Chapter 111)

Department of Agriculture #2-157: General Provisions for Seed Certification (amends 7 Pa. Code Chapter 113)

Department of Agriculture #2-158: Standards for Seed Certification (amends 7 Pa. Code Chapter 115)

Action Taken—Regulations Approved:

Insurance Department #11-242: Medicare Supplement Insurance Minimum Standards (amends 31 Pa. Code Chapter 89)

Pennsylvania Gaming Control Board #125-95: Suppliers' Principal Place of Business; Temporary Credentials and Recordkeeping (amends 58 Pa. Code §§ 431a.4, 435a.8, 437a.8, 451a.1 and 465a.6)

Environmental Quality Board #7-412: Safe Drinking Water—General Update (amends 25 Pa. Code Chapter 109)

Action Taken—Regulation Disapproved: Order Not Yet Issued:*

State Board of Osteopathic Medicine #16A-5318: Prescriptive Privileges for Physician Assistants (amends 49 Pa. Code Chapter 25)

* Will advise when order is issued.

Approval Order

Public Meeting held
April 2, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick; Nancy Sabol Frantz, Esq., Abstained; Karen A. Miller; John F. Mizner, Esq.

*Insurance Department—
Medicare Supplement Insurance Minimum Standards;
Regulation No. 11-242 (#2752)*

On February 27, 2009, the Independent Regulatory Review Commission (Commission) received this regulation from the Insurance Department. This rulemaking amends 31 Pa. Code Chapter 89. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This final-omitted regulation amends Pennsylvania's regulation to meet Federal requirements for Medicare Supplement Insurance policies as required by the Medicare Improvements for Patients and Providers Act of 2008 and the Genetic Information and Nondiscrimination Act of 2008.

We have determined this regulation is consistent with the statutory authority of the Insurance Department (71 P. S. §§ 66, 186, 411 and 412) 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
April 2, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick; Nancy Sabol Frantz, Esq.; Karen A. Miller; John F. Mizner, Esq.

*Pennsylvania Gaming Control Board—
Suppliers' Principal Place of Business;
Temporary Credentials and Recordkeeping;
Regulation No. 125-95 (#2733)*

On November 14, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking amends 58 Pa. Code §§ 431a.4, 435a.8, 437a.8, 451a.1 and 465a.6. The proposed regulation was published in the November 29, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 20, 2009.

This regulation establishes the criteria for what constitutes a licensed supplier's "principal place of business" in Pennsylvania, and updates and clarifies other existing provisions.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. §§ 1202(b)(30) and 1317(b)(1.2)) 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.

Approval Order

Public Meeting held
April 2, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick; Nancy Sabol Frantz, Esq.; Karen A. Miller; John F. Mizner, Esq.

*Environmental Quality Board—
Safe Drinking Water—General Update;
Regulation No. 7-412 (#2633)*

On August 16, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 109. The proposed regulation was published in the September 1, 2007 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 27, 2009.

This regulation revises and updates existing rules for public water systems in three ways. First, it incorporates necessary Federal requirements needed to obtain or maintain primacy for provisions related to five key segments of the federal Safe Drinking Water program. Second, it improves data quality and modernizes reporting requirements. Third, it clarifies and coordinates requirements with other existing provisions in order to improve compliance.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. § 721.4(a)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 09-713. Filed for public inspection April 17, 2009, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or you can obtain a copy from our web site, www.irrc.state.pa.us.

Final-Form

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Public Received</i>	<i>Meeting</i>
16-42	Department of State Alternation of Local Election Districts	4/2/09	5/7/09

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
41-18	County Probation and Parole Officers' Firearms Education and Training Commission	4/6/09	4/23/09
ARTHUR COCCODRILLI, <i>Chairperson</i>			

[Pa.B. Doc. No. 09-714. Filed for public inspection April 17, 2009, 9:00 a.m.]

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, xlu@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-716. Filed for public inspection April 17, 2009, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Seneca Place

Seneca Place has applied for a Certificate of Authority to operate two Continuing Care Retirement Communities at Seneca Hills Village in Verona, PA and at Lighthouse Pointe at Chapel Harbor in Pittsburgh, PA. The initial filing was received on March 31, 2009, 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. 09-715. Filed for public inspection April 17, 2009, 9:00 a.m.]

Nationwide Insurance Company of America; Private Passenger Automobile; Rate Revision; Rate Filing

On March 26, 2009, the Insurance Department (Department) received from Nationwide Insurance Company of America a filing for rate level changes for private passenger automobile insurance.

