

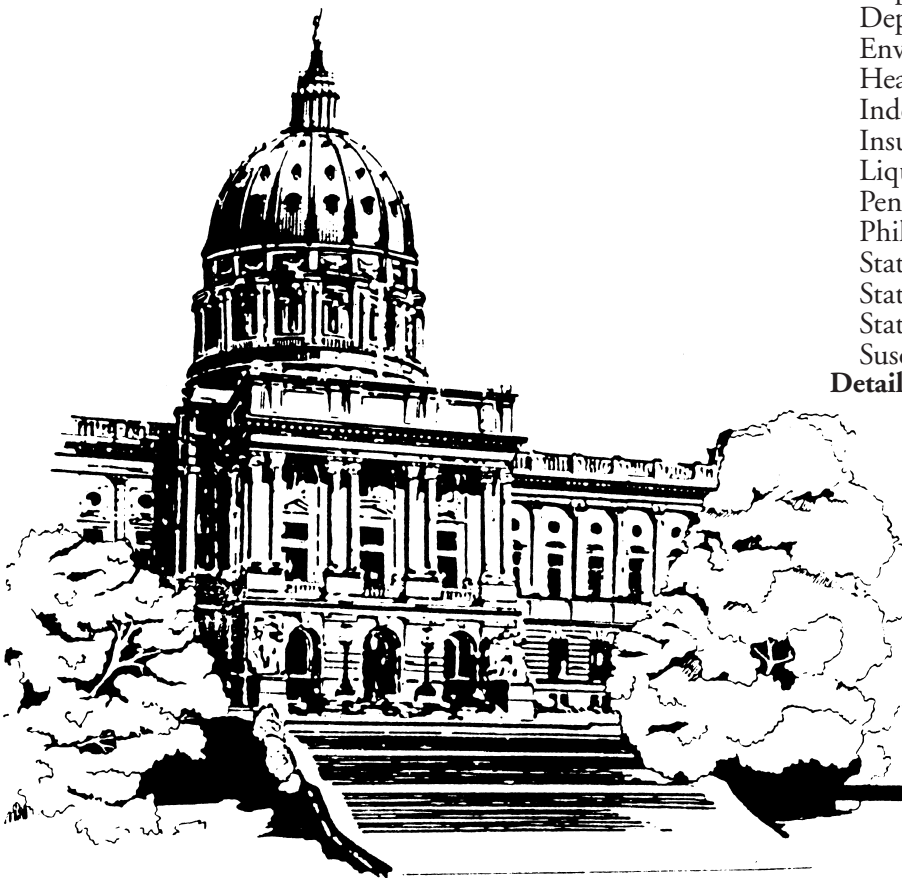
# PENNSYLVANIA BULLETIN

Volume 39  
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## Agencies in this issue

The Courts  
Department of Banking  
Department of Conservation and Natural Resources  
Department of Environmental Protection  
Department of Health  
Department of Revenue  
Department of Transportation  
Environmental Quality Board  
Health Care Cost Containment Council  
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Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Board of Barber Examiners  
State Board of Cosmetology  
State Conservation Commission  
Susquehanna River Basin Commission

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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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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 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CH. 1 ]

#### Amending Rule of Appellate Procedure 120

The Appellate Court Procedural Rules Committee proposes to amend Pennsylvania Rule of Appellate Procedure 120. The amendment is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court.

All communications in reference to the proposed amendment should be sent no later than February 10, 2010 to:

Dean R. Phillips, Chief Counsel  
D. Alicia Hickok, Deputy Counsel  
Scot Withers, Deputy Counsel  
Appellate Court Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Avenue, Suite 6200  
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An Explanatory Comment precedes the proposed amendment and has been inserted by this Committee for the convenience of the bench and bar. It will not constitute part of the rule nor will it be officially adopted or promulgated.

*By the Appellate Court  
Procedural Rules Committee*

HONORABLE MAUREEN LALLY-GREEN,  
*Chair*

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE I. PRELIMINARY PROVISIONS

#### CHAPTER 1. GENERAL PROVISIONS

#### DOCUMENTS GENERALLY

Rule 120. Entry **and Withdrawal** of Appearance.

*(Editor's Note: The following text within Rule 120 and the Official Note is new and printed in regular print to enhance readability.)*

\* \* \* \* \*

(b) *Withdrawal of Appearance for lack of a legal basis in appeals from a direct criminal conviction or denial of a first Post-Conviction Relief Act petition.* If counsel represents an appellant in the above circumstances, counsel does not have an automatic right to withdraw from the representation. Unless the court appoints or the appellant retains substitute counsel, withdrawal will be allowed only if the requirements of the appropriate section of this rule have been followed, and if the court is satisfied that withdrawal is warranted.

(1) *Petition to withdraw as counsel on direct appeal of a criminal conviction.* Counsel who seeks to withdraw from representation on direct appeal of a criminal conviction because counsel has concluded that all issues that could be raised on appeal are frivolous, may withdraw only if the court concludes that there are no non-frivolous issues to be raised based upon the court's review of the issues identified by counsel and the appellant and its independent review of the record.

(A) To facilitate this review, counsel must file a petition seeking withdrawal with the appellate court. Counsel shall attach to the petition a statement that contains a certification that counsel has reviewed the record diligently and a thorough explanation of the law and facts pertinent to the appeal, including:

(i) a summary of the procedural history and facts, with citations to the pertinent sections of the record;

(ii) an identification of all issues that might arguably be raised on the appeal with references to anything in the record and any legal authority that could arguably support the appeal; and

(iii) the reasons for counsel's conclusion that each of the issues that could be raised would be frivolous.

(B) Counsel must provide a copy of both the petition and the attached statement to the appellant, accompanied by a letter warning the appellant that if the court permits counsel to withdraw, it will make a finding that the appeal is wholly frivolous and will affirm the conviction. In addition, counsel must set forth in the letter that appellant has the right:

(i) to address the matters raised in the petition and statement and to bring any additional points to the court's attention by filing a response with the appellate court within twenty-one (21) days of either: (a) the date the letter has been marked as received by the institution with custody of the appellant; or (b) the date of the postmark of the letter if the appellant is not in custody; and

(ii) to proceed *pro se* or by retaining private counsel.

(C) Within twenty-one (21) days of the date appellant's response was filed or due to be filed, the Commonwealth may file a brief addressing the petition and statement and the appellant's response, if any.

(D) After the court has received the record, it shall conduct an independent review of the record and the submissions of counsel and of the appellant and the Commonwealth, if any. After that review,

(i) if the court determines that the appeal is wholly frivolous, the court shall grant counsel's petition to withdraw and shall affirm the judgment of sentence; or

(ii) if the court determines that there are non-frivolous claims, the court shall either deny the petition to withdraw or direct the trial court to appoint replacement counsel. In such cases, the appellate court will identify non-frivolous issues that must be briefed by counsel on their merits. The issues identified by the court are not exclusive, and counsel may raise and brief any additional issues counsel identifies as potentially non-frivolous.

(2) *Petition to withdraw as counsel on appeal after denial of the first petition for post-conviction relief from a criminal conviction.* Counsel who seeks to withdraw from

representation after denial of a first petition for post-conviction relief of a criminal conviction may withdraw if the court concludes that there are no meritorious issues to be raised upon its review of the issues identified by counsel and the appellant and its independent review of the record.

(A) To facilitate this review, counsel must file a petition seeking withdrawal with the appellate court. Counsel shall attach to the petition a brief containing a certification that counsel has reviewed the record diligently and argument setting forth why none of the claims asserted by the appellant is meritorious. As to each claim, the brief must contain:

- (i) a summary of the procedural history and facts with citations to the pertinent sections of the record;
- (ii) a list of all issues that could be raised in the appeal;
- (iii) a review of the facts and law that have led counsel to the conclusion that all issues that could be raised on appeal would be without merit.

(B) Counsel must provide a copy of both the petition and the attached brief to the appellant, accompanied by a letter warning the appellant that if the court permits counsel to withdraw, it will make a finding that the appeal has no merit and will affirm the denial of the petition for post-conviction relief. In addition, counsel must set forth in the letter that appellant has the right:

- (i) to address the matters raised in the petition and brief and to bring any additional points to the court's attention by filing a response with the appellate court within twenty-one (21) days of either: (a) the date the letter has been marked as received by the institution with custody of the appellant; or (b) the postmark of the letter if the appellant is not in custody; and

- (ii) to proceed *pro se* or by retaining private counsel.

(C) Within twenty-one (21) days of the date appellant's response was filed or due to be filed, the Commonwealth may file a brief addressing the petition and statement and the appellant's response, if any.

(D) After the court has received the record, it shall examine the petition and other submissions of counsel, appellant's response, if any, and the Commonwealth's brief, if any. In addition, the court will conduct an independent review of the record. After that review:

- (i) If the appellate court determines that the appellant has not raised any meritorious claims, the appellate court shall grant counsel's petition to withdraw and shall affirm the denial of the petition for post-conviction relief; or

- (ii) If the appellate court determines that there are potentially meritorious claims, the court shall either deny the request to withdraw or direct the trial court to appoint replacement counsel. In such cases, the court will identify potentially meritorious issues for counsel to brief on their merits. The issues identified by the court are not exclusive, and counsel may raise and brief any additional issues counsel identifies as potentially meritorious.

**Official Note:**

\* \* \* \* \*

On direct appeal, a criminal defendant is constitutionally entitled to zealous and effective representation, because the Sixth Amendment is binding on the states

through the Fourteenth Amendment. *See Strickland v. Washington*, 466 U.S. 688 (1973) (describing counsel's "overarching duty to advocate the defendant's cause."). An appellant on direct appeal from a criminal conviction thus has "the right to have an attorney, zealous for the indigent's interests, evaluate his case and attempt to discern non-frivolous arguments." *Smith v. Robbins*, 528 U.S. 259, 278 n.10 (2000). That right does not however extend to having counsel pursue an appeal that the lawyer concludes after review is wholly frivolous. *Id.* at 277-78.

Accordingly, a petition to withdraw on direct appeal should not be submitted until counsel has conducted a thorough review of the record and law, searching diligently for any non-frivolous issues. Compare Pennsylvania Rules of Professional Conduct Preamble and Scope (counsel's duty is to "assert the client's position" zealously) with Rules 3.1, 3.3 (obligation not to pursue a frivolous appeal; obligation to be candid with the tribunal). As the Supreme Court has explained, a lawyer seeking to withdraw must explain to the tribunal which issues could be raised, where in the record and the law such issues might be supported, and why the lawyer has concluded the issues are wholly frivolous. *Commonwealth v. Santiago*, 978 A.2d 349 (Pa. 2009).

While "frivolous" escapes ready characterization, certain principles are clear. In *Commonwealth v. Greer*, 455 Pa. 106, 108-09, 4 A.2d 513, 514 (1974), the Supreme Court explained that "frivolous" was more than a lack of merit, and the fact that the prospects of success were "dim" did not make an appeal frivolous. *Id.* A frivolous argument is one that counsel concludes cannot be raised "without compromising professional standards." *Id.* By way of example, an argument to reevaluate existing case law may be non-frivolous if the Supreme Court has not considered the precise issue and if the argument is "supported by a reasonable belief" that the Supreme Court might disagree with the conclusions of the lower courts. *Smith v. Commonwealth Bd. of Probation and Parole*, 524 Pa. 500, 507-08, 574 A.2d 558, 562 (1990). Likewise, issues that might have been waived could be non-frivolous. *See Commonwealth v. Lilley*, 978 A.2d 995 (Pa. Super. 2009).

Counsel's explanation allows the appellate court to review the record to assure itself that there are no potentially non-frivolous issues. Case law commonly refers to the petition and/or the accompanying documents as an "Anders brief." The term "brief" can create confusion, however, because it suggests zealous argument (either for or against the client). Instead, as *Santiago* explains, counsel is fulfilling duties both to the client (to conduct a diligent review) and to the tribunal (to report the results of that review candidly).

Under the Post-Conviction Relief Act, the right to counsel on a first post-conviction petition is statutory or by rule and the petitioner is not entitled to as much protection as an appellant directly appealing a criminal conviction. *See* 42 Pa.C.S. §§ 9541—9546; *Commonwealth v. Turner*, 518 Pa. 491, 544 A.2d 927 (1988) and *Commonwealth v. Finley*, 550 A.2d 213 (Pa. Super. 1988). The appellate court must review the record to assure itself only that all issues are non-meritorious before granting permission to withdraw. *Id.* The practice to be followed for withdrawal from representation of a petitioner who is

pursuing a first PCRA petition is accordingly different, and the brief *must contain argument against the client*. See *Commonwealth v. Wrecks*, 931 A.2d 717, 721-22 (Pa. Super. 2007) (characterizing *Anders* and *Turner* as “close cousins” but recognizing that under *Turner/Finley* counsel “must argue” against the client).

Whether on direct appeal or on appeal from the denial of a first PCRA petition, a lawyer has a responsibility to continue to meet all deadlines and to comply with all applicable law, rules, and orders of the trial and appellate court until the appellate court has granted the petition for permission to withdraw.

The rule adds specific time frames for the appellant and the Commonwealth to file responses to the petition with the court.

### Explanatory Comment

In direct appeals of a criminal conviction and in appeals of a denial of a first Post-Conviction Relief Act (PCRA) petition, an appellant is entitled to continued and effective representation. Consequently, counsel may not withdraw without substitute counsel unless the appellate court permits the withdrawal after it has reviewed the record. Because the right to counsel on direct appeal is constitutional and for first PCRA appeals the right arises under statute and rule, the standards for seeking and granting withdrawal differ. To date, the procedures for withdrawal in such circumstances have been created only by case law, and lawyers have frequently conflated the procedures. Accordingly, the Committee concluded that it would assist the bar to have the standards set forth in a rule.

Whether an appellant is appealing directly from a criminal conviction or is appealing from the denial of a first PCRA petition, counsel must continue to represent the appellant and comply with all deadlines for filing and serving any required documents until the appellate court grants permission to withdraw.

Withdrawal in such situations has serious ramifications, because the appellate court will affirm the conviction or denial of the petition without further briefing. Moreover, if the court permits the withdrawal, the appellant will no longer have a right to appointed counsel. See *Commonwealth v. Alberta*, 974 A.2d 1158 (Pa. 2009).

As noted previously, the 2009 amendment is intended to set forth the differing requirements for petitioning to withdraw from representation of an appellant who is: (1) appealing a criminal conviction directly; or (2) appealing a denial of a first PCRA petition. Perhaps because the procedures are very different from typical motion practice, a great deal of confusion has resulted. The amendment has been drafted to set forth the requirements more clearly.

#### 1. Procedures common to both types of withdrawal.

In either case, when seeking to withdraw, counsel must file a petition to withdraw and attach the documents the court will need to complete its review of the record, including a certification that counsel has reviewed the record diligently. Counsel must also send a copy of the filed materials to the appellant, with a letter warning the appellant that if the court permits counsel to withdraw under this rule (and applicable law), the court will affirm the conviction and advising that the appellant has a right to address the court directly and to raise additional issues for the court's consideration, as well as advising that the appellant has 21 days to file any supplemental materials

with the court. One question on which the Committee seeks input is whether the response time for the appellant should be calculated from the date on which the appellant receives the document—with the appellant responsible for demonstrating when he or she received it—or whether counsel should indicate in the certificate of service for the petition the date that the letter was sent, with the time for responding calculated from that date.

The Commonwealth may respond to the petition of counsel or the appellant's supplemental submission.

In either case, in deciding whether to permit the withdrawal, the appellate court will review the entire record.

#### 2. Procedures for withdrawal from representation on direct appeal.

On direct appeal, a criminal defendant has a constitutional right to be represented by counsel. See *Anders v. California*, 386 U.S. 738 (1967), and *Commonwealth v. McClendon*, 434 A.2d 1185 (Pa. 1981). But that right does not extend to having counsel pursue an appeal that is wholly frivolous. *Smith v. Robbins*, 528 U.S. 259, 277-78 (2000). Accordingly, counsel may seek to withdraw from representing someone who is directly appealing a criminal conviction only after undertaking a diligent search of the record—which is part of counsel's duty of zealous advocacy that may not be avoided—and only if, after that review, counsel concludes that all issues that could potentially be raised on appeal are wholly frivolous.

Once counsel reaches that conclusion, the duty of candor to the tribunal and the duty not to pursue a frivolous appeal take precedence. As the Supreme Court has recently explained, when counsel seeks to withdraw under *Anders*, the lawyer must identify for the appellate court all places in the record that might arguably give rise to an appeal and all pertinent legal authorities, and must explain why counsel has concluded that the potential arguments would be wholly frivolous. See *Commonwealth v. Santiago*, 978 A.2d 349 (Pa. 2009). In this way, the court can assure itself that the appellant has no non-frivolous issues to present.

#### 3. Procedures for withdrawal from representation on appeal of a denial of a first PCRA petition.

In contrast, the appeal of a denial of a first PCRA petition is governed by statute and rule. See 42 Pa.C.S. §§ 9541–9546; *Commonwealth v. Turner*, 544 A.2d 927 (Pa. 1988); *Commonwealth v. Finley*, 550 A.2d 213 (Pa. Super. 1988). Accordingly, counsel must still review the record diligently, but only to determine if there are *meritorious* issues that warrant an appeal. In the explanation that accompanies the petition to withdraw, counsel will not merely explain what could be raised and why it has no merit but will actually *argue against the client*. *Commonwealth v. Wrecks*, 931 A.2d 717, 721-22 (Pa. Super. 2007) (characterizing *Anders* and *Turner* as “close cousins” but recognizing that under *Turner/Finley* counsel “must argue” against the client.). Moreover, because under *Turner/Finley*, the appellate court reviews the record only for *meritorious* issues, the court's review need not be as stringent as on a request to withdraw from a direct appeal; nonetheless, the Court will still require briefing on any issues it sees—whether counsel or the appellant has raised them or not. See, e.g., *Commonwealth v. Young*, 922 A.2d 913 (Pa. Super. 2007) (recognizing that the first time the case was before it on a *Turner/Finley* request, the court's “review of the record . . . revealed an issue of arguable merit that we determined should have been addressed by counsel . . .”).

This Recommendation is being submitted to the bench and bar for comments and suggestions prior to its submission to the Supreme Court for adoption.

[Pa.B. Doc. No. 09-2233. Filed for public inspection December 4, 2009, 9:00 a.m.]

(12) An automation fee of \$5.00 shall be assessed to each action or legal proceeding initiated in the office of the clerk of court.

[Pa.B. Doc. No. 09-2234. Filed for public inspection December 4, 2009, 9:00 a.m.]

# Title 25—LOCAL COURT RULES

## ELK COUNTY

### Setting Clerk of Court Fees for 2010-2012; Civil No. 2009-1186

#### Order of Court

And Now, November 19, 2009, in accordance with Act #36-2000 the fees of the Elk County Clerk of Courts are approved as set forth in the following schedule of fees. The fees shall become effective January 1, 2010.

By the Court

RICHARD A. MASSON,  
*President Judge*

#### Elk County Clerk of Courts Filing Fees Effective January 1, 2010

(1) A fee of not less than \$69.75 nor more than \$203.00 for all proceedings in all misdemeanor and felony cases disposed of at any time during or after trial.

Fee for 2010 .....	\$155.00
Fee for 2011 .....	\$160.00
Fee for 2012 .....	\$165.00

(2) A fee of not less than \$39.00 nor more than \$152.75 for all proceedings in all misdemeanor and felony cases disposed of before trial.

Fee for 2010 .....	\$105.00
Fee for 2011 .....	\$110.00
Fee for 2012 .....	\$115.00

(3) A fee of \$29.25 for all proceedings in summary matters.

(4) A fee of \$9.25 for all certifications.

(5) Bench Warrants \$18.00.

(6) A fee of \$18.25 for all other matters filed in the office and for all reports prepared by the clerk except that no fee shall be charged for filing township and borough audit reports or transcripts received which indicate a final disposition by the district justice.

(7) A fee of \$49.50 for the filing of an appeal from a summary conviction before a district justice.

(8) A fee of \$54.50 for an appeal from the court of common pleas to an appellate court.

(9) A fee of \$.03 per dollar for the first \$1,000 and \$.01 per dollar for each additional \$1,000 or fraction thereof for the handling of money paid into court.

(10) A fee of \$3.25 for a subpoena.

(11) A fee of \$10.00 for a criminal record search.

## ELK COUNTY

### Setting Prothonotary Fees for 2010 -2012; Civil No. 2009-1185

#### Order of Court

And Now, November 19, 2009, in accordance with Act #98-164 the fees of the Elk County Prothonotary are approved as set forth in the following schedule of fees. The fees shall become effective January 1, 2010.

By the Court

RICHARD A. MASSON,  
*President Judge*

#### Elk County Prothonotary Filing Fees Effective January 1, 2010

##### ACKNOWLEDGMENTS:

Acknowledgment of sheriff, treasurer or tax claim bureau deeds ..... \$9.00

##### APPEALS:

Appeal from the court of common pleas to an appellate court ..... \$54.50

##### ARBITRATIONS:

Where arbitration proceedings are processed by the prothonotary ..... \$24.00

##### ASSIGNMENTS:

Assignment, filing ..... \$9.00

##### BUILDING AGREEMENTS:

Filing of any building agreement, waiver, stipulation ..... \$16.75

##### CERTIFICATION:

Certifying copy of any paper:  
First page ..... \$5.25  
Additional pages, each ..... \$1.60  
Certification of notary public, justice of peace or similar paper ..... \$3.25

##### COMMENCEMENT OF ACTIONS:

Commencement of any action at law or equity, regardless of procedure, a fee of not less than \$25.00 or more than \$88.50. After an action has been commenced, no other fees shall be payable except as herein otherwise specifically provided. The fee fixed shall be the same and apply to all actions without variation except with respect to divorce actions where an additional fee not to exceed \$25.00 may be charged for each count in the complaint in excess of the count requesting the divorce.

##### EXECUTIONS:

Filing of any praecipe for writ of execution, including attachment, possession or any other writ of execution not herein specifically provided for and all services incident thereto ..... \$24.00

##### EXEMPLIFICATION:

Exemplification of records ..... \$18.00

##### JUDGMENTS:

Entry of any judgment or decree, which is final, whether by agreement, confession, demurrer, non pros, or preliminary objection or motion on verdict or award, by

court order, finding, opinion, default, transcript, copy of docket entries, ex-record, certified copy of non-payment of inheritance tax, certified copy from criminal court or domestic relations including all services ..... \$16.75

LIENS:

Filing any lien: municipal, mechanics, Federal, Commonwealth, certified copy of lien ..... \$16.75

NOTARY PUBLIC:

Registration of signature of notary public ..... \$3.25

POUNDAGE:

For the handling of money paid into court for each dollar of the first \$1,000 ..... \$0.03

For each dollar of each additional \$1,000 or fraction thereof ..... \$0.01

REVIVALS:

Including in every instance any entry of judgment:

(1) Continuing any lien not reduced to judgment ..... \$16.75

(2) Reviving the lien of any judgment by amicable proceedings ..... \$16.75

(3) Reviving the lien of any judgment by adverse proceedings ..... \$24.00

SATISFACTIONS:

Entering satisfactions, releases, postponements, assignments, subordinations, of all encumbrances or liens by power of attorney or otherwise; or settlement, discontinued, ending or termination of any civil action at law or equity ..... \$9.00

SEARCHES:

Search of any record or index, including certification:

Five years ..... \$9.00

Each reference ..... \$1.60

Naturalization search ..... \$9.00

SUBPOENA:

Each ..... \$3.25

MAXIMUM CHARGE TO POLITICAL SUBDIVISIONS:

The maximum fee to be charged a political subdivision for any one of the services provided for herein shall be \$16.50.

PAYMENT IN ADVANCE:

The prothonotary shall not be required to enter on docket any suit or action order of court or enter any judgment thereon or perform any services whatsoever for any person, political subdivision or the Commonwealth until the requisite fee is paid.

PROTHONOTARY AUTOMATION FEE:

An automation fee shall be assessed for the initiation of any action or legal proceeding including, but not limited to: summons, complaint, petition, agreement, judgment, stipulation, lien ..... \$5.00

SIMILAR SERVICES:

The fees for services not herein specifically provided for or included in any other services shall be the same as for similar services.

STATE TAX:

The fees hereinbefore enumerated shall be exclusive of any State tax, surcharge or fee now levied or that may hereafter be levied.

[Pa.B. Doc. No. 09-2235. Filed for public inspection December 4, 2009, 9:00 a.m.]

YORK COUNTY

In the Matter of: Setting Various Fees and Compensation for Court Officers and Other Individuals; No: 2009-MI-000170-55; Doc. No. CP-67-AD-0000029-2009

Administrative Order Setting Fees and Compensation for Court Officers and Other Individuals

And Now, this 18th day of November, 2009, the Court hereby establishes fees for various matters and compensation for the following officers and personnel of the Court. The fees and compensation established by this Order shall become effective January 1, 2010, and shall apply to all proceedings pending on that date, unless otherwise specified in this Order. The fees and compensation shall remain in effect until further order of court.

Juvenile Court Masters:

Compensation for Juvenile Court Masters is established at the rate of \$75.00 per hour of time spent in the performance of their duties. Compensation for Juvenile Masters shall be paid from account No. 5200339.

Criminal Matters:

1. The Clerk of Courts is directed to assess a central booking fund fee in the amount of \$300 pursuant to 42 Pa.C.S. § 1725.5, against any person who is processed in the Central Booking facility at the York County Judicial Center, if the person is placed on probation without verdict pursuant to Section 17 of The Controlled Substance, Drug, Device and Cosmetic Act, or receives Accelerated Rehabilitative Disposition for, pleads guilty to or nolo contendere to or is convicted of any offense referred to in 42 Pa.C.S. § 1725.5. The fee shall be assessed as a cost associated with prosecution and when collected, shall then be disbursed as provided in the County's Central Booking Center Plan.