The company requests an overall 2.9% increase amounting to \$5,704,000 annually, to be effective September 7, 2009, for renewal business.

Unless formal administrative action is taken prior to May 25, 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."

Request for Comments; Export List of Insurance Coverages

The Insurance Commissioner (Commissioner) published a notice in 39 Pa.B. 919 (February 14, 2009) soliciting comments to the export list published in 38 Pa.B. 2426 (May 24, 2008). Consideration was given to all comments received. The Commissioner proposes to amend the May 24, 2008, list to add the following:

Animal rides

Crane and rigging contractors (liability and physical damage only)

Crop dusters (aircraft liability and aircraft hull coverage only)

Fuel and explosive haulers (excess auto liability and auto physical damage only)

Hazardous waste haulers (excess auto liability and auto physical damage only)

Hazardous waste storage and disposal (liability only)

Products liability (monoline) for the manufacturing of:
Pharmaceuticals
Aircraft and component parts
Automotive and component parts
Farm and industrial equipment
Petrochemicals
Firearms
Medical equipment

Products recall (monoline) for the manufacturing of:
Pharmaceuticals
Aircraft and component parts
Automotive and component parts
Farm and industrial equipment
Petrochemicals
Firearms
Medical equipment

Persons wishing to comment on the Commissioner's proposal are invited to submit a written statement within 15 days from the date of this publication. Each written statement must include sufficient detail and relevant facts to inform the Insurance Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Office of Corporate and Financial Regulation, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us. Formal notification of any changes

will be published in the *Pennsylvania Bulletin* after the 15-day comment period, or a notice will be published stating that the May 24, 2008, list remains in effect.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-717. Filed for public inspection April 17, 2009, 9:00 a.m.]

Title Insurance; Public Hearing

The Insurance Department (Department) will hold a public informational hearing on title insurance issues on Thursday, May 28, 2009, at 10 a.m. in Hearing Room 4 at the Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120. The hearing will consider the full scope of issues currently under consideration within the Department, including the public policy issues raised by the current rating system and market practices such as how rates are implemented by companies and agents, compensation to title agents, the use of affiliated business arrangements and the payment of compensation or profit-sharing based on the referral of business. Additional focus will be given to recent comments by the Office of Attorney General and broader reform proposals suggesting that economic trends, changes in the financial services industry and technological changes create opportunities for new efficiencies in the title business. A list of topics on which the Department requests information and testimony is available from the Department's web site at www.ins.state.pa.us. To access it, click on "Topical Information" at the right side of the screen, then click on "Title Insurance Hearing." The list is not intended to be exclusive.

There are competing views on all of these topics, and the Department wants to emphasize that the purpose of this hearing is to take account of the full range of viewpoints before determining whether to take any specific actions. Individuals wishing to testify may contact the Department's Office of Insurance Consumer Liaison and Market Analysis at the address and telephone number below to schedule to testify at this hearing. Individuals may also appear at the hearing without advance notice and will be afforded the opportunity to testify after all individuals scheduled in advance have testified. Testimony will be limited to a 10-minute presentation. The Department requests that individuals provide a written copy of their testimony the day of the hearing, with no limit on the length of written submissions.

Interested parties are also invited to submit written comments, information or suggestions about these topics to Title Insurance Hearing, Insurance Department, Office of Insurance Consumer Liaison and Market Analysis, 1326 Strawberry Square, Harrisburg, PA 17120, (717) 525-5884, ra-in-consumerliaison@state.pa.us. The deadline for written comments will be June 4, 2009.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-718. Filed for public inspection April 17, 2009, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Executive Board

Resolution #CB-09-015, Dated February 2, 2009. The Executive Board Resolution authorizes the implementation of the Collective Bargaining Agreement between the Commonwealth and the Pennsylvania State Education Association. National Education Association. Local Associations at the Scotland School for Veterans' Children and the Scranton State School for the Deaf effective August 16, 2007, through August 15, 2011.

Resolution #CB-09-049, Dated February 26, 2009. The Executive Board Resolution authorizes the Side Letter of Understanding with AFSCME that implements compensation provisions for the period July 1, 2008, through June 30, 2011, for employees compensated on the Corrections Supervisory Pay Schedule (Pay Scale Type CS). The side letter encompasses approximately 164 first-level supervisory employees who supervise H1 bargaining unit employees.

Governor's Office

Management Directive No. 205.39—Street Addresses For Department of General Services Owned or Administered Buildings, Amended March 10, 2009.

Administrative Circular No. 09-04—Closing Instruction No. 1, Fiscal Year 2008-2009—Submission of Purchasing Documents, Dated March 2, 2009.

Administrative Circular No. 09-05—Accounting for ARRA-Related Activity in SAP, Dated March 10, 2009.

MARY JANE PHELPS,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 09-719. Filed for public inspection April 17, 2009, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:
Chester County, Wine & Spirits Store #1517, (Relocation), Wayne, PA

Lease expiration date: April 30, 2009

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 7,000 to 10,000 net useable square

feet of new or existing retail commercial space within a 1 mile radius from the intersection of West Lancaster Avenue and Berkley Road, Tredyffrin Township, Wayne, PA.

Proposals due: May 1, 2009, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert Jolly, (215) 482-9670

PATRICK J. STAPLETON, III,
Chairperson

[Pa.B. Doc. No. 09-720. Filed for public inspection April 17, 2009, 9:00 a.m.]

PATIENT SAFETY AUTHORITY

Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error Act (40 P. S. § 1303.303), enacted on March 20, 2002, announces a meeting of the Authority's Board to be held at the Harrisburg Area Community College, One HACC Drive, Harrisburg, PA at 10 a.m. on Tuesday, April 28, 2009.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,
Executive Director

[Pa.B. Doc. No. 09-721. Filed for public inspection April 17, 2009, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Secretarial Letter to All Jurisdictional Fixed Utilities Currently Utilizing Electronic Billing Programs

To: All Jurisdictional Fixed Utilities Currently Utilizing Electronic Billing Programs

Re: Rulemaking to Amend the Provisions of 52 Pa. Code Chapter 56 to Comply with the Provisions of 66 Pa.C.S. Chapter 14; General Review of Regulations; Doc. No. L-00060182

The purpose of this letter is to direct those utilities that have already adopted e-billing programs, whether or not they first obtained a waiver from the Pennsylvania Public Utility Commission (Commission), to file comments regarding the successes and failures of their individual electronic billing (e-billing) programs by April 20, 2009. These comments will aid the Commission in facilitating the move towards greater use of technology, enabling consumers the option to realize the benefits of e-billing while providing adequate safeguards, and establishing

best practices and guidance. This information is critically important as the Commission develops the final regulations, and it can also serve as a basis to consider granting a blanket waiver until such time final regulations are promulgated.

By order entered March 12, 2009, at P-2009-2082012, the Commission granted a petition filed by T. W. Phillips Gas and Oil Co. (T. W. Phillips) for a limited, partial, temporary exemption of the provisions of 52 Pa. Code §§ 56.11 and 56.21 (relating to billing frequency; and payment). The waiver permits T. W. Phillips to administer an e-billing option that would allow customers who voluntarily enroll to receive electronic notifications regarding bill readiness and online bill availability in lieu of sending a traditional paper bill. Several other gas utilities have chosen to seek a similar waiver before offering e-billing, and the Commission has granted them. In addition, many other gas, electric, water and telephone utilities have already begun to offer voluntary e-billing services without seeking a waiver.

The Commission has proposed revisions to its Chapter 56 regulations to facilitate the use of e-billing while safeguarding the interests of customers. The proposed regulation expressly authorizes a utility to provide e-billing in lieu of mailing a paper copy of the bill to a customer. It also provides that participation in e-billing is voluntary, that customers may revert to receiving a bill by regular mail, and that the e-bill will contain all of the information normally included in a paper bill. There appears to be many benefits to paperless billing including significant environmental benefits and savings for customers.

The Commission granted the waiver requested by T.W. Phillips, but believes that, in light of the proposed rulemaking, it would be an inefficient use of Commission and stakeholder resources to require each utility with an e-billing program to file a petition for waiver of Commission regulations.

The comments required to be filed under this Secretarial Letter should address at least the following aspects of e-billing:

- 1) The scope and description of current e-billing programs;
- 2) The current levels of participation in current e-billing programs;
- 3) Any changes to tariffs made or which should be made to tariffs to implement e-billing;
- 4) Describe any changes you have made to your e-billing programs since the inception of the programs;
- 5) Information that was or will be contained in bill inserts and other communications to customers explaining e-billing along with copies of those documents; and
- 6) Any other concerns regarding e-billing that the Commission should consider.