2. Magisterial District Judges may assess a miscellaneous issuance fee (C-17 cost) in the amount of \$15.50, or such other amount as may be approved by the Supreme Court from time to time, pursuant to 42 Pa.C.S. § 1725.1(c)(5), in the following circumstances:

(a) When, pursuant to Pa.R.Crim.P. 409(C)(5), 414(C)(5), 424(C)(5), 454(F)(1) and 456(C)(3)(a), an installment payment plan which is in excess of thirty (30) days in duration is issued;

(b) When an installment payment plan issued as previously listed, is re-negotiated and reissued;

(c) When an arrest warrant is issued, provided the defendant has a history of failing to respond, which history is documented in the case file;

(d) When a bench warrant is issued;

(e) In the case of payment plans, the fee shall only be imposed in one case if the payment plan involves payments in multiple cases;

(f) A Magisterial District Judge shall have the discretion to waive imposition of these fees on good cause shown;

(g) The Treasurer of York County is requested to established a separate account or method of accounting for receipt of the "C-17" costs collected pursuant to this Order.

3. A fee, pursuant to Pa.R.Crim.P. 316(A), shall be imposed upon any individual admitted to the ARD program, as follows:

Non-DUI cases:	\$300.00
DUI cases (including Victim Impact Panel Fee)	\$350.00

4. The community service wage equivalent for adults doing community service work shall be: \$8.00

*Civil Matters:*

1. Costs of appealing an award of arbitrators shall be imposed as follows, and shall take effect for all arbitrations heard by the new arbitration panels during and after April, 2010:

Less than \$10,000 in controversy:	\$400.00
\$10,000 to and including \$25,000 in controversy:	\$500.00
Greater than \$25,000 in controversy:	\$700.00

2. Attorneys sitting on an arbitration panel pursuant to YCCiv. 1301 *et seq.* shall be compensated at the rate of \$1,000.00 per week. The chairperson of a panel of arbitrators shall be compensated at the rate of \$1,500.00 per week. These rates of compensation shall be effective for all arbitrators serving on the new arbitration panels during and after April, 2010.

3. Members of Boards of View appointed pursuant to 42 Pa.C.S.A. §§ 2141—2144, shall be compensated at the following rates for time spent in the performance of their duties: \$75 per hour of time spent by the chairperson of a Board of View; \$65 per hour of time spent by other members of the Board of View

*Mental Health Review Officers:*

Compensation for Mental Health Review Officers is established at the rate of \$75.00 per hour of time spent in the performance of their duties.

*Custody Conciliators:*

Compensation for Custody Conciliators is established at the rate of \$140.00 per case, and shall be payable pursuant to the procedure set forth in the local rules of civil procedure.

*Custody Mediators:*

Compensation for custody mediators is established at the rate of \$125.00 per principal participant for an initial session with the mediator. Rates for subsequent sessions are payable as all participants and the mediator may agree.

*Family Law Mediators:*

Compensation for family law mediators is established at the rate of \$150.00 for an initial session with the mediator. Rates for subsequent sessions are payable as all participants and the mediator may agree.

*Court Interpreter Services:*

In any matter in which the Court Administrator is requested, pursuant to YCJA 4800, to provide the services of a Spanish speaking interpreter, payment for which is not provided by the County of York pursuant to law or rule of Court, fees for such services shall be charged to the party requesting the service at the rate of \$100 for the first hour of service and \$50 per hour or portion thereof for each subsequent hour of service. A deposit of \$100 shall be made to the County of York at least one week prior to the date for which services are requested.

*It Is Ordered* that the District Court Administrator of York County, Pennsylvania, shall:

(a) Cause a copy hereof to be published one (1) time in the *York Legal Record* at the expense of the County of York;

(b) File seven (7) certified copies thereof with the Administrative Office of Pennsylvania Courts;

(c) Distribute two (2) certified copies and a diskette hereof to the Legislative Reference Bureau for Publication in the *Pennsylvania Bulletin*;

(d) File one (1) certified copy and transmit one copy by electronic mail to the Civil Procedural Rules Committee, the Criminal Procedural Rules Committee, and the Domestic Relations Rules Committee of the Supreme Court of Pennsylvania.

(e) Distribute one (1) certified copy to the Prothonotary of York County, and to the Clerk of Courts of York County, to be kept continuously available for public inspection and for copying. Upon request and payment of reasonable fees for reproduction and mailing, the Prothonotary or Clerk shall furnish to any person a copy.

(f) Supervise the distribution thereof to all Judges, Magisterial District Judges, and all members of the Bar of this Court.

*It Is Further Ordered* that copies of this Order shall be sent, electronically, if possible, to the individuals holding the various positions named in this Order, to the Adult and Juvenile Probation Departments, to the District Attorney and Public Defender of York County, to the Chief Clerk of the County of York, to the Treasurer of the County of York, and to the Controller of the County of York.

*By the Court*

RICHARD K. RENN,  
*President Judge*

[Pa.B. Doc. No. 09-2236. Filed for public inspection December 4, 2009, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 61—REVENUE

### DEPARTMENT OF REVENUE

#### 2010 Tax Amnesty Program Guidelines

Section.	Topic.
1.	Overview of Program
2.	Definitions
3.	Taxes Covered
4.	Notification of Amnesty Program
5.	Participation Requirements
6.	Amnesty Return
7.	Tax Return Filing
8.	Payments
9.	Extensions of Time for Filing Requirements
10.	Deferred Payment Plans
11.	Continued Compliance
12.	Future Amnesty Participation
13.	Post Amnesty Enforcement

#### 1. Overview of Program

Act 48 of 2009 established the Pennsylvania Tax Amnesty Program (the "Amnesty Program"). The Amnesty Program period begins April 26, 2010, and ends on June 18, 2010 (the "Amnesty Period"). All taxes owed to the Commonwealth administered by the Department of Revenue (Department) are eligible for Amnesty. Taxes, interest and penalties collected under the International Fuel Tax Agreement owed to other states or provinces are not eligible for amnesty. Eligible periods are those where a known or unknown delinquency exists as of June 30, 2009.

To participate, taxpayers will need to file an online Amnesty return, file all delinquent tax returns and make the required payment within the Amnesty Period. All penalties and one-half of the interest due will be waived.

Unpaid taxes, penalties and interest that result from periods subsequent to June 30, 2009, are not eligible for the Amnesty Program.

#### 2. Definitions

The following words and terms have the following meanings, unless the context clearly indicates otherwise:

*Amnesty Return*—The online return to be filed by a taxpayer applying to participate in the Amnesty Program. The term includes all of the required tax returns, tax reports, accompanying schedules and other documentation required to be filed electronically or by paper in conjunction with the Amnesty Return.

*Department*—The Pennsylvania Department of Revenue

*Delinquency*—An unpaid tax, penalty or interest liability or a non-filed tax return or tax report.

*Known liability*—A delinquency known to the Department.

*Unknown liability*—A liability for an eligible tax for which either:

- No return or report has been filed, no payment has been made and the taxpayer has not been contacted by the Department concerning the unfiled returns or reports or unpaid tax; or

- A return or report has been filed, the tax was underreported and the taxpayer has not been contacted by the Department concerning the underreported tax.

#### 3. Taxes Covered

Individuals, businesses and other entities with Pennsylvania tax delinquencies as of June 30, 2009, are generally eligible to participate in the Amnesty Program. Non-filed tax returns or reports, as well as unpaid, under-reported or un-established taxes, whether known or unknown to the Department, constitute eligible delinquencies. Types of taxes covered by the Amnesty Program include:

- Agriculture Cooperative Tax;
- Bank and Trust Company Shares Tax;
- Capital Stock or Foreign Franchise Tax;
- Cigarette Tax;
- Corporate Net Income Tax;
- Electric Cooperative Tax;
- Employer Withholding Tax;
- Fuel Use Tax, except taxes, interest and penalties collected under the International Fuel Tax Agreement owed to other states or provinces are not eligible for the Amnesty Program;
- Gross Premiums Tax;
- Hotel Occupancy Tax, including Local Hotel Occupancy Tax for Philadelphia and Allegheny County;
- International Fuel Tax Agreement (IFTA)
- Inheritance and Estate Tax;
- Interstate Bus Compact Tax;
- Liquid Fuels Tax;
- Loans Tax;
- Marine Underwriting Profits Tax;
- Malt Beverage Tax;
- Motor Carriers Road Tax;
- Motor Vehicle Carriers Gross Receipts Tax;
- Mutual Thrift Institutions Tax;
- Oil Company Franchise Tax;
- Parimutuel Wagering and Admissions Tax;
- Personal Income Tax;
- Public Utility Realty Tax;
- Realty Transfer Tax;
- Sales and Use Tax, including Local Sales and Use Tax for Philadelphia and Allegheny County;
- Surplus Lines Tax;
- Unauthorized Insurance Tax; and
- Gross Receipts Tax.

The program does not apply to a tax imposed by a political subdivision of the Commonwealth, except for Local Sales and Use and Hotel Occupancy Taxes for Philadelphia and Allegheny County. Also, the program does not apply to any tax administered by another state or the Federal government/Internal Revenue Service.



#### 4. *Notification of Amnesty Program*

For each tax delinquent, the Department will send a written notice to the last known address on the Department's records. This notice will contain important information for the recipients to participate in the Amnesty Program. A taxpayer, who has delinquencies for multiple tax types, may receive more than one notification.

#### 5. *Participation Requirements*

A participating taxpayer in the Amnesty Program must do each of the following during the Amnesty period:

- File an online Amnesty Return with the Department;
- Make payment of all taxes and one-half of the interest due to the Commonwealth in accordance with the Amnesty Return that is filed;
- File complete tax returns for all required tax periods for which the taxpayer previously has not filed a tax return; and
- File complete amended returns for all required periods for which the taxpayer underreported tax liability.

To participate in the Amnesty Program a business or individual may not:

- Currently be under criminal investigation for an alleged violation of any tax law; or
- Prior to the Amnesty Period, have been named as a defendant in a criminal complaint alleging a violation of any law imposing a tax administered by the Department; or
- Be a defendant in a pending criminal action for an alleged violation of any law imposing an eligible tax.

A taxpayer's participation in the Amnesty Program is conditioned upon the taxpayer's agreement that the right to protest or pursue an administrative or judicial proceeding with regard to tax amnesty returns filed under the Amnesty Program or to claim any refund of money paid under the Amnesty Program is barred.

A taxpayer with active administrative or judicial appeals is eligible to participate in the Amnesty Program. The tax and one-half of interest due must be paid in full during the Amnesty Period. The taxpayer must withdraw active administrative or judicial appeals relating to periods accepted into the Amnesty Program.

#### 6. *Amnesty Return*

An online Amnesty Return must be filed by each taxpayer seeking to participate in the Amnesty Program.

After receiving notice from the Department that an eligible delinquency exists, a taxpayer is required to log on to the Department's Amnesty web site. Using the Amnesty notice and tax account information, the taxpayer will be able to view information on the Department's web site.

If additional liabilities unknown to the Department are owed by a taxpayer, the taxpayer will need to register and complete an online Amnesty Return which includes a line item summarizing tax owed for each newly-reported or amended period, calculate the applicable interest, and remit payment of the balance due reflected on the Amnesty Return no later than the last day of the Amnesty Period.

Businesses previously not registered with the Department should begin the registration process to obtain Pennsylvania tax account numbers (PA-100 or apply with the Department of State) by the conclusion of the Amnesty Period. This timely action on the taxpayer's part will assist the Department in reconciling a taxpayer's Amnesty Return and payment information with tax returns filed separately. The lack of an account number(s) does not extend the time allotted to file the Amnesty Return and remit payment nor will the failure to obtain the registration number(s) prevent a taxpayer from participating in the Amnesty Program.

#### 7. *Tax Return Filing*

Along with the payment for all taxes and one-half of the interest, all missing tax returns or reports must be filed electronically or on paper no later than June 18, 2010.

A taxpayer with unknown liabilities reported and paid during the Amnesty Period to the Department and who complies with all other requirements, is not liable for any taxes of the same type due prior to July 1, 2004.

A taxpayer applying to participate in the Amnesty Program with non-filed tax reports should file simple Personal Income Tax, Sales and Use Tax and Employer Withholding Returns electronically. A "Simple" Personal Income Tax return is one which only includes compensation (wages), interest and dividends. Applicable forms should be obtained from the Department's web site and submitted to the Amnesty Program mailing address for all other Personal Income Tax returns, Corporation Tax Reports, including Capital Stock/Franchise and Corporate Net Income Tax reports, and all other taxes.

#### 8. *Payments*

A participating taxpayer must disclose and pay all delinquent taxes and 50% of the applicable interest. Payment for the entire liability and filing of all delinquent tax returns must not be received prior to the beginning of the Amnesty Period or after the close of the Amnesty Program. Payment is considered timely if received electronically or postmarked on or before June 18, 2010.

Abatements of 50% of interest and all penalties only applies to tax returns due for eligible tax periods prior to June 30, 2009. However, all tax returns and payments due after June 30, 2009, must still be filed and the tax paid for a taxpayer to retain his/her eligibility.

Payment of all taxes and interest eligible for the Amnesty Program must be received by the last day of the Amnesty Period, June 18, 2010. A taxpayer will be requested to make payment electronically when filing an Amnesty return online. Electronic payments may be made using ACH Debit, ACH Credit or credit card. Other acceptable methods of payment include certified check, money order or cash.

To be eligible for the benefits of the Amnesty Program, the payment of 50% of the interest due must be paid during the Amnesty Period. Pre-payment of half of the interest prior to the beginning of amnesty to maximize the benefits of tax amnesty will not meet the statutory requirements of Act 48.

Any taxpayer who claims making a single payment would be a serious financial hardship will be allowed to make a payment of half of the amnesty total liability and pay the balance in two payments on or before the conclusion of the Amnesty Program.

Payments on interest and penalties made prior to the Amnesty Period (before April 26, 2010) are not eligible for Tax Amnesty.

#### 9. *Extensions of Time for Filing Requirements*

There is no extension for the filing of missing tax returns and reports eligible for the Amnesty Program. All returns and reports are due by the last day of the Amnesty Period, June 18, 2010.

#### 10. *Deferred Payment Plans*

Taxpayers who enter into duly approved and executed deferred payment plans with the Department are eligible to participate in the Amnesty Program. However, they are limited to the relief from penalty and half of the interest that remains on their payment plan balance as of the date of final tax payment and they must complete payment of the entire delinquency by the close of the Amnesty Period. The relief will not be based on their original balances of tax, penalty and interest at commencement of the payment plan.

Taxpayers who choose to continue making payments according to an authorized payment plan, but do not complete the plan on or prior to the end of the Amnesty Period, are not eligible to participate in the Amnesty Program; however, and any abatement, but they will not be subjected to the 5% non-participation post-amnesty penalty.

#### 11. *Continued Compliance*

The Department may re-impose all penalty and interest abated during the Amnesty Period if either of the following occurs within 2 years of the conclusion of the Amnesty Period:

- The taxpayer becomes delinquent for three consecutive periods for semi-monthly, monthly or quarterly filing or payment unless the taxpayer has timely filed administrative or judicial appeals for the tax delinquency; or

- The taxpayer becomes delinquent for more than 8 months on any filing of reports and or payments due on an annual basis unless the taxpayer has timely filed administrative or judicial appeals for the tax delinquency.

#### 12. *Future Amnesty Participation*

In the event an Amnesty Program is held in the future, a taxpayer participating in the Amnesty Program will be prohibited from participating in future Amnesty Programs.

#### 13. *Post Amnesty Enforcement*

At the conclusion of the Amnesty Period, a 5% non-participation penalty will be imposed on all un-paid tax, penalty and interest not paid in full during the Amnesty Period. Existing deferred payment plans, active appeals and entities in bankruptcy will not be assessed the additional 5% non-participation penalty.

The Department may audit or investigate tax delinquencies reported and/or paid during the Amnesty Program. Any additional taxes assessed by the Department are subject to normal provisions pertaining to imposition of interest and penalties.

#### Last eligible periods for Amnesty Program

<i>Types administered by Tax</i>	<i>Tax System</i>	<i>Periods eligible for Amnesty</i>
Agriculture Cooperative Tax **	CT	1/1/08 to 12/31/08 Due 4/15/09
Bank and Trust Company Shares Tax	CT	1/2/08 to 1/1/09 Due 3/16/09
Capital Stock or Foreign Franchise Tax **	CT	1/1/08 to 12/31/08 Due 4/15/09
Cigarette Tax		4/6/2004 and 10/15/2002
Corporate Net Income Tax **	CT	1/1/08 to 12/31/08 Due 4/15/09
Electric Cooperative Tax	CT	1/1/07 to 12/31/07 Due 7/1/08
Employer Withholding Tax	KITS	01Q09 (P/E 04/30/2009)
Fuel Use Tax		May 2009
Gross Premiums Tax	CT	1/1/08 to 12/31/08 Due 4/15/09
Hotel Occupancy Tax, including Local Hotel Occupancy Tax for Philadelphia and Allegheny County ***	KITS	05M09 (P/E 05/31/2009) 01Q09 (P/E 03/31/2009) SA22008 (P/E 12/31/2008)
Inheritance and Estate Tax	IT	Death of decedent 09/29/08 and prior
IFTA	IMS	1Q09
Interstate Bus Compact Tax		Any delinquent periods

**STATEMENTS OF POLICY**

**6875**

<i>Types administered by Tax</i>	<i>Tax System</i>	<i>Periods eligible for Amnesty</i>
Liquid Fuels Tax		May 2009
Corporate Loans Tax **	CT	1/1/08 to 12/31/08 Due 4/15/09
Marine Underwriting Profits Tax	CT	1/1/08 to 12/31/08 Due 6/1/09
Malt Beverage Tax		May 2009
Motor Carriers Road Tax		1Q09
Motor Vehicle Carriers Gross Receipts Tax	CT	Repealed 1/1/98
Mutual Thrift Institutions Tax **	CT	1/1/08 to 12/31/08 Due 4/15/09
Oil Company Franchise Tax		May 2009
Parimutuel Wagering and Admissions Tax		
Personal Income Tax	PIT	Returns up to and including tax year 2008
Public Utility Realty Tax	CT	1/1/08 to 12/31/08 Due 5/1/09
Realty Transfer Tax		1955 (oldest case) to 06/30/09
Sales and Use Tax, including Local Sales and Use Tax for Philadelphia and Allegheny County ***	KITS	05M09 (P/E 05/31/2009) 01Q09 (P/E 03/31/2009) SA22008 (P/E 12/31/2008)
Surplus Lines Tax	CT	1/1/08 to 12/31/08 Due 1/31/09
Unauthorized Insurance Tax (monthly)	CT	May 09 Due 6/30/09
Financial Institutions Shares and Loans Tax	CT	1/1/08 to 12/31/08 Due 3/16/09
Utilities Gross Receipts Tax	CT	1/1/08 to 12/31/08 Due 3/16/09
Public Transportation Assistance (PTA) ****	N/A	01Q09 (P/E 03/31/2009)
Vehicle Rental Tax (VRT) ****	N/A	01Q09 (P/E 03/31/2009)

\*\* Taxpayer may also be a fiscal filer. Last period eligible 3/1/08 to 2/28/09, Due 6/15/09.

\*\*\* Sales and Use Tax audit assessments are 30 days from the notice date in R802. (Notice table.)

\*\*\*\* PTA and VRT audit assessments will be slightly different. There is a mail date field in the database that must be = < May 29, 2009.

**Commonwealth of Pennsylvania  
Tax Amnesty Return**

<b>PART I - PLEASE COMPLETE ALL FIELDS</b>				
NAME (Last, First, MI)			SOCIAL SECURITY NUMBER	
SPOUSE'S NAME (Last, First, MI)			SOCIAL SECURITY NUMBER	
BUSINESS NAME, IF APPLICABLE			ENTITY ID (Federal Employer Identification Number, SSN, Or a 9-digit DOR assigned number)	
MAILING ADDRESS (Number, Street, Unit)			NAICS Code (for businesses)	
CITY	COUNTY	STATE	ZIP CODE	EMAIL

PART II - TAX PERIODS FOR WHICH AMNESTY IS REQUESTED										
Account #	Tax Type	Tax Period		Action Required	Tax Due	Interest	Penalty	Fees	Total	Taxpayer Action
		Beginning	Ending							
TOTALS										

PART III - OATH & SIGNATURE(S)		
I, the undersigned, as an individual, officer or owner, affirm that I am, or the business entity is eligible for participation in the Tax Amnesty Program and certify, under penalties prescribed by law that this return and the forthcoming documents are true, correct and complete to the best of my knowledge. I further certify that all PA state tax reports, tax returns required to be filed as of June 30, 2009 have been filed. Furthermore, I consent to having the Pennsylvania Department of Revenue conduct an electronic funds transfer from my bank account to satisfy all liabilities.		
YOUR SIGNATURE (electronic)	DATE	DAYTIME PHONE NUMBER
SPOUSE'S SIGNATURE (electronic)	DATE	DAYTIME PHONE NUMBER
PREPARER'S SIGNATURE	DATE	DAYTIME PHONE NUMBER

STEPHEN H. STETLER,  
Secretary

(Editor's Note: For a notice relating to this document, see 39 Pa.B. 6913 (December 5, 2009).)

[Pa.B. Doc. No. 09-2237. Filed for public inspection December 4, 2009, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending November 24, 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

##### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
11-16-2009	Commercial Bank & Trust of PA Latrobe Westmoreland County	West Point Plaza, Suite 1 100 West Point Drive Greensburg Westmoreland County	Opened

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

No activity.

The Department's web site at [www.banking.state.pa.us](http://www.banking.state.pa.us) includes public notices for more recently filed applications.

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 09-2238. Filed for public inspection December 4, 2009, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Recruiting Applicants for Trails Board

The Department of Conservation and Natural Resources (Department) is accepting nominations through January 7, 2010, for three new appointments to the Pennsylvania Recreational Trails Advisory Board (Board). The Board was created on October 29, 1992, in accordance with the provisions of the Transportation Equity Act for the 21st Century (TEA 21) and as amended under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

The Board consists of one member from each of the following nine recreational trail user organizations: hiking, cross-country skiing, off-highway motorcycling, snowmobiling, horseback riding, all-terrain vehicle driving, bicycling, four-wheel driving and water trails. One member also represents physically challenged individuals.

The Board's main responsibilities include advising the Department on the use of Federal trails funding in this Commonwealth, reviewing and ranking trail project applications and presenting an annual report to the Secretary on the accomplishments of the preceding Federal Fiscal Year, including recommendations for changes.

Nominations for the three new appointees are to be made from individuals representing the following trail user organizations: off-highway motorcycling, bicycling and hiking.

Nominations must be submitted to the Department by January 7, 2010. Appointments will be made by the Secretary of the Department. Appointees will serve for 3-consecutive years.

To obtain a nomination form, contact Pennsylvania Recreational Trails Program, P. O. Box 8475, Harrisburg, PA 17105-8475, (717) 787-7672, e-mail: loross@state.pa.us.

For more information about the Department, visit them through the Pennsylvania homepage at [www.state.pa.us](http://www.state.pa.us), or visit the Department directly at [www.dcnr.state.pa.us](http://www.dcnr.state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Lori Ross at (717) 787-7672 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN QUIGLEY,  
*Acting Secretary*

[Pa.B. Doc. No. 09-2239. Filed for public inspection December 4, 2009, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT APPLICATIONS FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

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

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

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

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

### I. NPDES Renewal Applications

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0043672 IW	General Dynamics—OTS (PA), Inc. 200 E. High Street Red Lion, PA 17356-0127	York County Red Lion Borough	Fishing Creek 7I	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0228842	Muddy Run Regional Authority 813 Spruce Street Madera, PA 16661	Clearfield County Bigler Township	Clearfield Creek 8C	Y
PA0228044 (Sewage)	WJM Services, Inc. 52 Zerbe Street Cressona, PA 17929	Bradford Township Clearfield County	UNT to Abes Run CWF	Y

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

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0221236	Robert L. Brocklehurst Brocklehurst Mobile Home Park 306 Fox Mine Road Jackson Center, PA 16133-1434	Jackson Township Mercer County	Unnamed tributary to Fox Run 20-A	Y

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

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

**PA0042889**, SEW, SIC 4952, **Octorara Area School District**, 228 Highland Road, Suite 1, Atglen, PA 19310. This proposed facility is located in West Fallowfield Township, **Chester County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from Octorara Area School District STP.

The receiving stream, unnamed tributary to Knight Run, is in the State Water Plan watershed 7K and is classified for: trout stocking fishery, aquatic life, water supply, and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 30,000 gpd.

Parameters	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Average Monthly	Average Monthly	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	6.25		25.0	50.0
TSS	7.5		30.0	60.0
NH <sub>3</sub> as N				
(05-01 to 10-31)	0.5		2.0	4.0
(11-01 to 04-30)	1.5		6.0	12.0
Phosphorus as P	0.5		2.0	4.0
Fecal Coliform			200 Col./100 ml	1,000 Col./100 ml
Dissolved Oxygen				5.0 (Instantaneous Minimum)
pH			6.0 to 9.0 (STD)	
TRC			0.02	0.04

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

1. Abandon STP When Municipal Sewers Available.
2. Remedial Measures if Unsatisfactory Effluent.
3. No Stormwater.
4. Acquire Necessary Property Rights.
5. Small Stream Discharge.

6. Change of Ownership.
7. Chlorine Minimization.
8. Proper Sludge Disposal.
9. I-Max Limits.
10. 2/Month Monitoring.
11. Fecal Coliform I-Max Reporting.
12. Laboratory Certification.
13. Operator Notification.
14. Operator's Training Plan.

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

**PA0263591**, CAFO, **Apple Shamrock Dairy, LLC**, 32821 Guys Mills Road, Townville, PA 16360, Steuben Township, **Crawford County**.

Description of Size and Scope of Proposed Operation/Activity: The operation is a dairy operation and consists of the farmstead and crop fields. The facility has an existing approved nutrient management plan for the handling of manure and application of manure on farm fields. The nutrient management plan is in the process of being revised and updated. The farm presently has 940.5 AEU's and is planning to expand to 1,155.5 AEU's.