Comments must be filed by April 20, 2009, for Doc. No. L-00060182, and may be filed separately to comment only on e-billing or as a part of the comments filed on the entire rulemaking. As soon as practical after the close of the public comment period, but no later than June 30, 2009, the Law Bureau and the Bureau of Consumer Services will review the comments related to e-billing and

provide a report to the Commission with a recommendation on whether or not the Commission should issue guidance and a blanket waiver permitting e-billing pending final disposition of the rulemaking.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-722. Filed for public inspection April 17, 2009, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by May 4, 2009. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

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

A-2009-2096853. Karol Pragacz, t/a Polish Taxi (72 Fernwood Avenue, Bartonsville, Monroe County, PA 18321)—persons, upon call or demand, in the Townships of Pocono, Hamilton, Stroud and Jackson, all in Monroe County.

A-2009-2098317. Mosell Morris (1948 West Broad Street, Bethlehem, Northampton County, PA 18018), persons in paratransit service, from points in the Counties of Lehigh and Northampton to points in Pennsylvania, and return.

Application of the following for approval of the *additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under the application.*

A-2009-2098896. Nagi Transportation, Inc. (421 Maplewood Road, Merion Station, Montgomery County, PA 19066)—a corporation of the Commonwealth, persons, in paratransit service, between points in the Counties of Montgomery, Bucks, Chester and the City and County of Philadelphia, limited to transportation from a residence, hospital or health facility and return.

Application of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of household goods by transfer of rights as described under the application.*

A-2009-2098256. Troy A. Estep, t/a Estep's Hauling (430 2nd Avenue, Altoona, Blair County, PA 16602), a corporation of the Commonwealth—for the additional right to begin to transport, as a common carrier, by motor vehicle, household goods in use to and from retail and consignment stores in the County of Blair.

Application of the following for approval to *begin operating as a broker for transportation of persons as described under the application.*

A-2009-2097543. John M. Zelinski, t/a JZ Tours (1437 Fellows Street, Scranton, Lackawanna County, PA 18504), a corporation of the Commonwealth—for a brokerage license, evidencing the Commission's approval of the beginning of the right and privilege to operate as a broker, to arrange for the transportation of persons, between points in Pennsylvania.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Michael and Michele Bizzak, t/a M & M Bizzak Trucking;
Doc. No. C-2009-2041351

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 all authority issued to Michael and Michele Bizzak t/a M & M Bizzak Trucking, respondents are under suspension effective March 7, 2008, for failure to maintain evidence of insurance on file with this Commission.

2. That respondents maintain a principal place of business at P. O. Box 578, St. Marys, PA 15857.

3. That respondents were issued a Certificate of Public Convenience by this Commission on May 25, 2005, at A-00121714.

4. That respondents have failed to maintain evidence of Liability and Cargo insurance on file with this Commission. The penalty is \$250.00 and cancellation of the Certificate of Public Convenience.

5. That respondents, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondents pays the penalty of \$250.00 and causes their insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which: (1) cancels the Certificate of Public Convenience held by respondents at Docket No. A-00121714 for failure to maintain evidence of current insurance on file with the Commission; (2) fines Respondents the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint; (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration; and (4) imposes an additional fine on the respondents should cancellation occur.

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

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

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer **and receipt of your fine payment**, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of
Transportation and Safety v. Gayle's, Inc.;*
Doc. No. C-2009-2090232:

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 all authority issued to Gayle's, Inc. (respondent) is under suspension effective February 19, 2009, for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at P. O. Box 4728, Pittsburgh, PA 15206.
3. That respondent was issued a Certificate of Public Convenience by this Commission on November 05, 2004, at A-00119902.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The penalty is \$250 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$250 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which: (1) cancels the Certificate

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 that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

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

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

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

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations **and by paying the \$250.00 fine** proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and
Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

of Public Convenience held by respondent at A-00119902 for failure to maintain evidence of current insurance on file with the Commission; (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint; (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration; and (4) imposes an additional fine on the respondent should cancellation occur.

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 that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

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

NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

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

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations **and by paying the \$250 fine** proposed in the Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint.

The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

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

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer **and receipt of your fine payment**, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-723. Filed for public inspection April 17, 2009, 9:00 a.m.]

Wastewater Service

A-2009-2099743. Little Washington Wastewater Company, d/b/a Suburban Wastewater Company—The Reserve at Center Point. Application of Little Washington Wastewater Company, d/b/a Suburban Wastewater Company—The Reserve at Center Point, for approval to begin to offer, render, furnish and provide wastewater service to the public in a portion of Worcester Township, Montgomery County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before May 4, 2009. The documents filed

in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Little Washington Wastewater Company, d/b/a Suburban Wastewater Company

Through and By Counsel: Thomas T. Niesen, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-724. Filed for public inspection April 17, 2009, 9:00 a.m.]