The receiving streams are in the Muddy Creek, Sugar Creek, and Dry Run watersheds. Dry Run is tributary to Sugar Creek and enters Sugar Creek downstream of East Branch Sugar Creek. Sugar Creek (including Dry Run) is classified as CWF. Muddy Creek is classified as HQ-CWF Basin, Source to East Branch Muddy Creek; HQ-TSF from East Branch Muddy Creek to Mackey Run (unnamed tributaries are HQ-CWF); and HQ-TSF Basin, Mackey Run to Mouth.

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 permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

**PA0021598**, Sewage, **Conneaut Lake Joint Municipal Authority**, 9888 Highway 285, P. O. Box 277, Conneaut Lake, PA 16316-0277. This existing facility is located in Sadsbury Township, **Crawford County**.

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

The receiving stream, the Conneaut Outlet, is in watershed 16-D and classified for: warm water fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.1 MGD.

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (MGD)	XX	XX			
CBOD <sub>5</sub>					
(05/01 - 10/31)	138	211	15	23	30
(11/01 - 04/30)	229	367	25	40	50
Total Suspended Solids	275	413	30	45	60
NH <sub>3</sub> -N					
(05/01 - 10/31)	38.5		4.2		8.4
(11/01 - 04/30)	115		12.5		25
Fecal Coliform					
(05/01 - 09/30)		200/100 ml as a geometric average			
(10/01 - 04/30)		2,000/100 ml as a geometric average			
Total Residual Chlorine			0.5		1.6
pH		6.0 to 9.0 standard units at all times			

XX—Monitor and report on monthly DMRs.

The EPA waiver is not in effect.

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

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

**WQM Permit No. 0509201**, Sewerage, **Fish and Boat Commission, Bureau of Engineering and Development**, 450 Robinson Lane, Bellefonte, PA 16823-9616. This proposed facility is located in East St. Clair Township, **Bedford County**.



Description of Proposed Action/Activity: Seeking approval to replace (3) sets of earthen raceways with a tank pavilion structure containing new rearing tanks and to upgrade the water and wastewater treatment systems at the Reynoldsdale State Fish Hatchery.

**WQM Permit No. 6709402, Amendment 09-1**, Sewerage, **York City Sewer Authority**, 345 East Market Street, York, PA 17403. This proposed facility is located in Manchester Township, **York County**.

Description of Proposed Action/Activity: Seeking approval to install the Ostara Process to precipitate the phosphorus and ammonia from the centrifuge centrate at their existing plant.

**WQM Permit No. 3409401**, Sewerage, **Twin Boroughs Sanitary Authority**, One River Drive, P. O. Box 118, Mifflin, PA 17052. This proposed facility is located in Walker and Milford Townships, **Juniata County**.

Description of Proposed Action/Activity: Seeking approval for replacement of existing pumps at 3 pump stations, addition of new electrical and communications equipment at 4 pump stations.

**WQM Permit No. 2172401, Amendment 09-1**, Sewerage, **East Pennsboro Township**, 98 South Enola Drive, Enola, PA 17025. This proposed facility is located in East Pennsboro Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking approval for upgrades to the existing wastewater treatment facility to comply with the Chesapeake Bay Standards.

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

**WQM Permit No. 0283436-A2**, Sewerage, **Pittsburgh Spay and Vaccination Clinic**, 110 Sandy Creek Road, Verona, PA 15147. This existing facility is located in Penn Hills Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for permit amendment to replace existing failed re-circulating sand filter for small flow treatment facility.

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

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

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

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

##### **NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1509037	Penn Wynne HB Limited Partnership P. O. Box 240 Wynnwood, PA 19096-0240	Chester	Honey Brook Township	Unnamed Tributary West Branch Brandywine Creek (HQ-TSF-MF)
PAI01 1509038	Coatesville Area School District Benner Education Center 545 East Lincoln Highway Coatesville, PA 19320	Chester	West Brandywine Caln Townships	West Branch Brandywine Creek (HQ-TSF-MF) Beaver Creek (TSF-MF)
PAI01 0909010	Cold Springs Investment Group 301 Oxford Valley Road Suite 702 Yardley, PA 19067-7713	Bucks	Yardley Borough	Buck Creek/Brock Creek/Delaware River South (WWF)

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

*Wayne County Conservation District: Ag Service Center, 648 Park St., Honesdale, PA 18431, 570-253-0930.*

##### **NPDES**

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026409007	Central Wayne Regional Auth. 100 4th St. Ste. 8 Honesdale, PA 18431	Wayne	Honesdale Boro.	Lackawaxen River HQ-TSF, MF WB Lackawaxen River HQ-TSF, MF Dyberry Creek HQ-CWF, MF

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

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

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

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

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

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

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

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

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—APPLICATIONS**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/ New</i>
Hershey Ag/Lost Creek Farm 586 Benner Road McAlisterville, PA 17049	Juniata	151	982.5	Swine	NA	Update to Act-38

**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**

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

**Application No. 1709503—Construction, Public Water Supply.**

Applicant	<b>Clearfield Municipal Authority</b>
Township or Borough	Lawrence and Goshen Townships
County	<b>Clearfield</b>
Responsible Official	Jeffrey S. Williams, Manager 107 East Market Street Clearfield, PA 16830
Type of Facility	Public Water Supply—Construction

Consulting Engineer	Mark Glenn, P. E. President 3121 Fairway Drive Altoona, PA 16602
Application Received	November 20, 2009
Description of Action	Construction of approximately 26,500 LF of 8" waterline distribution line, pressure reducing vault, 0.150 MG water storage tank to extend water service to portions of Lawrence and Goshen Townships adversely impacted by abandoned mine lands.

**Application No. 1709504—Construction, Public Water Supply.**

Applicant	<b>Quehanna Motivational Boot Camp</b>
Township or Borough	Karthaus Township
County	<b>Clearfield</b>
Responsible Official	Craig F. Bamat Corrections Facility Maintenance Manager 1 Quehanna Motivational Boot Camp 4395 Quehanna Highway Karthaus, PA 16845
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Wilson Fisher, Jr., P. E. Hess & Fisher Engineers, Inc. 36 North Second Street Clearfield, PA 16830
Application Received	November 20, 2009
Description of Action	Development of drilled well TW2 public water supply to replace the existing surface water supply serving the facility.

## 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:

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

**Hallstead Foundry Property**, Main Street (PA Route 11), Hallstead Borough and Great Bend Township, **Susquehanna County**. Glenn Grenoble, Environmental Products and Services of Vermont, Inc., 5100 Paxton Street, Harrisburg, PA 17111 and Martin Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 have submitted a Notice of Intent to Remediate (on behalf of their client, Booth & Sons Scrapyard, Inc., 125 Railroad Street, Moosic, PA 18507), concerning the remediation of soil and groundwater found to have been impacted by inorganics and volatile organic compounds (including benzene, 1,2,4-TMB and 1,3,5-TMB) as a result of historic operations at the site. The applicant proposes to remediate the site to meet the Site-Specific Standard. A summary of the Notice of Intent to Remediate was published in *The Scranton Times* on November 7, 2009.

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

**Former Lancaster Press Building**, City of Lancaster, **Lancaster County**. Environmental Standards, Inc., 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482-0810, on behalf of City of Lancaster, Economic Development and Neighborhood Revitalization,

120 North Duke Street, P. O. Box 1599, Lancaster, PA 17608 submitted a revised Notice of Intent to Remediate site soils contaminated with VOCs, PAHs, PCBs and metals. The currently vacant site will be developed for both residential and nonresidential use. The applicant intends to remediate to the Site-Specific Standard.

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

**Shamokin-Coal Township Joint Sewer Authority Site**, Ralpho Township, **Northumberland County**. Alternative Environmental Solutions, Inc., 480 New Holland Ave., Suite 8203, Lancaster, PA 17602 on behalf of Shamokin-Coal Township Joint Sewer Authority, 114 Bridge St., Shamokin, PA 17872 has submitted a Notice of Intent to Remediate groundwater contaminated with heating oil and waste oil constituents and soil contaminated with 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The applicant proposes to remediate the site to meet the Site-Specific Standard for groundwater and the Statewide Health Standard for soil. The intended future use of the property is commercial use for the expansion of the neighboring Shamokin Coal-Township Joint Sewer Authority Treatment Plant.

**Maschuck Site**, Ralpho Township, **Northumberland County**. Alternative Environmental Solutions, Inc., 480 New Holland Ave., Suite 8203, Lancaster, PA 17602 on behalf of Shamokin-Coal Township Joint Sewer Authority, 114 Bridge St., Shamokin, PA 17872 has submitted a Notice of Intent to Remediate groundwater contaminated with heating oil and waste oil constituents and soil contaminated with 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The applicant proposes to remediate the site to meet the Site-Specific Standard for groundwater and the Statewide Health Standard for soil. The intended future use of the property is commercial use for the expansion of the neighboring Shamokin Coal-Township Joint Sewer Authority Treatment Plant.

**Swank Site**, Ralpho Township, **Northumberland County**. Alternative Environmental Solutions, Inc., 480 New Holland Ave., Suite 8203, Lancaster, PA 17602 on behalf of Shamokin-Coal Township Joint Sewer Authority, 114 Bridge St., Shamokin, PA 17872 has submitted a Notice of Intent to Remediate groundwater contaminated with heating oil and waste oil constituents and soil contaminated with 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The applicant proposes to remediate the site to meet the Site-Specific Standard for groundwater and the Statewide Health Standard for soil. The intended future use of the property is commercial use for the expansion of the neighboring Shamokin Coal-Township Joint Sewer Authority Treatment Plant.

**Tri-State Investments Site**, Ralpho Township, **Northumberland County**. Alternative Environmental Solutions, Inc., 480 New Holland Ave., Suite 8203, Lancaster, PA 17602 on behalf of Shamokin-Coal Township Joint Sewer Authority, 114 Bridge St., Shamokin, PA 17872 has submitted a Notice of Intent to Remediate groundwater contaminated with heating oil and waste oil constituents and soil contaminated with 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The applicant proposes to remediate the site to meet the Site-Specific Standard for groundwater and the Statewide Health Standard for soil. The intended future use of the property is commercial use for the expansion of the neighboring Shamokin Coal-Township Joint Sewer Authority Treatment Plant.

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

**Industrial Steel & Pipe Supply Company**, City of St. Marys, **Elk County**. Quad Three Group, Inc., 72 Glenmaura National Boulevard, Moosic, PA 18507, on behalf of The City of Saint Marys, 11 Lafayette Street, Saint Marys, PA 15857 has submitted a Notice of Intent to Remediate. The cleanup will consist of the removal and off-site disposal of soil contamination and the cleaning of on-site drains. The contamination consists of metals such as arsenic and lead. Future use of the property will include demolition of the existing facility and the construction of a parking garage and a green area. The Notice of Intent to Remediate was published in *The Daily Press* on September 29, 2009. The site will be remediated to meet the Site-Specific Standard.

**CB&I Water Fabrication Facility**, City of Warren, **Warren County**. United Refining Company, 814 Lexington Avenue, Warren, PA 16365 on behalf of Warren County Development Corporation, 308 Market Street, Warren, PA 16365. The site has been historically utilized for metal fabrication. Previous site characterization activities have identified contamination to soil, groundwater, soil gas, and indoor air. Benzene is the primary chemical of concern. Metals to be addressed include arsenic, barium, chromium, and lead. Separate phase hydrocarbons are comprised of gasoline, gasoline intermediate products, fuel oil, and crude oil. Future use of the property will be supporting ongoing United refinery operations, as well as, providing options for future expansion. The site will be remediated to the Special Industrial Area Standard. The Notice of Intent to Remediate was published in *The Times Observer* on September 12, 2009.

#### REGISTRATION UNDER RESIDUAL WASTE GENERAL PERMITS

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

*Southcentral Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**General Permit Registration: WMGR025SC001. Terra-Gro, Inc.**, 350 Nottingham Road, Nottingham, PA 19362.

The Southcentral Regional Office, Waste Management Program has issued WMGR025-SC001, a Registration under Residual Waste General Permit WMGR025 for Terra-Gro, Inc., located at the Oregon Dairy Farm, 2870 Oregon Pike, Lititz, PA, in Manheim Township, **Lancaster County**. The registration was issued by the Southcentral Regional Office on November 16, 2009.

Persons interested in reviewing the general permit may contact John Oren, Facilities Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**OPERATE WASTE PROCESSING OR  
DISPOSAL AREA OR SITE**

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

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

**Permit Application No. 101494. Waste Management of Pennsylvania Inc.**, 1000 New Ford Mill Road, Morrisville, PA 19067. This minor permit modification application is seeking the approval to modify the permit conditions relating to the utilization of the scale complex facility by Tullytown Resource Recovery Facility (TRRF) Landfill, a municipal waste disposal facility located in the Borough of Tullytown and Falls Township, **Bucks County**. The application was received by the Southeast Regional Office on November 13, 2009.

**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.**

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

**25-920D: Waste Management of Pennsylvania, Inc.—Lakeview Landfill** (851 Robison Road East, Erie, PA 16509) for construction of a landfill expansion and increase in carbon monoxide emissions limits associated with existing landfill gas-fired engines at their facility in Summit Township, **Erie County**. This is a Title V facility.

**43-292A: Tri-County Landfill, Inc.** (159 TCI Park Drive, Grove City, PA 16127) for a landfill expansion and installation of two (2) 3,000 cfm enclosed ground flares at their facility in Pine and Liberty Townships, **Mercer County**. This is a Title V facility.

**62-163A: IA Construction** (158 Lindsay Road, Zelienople, PA 16063) for a plan approval to construct a sand and gravel wet processing plant, associated with an existing non-coal surface mining operation (Permit No. 62010302) in Pittsfield Township, **Warren 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. Contact: David Aldenderfer, Program Manager—Telephone: 570-327-3637.*

**41-00077A: Kellogg USA, Inc.** (572 Industrial Park Road, Muncy, PA 17756) for operation of three (3) baking ovens at their Kellogg Muncy Bakers in Muncy Borough, **Lycoming County**. This facility is a non-major facility for air contaminant emissions.

The Department of Environmental Protection's (Department) review of the information submitted by Kellogg USA, Inc. indicates that the air contamination sources to be constructed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements (BAT) of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue a plan approval for the proposed operation. Additionally, if the Department determines that the sources are operating in compliance with the plan approval conditions, the conditions established in the plan approval will be incorporated into the State Only operat-

ing permit via a State Only operating permit application under 25 Pa. Code §§ 127.402 and 127.411.

The plant has been in operation under Kellogg ownership since 1988. The company operates three natural gas-fueled direct-fired bakery ovens, producing foods suitable for vending machines. Ovens No. 1, 2, and 3 are natural gas fired and rated at 12.0 mmBtu/hr, 6.4 mmBtu/hr, and 12.0 mmBtu/hr, respectively. Until recently, the baking lines were believed to be exempt from plan approval requirements and plant emissions were believed to be exempt from operating permit requirements. Volatile organic compound (VOC) emissions from flavorings have now been recognized and quantified and found to be sufficient to require plan approval, subject to the BAT requirement of 25 Pa. Code §§ 127.1 and 127.12. At least one of the plant's emergency generator engines is subject Federal New Source Performance Standard (NSPS) for internal combustion engines.

The emission of VOCs from all sources at the facility will not exceed 49.0 tons in any 12-consecutive month period (CMP). Kellogg is proposing to limit VOC emissions to 25.0 tons in any 12 CMP (for flavorings) for Oven No. 1, 25.0 tons in any 12 CMP for Oven No. 2, and 22.0 tons in any 12 CMP for Oven No. 3.

In addition to the emission limitations, the following is a summary of the types of conditions the Department intends place in the plan approval to ensure compliance with all applicable regulatory requirements including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12.

Testing requirements to verify compliance with emission limitations.

Work practices requirements to ensure operation of the sources with good air pollution control practices.

Monitoring of material usage to enable tracking of compliance with limits on a monthly basis.

Recordkeeping and reporting conditions to verify compliance with emission limitations and all applicable requirements.

A copy of the plan approval application and the Department's review is 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. 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.

**41-00033A: Susquehanna Health System** (777 Rural Avenue, Williamsport, PA 17701) for construction and operation of a natural gas-fired reciprocating internal combustion engine equipped with low NOx electronic control system to control nitrogen oxide (NOx) emissions from the engine, rated at 2,671 brake-horsepower (Source ID P104) and installation of an oxidation catalyst (ID C104) to control the carbon monoxide, volatile organic compound and formaldehyde emissions from the engine at their Williamsport Hospital campus in Williamsport, **Lycoming County**.

The Department of Environmental Protection's (Department) review of the information submitted by Susquehanna Health System indicates that the air contamination source to be constructed will comply with all

regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the best available technology requirements (BAT) of 25 Pa. Code §§ 127.1 and 127. In addition, the engine will meet the requirements of Subpart ZZZZ of the National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR 63.6580—63.6675 and the New Source Performance Standards (NSPS), 40 CFR Part 60 Subpart JJJJ, Sections 60.4230—60.4248. Based on these findings, the Department proposes to issue a plan approval for the proposed construction. Additionally, if the Department determines that the source is operating in compliance with the plan approval conditions, the conditions established in the plan approval will be incorporated into the State Only operating permit via a State Only operating permit application under 25 Pa. Code §§ 127.402 and 127.411.

Source ID P104 consists of a Caterpillar Model G3520C, 4-stroke lean burn (4SLB), natural gas fired, reciprocating internal combustion engine (RICE) with a power rating of 2,671 brake-horsepower (bhp). The air contaminant emissions from Source ID P104 shall be controlled by low NOx electronic control technology and a Sud-Chemie oxidation catalyst, model EnviCat-5314-33.5x3.5x2 (ID C104). The following is a summary of the types of conditions the Department intends to place in the plan approval to ensure compliance with all applicable regulatory requirements including the best available technology requirements of 25 Pa. Code §§ 127.1 and 127.12; Subpart ZZZZ of the National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR 63.6580—63.6675 and Subpart JJJJ of the New Source Performance Standards (NSPS) 40 CFR 60.4230—60.4248.

The air contaminant emissions from the exhaust of ID C104 associated with Source ID P104 shall not exceed the following: carbon monoxide—0.07 grams/brake horsepower-hour, 0.42 pounds per hour and 1.74 tons in any 12-consecutive month period; nitrogen oxides—0.5 grams/brake horsepower-hour, 2.94 pounds per hour and 12.20 tons in any 12-consecutive month period; total volatile organic compounds—0.15 grams/brake horsepower-hour, 0.58 pounds per hour and 2.41 tons in any 12-consecutive month period; particulate matter—0.007 pounds per hour and 0.03 tons in any 12-consecutive month period; sulfur oxides—0.002 pounds per hour and 0.008 tons in any 12-consecutive month period; non-methane, non-ethane hydrocarbons—0.42 pounds and 1.74 tons in any 12-consecutive month period and formaldehyde—0.16 pounds per hour and 0.67 tons in any 12-consecutive month period. Additionally, the removal efficiency for CO shall not be less than 97% from the oxidation catalyst.

Testing requirements to verify compliance with emission limitations.

Work practices requirements to ensure operation of the sources with good air pollution control practices.

Monitoring of operating parameters which includes temperature and differential pressure ranges for the oxidation catalyst to verify compliance with good operating practice.

Recordkeeping and reporting requirements regarding demonstration of compliance with the emission limitations and all applicable NSPS and MACT requirements.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Re-

gional 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. 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.

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

**32-00197: Purchase Line School District** (16559 Route 286 Hwy E, P. O. Box 374, Commodore, PA 15729-8309) for continued operation of two coal boilers and an emergency generator at the Junior/Senior High School in Green Township, **Indiana County**. This is for renewal of the state-only operating permit issued in 2005.

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

**20-303A: Crawford Central School District** (860 Thurston Road, Meadville, PA 16335) for authorization to construct and operate a 9.5 mmBtu/hr Biomass Combustion Unit and Multi-clone control device as described in the applicant's application dated August 19, 2009 in the City of Meadville, **Crawford County**.

Pursuant to 25 Pa. Code §§ 127.44(a) and 127.424(b) the Department of Environmental Protection (Department) intends to issue a Plan Approval for their plant located in the City of Meadville, Crawford County. This plan approval will authorize the applicant to construct and operate a 9.5 mmBtu/hr Biomass Combustion Unit and Multi-clone control device as described in the applicant's application dated August 19, 2009.

The biomass unit will be fueled by virgin chipped wood with an average ash content of 2% and a moisture content of approximately 38%. At no time shall particle-board, flake-board, preservative treated wood, coated or painted wood, laminated wood, construction or demolition waste or any other material be burned without approval from the Department. The unit will only operate during the months of September through the end of May to provide heat to the buildings. The fuel will be stored in an enclosed building abutting the biomass unit. The biomass unit will be equipped with a multi-clone control device with a removal efficiency of 65% that was considered BAT. Fly ash will not be re-injected into the operation and therefore will be collected into a closed dumpster below the multi-clone for disposal. Crawford Central anticipates a startup date of October 15, 2010. Performance testing will be conducted within 180 days of startup to determine compliance with PM, filterable PM10, CO and NOx emissions limits set forth in the plan approval.

The permittee shall perform daily visible observations of the stack when the source and control device is in operation, record daily magnehelic readings, and daily fuel usage. Seasonal shutdowns and weekly preventative maintenance inspections shall be performed and recorded. The permittee shall keep monthly records of the PM, PM10, CO, NOx, SOx and VOC emissions to demonstrate compliance with emission limitations of: 2.39 lbs/hr and 7.84 tpy PM; 2.17 lbs/hr and 7.1 tpy PM10; 5.7 lbs/hr and 18.7 tpy CO; 3.12 lbs/hr and 10.21 tpy NOx; .238 lbs/hr

and .78 tpy SOx; and 0.16 lbs/hr and 0.53 tpy VOC. The source is not considered major pre-controlled, therefore, CAM is not applicable.

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

Anyone wishing to provide the Department with additional information they believe should be considered may submit the information to the address shown. Comments must be received, by the Department, within 30 days of the last day of publication. Written comments should include the following:

1. Name, address, and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 20-303A.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

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

#### OPERATING PERMITS

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

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

**65-00042: Ranbar Electrical Materials, Inc.**, (P. O. Box 607, Manor, PA 15665) for continued operation of their electrical coating materials processing plant in Manor Borough, **Westmoreland County**. This is a renewal of their 2005 Title V Operating Permit.

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

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: David Aldenderfer, Program Manager—Telephone: 570-327-3637.*

**14-00022: State College Area School District** (131 West Nittany Avenue, State College, PA 16801) for their junior-senior high school in State College Borough, **Centre County**. The facility's main sources include five (5) natural gas/#2 fuel oil fired boilers, and four (4) natural gas fired emergency generators. The facility has taken a synthetic minor restriction to limit its potential SOx emissions below Title V thresholds. The facility has the potential to emit NOx, CO, PM (PM10), VOCs, and

HAPs below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

**14-00029: Con-Stone, Inc.** (P. O. Box 28, Bellefonte, PA 16823) for their limestone crushing and processing facility in Haines Township, **Centre County**. The facility's main sources include a primary crusher, secondary crusher, tertiary crusher and associated material sizing and conveying equipment. The facility has taken a synthetic minor restriction to limit its potential fugitive particulate matter (PM-PM10) emissions 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. Contact: Matthew Williams, New Source Review Chief—Telephone: 814-332-6940.*

**37-00307: PSC Metals Inc.—New Castle Plant** (P. O. Box 310, Slippery Rock, PA 16057-0310) to re-issue the Natural Minor Operating Permit for this scrap metal processing facility at 214 Gardner Avenue, New Castle City, **Lawrence County**. This re-issuance also incorporates a Minor Operating Permit Modification that authorized the use of cutting torches outside the confines of the emission control system.

## 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 suffi-

cient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based.

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

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

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

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

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

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

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

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



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

#### Coal Applications Received

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

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

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

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

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

**32090106 and NPDES No. PA0262927. Thomas J. Smith, Inc.**, 2340 Smith Road, Shelocta, PA 15774, commencement, operation and restoration of a bituminous surface and auger mine in Burrell Township, **Indiana County**, affecting 204.2 acres. Receiving stream(s): unnamed tributaries to Blacklick Creek to Blacklick Creek to the Conemaugh River and unnamed tributaries to Weirs Run to Blacklick Creek to the Conemaugh River classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: November 9, 2009.

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

**63080102 and NPDES Permit No. PA0251429. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258). Application received to revise permit to change the postmining land use from forestland to pastureland/land occasionally cut for hay at an existing bituminous surface mining site located in Somerset Township, **Washington County**, affecting 187.8 acres. Receiving streams: unnamed tributaries to Center Branch Pigeon Creek, classified for the following use: warm water fishes. The first downstream potable water supply intake from the point of discharge is Eighty Four Mining Company No. 60 Reservoir. Application received: November 16, 2009.

**04070104 and NPDES Permit No. PA0251291. R & R Mining, LLC** (21101 Route 19, Cranberry Township, PA 16066). Application received to transfer permit currently issued to Mashuda Corporation for continued operation and reclamation of a bituminous surface/auger mining site located in Franklin and Perry Townships, **Beaver and Lawrence Counties**, affecting 103.8 acres. Receiving streams: unnamed tributaries to Slippery Rock

Creek, classified for the following uses: cold water fishes. The first downstream potable water supply intake from the point of discharge is Pennsylvania American Water Company, Elwood City. Application received: November 10, 2009.

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

**16040101 and NPDES Permit No. PA0242489. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous strip operation in Limestone Township, **Clarion County** affecting 29.5 acres. Receiving streams: Piney Creek, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. This application is for reclamation only. Application received: November 18, 2009.

**33090106 and NPDES Permit No. PA0258792. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801). Commencement, operation, and restoration of a bituminous surface strip operation in Knox Township, **Jefferson County** affecting 54.1 acres. Receiving streams: Unnamed tributaries to Five Mile Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: November 13, 2009.

**1361-33090106-E-1. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801). Application for a stream encroachment to affect and mine inside the 100 foot barrier of intermittent unnamed tributary #2 to Five Mile Run. The variance is to allow mining and support activities up to within 50 feet of the stream channel. Receiving streams: Unnamed tributaries to Five Mile Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: November 13, 2009.