Water Service

A-2009-2099616. Pennsylvania-American Water Company. Application of Pennsylvania-American Water Company for approval of the right to supply water service to the public in a portion of Paint Township, Clarion County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before May 4, 2009. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Pennsylvania-American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-725. Filed for public inspection April 17, 2009, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Proposal

The Philadelphia Regional Port Authority (PRPA) will accept proposals for Project No. 09-040.B Development and Operation of Pier 98 Annex, until 2 p.m. on Thursday, May 21, 2009. The documents can be obtained on the PRPA web site at www.philaport.com and will be available April 21, 2009. Persons must contact the Procurement Department at (215) 426-2600 to provide their contact information to receive addendums and additional information about this project. PRPA is an equal opportunity employer. Firms must comply with all applicable equal employment opportunity laws and regulations.

A site visit is scheduled for 10 a.m. on Tuesday, April 28, 2009. Meet at Pier 98 Annex, 140 East Oregon Avenue, Philadelphia, PA 19148, corner of Columbus Boulevard and Oregon Avenue.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 09-726. Filed for public inspection April 17, 2009, 9:00 a.m.]

Request for Proposals

The Philadelphia Regional Port Authority (PRPA) will accept proposals for Project No. 09-041.B Development and Operation of 3200 East Tioga Street, until 2 p.m. on Tuesday, May 26, 2009. The documents can be obtained on the PRPA web site at www.philaport.com and will be available April 21, 2009. Persons must contact the Procurement Department at (215) 426-2600 to provide their contact information to receive addendums and additional information about this project. PRPA is an equal opportunity employer. Firms must comply with all applicable equal employment opportunity laws and regulations.

A site visit is scheduled for 10 a.m. on Wednesday, April 29, 2009. Meet at PRPA, 3460 North Delaware Avenue, 2nd Floor large conference room.

JAMES T. MCDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 09-727. Filed for public inspection April 17, 2009, 9:00 a.m.]

STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v. Penny Novak Goyette, LPN; Doc. No. 0958-51-08; File No. 07-51-10817

On May 14, 2008, the Commonwealth, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against Penny Novak Goyette by filing an Order to Show Cause, before the State Board of Nursing, alleging that she has violated certain provisions of the Practical Nurse Law (63 P. S. §§ 651-667). Under 1 Pa. Code § 33.31 (relating to service by the agency) and Pa.R.C.P. Rule 430 (relating to service pursuant to special order of court; publication), providing for service of process upon Penny Novak Goyette by publication.

Notice

Formal disciplinary action has been filed against you by way of an Order to Show Cause. You may lose your nursing license, certificate, registration or permit to practice your profession or occupation. You may be subject to civil penalties of up to \$1,000 for each violation.

If you wish to defend against the charges in the Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so

are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from Kelly Diller, Prothonotary, Department of State, 2601 North Third Street, Harrisburg, PA 17110, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. Proceedings are conducted under the 2 Pa.C.S. (relating to Administrative Law and Procedure) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedures).

You are directed to respond to the charges by filing a written answer within 30 days of this notice. If you do not file an answer, disciplinary action may be taken against you without a hearing. To file your answer, you must bring or send an original and three copies of your answer and any pleadings or other documents related to this matter to the following address: Kelly I. Diller, Prothonotary, Department of State, 2601 North Third Street, Harrisburg, PA 17110.

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

**ORDER GRANTING COMMONWEALTH'S
PETITION FOR ALLOWANCE TO OBTAIN
SERVICE BY PUBLICATION**

And Now, April 1, 2009, the State Board of Nursing (Board), upon consideration of the Commonwealth's petition for allowance to obtain service by publication, hereby **Orders**, that the Commonwealth's petition is **Granted**. The Commonwealth is authorized to serve Respondent by publication of a legal notice in the *Pennsylvania Bulletin* and in the legal notice section of a newspaper of general circulation within the county of Respondent's last known address in Johnson City, NY.

By Order:

State Board of Nursing

ANN L. O'SULLIVAN, Ph.D., FAAN, CRNP,
Chairperson

Respondent's Address: Penny Novak Goyette, LPN
4 Onondaga Street
Johnson City, NY 13790

Prosecuting Attorney: Alvina R. Forthner, Esquire

Board Counsel: Beth Sender Michlovitz,
Esquire

Date of Mailing: April 1, 2009

[Pa.B. Doc. No. 09-728. Filed for public inspection April 17, 2009, 9:00 a.m.]