**24090102 and NPDES Permit No. PA0258806. Tamburlin Brothers Coal Co., Inc.** (P. O. Box 1419, Clearfield, PA 16830). Commencement, operation and restoration of a bituminous surface strip operation in Fox Township, **Elk County** affecting 145.0 acres. The Department of Environmental Protection has made a tentative determination to impose effluent limitations with the ranges specified in Table 1 for Iron 2.7 on Unnamed Tributary to Little Toby Creek in addition to the limits identified in Table 2. Receiving streams: Unnamed tributaries to Little Toby Creek, Limestone Run, and unnamed

tributary to Sawmill Run, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: November 17, 2009.

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

**17040111 and NPDES No. PA0243892. Swisher Contracting, Inc.** (P. O. Box 1223, Clearfield, PA 16830). Permit renewal of an existing bituminous surface mine operation in Lawrence Township, **Clearfield County**, affecting 41.8 acres. Receiving streams: Unnamed tributary to Moose Creek, Moose Creek to the West Branch Susquehanna River. There are no potable water supply intakes within 10 miles downstream. The applicant has requested revision of baseline pollution load for pre-existing (Subchapter F) discharges 3, 4, 11, and 16. Application received: November 13, 2009.

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

**54040203R. Wheelabrator Culm Services, Inc.**, (4 Liberty Lane West, Hampton, NH 03842), renewal of an existing coal refuse reprocessing operation in Mahanoy Township, **Schuylkill County** affecting 42.1 acres, receiving stream: none. Application received: October 26, 2009.

**54-305-002GP12R. Wheelabrator Culm Services, Inc.**, (4 Liberty Lane West, Hampton, NH 03842), renewal of an existing coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54040203 in Mahanoy Township, **Schuylkill County**. Application received: October 26, 2009.

**40940101R3. Pioneer Aggregates, Inc.**, (215 East Saylor Street, Laflin, PA 18702), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Laflin Borough, **Luzerne County** affecting 117.0 acres, receiving stream: none. Application received: November 2, 2009.

**19881301R4 and NPDES Permit No. PA0223549. UAE CoalCorp Associates**, (P. O. Box 0306, Mt. Carmel, PA 17851-0306), renewal of an existing anthracite underground mine operation in Conyngham and Mount Carmel Townships, **Columbia and Northumberland Counties** affecting 34.1 acres, receiving stream: Shamokin Creek. Application received: November 2, 2009

#### *Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**10040301. Raducz Stone Corporation** (284 Rockdale Road, Butler, PA 16002) Renewal of NPDES Permit No. PA0242471 in Penn Township, **Butler County**. Receiving streams: Unnamed tributary to Thorn Creek, classified for the following Statewide water uses: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received: November 18, 2009.

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

**58000830. Chester E. Kilmer, Jr.**, (c/o Connie Ely, Estate Executive, R. R. 1, Box 244 A, Montrose, PA 18801), Stages I and II bond release from a quarry operation in Jackson Township, **Susquehanna County** affecting 2.0 acres on property owned by Ed & Shirley Nelson. Application received: October 28, 2009.

**58030823. Chester E. Kilmer, Jr.**, (c/o Connie Ely, Estate Executive, R. R. 1, Box 244 A, Montrose, PA 18801), Stages I and II bond release from a quarry

operation in Great Bend Township, **Susquehanna County** affecting 3.0 acres on property owned by Chester Kilmer Estate. Application received: October 28, 2009.

**8073SM5A1C9 and NPDES Permit No. PA0013731. Gill Quarries, Inc.**, (P. O. Box 187, Fairview Village, PA 19409), correction to an existing quarry operation to decrease permitted acres from 98.0 to 42.5, for a stream variance and post-mining land use change in East Norriton Township, **Montgomery County**, receiving stream: tributary to West Branch of Stoney Creek, classified for the following use: trout stock fishery. Application received: November 12, 2009.

**38970301C2 and NPDES Permit No. PA0224448. Haines & Kibblehouse, Inc.**, (P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage in Cornwall Borough, **Lebanon County**, receiving stream: Snitz Creek, classified for the following use: trout stock fishery. Application received: November 16, 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 Floodplain Management Act (32 P. S. § 679.302) and requests for certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E22-551: Lower Swatara Township**, 1499 Spring Garden Drive, Middletown, PA 17057, Lower Swatara Township, **Dauphin County**, ACOE Baltimore District.

The applicant proposes to:

1. construct and maintain a 128-foot long, 20-foot wide by 9-foot high box culvert with baffles, depressed 1.0 foot into the streambed of an unnamed tributary to Susquehanna River (Steelton, PA Quadrangle Latitude: 40° 11' 57"; Longitude: -76° 45' 23", N: 13.5 inches; W: 0.8 inch);

2. construct and maintain a 60-foot long, 19-foot wide by 9-foot high box culvert with baffles, depressed 1.0 foot into the streambed of an unnamed tributary to Susquehanna River (Steelton, PA Quadrangle Latitude: 40° 11' 58"; Longitude: -76° 45' 21", N: 13.8 inches; W: 0.8 inch);

3. construct and maintain a 32-foot long, 20-foot wide by 9-foot high box culvert with baffles, depressed 1.0 foot into the streambed of an unnamed tributary to Susquehanna River (Steelton, PA Quadrangle Latitude: 40° 11' 55"; Longitude: -76° 45' 19", N: 13.5 inches; W: 0.6 inch);

4. remove 465.0 feet of dual 60-inch diameter Reinforced Concrete Pipe culverts and construct and maintain 292.0 feet of open stream with floodplain bench (Steelton, PA Quadrangle Latitude: 40° 11' 58"; Longitude: -76° 45' 20", N: 13.5 inches; W: 0.7 inch); and

5. construct and maintain 16 outfall structures discharging to an unnamed tributary to the Susquehanna River along the proposed Meade Avenue corridor (Steelton, PA Quadrangle Latitude: 40° 11' 58"; Longitude: -76° 45' 20", N: 13.5 inches; W: 0.7 inch).

The purpose of the project is to extend Meade Avenue to SR 230, providing improved access to the Linden Centre Property, the SARAA property, Hunter Lane and University Drive, involving regulated activities in Lower Swatara Township, Dauphin County.

**E01-289: John Lott, Bream & Bear LTD**, 1415 Potato Road, Aspers, PA 17304-9715, Butler Township, **Adams County**, ACOE Baltimore District.

The applicant proposes to divert a 710-foot long section of an unnamed tributary to Opossum Creek (WWF) into an adjacent unnamed tributary to Opossum Creek. A 435-foot open, flat bottom channel will be constructed and maintained for the diversion of the unnamed tributary. The abandoned section of the unnamed tributary will be filled in with 630.0 cubic yards of material taken from the site as part of development. The applicant further proposes to construct and maintain an 80-foot length of 30-inch SLCPP culvert for a road crossing in an unnamed tributary to Opossum Creek (WWF) and construct and maintain a 20-foot length of 6.33-inch rise, bottomless arch culvert pipe for a road crossing in an unnamed tributary to Opossum Creek (WWF). (Gettysburg, PA Quadrangle N: 10.0 inches; W: 12.18 inches, Latitude: 39° 48' 18"; Longitude: 77° 12' 42") for the purpose of constructing a cold storage facility located at 692 Carlisle Road (PA Route 34), Butler Township, Adams County.

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

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

**E50-246: Trout Brothers Farm, LLC, Mike Trout**, R. D. 2, Box 200C, 508 Red Rock Road, Loysville, PA 17047, Jackson Township, **Perry County**, ACOE Baltimore District.

To construct and maintain ten 24-inch diameter by 26-foot long concrete pipe culverts with a minimum 6-inch depression in Sherman Creek (HQ-CWF) located immediately upstream of the covered bridge just south of the Adams Grove and Red Rock Roads intersection, for the purpose of accessing agricultural lands (Andersonburg, PA Quadrangle N: 14.50 inches; W: 16.27 inches, Latitude: 40° 19' 45"; Longitude: 77° 29' 30") in Jackson Township, Perry County.

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

**E03-450. Department of Transportation, District 10-0**, Route 286 South, P. O. Box 429, Indiana PA 15701. To construct and maintain replacement bridge in Freeport Borough and South Buffalo Township in **Armstrong County** and Buffalo Township in **Butler County**, Pittsburgh ACOE District. The applicant proposes to:

1. remove the existing SR 128/356, 33 ft wide, west bound, 4 span bridge having a total length of 365 ft, and having an underclearance of 34 ft; over Buffalo Creek (TSF) with a drainage area of 170.2 square miles. This bridge connects South Buffalo Township to the west to Freeport Borough to the east (Freeport, PA Quadrangle N: 9.3 inches; W: 9.1 inches, Latitude: 40° 40' 34"; Longitude: 79° 41' 26").

2. remove the existing SR 128/356, 44 ft wide, east bound, 5 span bridge having a total length of 334 ft, and having an underclearance of 42 ft over Buffalo Creek (TSF) with a drainage area of 170.3 square miles. This Bridge is located downstream of the item 1 bridge between South Buffalo Township and Freeport Borough (Freeport, PA Quadrangle N: 8.9 inches; W: 9.2 inches, Latitude: 40° 40' 25"; Longitude: 79° 41' 31").

3. construct and maintain a replacement SR 128/356, 60.5 ft wide, 3 span bridge having a total length of 338 ft, and having an underclearance of 42 ft over Buffalo Creek (TSF) with a drainage area of 170.2 square miles. This bridge will be located between the two removed bridges (Freeport, PA Quadrangle N: 9.1 inches; W: 9.2 inches, Latitude: 40° 40' 30"; Longitude: 79° 41' 29").

4. construct and maintain a replacement of 150 ft of 78 inch RCP enclosure, 170 ft of concrete channel and 60 ft of natural stream channel in an unnamed tributary of Buffalo Creek with a drainage area of 164 acres extending from Buffalo Township, Butler County to the adjoining South Buffalo Township, Armstrong County (Freeport, PA Quadrangle N: 8.7 inches; W: 9.4 inches, Latitude: 40° 40' 22"; Longitude: 79° 41' 34").

5. construct and maintain approximately 505 ft of stream impacts (total relocations and smaller diameter culverts) in unnamed tributaries to Buffalo Creek with drainage areas less than 100 acres, temporary causeways for pier work, and associated stormwater outfalls.

In addition a total of 0.18 acre of PEMPSS wetland will be filled and maintained, and wetland mitigation will be provided at the Department of Transportation's Armstrong County Wetland Bank. This project is associated with SR 128/356 reconstruction and improvement work with these encroachments located in Buffalo Township in Butler County, South Buffalo Township in Armstrong County, and Freeport Borough in Armstrong County (Freeport, PA Quadrangle beginning from North 8.7 inches; West 9.4 inches, Latitude: 40° 40' 22"; Longitude: 79° 41' 34"; and ending North 9.3 inches and West 9.1 inches, Latitude: 40° 40' 34"; Longitude: 79° 41' 26").

**E26-355. Alpha PA Coal Terminal, LLC**, P. O. Box 1020, 159 Portal Road, Waynesburg, PA 15370. To operate a barge dock and mooring facility in Luzerne Township, **Fayette County**, Pittsburgh ACOE District (California, PA Quadrangle N: 1.8 inches; W: 15.95 inches, Latitude: 40° 00' 36"; Longitude: 79° 59' 20"). The applicant proposes to operate and maintain an existing barge dock and mooring facility approximately 3,450 feet long by 211 feet wide, starting from Cell No. 4 extending upstream to Cell No. 46 (Upstream Icebreakers) at mile post 63.5

along the right bank of the Monongahela River (WWF), excluding the conveyor bridge at mile post 63.16, which will remain to Matt Canestrone Contracting, Inc. Also, to perform maintenance dredging at said locations. The LaBelle site is an existing coal loading facility located in Luzerne Township, Fayette County. The existing permittee—Matt Canestrone Contracting, Inc. (permit No. E26-229) sold said barge dock facility.

**E56-352. Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106-7676. To construct and maintain RCP enclosure fill in for relocated road crossing and stormwater outfalls from new road construction in Somerset Township in **Somerset County** Pittsburgh ACOE District (Somerset, PA Quadrangle North: 7.2 inches; West: 19.6 inches, Latitude: 40° 2' 23"; Longitude: 79° 6' 23"). The applicant proposes to construct and maintain:

1. a 170 ft long 32 inch diameter RCP enclosure of an unnamed tributary of the East Branch of Coxes Creek (WWF) with a drainage area of less than 100 acres under the to be constructed Husband Road (SR 4009) Turnpike overpass relocation;

2. permanent fill in a total of 1.78 acres of a 5.33 acre PSS/PEM wetland bisected by the relocated Husband Road crossing;

3. stormwater outfalls from new road construction;

Wetland mitigation is proposed to be provided at the Department of Transportation's Louie Beach Advanced Wetland Compensation Site, Somerset County. This project is associated with the Turnpike improvements and intersecting road changes starting approximately 1.5 miles northwest of Somerset and extending northwest approximately 0.3 mile.

*Northeast Region: Bureau of Abandoned Mine Reclamation, Wilkes-Barre District Office, 2 Public Square, 5th Floor, Wilkes-Barre, PA 18711-0790, 570-826-2371.*

**E3511-003: Bureau of Abandoned Mine Reclamation**, Wilkes-Barre District Office. **Jessup Cemetery Channel Repair Project** in Jessup Borough, **Lackawanna County**, ACOE Baltimore District, Olyphant, PA Quadrangle N: 17.50 inches; W: 8.20 inches.

To perform the following water obstruction and encroachment activities associated with abandoned mine discharge treatment.

This project will consist of the maintenance repair of a channel that was listed as an AML feature #03 and reclaimed as part of a larger OSM project in 2004. Several heavy rain events flooded through the channel and reshaped the channel by cutting through the flood plain. The work will be performed in the channel and partly along the flood plain that was formed as part of the prior reclamation effort. The previous OSM project reshaped the stream into a natural meandering layout with a flood plain on both sides. There are no openings or possible bat habitats affected by the reconstruction work which is inside the original project limits.

The project will cover about 2 acres including the channel and floodplain repair. The channel will be lined with riprap and the floodplain will be graded and seeded for use in time of flooding.

## 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 pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### **I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0083623 - IW	TB Woods, Inc. 440 North Fifth Street Chambersburg, PA 17201-1778	Franklin County Chambersburg Borough	UNT Falling Spring Creek in Watershed 13-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0045993 SP	Ulysses Municipal Authority 518 Main Street Ulysses, PA 16948-9602	Potter County Ulysses Borough	Unnamed Tributary to Genesee River 14	Y
PA0035777 IW	Hoeganaes Corporation 1315 Airport Road Gallatin, TN 37066	Northumberland County Delaware Township	Unnamed Tributary To Muddy Run 10D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0217468 Industrial Waste	Beaver Falls Municipal Authority 1425 8th Avenue P. O. Box 400 Beaver Falls, PA 15010	Beaver County Eastvale Borough	Beaver River	Y
PA0205800 Industrial Waste	Southwestern PA Water Authority P. O. Box 187 Jefferson, PA 15010	Greene County Cumberland Township	Monongahela River	Y
PA0252468 Industrial Waste	Kittanning Suburban Joint Water Authority R. R. #1, Box 23 Adrian, PA 16210	Armstrong County East Franklin Township	Allegheny River	Y
PA0028134 Industrial Waste	PA-American Water Company 800 West Hersheypark Drive P. O. Box 888 Hershey, PA 17033	Armstrong County Rayburn Township	Allegheny River	Y
PA0205761 Sewage	S-2 Properties P. O. Box 24509 Pittsburgh, PA 15234-4509	Beaver County Hanover Township	UNT of Little Traverse Creek	Y
PA0096521 Sewage	DCNR Bureau of State Parks Ohiopyle State Park P. O. Box 105 168 Dinnerbell Road Ohiopyle, PA 15470	Fayette County Stewart Township	Meadow Run	Y
PA0098400 Sewage	Albert Gallatin School District 2625 Morgantown Road Uniontown, PA 15401	Fayette County Springhill Township	Georges Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0025461	South Watson Run STP 9868 South Watson Run Road Meadville, PA 16335	Vernon Township Crawford County	Watson Run 16-D	Y
PA0024899	Lake City Wastewater Treatment Plant 1150 Maple Avenue Lake City, PA 16423	Lake City Borough Erie County	Elk Creek 15	Y
PA0102547	Oak Springs Mobile Home Park, Inc. P. O. Box 1922 Cranberry Township, PA 16066	Cranberry Township Butler County	Unnamed tributary to Brush Creek 20-C	Y
PA0100200	Reynolds Disposal Company 301 Arlington Drive Greenville, PA 16125-8214	Pymatuning Township Mercer County	Unnamed tributary to the Shenango River 20-A	Y

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

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

**NPDES Permit No. PA0011282**, Industrial Waste, **Aqua Pennsylvania, Inc.**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010. This proposed facility is located in Springfield Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge industrial wastewaters from a facility known as Crum Creek Water Filtration Plant into Crum Creek in Watershed 3G.

**NPDES Permit No. PA0054402**, Industrial Waste, **Emerson Electric Co.**, 8000 West Florissant Avenue, St. Louis, MO 63136. This proposed facility is located in Hatfield Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated groundwater from an air stripper treatment unit located at 407 West Vine Street, Hatfield, PA 19440. Into the West Branch Neshaminy Creek in Watershed 2F.

**NPDES Permit No. PA0055913**, Industrial Waste, **Corco Chemical Corporation**, Tyburn Road and Cedar Lane, Fairless Hills, PA 19030. This proposed facility is located in Falls Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated groundwater and non-contact cooling water into Corco Lakes Nos. 1 and 2 in Watershed 2E.

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

**WQM Permit No. 4508407**, Sewerage, **CB H20, L.P.**, P. O. Box 168, Tannersville, PA 18372. This proposed facility is located in Pocono Township, **Monroe County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

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

**NPDES Permit No. PA0261386**, Sewage, **Albert Kuhn**, P. O. Box 121, Carlisle, PA 17013. This proposed facility is located in North Middleton Township, **Cumberland County**.

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

**NPDES Permit No. PA0044628**, Industrial Waste, **York Haven Power Company, LLC**, P. O. Box 67, York Haven, PA 17370. This proposed facility is located in York Haven Borough, **York County**.

Description of Proposed Action/Activity: Permit Amendment.

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

**NPDES Permit No. PA0267694**, CAFO, **Zylstra Dairy, Inc.**, 1161 Geiger Road, Friedens, PA 15541. This facility is located in Somerset Township, **Somerset County**.

Andrew Zylstra submitted an NPDES permit application for the Zylstra Dairy Farm, an existing dairy operation in Somerset Township, Somerset County. The CAFO is situated near an unnamed tributary to South Fork Beaverdam Creek, which is classified as HQ-CWF. The CAFO has a target animal population of approximately 798 animal equivalent units consisting of 520 mature dairy cows, 80 dry cows and 20 beef heifers. There is one clay lined liquid manure storage facility on the farm. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

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

**NPDES Permit No. PA0103098**, Industrial Waste, **Reynolds Water Company**, 301 Arlington Drive, Greenville, PA 16125-8214. This proposed facility is located in Pymatuning Township, **Mercer County**.

Description of Proposed Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated industrial waste.

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

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

**WQM Permit No. 3609401, Amendment 09-1**, Sewerage, **Lancaster Area Sewer Authority**, 130 Centerville Road, Lancaster, PA 17603. This proposed facility is located in Manor Township, **Lancaster County**.

Description of Proposed Action/Activity: Amendment to existing permit for design changes.

**WQM Permit No. 2809401**, Sewerage, **Antrim Township Municipal Authority**, 10655 Antrim Church Road, Greencastle, PA 17225. This proposed facility is located in Antrim Township, **Franklin County**.

Description of Proposed Action/Activity: Permit approval for modifications of sewerage facilities consisting of: Replacement of Lift Station No. 4 with a gravity sewer system.

**WQM Permit No. 2109406**, Sewerage, **Albert Kuhn**, P. O. Box 121, Carlisle, PA 17013. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of: a small flow treatment facility with septic tank, Ecoflo peat filter, and chlorine disinfection.

**WQM Permit No. 2109405**, Sewerage, **Carlisle Borough**, 53 West South Street, Carlisle, PA 17013. This proposed facility is located in Carlisle Borough, **Cumberland County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of sewerage facilities consisting of: Phase 1 conversion of activated sludge process to BNR and installation of cloth disk filters.

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

**WQM Permit No. 0409403**, Sewerage, **Patterson Township Municipal Authority**, 1600 19th Avenue, Beaver Falls, PA 15010. This proposed facility is located in Patterson Township, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a Gravity sewer replacement.

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

**WQM Permit No. WGQ018711**, Sewerage, **Don Ailes**, 16075 Spirit Hill Road, Corry, PA 16407. This proposed facility is located in Pittsfield Township, **Warren County**.

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

**WQM Permit No. WQG018718**, Sewerage, **Dallas McHenry**, 1103 Miller Hill Road, Warren, PA 16365. This proposed facility is located in Farmington Township, **Warren County**.

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

**WQM Permit No. WQG018720**, Sewerage, **Kelly P. Nelson**, 647 Egypt Hollow Road, Warren, PA 16365. This proposed facility is located in Glade Township, **Warren County**.

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

**WQM Permit No. 3709401**, Sewerage, **Thomas Adamezyk**, 453 Frew Road, Ellwood City, PA 16117-7625. This proposed facility is located in Slippery Rock Township, **Lawrence County**.

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

#### IV. NPDES Stormwater Discharges from MS4 Permit Actions

#### V. NPDES Waiver Stormwater Discharges from MS4 Actions

#### VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions

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

##### NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 1509023	Margay B. Grose 117 Sugartown Road Devon, PA 19333	Chester	Easttown Township	Little Darby and Darby Creeks (CWF)

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

##### NPDES

Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI026609002	Dept. of Transportation Engineering Dist. 4-0 55 Keystone Ind. Park Dunmore, PA 18512	Wyoming	Forkston Twp.	Mehoopany Creek HQ-CWF, MF

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

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

#### List of NPDES and/or Other General Permit Types

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)



## NOTICES

6897

*General Permit Type—PAG-2**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bensalem Township Bucks County	PAG200 0908010	SRI—The Landings Associates, LP 1008 Upper Gulph Road Wayne, PA 19087	Delaware River (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Fallowfield Township Chester County	PAG200 1509022	Coatesville Area School District Benner Education Center 545 East Lincoln Highway Coatesville, PA 19320	Dennis Run (WWF) Bucks Run (TSF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
East Fallowfield Township Chester County	PAG200 1508055	Real Estate Finders, LLC 702 Lenape Road West Chester, PA 19382	Unnamed Tributary to West Branch Brandywine Creek (WWF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Haverford Township Delaware County	PAG200 2309017	School District of Haverford Township 50 East Eagle Road Havertown, PA 19083	Cobbs Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG201 5109036	City of Philadelphia Department of Public Property 1515 Arch Street, 11th Fl One Parkway Building Philadelphia, PA 19102	Pennypack Creek (WWF-MF)	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Butler Twp. Luzerne Co.	PAG2004009017	Dept. of Transportation Dist. 4-0 Attn: Debbie A. Noone 55 Keystone Ind. Park Dunmore, PA 18512	Nescopeck Creek TSF, MF	Luzerne Co. Cons. Dist. 570-674-7991
Pine Grove Twp. Schuylkill Co.	PAG2005409002	Cocca Development, LTD 100 DeBartolo Place, Ste. 400 Boardman, OH 44512-6099	Tributary to Swatara Creek CWF, MF	Schuylkill Co. Cons. Dist. 570-622-3742
Whitehall Twp. Lehigh Co.	PAG2003909006	Coplay—Whitehall Sewer Authority Attn: John Schreiner 3213 Macarthur Rd. Whitehall, PA 18052	Coplay Creek CWF, MF	Lehigh Co. Cons. Dist. 610-391-9583
North Codorus Township York County	PAG2006709047	John Shearer Partnership 213 Carlisle Street Hanover, PA 17331 and H & H General Excavating Co. 660 Old Hanover Road Spring Grove, PA 17362	UNT to South Branch Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Butler County Adams Township	PAG2 0010 09 015	Donald Aiken, Chairperson Board of Supervisors Adams Township 690 Valencia Road Mars, PA 16046	UNT Breakneck Creek WWF	Butler County Conservation District 724-284-5270
Lawrence County Shenango Township	PAG2 0037 05 008	KR Development Group Ron Esposito Fields Subdiv Phase IIA 2400 Old Butler Rd. New Castle, PA 16101	UNT Big Run WWF	Lawrence County Conservation District 724-652-4512

*General Permit Type—PAG-3**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name & Address**Receiving Water/Use**Contact Office &  
Phone No.*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lancaster County New Holland Borough Earl Township	PAR803534	Sindall Truck Service, LLC 465 Diller Avenue New Holland, PA 17557	UNT to Mill Creek WWF—7J	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Point Township Northumberland County	PAR804877	Northumberland Terminals Corporation P. O. Box 2621 Harrisburg, PA 17105	Lithia Spring Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
City of Williamsport Lycoming County	PAR204821	Williamsport Foundry Co., Inc. 164 Maynard Street Williamsport, PA 17701	West Branch Susquehanna River WWF and MF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Delmar Township Tioga County	PAR804854	Northern Tier Solid Waste Authority Tiadaghton Area Transfer Station P. O. Box 10 Burlington, PA 18814	Marsh Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Potter County Genesee Township	PAR404804	Dominion Transmission, Inc. 685 Pump Street Genesee, PA 16923	Rose Lake Run to West Branch of Genesee River CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
South Strabane Township Washington County	PAR806161	UPS, Inc. 521 North Center Avenue New Stanton, PA 15672	UNT of Two Lick Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Cranberry Township Venango County	PAR808346	United Parcel Service, Inc. 521 North Center Avenue New Stanton, PA 15672	Unnamed tributary to Lower Two Mile run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Pittsfield Township Warren County	PAG049534	Don Ailes 16075 Spirit Hill Road Corry, PA 16407	Unnamed tributary to Miles Run 16-B	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Farmington Township Warren County	PAG049540	Dallas McHenry 311 Prospect Street Warren, PA 16365	Unnamed tributary of Jackson Run 16-B	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Glade Township Warren County	PAG049542	Kelly P. Nelson 647 Egypt Hollow Road Warren, PA 16365	Unnamed tributary of Hatch Run 16-B	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Slippery Rock Township Lawrence County	PAG049551	Thomas Adamczyk 453 Frew Road Ellwood City, PA 16117-7525	Unnamed tributary to Skunk Run 20-C	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>
Ron Maurer 1366 Ridge Road Klingerstown, PA 17941	Schuylkill	106.5	324.13	Layers/Beef	None—CWF	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>
Embrovac, LLC 616 Dairy Road Tamaqua, PA 18252	Schuylkill	212.7	453.13	Layers/ Roosters	HQ-CWF	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 pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act

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

**Permit No. 2520085, Operations Permit, Public Water Supply.**

Applicant	<b>Pennsylvania American Water</b> 800 West Hersheypark Dr. Hershey, PA 17033
Borough or Township	Westfall Township
County	<b>Pike</b>
Type of Facility	PWS
Consulting Engineer	N/A
Permit to Operate Issued	11/09/2009

**Permit No. 2400048, Operations Permit, Public Water Supply.**

Applicant	<b>Conyngham Borough Authority</b> 90 Butler Avenue Conyngham, PA 18219
Borough or Township	Conyngham Borough
County	<b>Luzerne</b>
Type of Facility	PWS
Consulting Engineer	Ed Pietroski, P. E. Entech Engineering, Inc. 4 S. 4th St. Reading, PA 19602

Permit to Operate Issued 11/13/2009

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

**Permit No. 5009502, Public Water Supply.**

Applicant	<b>Newport Borough Water Authority</b>
Municipality	Newport Borough
County	<b>Perry</b>
Type of Facility	The construction of a 500,000 gallon per day membrane filtration plant which includes the installation of a raw water intake in the Juniata River, a booster station and replacement of approximately 7,000 linear feet of watermain. The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Department of Environmental Protection's (Department) review of the project and the information received in the Uniform Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department approved the Uniform Environmental Assessment on November 13, 2009.
Consulting Engineer	Max E. Stoner, P. E. Glance Associates, Inc. 3705 Trindle Rd. Camp Hill, PA 17011
Permit to Construct Issued:	11/17/2009

**Permit No. 0609502 MA, Minor Amendment**, Public Water Supply.

Applicant **Reading Area Water Authority**  
 Municipality **Ontelaunee Township**  
 County **Berks**  
 Type of Facility This project is for the installation of 4,200 linear feet of 12 inch DIP water lines to provide water service a portion of Bern Township, specifically the Waters Edge Development.  
 Consulting Engineer **Thomas L. Weld Jr, P. E.**  
 BCM Engineers  
 920 Germantown Pike  
 Plymouth, PA 19462  
 Permit to Construct Issued: **11/16/2009**

**Permit No. 3609506**, Public Water Supply.

Applicant **City of Lancaster**  
 Municipality **Manheim Borough**  
 County **Lancaster**  
 Type of Facility Construction of the Northwest Pump Station (with chlorine booster system) and associated suction piping and transmission main.  
 Consulting Engineer **Matthew D. Warfel**  
 The ARRO Group, Inc.  
 270 Granite Run Drive  
 Lancaster, PA 17601-6804  
 Permit to Construct Issued: **11/16/2009**

**Permit No. 3809509**, Public Water Supply.

Applicant **HMS Host**  
 Municipality **South Londonderry Township**  
 County **Lebanon**  
 Type of Facility Installation of VOC treatment for MTBE at the Lawn Service Plaza, Pennsylvania Turnpike.  
 Consulting Engineer **William W. Beckman, P. E.**  
 Leggette, Brashears & Graham, Inc.  
 Suite 301  
 Shelton, CT 06484  
 Permit to Construct Issued: **11/16/2009**

**Permit No. 3809508**, Public Water Supply.

Applicant **Fredericksburg Sewer & Water Authority**  
 Municipality **Bethel Township**  
 County **Lebanon**  
 Type of Facility Installation of an ortho-polyphosphate blend to sequester manganese in Well No. 6.

Consulting Engineer **Paul Lutzkanin, P. E.**  
 Steckbeck Engineering & Surveying Inc.  
 279 North Zinns Mill Road  
 Lebanon, PA 17042

Permit to Construct Issued: **11/16/2009**

**Permit No. 2209509 MA, Minor Amendment**, Public Water Supply.

Applicant **United Water Pennsylvania, Inc.**  
 Municipality **Susquahanna Township**  
 County **Dauphin**  
 Type of Facility Installation of two (2) additional caustic soda storage tanks at the Sixth Street filtration plant.

Consulting Engineer **Arthur Saunders, P. E.**  
 United Water Pennsylvania  
 4211 East Park Circle  
 Harrisburg, PA 17111

Permit to Construct Issued: **11/16/2009**

**Operations Permit** issued to: **The Caernarvon Township Authority**, 3060052, Caernarvon Township, **Berks County** on 11/16/2009 for the operation of facilities approved under Construction Permit No. 0602508 MA.

**Operations Permit** issued to: **American Residential Communities**, 7380009, Swatara Township, **Lebanon County** on 7/10/2009 for the operation of facilities approved under Construction Permit No. 7380009.

**Operations Permit** issued to: **American Residential Communities**, 7360156, Caernarvon Township, **Lancaster County** on 7/10/2009 for the operation of facilities approved under Construction Permit No. 7360156.

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

**Permit No. 5908502—Operation**, Public Water Supply.

Applicant **Mansfield Municipal Authority**  
 Township or Borough **Mansfield Borough**  
 County **Tioga**  
 Responsible Official **Mr. Ronald Weed**  
 Water & Sewer Manager  
 Mansfield Municipal Authority  
 19 East Wellsboro Street  
 Mansfield, PA 16933  
 Type of Facility **Public Water Supply—Operation**  
 Consulting Engineer **Mr. Jimmie Joe Carl**  
 MRB Group  
 Engineering, Architecture,  
 Surveying, P.C.  
 2750 Westinghouse Road, Suite 1  
 Horseheads, NY 14845

Permit Issued Date November 19, 2009  
 Description of Action Operation of the 350,000 gallon Westside Water Storage Tank.

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

Applicant **Pennsylvania American Water Company**

Township or Borough Berwick Borough  
 County **Columbia**

Responsible Official Mr. David R. Kaufman  
 Pennsylvania American Water Company  
 800 West Hersheypark Drive  
 Hershey, PA 17033

Type of Facility Public Water Supply—Operation

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

Permit Issued Date November 20, 2009  
 Description of Action Operation of the Berwick Treatment Plant (Well Nos. 1 through 4) to provide 4-log inactivation of viruses.

**McEwensville Municipal Authority** (Public Water Supply), **Northumberland County**: On November 16, 2009, the Department of Environmental Protection (Department) approved the Source Water Protection (SWP) program for this community water system. McEwensville Municipal Authority personnel involved with the development of this SWP are to be commended for taking these proactive steps to protect these water sources for their community. Development of the program was funded by the Department (David W. Garg, (570) 321-6581).

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

**Transfer of Operations Permit** issued to **James A. Cripe, d/b/a Wilderness Mobile Home Park**, PWSID #6620019, Pleasant Township, **Warren County**, November 10, 2009. Action is for a change in ownership, as well as the consolidation of public water supply permits into a single permit. Permit No. 6289504-T1 will be the focus of the transfer for the operation of the treatment processes, distribution facility and main source. Permit 6299501 is now incorporated into Permit No. 6289504-T1. All historic information is now part of Permit 6289504-T1.

**Emergency Operations Permit** issued to **Forest Green Estates**, PWSID No. 6200067, West Mead Township, **Crawford County**, November 13, 2009, for the use of Fox's Water Service (PWSID 5106519) as a Bulk Water Transport to provide finished water to Forest Green Estates. Permit duration is 30 days only, and shall expire December 13, 2009.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Milton Regional Sewer Authority	5585 SR 405 P. O. Box 433 Milton, PA 17847	Northumberland

*Plan Description:* The approved plan provides for the construction of Vertical Loop Reactors for secondary treatment, anaerobic treatment of ConAgra waste with ADI-BVF reactors, new headworks, new final clarifiers, new tertiary filters, new UV disinfection, new Biogas handling and storage facilities, and new electrical generation from internal combustion engines. Also, several pump stations will be rehabilitated or removed. The sewage treatment plant will discharge 4.25 MGD of treated effluent into the Susquehanna River. The total project cost is estimated to be \$35,814,000 and is expected to be funded by a combination of grants and tax exempt bonds. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Hanover Township	Hanover Township 2731 SR 18 Hookstown, PA 15050	Beaver

*Plan Description:* The approved plan provides for the construction of a 400 gallon per day single residence sewage treatment plant to serve the Jericho single family home. The property is located at 130 Chiccarello Drive. The proposed discharge point is an Unnamed Tributary to Traverse Creek, classified as a High Quality Cold Water Fishery. Any required NPDES Permits or WQM Permits must be obtained in the name of the applicant as appropriate. The Department of Environmental Protection's review of the sewage facilities revision has not identified any significant impacts resulting from this proposal.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Arona Borough	Arona Borough Mr. Barkley Reamer President P. O. Box 182 Arona, PA 15617	Westmoreland

*Plan Description:* The project is located in the Little Sewickley Creek Watershed, Arona Borough, Westmoreland County. The plan provides for the construction of sewer collection system in Arona Borough that will supply sewage service to 171 existing Structures. The plan provides for the construction of collection sewers, and expansion of The Hempfield Township Municipal Authority's Darragh sewer service area. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts results from this proposal. Any required WQM Permits must be obtained in the name of the Arona Borough as appropriate.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Bedford Township	1037 Shed Road P. O. Box 148 Bedford, PA 15522	Bedford County

*Plan Description:* The approved plan provides for the construction of a Small Flow Treatment Facility (SFTF). The SFTF will abate an existing malfunction. The SFTF will serve one single family dwelling. The SFTF will be located at 631 Sweet Root Road, in Bedford Township, Bedford County and will discharge to an unnamed tributary of Shobers Run. 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 property owner as appropriate.

*Plan Location:* Located adjacent to 443 Linton Hill Road, Penn Township, Perry County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Penn Township	100 Municipal Building Rd. Duncannon, PA 17020	Perry

*Plan Description:* Approval of a revision to the Official Sewage Plan of Penn Township, Perry County. The approved plan provides for a Small Flow Treatment Facility of 400 gpd to serve the existing 10.23 acre property owned by Arthur W. and Tracy L. Myers located adjacent to 443 Linton Hill Road, Duncannon, PA. The proposed SFTF is to serve a proposed 3 bedroom dwelling with a treated discharge to an unnamed tributary to Sherman's Creek. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

*Plan Location:* Kylock Road in Lower Allen Township, Cumberland County.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lower Allen Township	2233 Gettysburg Road Camp Hill, PA 170111-7302	Cumberland

*Plan Description:* Approval of a revision to the Official Sewage Plan of Lower Allen Township, Cumberland County. The proposed Kylock Road sewer extension consists of the construction of 768 feet of gravity sewer line within the existing Fair Oaks development to connect seven existing homes. The new extension will run from the existing sewer line to the Township line, allowing a new Upper Allen Township sewer extension along Kylock Road to connect in to it. A total of 1,351 gallons per day of sewage will be conveyed to the Lower Allen Township Authority's Wastewater Treatment Plant from these seven homes. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant impacts resulting from this proposal.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
District Township	202 Weil Rd. Boyertown, PA 19512	Berks
Longswamp Township	1112 State St. Mertztown, PA 19539	

*Plan Description:* Approval of a revision to the Official Sewage Plans of District and Longswamp Townships, Berks County. The Official Plan revision consists of an eight lot residential subdivision on a 74.44 acre tract using individual on lot sewage disposal systems. The proposed development is located on the north and south sides of Huffs Church Road, 1,500 feet west of Baldy Hill Road in the exceptional value Pine Creek watershed. The Department of Environmental Protection's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code Number for this planning module is A3-06929-061-2 in District Township and A3-06939-133-2 in Longswamp Township. Permits for the on lot sewage disposal systems will be issued by the appropriate municipality.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 2**

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

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

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative

form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Teel Property-Well No. 5**, Herb Button Road, Springville Township, **Susquehanna County**. James Pinta, Jr., PhD., PG, URS Corporation, 501 Holiday Drive, Foster Plaza 4, Suite 300, Pittsburgh, PA 15220 has submitted a Final Report (on behalf of his clients, Cleo R. and Gloria D. Teel, R. R. 6, Box 6184, Montrose, PA 18801), concerning the remediation of soil and surface water found to have been impacted by diesel fuel as a result of a release during well drilling operations. The report was submitted to document attainment of the Residential Statewide Health Standard. A public notice regarding the submission of the Final Report was published in *The Susquehanna Independent Weekender* on November 4, 2009.

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

**Imbt/Cooper Property**, Potter Township, **Centre County**. Converse Consultants, 2738 West College Ave., State College, PA 16801 on behalf of John Imbt, P. O. Box 340, Pine Grove Mills, PA 16868 has submitted a Final Report concerning remediation of site soil, groundwater and surface water contaminated with kerosene and/or heating fuel oil located at 125 Briar Lane, Centre Hall, PA 16823. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Former Getty Pumping Station**, Homer and Eulalia Townships, **Potter County**. SAIC, 6310 Allentown Blvd., Harrisburg, PA 17112 on behalf of Chevron Environmental Management Company, 6111 Bollinger Canyon Road, San Ramon, CA 94583 has submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with petroleum hydrocarbon target compounds associated with crude oil. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**National Transit**, Otto Township, **McKean County**. URS Corporation, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15022 on behalf of Pennzoil-Quaker State Company, 700 Milam, 30th Floor, Houston, TX 17022 has submitted a Combined Remedial Investigation/Final Report concerning remediation of site soil contaminated with anthracene, benzo[a]anthracene, benzo[a]pyrene, benzo[ghi]perylene, benzo[k]fluoranthene, n-butylbenzene, sec-butylbenzene, chrysene, cumene, cyclohexane, dibenzo[a,h]anthracene, ethylbenzene, fluoranthene, 2-methylnaphthalene, naphthalene, phenanthrene, n-propylbenzene, pyrene, toluene, 1,3,4-trimethylbenzene (1,2,4-trimethylenzene), 1,3,5-trimethylbenzene, xylenes (total) and site groundwater contaminated with benzene, n-butylbenzene, sec-butylbenzene, carbon disulfide, cumene, cyclohexane, 1,3,4-trimethylbenzene (1,2,4-trimethylenzene), 1,3,5-trimethylbenzene, xylenes (total). The report is intended to document remediation of the site to meet the Site-Specific and Statewide Health Standards.

## 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:

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

**Former Fort Hunter Station**, Middle Paxton Township, **Dauphin County**. Herbert Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf



of Dauphin County Parks and Recreation, 100 Fort Hunter Road, Harrisburg, PA 17110, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soils and groundwater contaminated with petroleum products. The Report and Plan were approved by the Department of Environmental Protection on November 17, 2009. The site will be remediated to a combination of Statewide Health and Site-Specific Standards.

**Spirit Washers / Former McCoy Electronics Facility**, Mercersburg Borough, **Franklin County**. Weston Solutions, Inc., 1400 Weston Way, Suite 2653, West Chester, PA 19380, on behalf of Spirit Washers, Inc., 95 Fox Road, Mercersburg, PA 17236 and Corning, Inc., HP-ME-03-079, Corning, NY 14831, submitted a final report concerning remediation of site soils and groundwater contaminated with chlorinated solvents and cobalt. The Final Report demonstrated attainment of a combination of the Residential Statewide Health and Site-Specific Standards, and was approved by the Department of Environmental Protection on November 17, 2009.

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

**Leo Williams, Jr. Property** (Former R. Rador Complex, Montgomery Borough, **Lycoming County**. Cociardi and Assoc., Inc., 4 Karcey Court, Mechanicsburg, PA 17055 on behalf of Leo Williams, Jr., 127 French Settlement Road, Williamsport, PA 17702 has submitted a Final Report concerning the remediation of site soil contaminated with lead. The Final report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on November 10, 2009.

**Pa. College of Technology-Rose St.**, Student Housing/Parking, City of Williamsport, **Lycoming County**. TCI Environmental Services, Inc., 100 N. Wilkes-Barre Blvd., Wilkes-Barre, PA 18702 on behalf of Pa. College of Technology, 2245 Reach Road, Williamsport, PA 17701 has submitted a Cleanup Plan concerning remediation of site soil contaminated with Lead and Arsenic. The Cleanup Plan was approved by the Department of Environmental Protection on November 18, 2009.

## AIR QUALITY

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

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

**GP1-09-0095: Energenic, LLC** (3001 Street Road, Bensalem, PA 19020) on November 19, 2009, to operate (2) two dual-fired boilers in Bensalem Township, **Bucks County**.

**GP14-15-0093 Chester County Crematory, LLC** (829 Lincoln Avenue (C-9), West Chester, PA 19380) on November 19, 2009, to operate a human crematory in West Goshen Township, **Chester County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701. Contact: David Aldenderfer, Program Manager—Telephone: 570-327-3637.*

**GP3-59-197: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on November 12,

2009, to construct and operate a portable non-metallic mineral processing plant and associated water spray dust suppression system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at the Antrim Plant No. 25 in Duncan Township, **Tioga County**.

**GP5-08-297: Appalachia Midstream Services, L.L.C.** (P. O. Box 54382, Oklahoma City, OK 73154) on November 12, 2009, to assume control and operation of an existing 50 million standard cubic foot per day glycol dehydrator, 1 million Btu per hour reboiler, and a 3.5 million Btu per hour line heater and to construct and operate a 50 million standard cubic foot per day glycol dehydrator, 0.5 million Btu per hour reboiler, and a 0.75 million Btu per hour line heater under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Granville Station in Granville Township, **Bradford County**.

**GP5-53-105: Ultra Resources, Inc.** (304 Inverness Way South, Suite 295, Englewood, CO 80112) on November 13, 2009, for construction and operation of a 1,340 brake horsepower natural gas-fired compressor engine, four (4) natural gas-fired line heaters each rated at 0.75 MMBtu/hr, four (4) natural gas-fired glycol reboilers each rated at 0.085 MMBtu/hr, four (4) glycol still vent combustors each rated at approximately 0.31 MMBtu/hr, and four (4) glycol dehydrators under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at their Button Pad Compressor Station in West Branch Township, **Potter County**.

**GP5-08-289A: Fortuna Energy, Inc.** (337 Daniel Zenker Drive, Horseheads, NY 14845) on November 13, 2009, for installation of catalytic converters on each of the four (4) 1,150 bhp natural gas-fired compressor engines currently operating under GP5-08-289, for construction and operation of eight 1,380 bhp lean-burn natural gas-fired compressor engines each equipped with a catalytic converter, and the operation of one 250,000 Btu/hr glycol dehydrator and two glycol dehydrators each rated at 275,000 Btu/hr under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Thomas Compressor Station in Troy Township, **Bradford County**.

**GP5-59-198: Ultra Resources, Inc.** (304 Inverness Way South, Suite 295, Englewood, CO 80112) on November 13, 2009, for construction and operation of a 1,340 brake horsepower natural gas-fired compressor engine, four (4) natural gas-fired line heaters each rated at 0.75 MMBtu/hr, four (4) natural gas-fired glycol reboilers each rated at 0.085 MMBtu/hr, four (4) glycol still vent combustors each rated at approximately 0.31 MMBtu/hr, and four (4) glycol dehydrators under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Lick Run Compressor Station in Gaines Township, **Tioga County**.

**GP5-59-189A: Fortuna Energy, Inc.** (337 Daniel Zenker Drive, Horseheads, NY 14845) on November 13, 2009, for construction and operation of three (3) natural gas-fired compressor engines each rated at 1,340 brake-horsepower, five (5) natural gas-fired compressor engines each rated at 1,380 brake-horsepower, and two (2) glycol dehydrators each rated at 275,000 Btu per hour under the General Plan Approval and/or General Operating

Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at the Tract 587 State Lands Compressor Station in Ward Township, **Tioga County**.

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

**GP5-25-1001A: Norse Pipeline, LLC—Carter Hill Station** (13131 Carter Hill Road, Corry, PA 16407) on November 17, 2009, for operations of two (2) electric driven compressors (Ariel Model Number JGN/2) and one dehydrator unit (Natco Model Number 90-200) under natural gas production facilities (BAQ-GPA/GP-5) at their facility in Wayne Township, **Erie County**.

**GP5-42-222A: St. Mary Land & Exploration Co.—Potato Creek Plant** (7060 South Yale, Suite 800, Tulsa, OK 74136-5741) on November 18, 2009, for authority to construct and/or operate a natural gas fired compressor engine (Waukesha, Model No. F3524GSI and NATCO Dehydrator) under the Air Quality general plan approval and operating permit for natural gas production facilities (BAQ-GPA/GP-5) at their facility in Norwich Township, **McKean County**.

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

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

**46-0094A: Highway Materials, Inc.** (5100 Joshua Road, Plymouth Meeting, PA 19462) on November 17, 2009, to install a new hot mix asphalt plant at an existing facility in Whitemarsh Township, **Montgomery County**. Highway Materials will remove an existing batch mix plant and proposes to replace it with a new combination drum mix and batch mix asphalt plant. The annual production limit will remain at 500,000 tons on a 12-month rolling basis. The plant will use natural gas, fuel oil (#2 and #4) and WDLF fuel. Emission limits for NO<sub>x</sub>, SO<sub>x</sub>, VOC, CO, and PM will not increase and the facility will remain a synthetic minor. The company will comply with good air pollution control practices, monitoring and recordkeeping procedures designed to keep the facility operating within all applicable air quality requirements.

**09-0031B: Eureka Stone Quarry, Inc.** (P. O. Box 249, Chalfont, PA 18914) on November 17, 2009, for modifications to the operating conditions of the asphalt plant installed under Plan Approval 09-0031 at their Rush Valley 1 Quarry and Asphalt Plant in Wrightstown Township, **Bucks County**. Under this Plan Approval, a reduction in plant throughput is proposed, with a corresponding decrease in all pollutants except for SO<sub>x</sub>, which is proposed to increase. There is no increase in the sulfur content of the fuel; rather a change is made in the method of calculation. A modification in the pressure drop range across the baghouse, which controls particulate emissions, as well as the method of initiation of the baghouse cleaning cycle, is included in the Plan Approval application. These changes do not allow for an increase in PM emissions. The facility will remain a synthetic minor. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**06-05110A: Exide Technologies** (P. O. Box 13995, Reading, PA 19605-3995) on November 13, 2009, for installation of two (2) replacement mist eliminators to control emissions from their battery formation operation in Muhlenberg Township, **Berks County**.

**28-03056A: Texas Eastern Transmission, LP** (2601 Market Place, Suite 400, Harrisburg, PA 17110-9363) on November 18, 2009, for operation of their electric compressors in Chambersburg Borough, **Franklin County**.

**36-05001H: Armstrong World Industries, Inc.** (1507 River Road, Marietta, PA 17547-9403) on November 12, 2009, for their ceiling tiles plant in East Donegal Township, **Lancaster County**.

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

**20-106B: Greenleaf Corp.** (18695 Greenleaf Drive, Saegertown, PA 16433) on November 12, 2009, modification of conditions for the graphite resistance furnace and the thermal oxidizer at their facility in **Crawford County**. This Plan Approval supersedes plan approval No. 20-106A. This is a non-Title V facility.

**43-182A: Wheatland Tube Co.** (P. O. Box 608, Wheatland, PA 16161) on November 13, 2009, for replacement of an existing single cyclone and wet scrubber associated with the No. 1 Blow Station (Source ID 113) with a new single cyclone and baghouse at facility in Wheatland Borough, **Mercer County**. This is a Title V facility.

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

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

**09-0010: TEVA Pharmaceuticals USA, Inc.** (650 Cathill Road, Sellersville, PA 18960) on November 16, 2009, to operate a 60" accelacota tablet coater in West Rockhill Township, **Bucks County**.

**15-0078D: Centocor, Inc.** (200 Great Valley Parkway, Malvern, PA 19355) on November 16, 2009, to operate an electric generator in East Whiteland Township, **Chester County**.

**09-0031A: Eureka Stone Quarry, Inc.** (P. O. Box 249, Chalfont, PA 18914) on November 17, 2009, to operate a dust suppression system in Wrightstown Township, **Bucks County**.

**46-0112D: Palmer International, Inc.** (P. O. Box 315, Skippack, PA 19474) on November 17, 2009, to operate a reactor w/mixing vessel in Skippack Township, **Montgomery County**.

**46-0267: SmithKline Beecham Research Company, d/b/a GlaxoSmithKline** (1250 South Collegeville Road, Collegeville, PA 19426) on November 17, 2009, to operate (8) Eight 2,000-kW electric generators in Upper Providence Township, **Montgomery County**.

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

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*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Contact: Yasmin Neidlinger, Facilities Permitting Chief—Telephone: 717-705-4702.*

**36-05053: Buck Co., Inc.** (897 Lancaster Pike, Quarryville, PA 17566-9738) on November 19, 2009, for their production of medium and long run ferrous and non-ferrous castings at its Quarryville Plant in Providence Township, **Lancaster County**. This is a renewal of the Title V operating permit.

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

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

**33-00162: Coolspring Sand and Gravel Co., Inc.** (P. O. Box 143, Coolspring Road, Coolspring, PA 15730) on November 17, 2009, for an initial natural minor permit, to operate a gravel processing plant in Oliver Township, **Jefferson County**. The significant sources included, processing plant, diesel engines (3) and wet spray system. The facility is natural minor because the emission of pollutants from the facility is less than Title V threshold limits.

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

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

**46-00161: Reading Materials, Inc.** (2052 Lucon Road, Skippack, PA 19474) on November 17, 2009, to incorporate the conditions of Plan Approval 46-0161C for the operation of a Drum Mix asphalt Plant in Lower Pottsgrove Township, **Montgomery County**. The permit includes monitoring, recordkeeping, and reporting requirements designed to keep the facility within all applicable air quality requirements.

**46-00029: Glasgow, Inc.** (P. O. Box 1089, Glenside, PA 19038) on November 17, 2009, for an administrative amendment to incorporate the conditions of Plan Approval 46-0029D in Springhouse Asphalt Plant and Quarry, a state only facility, in Montgomery Township, **Montgomery County**.

**09-00102: Clean Earth of Southeast PA, Inc.** (7 East Steel Road, Morrisville, PA 19067) on November 17, 2009, is a non-Title V facility. The Synthetic Minor Operating Permit No. 09-00102 has been amended to incorporate conditions from Plan Approval No. 09-0102A, which is for the operation of an indoor diesel powered screen, Source ID 104 in Falls Township, **Bucks County**. The Plan Approval also revises the controlled NO<sub>x</sub> emissions and the allowable throughput restriction applicable to the facility's Primary Treatment Unit, Source ID 101.

The Synthetic Minor Operating Permit contains monitoring, recordkeeping, and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**09-00124: Fairless Energy, LLC** (50 Sinter Road, Fairless Hills, PA 19030) on November 18, 2009, for operation of an electric generating station in Falls Township, **Bucks County**. The permit was modified in accordance with 25 Pa. Code § 127.542(a)(3) to correct condition No. 005, Section C of Title V operating permit 09-00124. The exception to the visible emissions limitations stated in the condition is not applicable for periods of startup, shutdown, and malfunction under Pennsylvania law. The Department of Environmental Protection has removed this exemption language from the condition.

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

**22-05038: TD Bank** (Route 83 & Paxton Street, Harrisburg, PA 17111) on November 19, 2009, this State-only operating permit was administratively amended due to a change of ownership. This is Revision No. 1.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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### Coal Permits Actions

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

**02851602 and NPDES Permit # PA0214396, Mon Valley Transportation Center, Inc.,** (279 Shannon Road, Monongahela, PA 15063), to renew the permit for the Glassport Tipple in Glassport and Lincoln Boroughs, **Allegheny County** and related NPDES permit. No additional discharges. Application received: January 20, 2009. Permit issued: November 19, 2009.

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

**11070202. NPDES No. PA0262439 and General Permit GP-12-11070202, Ebensburg Power Company,** 2840 New Germany Road, P. O. Box 845, Ebensburg, PA 15931, revision of an existing bituminous coal refuse reprocessing site to obtain coverage for under air quality general permit GP-12 in Jackson Township and Nanty Glo Borough, **Cambria County**, affecting 57.8 acres. Receiving stream(s): unnamed tributary to Pergrin Run

and South Branch of Blacklick Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: September 1, 2009. Permit issued: November 18, 2009.

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

**33990109 and NPDES Permit No. PA0241539. McKay Coal Company, Inc.** (P. O. Box 343, Punxsutawney, PA 15767) Transfer of an existing bituminous strip and auger operation from Strishock Coal Company in Perry Township, **Jefferson County**. Receiving streams: Two unnamed tributaries to Perryville Run and Perryville Run. Application received: September 4, 2008. Permit Issued: November 12, 2009.

**33060104. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801) Revision to an existing bituminous strip operation to add blasting in Knox Township, **Jefferson County**. Receiving streams: Unnamed tributaries to Five Mile Run. Application received: August 19, 2009. Permit Issued: November 17, 2009.

**16050105. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Revision to an existing bituminous strip operation to change the post-mining land use from forestland to pastureland on the Michael Kennemuth property in Redbank Township, **Clarion County**. Receiving streams: Unnamed tributary to Pine Creek and Town Run. Application received: September 17, 2009. Permit Issued: November 17, 2009.

**43080103 and NPDES Permit No. PA0258644. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Commencement, operation and restoration of a bituminous strip operation in Jackson Township, **Mercer County** affecting 14.2 acres. Receiving streams: Unnamed tributary to Yellow Creek. Application received: August 26, 2008. Permit Issued: November 18, 2009.

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

**40940203C4 and NPDES Permit No. PA0224731. Hudson Anthracite, Inc.**, (202 Main Street, Laflin, PA 18702), correction to an existing anthracite surface mine, coal refuse reprocessing, refuse disposal and preparation plant operation in Jenkins Township, **Luzerne County** affecting 174.1 acres, receiving stream: Susquehanna River. Application received: January 27, 2009. Correction issued: November 19, 2009.

#### *Noncoal Permits Actions*

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

**43090801. Stanley Snyder VFW Post 7465** (1470 Brent Road, Mercer, PA 16156-1702) Commencement, operation and restoration of a small sand & gravel operation in Springfield Township, **Mercer County** affecting 3.0 acres. Receiving streams: Unnamed tributary to Neshannock Creek. Application received: October 22, 2009. Permit Issued: November 13, 2009.

**16990301. Glen-Gery Corporation** (P. O. Box 7001, 1166 Spring Street, Wyomissing, PA 19610) Renewal of existing NPDES permit No. PA0241521 in Monroe Township, **Clarion County** affecting 211.0 acres. Receiving streams: Reids Run. Application received: September 23, 2009. Permit Issued: November 16, 2009.

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

**14072801. Glenn O. Hawbaker, Inc.** (1952 Waddle Road, State College, PA 16803), noncoal mining operation in Rush Township, **Centre County**. Restoration of 5.72 acres completed. Receiving streams: Moshannon Creek, tributary to West Branch Susquehanna River. Application received: October 16, 2009. Final bond release: November 18, 2009.

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

**58070835. Donald A. Stanton, Jr.**, (R. R. 1, Box 1018, Nicholson, PA 18446), commencement, operation and restoration of a quarry operation in Lenox Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received: June 14, 2007. Permit issued: November 16, 2009.

**4873SM5T4 and NPDES Permit No. PA0009695. Kinsley Construction, Inc.**, (2700 Water Street, York, PA 17405), transfer of an existing quarry operation in West Manchester Township, **York County** affecting 148.9 acres, receiving stream: unnamed tributary to Codorus Creek. Application received: June 3, 2009. Transfer issued: November 16, 2009.

**4873SM8T4 and NPDES Permit No. PA0594644. Kinsley Construction, Inc.**, (2700 Water Street, York, PA 17405), transfer of an existing quarry operation in West Manchester Township, **York County** affecting 413.0 acres, receiving stream: unnamed tributary to Codorus Creek. Application received: June, 3, 2009. Transfer issued: November 16, 2009.

**4873SM6T4 and NPDES Permit No. PA0009695. Kinsley Construction, Inc.**, (2700 Water Street, York, PA 17405), transfer of an existing quarry operation in West Manchester Township, **York County** affecting 77.0 acres, receiving stream: Codorus Creek. Application received: June 30, 2009. Transfer issued: November 16, 2009.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

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**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.**

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#### *Blasting Permits Actions*

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

**28094118. M & J Explosives, Inc.**, P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for residential development in Guilford Township, **Franklin County**. Blasting activity permit end date is November 30, 2010. Permit issued: November 9, 2009.

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

**38094126. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Blue Mountain View in Swatara Township, **Lebanon County** with an expiration date of December 30, 2010. Permit issued: November 13, 2009.

**46094120. American Infrastructure, Inc.**, (P. O. Box 98, Worcester, PA 19490), construction blasting for site preparation and underground utilities installations on Hartman Road in Montgomery Township, **Montgomery County** with an expiration date of November 1, 2009. Permit issued: November 13, 2009.

**36094178. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Groffdale Cemetery in West Earl Township, **Lancaster County** with an expiration date of December 30, 2009. Permit issued: November 16, 2009.

**36094179. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Farmco Manufacturing in Leacock Township, **Lancaster County** with an expiration date of December 30, 2009. Permit issued: November 16, 2009.

**46094122. Schlouch, Inc.**, (P. O. Box 69, Blandon, PA 19510), construction blasting for Keystone Petroleum in Limerick Township, **Montgomery County** with an expiration date of November 9, 2010. Permit issued: November 17, 2009.

**58094107. Meshoppen Blasting, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Jayne Borrow Site in Auburn Township, **Susquehanna County** with an expiration date of December 7, 2009. Permit issued: November 17, 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 pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Floodplain Management Act (32 P. S. § 679.302) and The Clean Streams Law (35 P. S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

*Permits, Environmental Assessments and 401 Water Quality Certifications Issued:*

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**EA15-007. PREIT Services, LLC**, 200 Broad Street, Philadelphia, PA 19102-3803, New Garden Township, **Chester County**, ACOE Philadelphia District.

A request for an Environmental Assessment approval for impacts associated with the stream enhancement for an 800 feet reach of an unnamed tributary to Broad Run (CWF). Stream enhancement includes controlling the stormwater, removal of existing road crossing, removal of fill material, restore the channel with natural grades, and plant with the native trees. The site is located about 500 feet southeast of the intersection of Sunny Dell Road and Route 41, Kennett Square, PA Quadrangle (N: 8.89 inches; W: 14.49 inches).

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

**E42-347. University of Pittsburgh**, 3400 Forbes Avenue, Pittsburgh, PA 15260. Bradford Campus Parking Lot Addition, **McKean County**, ACOE Pittsburgh District (Bradford, PA Quadrangle N: 41° 56' 35"; W: 78° 40' 32").

To construct and maintain a parking lot in the northwestern portion of the University of Pittsburgh Bradford Campus within the FEMA 100-year floodplain of Marilla Brook the West Branch of Tunungwant Creek south of Taylor Drive involving a net removal of 345 cubic yards of material/earth from the FEMA floodplain. West Branch of Tunungwant Creek and Marilla Brook are perennial streams classified as a cold water fishery.

### ENVIRONMENTAL ASSESSMENTS

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

**D23-123EA. DelCo Office of Housing and Community Development**, 600 North Jackson Street, Room 101, Media, PA 19063-2561. Upper Darby Township, **Delaware County**, ACOE 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").

### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

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

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

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

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

*Washington County Conservation District: 602 Courthouse Square, Washington, PA 15301. (724-228-6774).*

<i>ESCGP-1 No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
0063 09 8 013	National Fuel Gas Supply Corporation	Washington	Morris and South Franklin Townships	UNT Craft Creek (WWF)

[Pa.B. Doc. No. 09-2240. Filed for public inspection December 4, 2009, 9:00 a.m.]

### Adjustment of the Coal Mining Reclamation Fee

The Department of Environmental Protection announces the adjustment to the Reclamation Fee. This adjustment is required by the regulations at 25 Pa. Code § 86.17 (relating to permit and reclamation fees). Effective January 1, 2010, the Reclamation Fee for calendar year 2010 will be \$0. While the fee will not be assessed in 2010, the regulations require annual adjustments. The fee amount for subsequent years will be calculated in accordance with 25 Pa. Code § 86.17. Refer to this section of the regulations for further information about the process.

This adjustment is the result of calculations presented in a report that contains a financial analysis of the revenue and expenditures from the account for Fiscal Year 2008-2009 and provides projections for the 2009-2010 fiscal years. The report was reviewed with the Mining and Reclamation Advisory Board on October 22, 2009. Comments were received from one commentator.

The report and comments are available at the following web site address [www.dep.state.pa.us/dep/deputate/minres/bmr/reports/](http://www.dep.state.pa.us/dep/deputate/minres/bmr/reports/).

JOHN HANGER,  
Secretary

[Pa.B. Doc. No. 09-2241. Filed for public inspection December 4, 2009, 9:00 a.m.]

### Availability of General NPDES Permit for Stormwater Discharges Associated with Construction Activities (PAG-02)

The Department of Environmental Protection (Department) by this notice is reissuing the National Pollutant Discharge Elimination System (NPDES) General Permit

for Stormwater Discharges Associated with Construction Activities (PAG-02, 2009 Amendment) for 2 years effective December 8, 2009. This General NPDES Permit is issued under the authority of the Clean Water Act (33 U.S.C.A. §§ 1251—1376) and The Clean Streams Law (35 P. S. §§ 691.1—691.1001). The PAG-02, 2002 Amendment was extended twice, most recently by a notice in the *Pennsylvania Bulletin* at 39 Pa.B. 2637 (May 23, 2009) and is scheduled to expire at midnight December 7, 2009. EPA has recommended that this PAG-02 renewal be of shorter duration in light of the anticipated issuance of the final "Effluent Limitations Guidelines and Standards for the Construction and Development Point Source Category" proposed November 28, 2008 (73 FR 72,561) applicable to this category of NPDES discharges, and in anticipation of finalization of revisions to Pennsylvania's Chapter 102 Erosion and Sediment Control and Stormwater Management regulations proposed in the *Pennsylvania Bulletin* 39 Pa.B. 5131 (August 29, 2009). The Department agrees and they are publishing this renewal for 2 years rather than five. PAG-02, 2009 Amendment will expire at midnight on December 7, 2011.

The Department published the proposed revisions to the PAG-02 permit in the *Pennsylvania Bulletin* at 39 Pa.B. 4955 (August 15, 2009), for a 30-day public comment period. Eight commentators submitted 46 comments on the proposed revisions to the permit. In response to comments: the Department clarified the definitions for stabilization; corrected a typographical error to clarify requirements related to the use of the PAG-02 permit for discharges to impaired waters; revised the permit to state that any ineffective or inoperative BMPs must be reported to the Department or authorized conservation district within 24 hours; retained the term "measurable rainfall event" from the PAG-02 2002 Amendment, rather than the proposed "stormwater runoff event"; noted that all Post Construction Stormwater Management (PCSM) BMPs must be designed by a Licensed Professional and

must be certified as to their proper installation; added a requirement in Part C to provide written notification to the Department or authorized conservation district upon the installation and stabilization of all perimeter sediment control BMPs; added the requirement that erosion and sediment (E & S) BMPs shall be designed and implemented by "qualified personnel" trained and experienced in E & S control; and clarified what items the permittee and/or co-permittee must bring to the pre-construction conference.

Several comments were received related to the effluent limitations provisions contained in Part A of the permit. As allowed under the Federal Clean Water Act, the effluent limits proposed in PAG-02 are narrative performance based effluent limitations in the form of properly installed BMPs identified in the E & S and PCSM plans. If the proposed activity will not meet the permit conditions including the proposed effluent limitations established by the permit, PAG-02 may not be used to authorize the activity. In addition, as proposed, the Department is increasing the permit application fee from \$250 to \$500, payable to the "Clean Water Fund". This \$500 fee will apply to all new and all renewal notice of intent applications.

The PAG-02, 2009 final amended permit, comment and response document, and associated permit documents are available by contacting the Department of Environmental Protection, Bureau of Watershed Management, Rachel Carson State Office Building, P. O. Box 8775, 10th Floor, Harrisburg, PA 17105-8775, (717) 772-6827; or available on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (choose "Water Topics," then chose "Stormwater Management"). Persons with a disability may contact the Department by using the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDL users) or (800) 654-5988 (voice users).

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-2242. Filed for public inspection December 4, 2009, 9:00 a.m.]

### Small Business Advantage Grant Program

The Department of Environmental Protection (Department) announces an open opportunity to apply for funding in the 6th year of the Commonwealth's Small Business Advantage Grant Program for pollution prevention and energy efficiency projects. Small Business Advantage is a grant program providing up to 50% matching grants, to a maximum of \$7,500, to enable a small business in this Commonwealth to adopt or acquire equipment or processes that result in energy efficiency or pollution prevention. Well designed energy efficient or pollution prevention projects can help small businesses cut costs while simultaneously protecting the environment.

An eligible applicant must be a for-profit small business owner whose business or facility is located within this Commonwealth. Most small businesses in this Commonwealth are eligible, including manufacturers, retailers, service providers, mining businesses and agricultural concerns. The project to which the grant will apply must be located within the applicant's Commonwealth facility

and save the business at least 20% annually in energy or pollution related expenses. All projects must be completed before June 30, 2010.

For questions regarding the eligibility of projects, contact Dave Barnes, Office of Energy and Technology Deployment, Small Business Ombudsman's Office, (717) 783-8411, [epadvantagegrant@state.pa.us](mailto:epadvantagegrant@state.pa.us) before submitting an application. The Department will begin accepting applications on December 7, 2009.

Applications are available by contacting the Department of Environmental Protection, Office of Energy and Technology Deployment, 15th Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8772, Harrisburg, PA 17105-8772, (717) 783-8411. Applications are also available on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: SBAdvantage). The application package contains the materials and instructions necessary for applying for a grant.

The Department will accept applications for the program if postmarked by January 15, 2010, or hand delivered by 4 p.m. on January 15, 2010. The Department will not accept an application submitted by fax or by other electronic means. Funds for this program will be allocated on a first come first served basis. Applicants are encouraged to submit their application in as soon as possible. Applications will be reviewed for funding in the order in which they are received.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-2243. Filed for public inspection December 4, 2009, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Amendments to Charges for Medical Records

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

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

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

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

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

The Secretary is directed to base these adjustments on the most recent changes in the consumer price index reported annually by the Bureau of Labor Statistics of the United States Department of Labor. For the annual period of October 31, 2008, through October 31, 2009, the consumer price index was -0.6%.

Accordingly, the Secretary provides notice that, effective January 1, 2010, the following fees may be charged by a health care facility or health care provider for production of records in response to subpoena or request:

	<i>Not to Exceed</i>
Amount charged per page for pages 1—20	\$ 1.32
Amount charged per page for pages 21—60	\$ .98
Amount charged per page for pages 61—end	\$ .33
Amount charged per page for microfilm copies	\$ 1.95
Flat fee for production of records to support any claim under Social Security	\$24.94
Flat fee for supplying records requested by a district attorney	\$19.68
* Search and retrieval of records	\$19.68

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

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

The Department is not authorized to enforce these charges.

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

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-2244. Filed for public inspection December 4, 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 § 205.6(a) (relating to function of building).

Schuylkill Medical Center—South Jackson Street Transitional Care Unit  
420 South Jackson Street  
Pottsville, PA 17901

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.19(b) (relating to windows and windowsills).

Golden LivingCenter—Erie  
4850 Zuck Road  
Erie, PA 16506  
FAC ID 020602

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

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

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

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

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-2245. Filed for public inspection December 4, 2009, 9:00 a.m.]



# DEPARTMENT OF REVENUE

## Amnesty Revenue Estimate

Act 48 of 2009, signed into law on October 9, 2009, established the Tax Amnesty Program for Fiscal Year (FY) 2009-2010. Per section 2912-F (b) of Act 48, the Department of Revenue (Department) was responsible to submit for publication, a separate amnesty revenue estimate for revenue generated by this program from the following sources:

- (i) The General Fund;
- (ii) The Motor License Fund;
- (iii) The Liquid Fuels Tax Fund; and
- (iv) The methodology used to develop the estimate.

The revenue estimates and methodology for those estimates are as follows:

*Fiscal Impact of Tax Amnesty Program  
Act 48 of 2009  
\$ Millions \$*

Average Collections/Overall Tax Collections Ratio	1.10%	
Current PA Collections—FY 2009-2010 Governor's Budget	\$27,668	
Base Amnesty Revenue Estimate	\$304.6	
Adjustment For Accounts Receivable Prior to 6/2009	\$291.1	
Adjustment For Limited Lookback Period	17%	
Gross Amnesty Revenue Estimate	\$341.1	
FISCAL YEAR	2009-10	2010-11
Total Potential Amnesty Revenue Estimate	\$341.1	
Potential Decrease in Delinquent Collections <sup>1/</sup>	(\$132.9)	(\$57.1)
Administrative Costs <sup>2/</sup>	(\$16.8)	
Net Amnesty Revenue Estimate	\$191.4	(\$57.1)
General Fund Amnesty Revenue Estimate	\$190.0	(\$57.1)
Motor License Fund Amnesty Revenue Estimate	\$1.4	
Liquid Fuels Tax Fund Amnesty Revenue Estimate <sup>3/</sup>	\$0.04	
<i>Budget Stabilization Reserve Fund Threshold</i>		
Gross Amnesty Revenue Estimate	\$341.1	
Motor License Fund and Liquid Fuel Tax Amnesty Revenue Estimate	(\$1.4)	
Amnesty Revenue Estimate	\$339.7	
	Less Administrative Costs	(\$16.8)
	Subtotal	\$322.9
Budget Stabilization Reserve Fund Threshold		\$403.6

<sup>1</sup>There was a decrease in collections during the FY of the 1995-1996 amnesty program and the subsequent year. This estimate represents the ratio of the decrease to the total amnesty collections during the FY and the following year.

<sup>2</sup>The cost of the program include additional equipment and staffing, reimbursements of collection agency and lien fees, advertising, and contracted system development.

<sup>3</sup>Liquid Fuels Tax Fund—One-half cent per gallon of the 12¢ excise tax collected for liquid fuels and fuels shall be paid into the Liquid Fuels Tax Fund. The money paid into that fund is allocated to the counties. Estimate is ratio of Liquid Fuels Tax Fund collections to unrestricted Liquid Fuels Tax collections for FY 2008-2009.

The Department estimated that a total of \$341.1 million will be collected through the proposed tax amnesty period with net collections of \$191.4 million for FY 2009-2010. This estimate was based on the following assumptions:

1. Abatement for all periods delinquent as of June 2009.
2. A 5-year "limited lookback" period for unknown liabilities.

The estimate was calculated by applying the average percentage of collections from other amnesty programs to the estimate of General Fund revenues plus Liquid Fuels tax revenue for 2009-2010. The ratio of tax amnesty collections to overall tax collections was calculated from other programs that provided 50% interest abatement in MidAtlantic States in the past 10 years. Amnesty programs in New Jersey, New York, Ohio, West Virginia, Maine and Virginia collected an average of 1.1% of their overall tax collections at the time of their programs. Applying that percentage to the estimated General Fund

and Liquid Fuels revenue yields a figure of \$304.6 million as potential amnesty collections.

The states used to produce the ratio of tax collections from amnesty provided for amnesty abatement on periods that were delinquent immediately before the start of the amnesty period. In this program, as in this Commonwealth's previous program, there is a period prior to the start of the program that is not eligible for amnesty abatement. In this case, only taxes that are delinquent as of June 30, 2009, are eligible. Therefore, the percentage of the Department's accounts receivable taxes that were estimated to be eligible at the start of the amnesty period, approximately 96%, were then applied to the \$304.6 million, yielding a figure of \$291.1 million.

Those who report and pay taxes that are unknown to the Department during the amnesty period may qualify for a limited filing period of 5 years. This is known as the "limited lookback" provision. Additional collections are anticipated due to the limited lookback period for unknown liabilities in Act 48. Under the 1995 Pennsylvania amnesty program, if taxpayers disclosed tax subjectivity or liabilities previously unknown to the Department, the taxpayer was required to file all taxes periods due regardless of the age of the liability.

To estimate the impact of the limited lookback provision, the collections by the Pennsylvania Voluntary Disclosure Program were analyzed. Voluntary Disclosure is an ongoing program that was created for individuals and businesses that have not met their tax obligations because they were not aware of them. In return for coming forward voluntarily, filing their tax returns, and clearing their tax debts, taxpayers are only responsible for the payment of tax and interest. Prior to 2000, Voluntary Disclosure required filing of all corporate returns with no limited lookback. In the 3 years subsequent to the implementation of a limited lookback, corporate tax collections increased by 44.5%. In the previous tax amnesty program in FY 1995-1996, corporation tax collections represented 37% of the overall revenue. It is assumed that corporate tax collections will be increased by approximately 17% (44% increase in revenue times 37% share of corporate taxes) for this program as a result of the limited lookback provision.

In the previous tax amnesty program in FY 1995-1996, there was a decrease in regular delinquent collections in the current FY and following year. It was assumed that there will also be a proportionate drop in delinquent collections for this program. The estimated drop in delinquent collections was calculated by measuring the delinquent taxes collected in the FY 1994-1995 against delinquent collections made outside the program in the FY 1995-1996 and 1996-1997.

This estimate also acknowledges that there will be administrative costs, approximately \$16.8 million, associated with the program.

Act 48 provides that "revenue generated by this article in excess of 125% of the amnesty revenue estimates under subsection (b)(1)(i) and the cost of administration of this article shall be deposited into the budget stabilization reserve fund." Under this language, the threshold for a transfer to the Budget Stabilization Reserve Fund is calculated on gross General Fund amnesty revenue, less administrative costs. This figure is estimated to be \$403.6 million.

STEPHEN H. STETLER  
*Secretary*

*(Editor's Note: For a Statement of Policy relating to this document, see 39 Pa.B. 6872 (December 5, 2009).)*

[Pa.B. Doc. No. 09-2246. Filed for public inspection December 4, 2009, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Meetings Scheduled

The Aviation Advisory Committee (AAC) will hold a meeting on Wednesday, December 9, 2009, from 11 a.m. to 3 p.m. in Conference Room 8N1 on the 8th Floor of the Commonwealth Keystone Building, Harrisburg, PA. For more information, contact the Executive Secretary of AAC, Patrice Bratcher at (717) 783-2026 or pbratcher@state.pa.us.

The State Transportation Commission (STC) will hold a meeting on Thursday, December 10, 2009, from 10 a.m. to 12 p.m. in Conference Room 8N1 on the 8th Floor of the Commonwealth Keystone Building, Harrisburg, PA. For more information, contact the Executive Secretary of STC, Nolan Ritchie at (717) 787-2913 or nritchie@state.pa.us.

The Pedalcycle and Pedestrian Advisory Committee will hold a meeting on Thursday, December 10, 2009, from 1 p.m. to 3:30 p.m. in Conference Room 125C of the Commonwealth Keystone Building, Harrisburg, PA. For more information, contact Gary Modi at (717) 783-1990 or gmodi@state.pa.us.

ALLEN D. BIEHLER, P. E.,  
*Secretary*

[Pa.B. Doc. No. 09-2247. Filed for public inspection December 4, 2009, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

### Beneficial Use of Coal Ash

The Environmental Quality Board (Board) has scheduled an additional hearing for the purpose of accepting comments on a proposed rulemaking that includes amendments to Chapter 287 (relating to residual waste management—general provisions) and the addition of Chapter 290 for the establishment of standards, procedures and requirements applicable to the beneficial use of coal ash. The hearing, which will occur on December 10, 2009, in Harrisburg, supplements three hearings previously advertised on the proposal at 39 Pa.B. 6429 (November 7, 2009). Details associated with each of the Board's hearings for the proposed rulemaking are provided as follows.

December 7, 2009  
1 p.m.

Department of Environmental  
Protection  
Southwest Regional Office  
Waterfront A and B Conference  
Rooms  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745

December 8, 2009  
1 p.m. Department of Environmental Protection  
Cambria District Office  
286 Industrial Park Road  
Ebensburg, PA 15931

December 9, 2009  
1 p.m. Department of Environmental Protection  
Pottsville District Office  
5 West Laurel Boulevard  
Pottsville, PA 17901-2454

December 10, 2009  
6 p.m. Department of Environmental Protection  
Southcentral Regional Office  
Susquehanna Room A  
909 Elmerton Avenue  
Harrisburg, PA 17110

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526 to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

The full text of the proposed rulemaking, published at 39 Pa.B. 6429, is available on the Department of Environmental Protection's web site at <http://www.depweb.state.pa.us> (Quick Access: "Public Participation"; then choose "Proposals Currently Open for Comment"). Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by December 22, 2009. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by December 22, 2009. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered. Comments may also be submitted electronically to the Board at [RegComments@state.pa.us](mailto:RegComments@state.pa.us) and must be received by the Board by December 22, 2009. A subject heading of the proposal and a return name and address must be included in each transmission. If the sender does not receive an acknowledgement of electronic comments within 2 working days, the comments should be retransmitted to ensure receipt.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board can best accommodate their needs.

JOHN HANGER,  
Chairperson

[Pa.B. Doc. No. 09-2248. Filed for public inspection December 4, 2009, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

### Meetings Scheduled

The following meetings of the Health Care Cost Containment Council (Council) have been scheduled: Wednesday, December 9, 2009, Technical Advisory Group Teleconference—11 a.m.; Monday, December 14, 2009, Health Care Cost Containment Act Review Committee Teleconference—10 a.m. Additional Council meetings are scheduled for January 6 and 7, 2010 and March 3 and 4, 2010. The meetings will be either held or accessible from the conference room at the Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons in need of accommodations due to a disability and want to attend the meetings should contact Renee Greenawalt, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101, or call (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

JOE MARTIN,  
Executive Director

[Pa.B. Doc. No. 09-2249. Filed for public inspection December 4, 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, November 19, 2009, and announced the following:

*Regulation Deemed Approved Under Section 5(g) of the Regulatory Review Act—Effective November 18, 2009*

Department of Public Welfare #14-515: Food Stamp Discretionary Provisions (amends 55 Pa. Code Chapter 501)

*Action Taken—Regulations Approved:*

Pennsylvania Liquor Control Board #54-63: License Application and Management Contracts (amends 40 Pa. Code Chapters 1, 3, 5, 7, 13 and 17)

State Board of Chiropractic #16A-4317: Needle Acupuncture (amends 49 Pa. Code Chapter 5)

State Board of Pharmacy #16S-5416: Revisions Regarding Current Pharmacy Practice (amends 49 Pa. Code Chapter 27)

*Action Taken—Regulation Disapproved:*

\*State Board of Funeral Directors #16A-4816: Preneed Activities of Unlicensed Employee (adds Section 13.206a to 49 Pa. Code)

\*Will advise when order is issued.

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**Approval Order**

Public Meeting held  
November 19, 2009

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-man, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq., by Phone

*Pennsylvania Liquor Control Board—License Application and Management Contracts; Regulation No. 54-63 (#2613)*

On May 17, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Liquor Control Board (Board). This rulemaking amends 40 Pa. Code Chapters 1, 3, 5, 7, 13 and 17. The proposed regulation was published in the July 21, 2007 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on August 20, 2009.

On September 29, 2009, the Commission received a request from the Board to toll consideration of this final-form regulation to correct drafting errors, clarify certain provisions and to provide additional information in the Preamble. On October 29, 2009, the Pennsylvania Liquor Control Board submitted its revisions to the final-form regulation to the Commission.

This final-form regulation defines the terms “pecuniary interest,” “management contracts” and “malt or brewed beverage dispensing system.” It also establishes or amends rules pertaining to management contracts, the appointment of managers, the cleaning of dispensing systems and tasting events.

We have determined this regulation is consistent with the statutory authority of the Board (47 P. S. § 2-207(i)) 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.

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**Approval Order**

Public Meeting Held  
November 19, 2009

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-man, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq., by Phone

*State Board of Chiropractic—Needle Acupuncture; Regulation No. 16A-4317 (#2746)*

On February 11, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Chiropractic (Board). This rulemaking amends 49 Pa. Code Chapter 5. The proposed regulation was published in the February 21, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 6, 2009.

This regulation amends Section 5.81(1)(xv) to remove in certain circumstances the prohibition against advertising or practicing needle acupuncture, in accordance with relevant laws and regulations.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 625.302(a), 625.506(a)(4) and 625.506(a)(11)) 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.

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**Approval Order**

Public Meeting Held  
November 19, 2009

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fine-man, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq., by Phone

*State Board of Pharmacy—Revisions Regarding Current Pharmacy Practice; Regulation No. 16A-5416 (#2640)*

On September 19, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Pharmacy (Board). This rulemaking amends 49 Pa. Code Chapter 27. The proposed regulation was published in the September 29, 2007 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on October 6, 2009.

The rulemaking removes outdated language to bring the regulation up to date with current practices in the industry, including those relating to the responsibilities of pharmacy interns, storage of and prescriptions for Schedule II controlled substances, as well as licensing renewal and the administering of pharmacy license exams.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. §§ 390-4(j) and 390-6(k)) 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. 09-2250. Filed for public inspection December 4, 2009, 9:00 a.m.]

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**Notice of Comments Issued**

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

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

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
16A-6513	State Board of Physical Therapy Continuing Education Providers 39 Pa.B. 5435 (September 19, 2009)	9/19/09	11/18/09
16A-5722	State Board of Veterinary Medicine Responsibility to Clients and Patients 39 Pa.B. 5438 (September 19, 2009)	9/19/09	11/18/09
16A-5723	State Board of Veterinary Medicine Biennial Renewal Fees 39 Pa.B. 5436 (September 19, 2009)	9/19/09	11/18/09
16A-7015	State Board of Certified Real Estate Appraisers Appraisers Trainees; Initial and Continuing Education; Supervised Experience; Practice Standards 39 Pa.B. 5423 (September 19, 2009)	9/19/09	11/18/09

**State Board of Physical Therapy  
Regulation #16A-6513 (IRRC #2786)**

**Continuing Education Providers**

**November 18, 2009**

We submit for your consideration the following comments on the proposed rulemaking published in the September 19, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Physical Therapy (Board) to respond to all comments received from us or any other source

**House Professional Licensure Committee comment—Reasonableness; Clarity.**

In a letter dated October 21, 2009, the House Professional Licensure Committee commented on the following issues:

- Wording changes with regard to the usage of “courses” and “programs” in Subsections (d)(1), (3), (5) and (6).
- Validity of course approval if program and course dates are not firm or if the dates change.
- How will licensees be informed of the approval or disapproval status of a course or program?
- How will distance learning be addressed with regard to distance learning?

We will review the Board’s responses to these issues in our consideration of whether the final-form regulation is in the public interest.

**State Board of Veterinary Medicine  
Regulation #16A-5722 (IRRC #2787)**

**Responsibility to Clients and Patients**

**November 18, 2009**

We submit for your consideration the following comments on the proposed rulemaking published in the September 19, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the

State Board of Veterinary Medicine (Board) to respond to all comments received from us or any other source.

**1. General—Clarity.**

The response to Regulatory Analysis Form Question #14 states that the Board has “attached information regarding the widespread acceptance that the use of analgesia is the acceptable and prevailing standard of care.” However, no such information was attached to our copy of the proposed regulatory package. This information should be included with the final-form document submitted.

**2. Section 31.21.—Rules of Professional Conduct for Veterinarians.—Protection of the public health, safety and welfare; Reasonableness; Need; Implementation procedures; Clarity.**

*Euthanasia*

Paragraph (a)(1) references “humane euthanasia,” while other subsections simply refer to “euthanasia.” We recommend using one term throughout the regulation.

*Reasonable attempt*

Paragraph (a)(1) uses the phrase “reasonable attempt” twice in regard to determining the identity of the animal’s owner and contacting the owner. The phrase “reasonable attempt” is vague. We recommend that the final-form regulation establish a clear standard for compliance by veterinarians and potential enforcement by the Board.

*Proper veterinary medical judgment*

Paragraphs (a)(1) and (2) require the veterinarian to exercise “proper veterinary medical judgment.” This requirement is vague. The regulation should specify what standard the Board will use to determine a violation.

*Notice to the client*

Paragraph (a)(2) requires the veterinarian to provide the client with notice of his or her intention to withdraw and discontinue treatment of an animal. What type of notice will the Board find acceptable to notify clients of the withdrawal? We recommend that the final-form regulation require the notice to be in writing.

*Personal client information*

Subsection (c) requires veterinarians and their staff to protect the personal privacy of clients and specifies the

protection of “a client’s Social Security number and sensitive financial information and confidential health information about the client.” Section 31.1 of the existing regulations defines a “client” as a “person . . .” While this information should definitely be protected if the veterinarian possesses it, we question under what circumstances a veterinarian would obtain or need a person’s social security number or confidential health information. We request an explanation of why it would be necessary for a veterinarian to request, possess and document a person’s social security number, sensitive financial information or confidential health information.

*Acceptable and prevailing standards*

Subsections (d) and (f) require veterinarians to practice in accordance with “acceptable and prevailing standards.” A commentator is concerned that this term is subject to interpretation, since what is considered “acceptable and prevailing” can vary from region to region, or between general and specialty practices. We agree that it is not clear what standard the regulation sets. We recommend that the Board define this phrase or amend the regulation so that the final-form regulation sets a clear standard for compliance.

*Subsection (e)*

We raise three issues with this subsection.

First, this subsection requires a veterinarian to explain to a client the “significant potential risks” of treatment options. Commentators are concerned that the term “significant” could be held to a subjective interpretation. We agree that the phrase “significant potential risks” is vague. We recommend deleting the word “significant.”

Second, this subsection requires a veterinarian to obtain written consent for euthanasia. However, if the client is not present to provide a signature, veterinarians shall obtain oral consent and subsequently obtain the client’s signature. The House Professional Licensure Committee (HPLC) questioned the signature requirements. Commentators described the subsequent request for a client’s signature, after their animal was euthanized, as unrealistic and an awkward request that could come across as inappropriate or insensitive on the part of the veterinarian. We agree. The Board should explain the need for and reasonableness of obtaining signatures in the circumstances raised by the commentators and the HPLC. If the Board believes signatures are needed, the regulation should provide guidance for the circumstances where the veterinarian acted in accordance with the regulation but, due to circumstances beyond the control of the veterinarian, the client does not provide a subsequent signature.

Finally, commentators also questioned the responsibility imposed on veterinarians if the client refuses to sign the consent form or fails to return it. Would this constitute grounds to discontinue the treatment of an animal? The regulation should also address these circumstances.

*Subsection (g)*

Who determines what is considered a “reasonable period of time” to forward records to a new veterinarian? The final-form regulation should set a finite time limit to forward the records.

In addition, a commentator suggests that if the original veterinarian withdraws and the client wants to consult with another veterinarian about the same case, that the records be transferred to the new veterinarian in accordance with Section 31.22(8) of the existing regulation. Has the Board considered including a cross-reference to this section?

**State Board of Veterinary Medicine  
Regulation #16A-5723 (IRRC #2788)**

**Biennial Renewal Fees**

**November 18, 2009**

We submit for your consideration the following comments on the proposed rulemaking published in the September 19, 2009 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the State Board of Veterinary Medicine (Board) to respond to all comments received from us or any other source.

**Statutory authority; Legislative intent; Fiscal impact.**

This proposed rulemaking would provide for incremental biennial license renewal fee increases for veterinarians and veterinary technicians for the next six biennial renewal cycles. The current renewal fee for veterinarians is \$300 and the current renewal fee for veterinary technicians is \$75. The renewal fees at the end of the 2020-2022 biennial period will be \$590 for veterinarians and \$140 veterinary technicians.

Subsections 13 (a),(b) and (c) of the Veterinary Medicine Practice Act (Act) (63 P.S. § 485.13 (a), (b) and (c)) establish the Board’s authority for setting and raising fees. Those sections state the following:

- a) The board shall, by regulation, fix the fees required for examination, licensure, certification, registration, renewal of licenses and registrations, renewal of certificates and temporary permits.
- (b) If the revenues raised by fees, fines and civil penalties imposed pursuant to this act are not sufficient to meet expenditures over a two-year period, the board shall increase those fees by regulation so that the projected revenues will meet or exceed projected expenditures. (Emphasis added.)
- (c) If the Bureau of Professional and Occupational Affairs determines that the fees established by the board pursuant to subsections (a) and (b) are inadequate to meet the minimum enforcement efforts required by this act, then the bureau, after consultation with the board, shall increase the fees by regulation so that adequate revenues are raised to meet the required enforcement effort.

While we do not question the policy behind these incremental fee increases, we ask the Board to explain how the increases conform to the intent of the General Assembly and Section 13 of the Act. What is the Board’s statutory authority for automatic fee increases that may or may not be needed to meet expenditures ten years in the future? If the financial condition of the Board improves, will the fees be decreased accordingly?

**State Board of Certified Real Estate Appraisers  
Regulation #16A-7015 (IRRC #2789)**

**Appraiser Trainees; Initial and Continuing  
Education; Supervised Experience;  
Practice Standards**

**November 18, 2009**

We submit for your consideration the following comments on the proposed rulemaking published in the September 19, 2009 *Pennsylvania Bulletin*. Our com-

ments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the State Board of Certified Real Estate Appraisers (Board) to respond to all comments received from us or any other source.

**1. Section 36.2. Application process.—Implementation procedures.**

The proposed regulation adds the following new sentence to Subsection (e):

An applicant for licensure as an appraiser trainee shall comply with any increased education requirement that takes effect between the applicant's filing of an application that is disapproved and the applicant's filing of a new application.

The intent of this statement is not clear. How or when will "any increased education requirement" take effect? Will the Board notify applicants of these additional requirements? Is this statement referring to future rulemakings that amend the education standards? The final-form regulation should clarify these issues.

**2. Sections 36.11 and 36.12. Qualifications for certification as residential real estate appraiser and general real estate appraiser.—Clarity.**

Existing language in each of these two sections establishes two tiers of educational requirements. For those who complete their education before January 1, 2008, the total "appraisal classroom hours" required are 120 hours and 180 hours for certified residential and general real estate appraisers, respectively. As of January 1, 2008, the required total hours increase to 200 and 300 for certified residential and general real estate appraisers, respectively. These increases are consistent with the requirements of the Appraisal Foundation's Appraiser Qualifications Board, which Federal law establishes as the national standard. The proposed regulation uses what the Preamble describes as a "segmented approach" to set January 1, 2012, as the deadline for applicants who can demonstrate completion of the 120 or 180 total hour requirement before January 1, 2008. In other words, all applicants will need to comply with the increase to 200 or 300 hours when they file their applications after 2011. We have three questions.

First, the segmented approach gives applicants up to four years from when they complete their educational requirements to when they apply for certification. The Preamble indicates that the qualified experience requirements can be completed in 24 and 30 months. In addition, these applicants could accumulate qualified experience after completing 75 classroom hours. How did the Board determine that four years was a reasonable amount of time? Why is it appropriate to give these applicants an additional 18 months to obtain experience and apply?

Second, the final-form regulation should clarify what the Board will consider to be appropriate "evidence" of the applicant's completion of certain courses in Subsections (b) and (d)(2). Finally, how will the Board determine that a course is "equivalent" to the 15-hour National USPAP course in Subsections (b) and (d)(2)? The final-form regulation should clarify this provision.

**3. Section 36.12a. Qualifications for licensure as appraiser trainee.—Implementation procedures; Clarity.**

*Subsection (b)(2)*

What would the Board consider an "examination pertinent to the course?" The final-form regulation should clarify this issue.

*Subsection (d)*

Subsection (d) explains the limitations on the biennial renewal of an appraiser trainee license. The license can be renewed no more than four times, unless one or more additional renewals are warranted. When would the Board consider additional renewals appropriate? Will there be a limit on the number of additional renewals permitted? What procedures or process would a trainee use to apply to request an additional renewal? What would be considered "good cause" for allowing an additional renewal?

**4. Section 36.52. Use of certificate number and title.—Need; Clarity.**

This section lists several titles a certified real estate appraiser is permitted to use. The proposed regulation states that a "substantially similar title" may be substituted. What would the Board consider a "substantially similar title?" Given the list of titles the proposed regulation already provides, under what circumstances would it be necessary to use a "substantially similar" title?

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 09-2251. Filed for public inspection December 4, 2009, 9:00 a.m.]

### Notice of Filing of Final Rulemaking

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, 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 a copy can be obtained on the web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
125-100	Pennsylvania Gaming Control Board Vendor Revisions	11/18/09	1/7/10

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 09-2252. Filed for public inspection December 4, 2009, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Domestic Certificate of Authority by Vision Benefits of America II, Inc.

Vision Benefits of America II, Inc. has applied for a Certificate of Authority to operate as a domestic stock casualty insurance company in this Commonwealth. The filing was made under the requirements set forth under The Insurance Company Law of 1921 (40 P. S. §§ 341—991).

Persons wishing to comment on the application are invited to submit a written statement to the Insurance

Department (Department) within 14 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, or rbrackbill@state.pa.us.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-2253. Filed for public inspection December 4, 2009, 9:00 a.m.]

### Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Jefferson Hills Manor, LLC

Jefferson Hills Manor, LLC has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at Jefferson Hills Manor in Jefferson Hills, PA. The initial filing was received on November 20, 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 21 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, or syerger@state.pa.us.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-2254. Filed for public inspection December 4, 2009, 9:00 a.m.]

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

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

The following hearing will be held in the Bureau of Consumer Services, Philadelphia Regional Office, Room 6062, 801 Market Street, Philadelphia, PA 19107.

Appeal of Nichelle Y. Clinkscale; file no. 09-214-76409; State Farm Mutual Automobile Insurance Company; Doc. No. PH09-11-021; January 12, 2010, 11 a.m.

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

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

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

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

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-2255. Filed for public inspection December 4, 2009, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The Liquor Control Board seeks the following new sites:

Centre County, Office/Training Facility, Dale Summit or Bellefonte Area

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,000 to 2,500 net useable square feet of existing commercial space for use as an office and/or training facility. The facility must have convenient access to Interstate 99. The facility must provide free parking and be reasonably close to the existing PLCB store location in Dale Summit or Bellefonte, Centre County, PA.



*Proposals due:* December 18, 2009, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 158 Purity Road,  
 Suite B, Pittsburgh, PA 15235-4441  
**Contact:** Bruce Vandyke, (412) 723-0124

Erie County, Office/Training Facility, Edinboro Area

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,500 net useable square feet of existing commercial space for use as an office and/or training facility. The space should be in proximity to the Town of Edinboro, PA and the intersection of Route 6 N and Interstate 79. Free parking for approximately 20 cars is required.

*Proposals due:* December 18, 2009, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 158 Purity Road,  
 Suite B, Pittsburgh, PA 15235-4441  
**Contact:** George Danis, (412) 723-0124

PATRICK J. STAPLETON, III,  
*Chairperson*

[Pa.B. Doc. No. 09-2256. Filed for public inspection December 4, 2009, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Authorization to Sell Accounts Receivable

**A-2009-2143273. Columbia Gas of Pennsylvania, Inc.** Application of Columbia Gas of Pennsylvania, Inc. for authorization to sell accounts receivable to a to-be formed wholly owned subsidiary.

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 December 21, 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:* Columbia Gas of Pennsylvania

*Through and By Counsel:* Michael W. Gang, Esquire, Michael W. Hassell, Esquire, Andrew S. Tubbs, Esquire, Post and Schell, PC, 17 North Second Street, 12th Floor, Harrisburg, PA 17101-1601.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-2257. Filed for public inspection December 4, 2009, 9:00 a.m.]

### Order

Public Meeting held  
 November 19, 2009

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

*Application of Verizon North, Inc. for any approvals required under the public utility code for transactions related to the restructuring of the company to a Pennsylvania-only operation and notice of an affiliate transaction; Doc. No. A-2009-2111330; A-2009-2111331; A-2009-2111337*

### Order

*By the Commission:*

On May 29, 2009, Verizon North, Inc. (Verizon North or the Applicant) filed an application pursuant to Chapters 11 and 30 of the Pennsylvania Public Utility Code, 66 Pa.C.S. § 1102(a) and 66 Pa.C.S. § 3019(b)(1) seeking all approvals necessary in connection with a corporate restructuring whereby the Pennsylvania-only operations of Verizon North will be spun off to a newly created entity, Verizon North Retain Company (Verizon North Retain). The Applicant states that the restructuring is necessary because Verizon Communications, Inc. (Verizon), the ultimate parent of Verizon North, has entered into an agreement with Frontier Communications Corporation (Frontier) to transfer its incumbent local exchange carrier (ILEC) operations in certain states to Frontier. However, Verizon North's Pennsylvania operations are not included in this transaction, and as a result Verizon North must restructure itself.

Presently, Verizon North is a wholly-owned subsidiary of GTE Corporation (GTE), which in turn is a wholly-owned subsidiary of Verizon. In addition to providing ILEC service in Pennsylvania, Verizon North provides telecommunications services in a number of other states, including: Illinois, Indiana, Michigan, Ohio and Wisconsin. Verizon North was formerly known as GTE North, Inc. GTE North, Inc.'s name was changed to Verizon North, Inc. following the merger of GTE and Bell Atlantic Corporation.

The Applicant avers that under the proposed restructuring, a new, wholly-owned corporation of Verizon North, Verizon North Retain, will be created. All of the Pennsylvania assets, operations and liabilities of Verizon North will be transferred to Verizon North Retain, and then all of the stock of Verizon North Retain will be transferred to GTE. Verizon North will abandon the provision of public service in the Commonwealth at the same time Verizon North Retain will enter public service and begin serving all existing Verizon North's Pennsylvania customers.

The Applicant claims that the proposed restructuring simply changes the geographic scope of operations of Verizon North so that the resulting ILEC will operate only in Pennsylvania. The Applicant further avers no changes to Verizon North's Pennsylvania operations will occur as a result of the restructuring and that ultimate ownership by Verizon will not change.

In addition to no change in the operations or ultimate control of Verizon North's Pennsylvania operations, the Applicant states that the proposed transaction will not affect the Commission's authority over the restructured entity. Verizon North will continue to operate under the terms of any and all certificates of authority issued by the Commission to Verizon North, will adopt all of the

Pennsylvania tariffs of Verizon North, and will assume all of the regulatory and contractual obligations of Verizon North in Pennsylvania. According to Applicant, Verizon North Retain will adopt Verizon North's Commission-approved alternative regulation plan, including its network modernization commitments pursuant to 66 Pa.C.S. § 3019(b)(4).

The Applicant avers that the proposed transaction will be transparent to customers, that is, customers will continue to receive service under the same rates, terms and conditions as they do today. After consummation of the transaction, all of the same managerial, technical and financial resources available to Verizon North today will be available to Verizon North Retain as a wholly-owned subsidiary of Verizon.

Verizon North has also requested that because there is no change of control or any change in management or operations of the successor company, its application should be considered under the "streamline approach" granted to transactions where corporations have transformed themselves from a business corporation to a new limited liability corporation.<sup>1</sup> As part of the streamlined process, the Applicant asserts that the proposed restructuring does not trigger the standard of demonstrating affirmative public benefit set forth in *City of York v. PUC*, 295 A. 2d 825 (Pa. 1972).

#### *Procedural History*

On June 15, 2009, Communications Workers of America (CWA) and International Brotherhood of Electrical Workers, Locals 1451, 1635 and 1637 (IBEW) (collectively the "Unions") filed preliminary objections to the application. The Unions stated that they are the authorized collective bargaining agents and representatives of employees of certain Pennsylvania subsidiaries of Frontier<sup>2</sup> and Verizon North. The Unions allege that the Application was insufficiently specific and legally insufficient because underlying the restructuring of Verizon North in Pennsylvania is the merger of Verizon and Frontier, and that the merger must be approved by the Commission because it would result in a change in control of Frontier, the parent of Frontier PA. The Unions asserted that the merger would result in Verizon stockholders owning between 66% and 71% of Frontier, and that Verizon stockholders would act in concert as a group through the management and directors of Verizon to control Frontier. The Unions sought to have the Applicant amend its application to include more information about the merger and its impact on Frontier PA's customers, employees and competitors. The Unions also sought to have the Frontier PA companies joined as necessary parties to this proceeding.

On June 25, 2009, Verizon North filed an answer to the preliminary objections. Applicant argued that the preliminary objections should be denied because they were: (1) irrelevant to Verizon North's Application seeking approval to restructure itself as a Pennsylvania-only operation; and (2) without merit because the merger of Verizon and Frontier will not result in a new controlling interest in Frontier PA.

<sup>1</sup> See Docket Nos. A310400 F0004, A310550 F0004, A311750 F0004, A-312600 F0003, and A-311250. *Joint application of Frontier Communications of Breezewood, Inc., et al. for approval of a corporate restructuring from corporations to limited liability companies* (Order entered October 17, 2003). To take a more streamlined approach, this application was not viewed as an entry and abandonment by a new business entity and no new utility code was issued.

<sup>2</sup> The Pennsylvania subsidiaries of Frontier include Commonwealth Telephone Company, d/b/a Frontier Commonwealth Telephone Company; Frontier Communications of Breezewood; Frontier Communications of Canton; Frontier Communications of Lakewood; Frontier Communications of Oswayo River; and Frontier Communications of Pennsylvania (collectively Frontier PA).

On July 2, 2009, CWA and IBEW filed a Protest to the Application. On July 22, 2009, Verizon North filed preliminary objections to the Protest of CWA and IBEW. On July 31, 2009, CWA and IBEW filed an Answer to the Preliminary Objections of Verizon North. On August 5, 2009, Verizon North filed an Answer in Support of its Preliminary Objections.

On July 8, 2009, Office of Consumer Advocate (OCA) filed a Notice of Intervention.

On August 12, 2009, Administrative Law Judge (ALJ) Charles E. Rainey, Jr. issued an order denying the preliminary objections of CWA and IBEW. The ALJ stated:

I find for purposes of ruling on the preliminary objections that Objectors have not shown that the application is clearly insufficient to establish Applicant's right to relief. I find that for purposes of ruling on the preliminary objections that the application is sufficiently specific and legally sufficient to establish Applicant's right to relief. I also find for purposes of ruling on the preliminary objections that Objectors have not shown that as a matter of law the Frontier PA companies are necessary parties to this proceeding that must be joined.

On August 26, 2009, CWA and IBEW filed a Petition for Interlocutory Review and Answer to a Material Question. The material question raised by the Unions was:

Whether the Commission is required to grant a certificate of public convenience and necessity before the parent company of Pennsylvania telecommunications utilities can transfer more than 66 percent of its common stock to the shareholders of an unaffiliated corporation, and in which the unaffiliated corporation would appoint 25 percent of the parent's board of directors.

On September 8, 2009, CWA and IBEW filed a Brief in Support of their Petition for Interlocutory Review.

On September 8, 2009, Verizon North filed its Opposition to the Unions' Petition for Interlocutory Review.

On September 24, 2009, the Commission entered an Opinion and Order in regard to the Unions' Petition for Interlocutory Review and Answer to a Material Question. Pursuant to 52 Pa. Code § 5.303(a)(3), the Commission declined to answer the material question and returned the proceeding to the Office of Administrative Law Judge for further proceedings consistent with the Opinion and Order. The Commission stated as follows:

On consideration of the positions of the Parties, we decline to answer the question. We find that the material question presented is irrelevant for purposes of resolving the Application. Consequently, we see no reason why interlocutory review will prevent substantial prejudice or expedite the conduct of the present proceeding.

The instant Application requests all approvals necessary for one corporate transaction—the reorganization of Verizon North. The material question presented seeks a ruling that the Commission has jurisdiction over a second corporate transaction—the transfer of Frontier's stock. The two transactions are related, but they can be treated as separate and distinct transactions for purposes of Commission approval. This is apparent from Petitioner's request for

relief: that the Commission require Frontier (not Verizon North) to file an application seeking approval of the transfer of control. Brief in Support of Petition at 7. Moreover, as Verizon North correctly notes in its brief, Verizon North could have proposed the same corporate reorganization even if it had not engaged in any transaction with Frontier. Brief in Opposition to Petition at 4.

The Petitioners assert, without any support or explanation, that the Commission must review both transactions together. While there are obvious advantages to a single application that seeks Commission approval of both transactions, we are not persuaded that a single application covering both transactions is required by law. Under these circumstances, a finding that we do or do not have jurisdiction over the merger of Frontier and Verizon is irrelevant for purposes of adjudicating an application pertaining to the first transaction.

Finally, we note that the Petitioners have sufficient alternative means of pursuing their claim that the second transaction is subject to Commission review. There is no need to confuse or delay the adjudication of the first transaction by considering questions pertaining to the second.

Opinion and Order at 7-8.

By Hearing Cancellation/Reschedule/Judge Change Notice dated August 21, 2009, an initial prehearing conference was scheduled for October 6, 2009. The prehearing conference was held as scheduled. Applicant appeared in person. CWA and IBEW appeared by telephone. OCA also appeared by telephone. During the prehearing conference, CWA and IBEW announced that they were withdrawing their protest. OCA stated that it would not be pursuing the matter further. As a result, Applicant's Preliminary Objections to the Protest of CWA and IBEW were rendered moot by the Unions withdrawal of their Protest.

On October 6, 2009, CWA and IBEW filed notice of withdrawal of their Protest. In withdrawing their Protest, CWA and IBEW stated as follows:

The Protest is being withdrawn because the Commission ruled on September 24, 2009, that the scope of this proceeding would be limited to the internal reorganization of Verizon North. CWA and IBEW have determined that their interests are not likely to be adversely affected by that internal reorganization.

Notice of Withdrawal at 1.

Because the sole protest to the Application has been withdrawn, there was no need for a hearing or the further adjudication of this matter by the Office of Administrative Law Judge. On October 8, 2009, ALJ Rainey transferred the Application to the Bureau of Fixed Utility Services for disposition.

#### *Discussion*

Verizon North has requested that the Commission take a "streamlined approach" similar to the Frontier Order. We find, however, it is unnecessary to address this issue because, as outlined below, we find that the transaction provides a public benefit.

As undisputedly stated in the Application, the proposed transaction is a corporate reorganization which will transfer the assets, liabilities and operations of Verizon North's Pennsylvania operations to a new corporate entity, Verizon North Retain. No change in ultimate ownership and control of the new company will occur as a result of

the transaction. Rates, terms and conditions of service or regulatory obligations including Verizon North's Commission-approved alternate regulation plan will not change as a result of this reorganization. No disruption in service to Pennsylvania customers will occur. The restructuring will create a Pennsylvania-only entity that will permit the new corporation to concentrate its operational and managerial efforts to promote better service to Pennsylvania customers. All of the managerial, technical and financial resources currently available to Verizon North Pennsylvania consumers will be available to Verizon North Retain.

Therefore, we find that the record sufficiently supports the Applicant's claim that the proposed reorganization will benefit customers by permitting the new corporation to concentrate its operational and managerial efforts to promote better service in Pennsylvania while allowing Verizon to consummate its transaction with Frontier involving the other states in which Verizon North operates.

The Commission has determined that the Applicant is current with its annual financial and Security Planning and Readiness Self Certification Form report filing requirements, and there are no outstanding Commission fines or assessments against the Applicant.

Having reviewed the instant application, we conclude that the entry of Verizon North Retain as an ILEC, the proposed transfer of assets used by Verizon North to provide service in Pennsylvania to Verizon North Retain, and the abandonment of service by Verizon North are necessary or proper for the service, accommodation, convenience, or safety of the public, and that the application should be approved; *Therefore,*

#### *It Is Ordered That:*

1. The Application of Verizon North Retain Company to begin the provision of services as a local exchange carrier at A-2009-2111330 is granted.

2. The application at A-2009-2111331 for the transfer of Pennsylvania assets from Verizon North, Inc. to Verizon North Retain Company and subsequent transfer of stock of Verizon North Retain Company to GTE, and the abandonment by Verizon North, Inc. of all telecommunication services at A-2009-2111337 are hereby approved.

3. Within 30 days following consummation of transaction described in Ordering Paragraph No. 2, above, Verizon North Retain Company shall notify this Commission of the effective date of the asset transfer and file with this Commission notice of such consummation along with: (a) a copy of the Pennsylvania Department of State's registration of the entity's certificate of organization and (b) a tariff adoption supplement by which Verizon North Retain Company adopts as its own the tariff of Verizon North, Inc.

4. Upon receipt of the tariff adoption supplements as required under Ordering Paragraph No. 3, above, (a) certificates of public convenience be issued evidencing the approvals granted in Ordering Paragraphs No. 1 and 2, above, and (b) Verizon North, Inc. be deleted from the active lists of the Secretary's Bureau of Administrative Services.

5. If Verizon North, Inc. comes to determine that the instant transaction will not occur, Verizon North, Inc. shall promptly file with this Commission notice of such determination.

6. Upon filing of the notice required in Ordering Paragraph No. 3 or 5, above, the case be marked closed.

7. A copy of this order be published in the *Pennsylvania Bulletin*.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-2258. Filed for public inspection December 4, 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 (Commission). Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by December 21, 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.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.**

**A-2009-2142774. Boaz Cab Corp.** (1405 West Pike Street, Philadelphia, Philadelphia County, PA 19140), a corporation of the Commonwealth—to begin to transport, as a common carrier, by motor vehicle, persons upon call or demand, in the Borough of Malvern and the Townships of East Whiteland, West Whiteland, Willistown, Uwchlan, Upper Uwchlan, Tredyffrin and Charlestown, all located in Chester County, which is to be a transfer of all of the rights authorized under the certificate issued at A-00121183 to Thomas Edward Cockerham, t/a Acar Town Car Taxi, subject to the same limitations and conditions.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under the application.**

**A-2009-2142234. SNJ Realty Corporation** (11 Church Road, Hatfield, Montgomery County, PA 19440), a corporation of the Commonwealth, household goods in use from points in the City of Allentown, Lehigh County and within 25 miles of the usually traveled highways of the limits of said city to points in Pennsylvania, and vice versa, which is to be a transfer of part of the operating authority authorized under the Certificate of Public Convenience issued at A-00093525 to Keller Moving & Storage, Inc. on June 13, 1967. *Attorney:* James W. Patterson, Esquire, 2929 Arch Street, 13th Floor, Philadelphia, PA 19104.

**Application of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.**

**A-2009-2142592. Applegage, Inc.** (421 Troy Drive, Blandon, Berks County, PA 19510)—a corporation of the Commonwealth—to begin to transport persons, as a contract carrier, for STOPS, Inc., limited to injured workers, from points in the City and County of Philadelphia, and the Counties of Berks, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Northumberland, Schuylkill and York, to points in Pennsylvania, and return.

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-2259. Filed for public inspection December 4, 2009, 9:00 a.m.]

### Telecommunications Services

**A-2009-2142620. ComTech21, LLC.** Application of ComTech21, LLC for approval to offer, render, furnish or supply telecommunications services to the public as a Competitive Local Exchange Carrier in the service territory of The United Telephone Company of Pennsylvania, LLC, d/b/a CenturyLink, f/d/b/a Embarq Pennsylvania.

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 December 21, 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:* ComTech21, LLC

*Through and By Counsel:* Lance J. M. Steinhart, Esq., 1720 Windward Concourse, Suite 115, Alpharetta, GA 30005, (770) 232-9200, fax (770) 232-9208

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-2260. Filed for public inspection December 4, 2009, 9:00 a.m.]

### Telecommunications Services

**A-2009-2143320 and A-2009-2143321. Kentucky Data Link, Inc.** Application of Kentucky Data Link, Inc. for approval to offer, render, furnish or supply telecommunications services to the public as a Competitive Local Exchange Carrier in the service territories of The United Telephone Company of Pennsylvania, LLC, f/d/b/a Embarq Pennsylvania, d/b/a CenturyLink and Windstream Pennsylvania, LLC.

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 December 21, 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:* Kentucky Data Link, Inc.

*Through and By Counsel:* Anthony D. Gillette, 8829 Bond Street, Overland Park, KS 66214, (913) 754-3341, fax: (812) 759-0999, e-mail: Anthony.gillette@kdline.com

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-2261. Filed for public inspection December 4, 2009, 9:00 a.m.]

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### Water Service

**A-2009-2142867. Lancon Water Company, Inc.** Application of Lancon Water Company, Inc. for a Certificate of Public Convenience to begin to supply water service to the public in a portion of Lancaster Township, Butler 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 December 21, 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:* Lancon Water Company, Inc.

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas Long Niesen and Kennard, 212 Locust Street, Suite 500, Harrisburg, PA 17101

JAMES J. McNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-2262. Filed for public inspection December 4, 2009, 9:00 a.m.]

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## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project No. 09-148.P purchase of printer and fax cartridges until 2 p.m. on Tuesday, December 29, 2009. All information concerning this project can be obtained from the PRPA web site [www.philaport.com](http://www.philaport.com) under Procurement and, will be available Tuesday, December 8, 2009. PRPA is an equal opportunity employer. Firms must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. McDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 09-2263. Filed for public inspection December 4, 2009, 9:00 a.m.]

## STATE BOARD OF BARBER EXAMINERS

### Bureau of Professional and Occupational Affairs v. Gerald S. Morrow, t/d/b/a Jerry's Barber Shop; Doc. No. 0539-42-2009

On October 21, 2009, Gerald S. Morrow, t/d/b/a Jerry's Barber Shop of Philadelphia County, was suspended as a barber manager, License No. BM002445L and ordered to pay a civil penalty of \$1,000 for practicing on a lapsed license (second or subsequent offense) and suspended as a barber shop licensee, License No. BO045408L, and ordered to pay a civil penalty for failure to display a shop license in his barber shop.

Individuals may obtain a copy of the adjudication by writing to David Markowitz, Board Counsel, State Board of Barber Examiners, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Barber Examiners's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

L. ANTHONY SPOSSEY,  
*Chairperson*

[Pa.B. Doc. No. 09-2264. Filed for public inspection December 4, 2009, 9:00 a.m.]

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## STATE BOARD OF COSMETOLOGY

### In the Matter of the Citation Issued to Dwight Gray, t/d/b/a A Beautiful You; Doc. No. 1915-45-2009

On October 20, 2009, Dwight Gray, t/d/b/a A Beautiful You, license no. CB120564, of Duncansville, Blair County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the adjudication by writing to David Markowitz, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the State Board of Cosmetology's (Board) final decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court, must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board Counsel.

JANET G. M. SANKO,  
*Chairperson*

[Pa.B. Doc. No. 09-2265. Filed for public inspection December 4, 2009, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations, and Concentrated Animal Feeding Operations and Volunteers Complying with Pennsylvania's Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for odor management plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg,

PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

### Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Mark Rohrbach 68 Rider Road Catawissa, PA 17820	Columbia County Catawissa Township	597.56	Swine	New	10/23/2009
Rowe Family Farm Co. 216 Pawling State Road Selinsgrove, PA 17870	Snyder County Middle Creek Township	133.15	Broilers	New	10/23/2009

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-2266. Filed for public inspection December 4, 2009, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved the following list of projects, during the period of October 1, 2009, through October 31, 2009.

For further information, contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, srichardson@srbc.net, or mail inquiries to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

#### *Supplementary information*

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process set forth in 18 CFR 806.22(f) for the time period specified previously:

#### *Approvals By Rule Issued:*

1. Chesapeake Appalachia, LLC, Pad ID: Gowan, ABR-20091001, Terry Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: October 5, 2009.
2. Chief Oil & Gas, LLC, Pad ID: Poor Shot East Unit Drilling Pad No. 1, ABR-20091002, Anthony Township, Lycoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: October 5, 2009.
3. East Resources, Inc., Pad ID: Pazzaglia 507, ABR-20091003, Rutland Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: October 6, 2009.
4. East Resources, Inc., Pad ID: Soderburg 501, ABR-20091004, Sullivan Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: October 6, 2009.
5. East Resources, Inc., Pad ID: Fitch-1H, ABR-20091005, Union Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: October 6, 2009.
6. East Resources, Inc., Pad ID: Palmer 112, ABR-20091006, Canton Township, Bradford County, PA; Con-

sumptive Use of up to 4.000 mgd; Approval Date: October 6, 2009.

7. East Resources, Inc., Pad ID: Allen 264, ABR-20091007, Jackson Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: October 7, 2009.

8. East Resources, Inc., Pad ID: Howe 257, ABR-20091008, Jackson Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: October 7, 2009.

9. East Resources, Inc., Pad ID: Ostrander 412, ABR-20091009, Jackson Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: October 7, 2009.

10. Chief Oil & Gas, LLC, Pad ID: Ritchey Unit Drilling Pad, ABR-20091010, Juniata Township, Blair County, PA; Consumptive Use of up to 1.990 mgd; Approval Date: October 7, 2009.

11. East Resources, Inc., Pad ID: Bryan 406, ABR-20091011, Jackson Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: October 8, 2009.

12. East Resources, Inc., Pad ID: Benson 130D, ABR-20091012, Richmond Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: October 13, 2009.

13. East Resources, Inc., Pad ID: Cooper 400, ABR-20091013, Tioga Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: October 13, 2009.

14. Citrus Energy, Pad ID: Procter and Gamble Mehoopany Plant IV, ABR-20091014, Washington Township, Wyoming County, PA; Consumptive Use of up to 5.000 mgd; Approval Date: October 13, 2009.

15. East Resources, Inc., Pad ID: Burleigh 508, ABR-20091015, Rutland Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: October 14, 2009.

16. East Resources, Inc., Pad ID: Busia 457, ABR-20091016, Jackson Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: October 19, 2009.

17. Chesapeake Appalachia, LLC, Pad ID: Harry, ABR-20091017, West Burlington Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: October 20, 2009.

18. East Resources, Inc., Pad ID: Phillips 504, ABR-20091018, Rutland Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: October 19, 2009.

19. East Resources, Inc., Pad ID: Hungerford 458, ABR-20091019, Jackson Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: October 19, 2009.

20. Chesapeake Appalachia, LLC, Pad ID: James Smith, ABR-20091020, Terry Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: October 20, 2009.

21. Chesapeake Appalachia, LLC, Pad ID: Jayne, ABR-20091021, Auburn Township, Bradford County, PA; Consumptive Use of up to 7.500 mgd; Approval Date: October 20, 2009.

22. Victory Energy Corporation, Pad ID: Brown No. 1, ABR-20091022, West Branch Township, Potter County, PA; Consumptive Use of up to 0.999 mgd; Approval Date: October 20, 2009.

23. Cabot Oil and Gas Corporation, Pad ID: ShieldsG P2, ABR-20091023, Dimock Township, Susquehanna County, PA; Consumptive Use of up to 3.575 mgd; Approval Date: October 22, 2009.

24. Fortuna Energy, Inc., Pad ID: DCNR 587 Pad No. 9, ABR-20091024, Ward Township, Tioga County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: October 24, 2009.

25. Fortuna Energy, Inc., Pad ID: Knights 24, ABR-20091025, Troy Township, Bradford County, PA; Consumptive Use of up to 3.000 mgd; Approval Date: October 24, 2009.

26. Penn Virginia Oil & Gas Corporation, Pad ID: Cady No. 1; ABR-20091026, Brookfield Township, Tioga County, PA; Consumptive Use of up to 2.000 mgd; Approval Date: October 27, 2009.

27. East Resources, Inc., Pad ID: Schildt 259, ABR-20091027, Jackson Township, Tioga County, PA; Consumptive Use of up to 4.000 mgd; Approval Date: October 27, 2009.

28. EOG Resources, Inc., Pad ID: PHC 6H, ABR-20090721.1, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 1.999 mgd; Modification Date: October 28, 2009.

29. EOG Resources, Inc., Pad ID: PHC 7H, ABR-20090722.1, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 1.999 mgd; Modification Date: October 28, 2009.

30. EOG Resources, Inc., Pad ID: PHC 8H, ABR-20090723.1, Lawrence Township, Clearfield County, PA; Consumptive Use of up to 1.999 mgd; Modification Date: October 28, 2009.

31. Novus Operating, LLC, Pad ID: Wilcox No. 1, ABR-20090803, Covington Township, Tioga County, PA; Consumptive Use of up to 0.999 mgd; Transferred Date: October 22, 2009.

32. Novus Operating, LLC, Pad ID: Brookfield No. 1, ABR-20090804, Brookfield Township, Tioga County, PA; Consumptive Use of up to 0.999 mgd; Transferred Date: October 22, 2009.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808. Dated: November 17, 2009.

THOMAS W. BEAUDUY

*Deputy Director*

[Pa.B. Doc. No. 09-2267. Filed for public inspection December 4, 2009, 9:00 a.m.]

## Public Hearing and Meeting

The Susquehanna River Basin Commission (Commission) will hold a public hearing as part of its regular business meeting beginning at 1 p.m. on December 17, 2009, in the Lancaster Marriot at Penn Square, 25 South Queen Street, Lancaster, PA 17603. At the public hearing, the Commission will consider: 1) action on certain water resources projects; 2) a compliance matter involving one

project; 3) the rescission of a previous docket approval; 4) a request for an extension of an approval; 5) a request for an administrative hearing; 6) the 2010 Regulatory Program Fee Schedule; and 7) amendments to the Commission's Comprehensive Plan. Details concerning the matters to be addressed at the public hearing and business meeting are contained in the Supplementary Information section of this notice.

For further information, contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, sr Richardson@srbc.net.

#### *Supplementary Information*

In addition to the public hearing and its related action items identified, the business meeting also includes actions or presentations on the following items: 1) a special presentation by Secretary of the Department of Environmental Protection John Hanger; 2) presentation of the Frederick L. Zimmermann Award; 3) hydrologic conditions of the basin; 4) Fiscal Year (FY)-2011 funding of the Susquehanna Flood Forecast and Warning System; 5) the 2010 Annual Water Resources Program; 6) a Low Flow Monitoring Plan for the basin; 7) ratification/approval of grants/contracts; and 8) the FY-2009 Audit Report. The Commission will also hear a Legal Counsel's report.

#### *Public Hearing—Compliance Matter:*

1. Project Sponsor: TYCO Electronics Corporation. Project Facility: Lickdale, Union Township, Lebanon County, PA.

#### *Public Hearing—Projects Scheduled for Action:*

1. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River—Hicks), Great Bend Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.750 mgd.

2. Project Sponsor and Facility: East Resources, Inc. (Susquehanna River—Welles), Sheshequin Township, Bradford County, PA. Application for surface water withdrawal of up to 0.850 mgd.

3. Project Sponsor and Facility: Eastern American Energy Corporation (West Branch Susquehanna River—Moore), Goshen Township, Clearfield County, PA. Application for surface water withdrawal of up to 2.000 mgd.

4. Project Sponsor and Facility: Fortuna Energy, Inc. (Fall Brook—Tioga State Forest C.O.P.), Ward Township, Tioga County, PA. Application for surface water withdrawal of up to 2.000 mgd.

5. Project Sponsor and Facility: Fortuna Energy, Inc. (Fellows Creek—Tioga State Forest C.O.P.), Ward Township, Tioga County, PA. Application for surface water withdrawal of up to 2.000 mgd.

6. Project Sponsor and Facility: Fortuna Energy, Inc. (Susquehanna River—Thrush), Sheshequin Township, Bradford County, PA. Modification to increase surface water withdrawal from 0.250 mgd up to 2.000 mgd (Docket No. 20080909).

7. Project Sponsor and Facility: Montgomery Water and Sewer Authority, Clinton Township, Lycoming County, PA. Application for groundwater withdrawal of up to 0.252 mgd from Well 2R.

8. Project Sponsor and Facility: Nissin Foods (USA) Co., Inc., East Hempfield Township, Lancaster County, PA. Modification to increase consumptive water use from 0.090 mgd up to 0.150 mgd (Docket No. 20021021).

9. Project Sponsor and Facility: Southwestern Energy Company (Lycoming Creek—Reichenbach), Lewis Township, Lycoming County, PA. Application for surface water withdrawal of up to 1.500 mgd.

10. Project Sponsor and Facility: Southwestern Energy Company (Lycoming Creek—Wascher), Lewis Township, Lycoming County, PA. Application for surface water withdrawal of up to 1.500 mgd.

11. Project Sponsor and Facility: Southwestern Energy Company (Lycoming Creek—Parent), McIntyre Township, Lycoming County, PA. Application for surface water withdrawal of up to 1.500 mgd.

12. Project Sponsor and Facility: Southwestern Energy Company (Lycoming Creek—Schaefer), McIntyre Township, Lycoming County, PA. Application for surface water withdrawal of up to 1.500 mgd.

13. Project Sponsor and Facility: Sunbury Generation, LP, Monroe Township and Shamokin Dam Borough, Snyder County, PA. Modification for use of up to 0.100 mgd of the approved surface water withdrawal by natural gas companies (Docket No. 20081222).

#### *Public Hearing—Request for Extension:*

1. Project Sponsor and Facility: Sunnyside Ethanol, a wholly owned subsidiary of Consus Ethanol, LLC, Curwensville Borough, Clearfield County, PA. Request for a waiver of the 120-day period for applying for extension and a retroactive 2-year extension for the project scheduled to expire on December 5, 2009 (Docket No. 20061203).

#### *Public Hearing—Project Scheduled for Rescission Action:*

1. Project Sponsor: Eastern American Energy Corporation. Pad ID: Whitetail Gun and Rod Club #1, ABR-20090418, Goshen Township, Clearfield County, PA.

#### *Public Hearing—Request for Administrative Hearing:*

1. Petitioner Delta Borough, York County, PA; RE: Delta Borough Public Water Supply Well No. DR-2; Docket No. 20090315, approved March 12, 2009.

#### *Public Hearing—2010 Regulatory Program Fee Schedule:*

The revisions implement annual adjustments previously established by the Commission in March 2005. Other changes include annual compliance and monitoring fees for projects approved or modified after December 31, 2009; an increase in certain water withdrawal application fees for new and modified projects in the smaller withdrawal categories; and comprehensive format changes to the fee schedule document to aid applicants, including separate charts for different types of fees and a new application fee worksheet.

#### *Public Hearing—Comprehensive Plan Amendments:*

The Commission will also consider amendments to its *Comprehensive Plan for the Water Resources of the Susquehanna River Basin*. The proposed amendments include the addition of the 2010 Annual Water Resources



Program and a “Low Flow Monitoring Plan” (both to be considered separately at this meeting), as well as all water resources projects approved by the Commission during 2009.

*Opportunity to Appear and Comment:*

Interested parties may appear at the previously-listed hearing to offer written or oral comments to the Commission on any matter on the hearing agenda, or at the business meeting to offer written or oral comments on other matters scheduled for consideration at the business meeting. The chair of the Commission reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing and business meeting. Written comments may also be mailed to the Susquehanna River Basin Commission, 1721 North Front

Street, Harrisburg, PA 17102-2391, or submitted electronically to Richard A. Cairo, General Counsel, at [rcairo@srbc.net](mailto:rcairo@srbc.net) or Stephanie L. Richardson, Secretary to the Commission, at [srichardson@srbc.net](mailto:srichardson@srbc.net). Comments mailed or electronically submitted must be received prior to December 11, 2009, to be considered.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808. Dated: November 17, 2009.

THOMAS W. BEAUDUY,  
*Deputy Director*

[Pa.B. Doc. No. 09-2268. Filed for public inspection December 4, 2009, 9:00 a.m.]





