

# 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 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending August 26, 2008.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications and any application filed prior to August 7, 2008, may file their comments in writing with the Department of Banking at 17 North Second Street, Suite 1300, Harrisburg, PA 17101. Comments must be received no later than 30 days from the date notice of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection during regular business hours. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request Policy.

### BANKING INSTITUTIONS

#### Holding Company Acquisitions

<i>Date</i>	<i>Name of Corporation</i>	<i>Location</i>	<i>Action</i>
8-18-2008	Harleysville National Corporation, Harleysville, to acquire 100% of Willow Financial Bancorp, Inc., Wayne, and thereby indirectly acquire Willow Financial Bank, Wayne	Harleysville	Filed

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-9-2008	PNC Bank, National Association, Pittsburgh, and Sterling Financial Trust Company, Lancaster Surviving Institution: PNC Bank, National Association, Pittsburgh	Pittsburgh	Effective

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-11-2008	The Fidelity Deposit and Discount Bank Dunmore Lackawanna County	Main Avenue and Luzerne Street Scranton Lackawanna County	Opened
8-22-2008	Affinity Bank of Pennsylvania Wyomissing Berks County	4541 Perkiomen Avenue Exeter Berks County	Filed

#### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-18-2008	Northwest Savings Bank Warren Warren County	<i>To:</i> 1091 Eichelberger Street Hanover York County  <i>From:</i> 1 Center Square Hanover York County	Effective

### SAVINGS INSTITUTIONS

#### Conversions

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
6-16-2008	Slovenian Savings & Loan Association of Franklin-Conemaugh Conemaugh Cambria County	Conemaugh	Effective

<i>Date</i>	<i>Name of Association</i>	<i>Location</i>	<i>Action</i>
	Conversion from a State-chartered mutual savings association to a Federally-chartered mutual savings association.		

**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. 08-1630. Filed for public inspection September 5, 2008, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Availability of 2008-2009 Career and Technical Education Federal Tech Prep Grants

Applications for Federal Tech Prep grant funds are invited. The project period is October 17, 2008, to June 30, 2009.

Maximum Amounts per Tech Prep Region:

1. *South Central Region*: Adams, Cumberland, Dauphin, Franklin, Lebanon, Perry and York Counties—\$355,864.

2. *Southern Alleghenies Region*: Bedford, Blair, Cambria, Fulton, Huntingdon and Somerset Counties—\$166,245.

3. *Southwest Region*: Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Washington and Westmoreland Counties—\$409,879.

#### 1. Eligibility Requirements

Funding is available on a competitive basis to career and technical education centers/area vocational-technical schools, school districts and charter schools with the Department of Education (Department) approved programs; postsecondary institutions including proprietary schools and Intermediate Units that offer approved career and technical education programs. Funding preference is granted to an institution within a Tech Prep region/consortium that will ensure the establishment of regional Tech Prep activities to include all partners.

The Department will give consideration to Tech Prep applications that:

- Establish leadership committees to bring direction to implement the "Program of Study" to the region, which will include representation from secondary, postsecondary, business, school administrators, teachers, community and others.

- Assist in the development and implementation of statewide "Programs of Study" by CIP, as recognized by the Department.

- Implement the approved statewide articulation agreement guidelines designed for all Department-approved Career and Technical Education "Programs of Study."

- Facilitate the alignment of academic and technical curriculum between secondary and postsecondary levels that meets academic and industry standards related to an approved "Program of Study."

- Facilitate the alignment of academic and technical curriculum between secondary and postsecondary levels to eliminate the need for remediation at the postsecondary level.

- Assess, plan, develop, organize and implement "Program of Study" activities within the state defined regions, as recognized by the Department.

- Maintain communication with all consortium schools that have Department-approved Career and Technical Education "Programs of Study."

- Assist all consortium schools in the identification and reporting of Tech Prep students within the Department-approved Career and Technical Education "Programs of Study."

#### 2. Application Deadline

Applications are due Monday, October 6, 2008, by 5 p.m.

#### 3. How to apply

The Department has implemented an internet-based E-Grant system that requires eligible applicants to apply for funding online. The grant guidelines will be available on the Department's web site at [www.pde.state.pa.us/](http://www.pde.state.pa.us/). On the left side click on: Pre K-12 Schools, Career and Technical Education, Grants and Funding and Funding Sources. This page provides a listing of the various funding guidelines. Click on Federal Tech Prep.

#### 4. Questions Concerning the Grant Application

Questions concerning the grant application should be addressed to Susan Will, Tech Prep Coordinator, Department of Education, Bureau of Career and Technical Education, Professional Development and Support Services, 333 Market Street, 11th Floor, Harrisburg, PA 17126-0333, (717) 346-9735, [swill@state.pa.us](mailto:swill@state.pa.us).

GERALD L. ZAHORCHAK, D.Ed.,  
*Secretary*

[Pa.B. Doc. No. 08-1631. Filed for public inspection September 5, 2008, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

#### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

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

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (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>
PA0038318 (Sew)	Pequea Valley School District 166 South New Holland Road P. O. Box 130 Kinzers, PA 17535	Lancaster County Salisbury Township	Pequea Creek 7-K	Y

<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>
PA0038326 (Sew)	Pequea Valley School District 166 South New Holland Road P. O. Box 130 Kinzers, PA 17535	Lancaster County Leacock Township	Pequea Creek 7-K	Y
PA0082341 (Sew)	Borough of Hopewell 417 Broad Street P. O. Box 160 Hopewell, PA 16650-1060	Bedford County Hopewell Township	Raystown Branch Juniata River 11-D	Y
Pa0024074 (Sew)	Shoemakersville Municipal Authority 115 East Ninth Street Shoemakersville, PA 19555-1410	Berks County Shoemakersville Borough	Schuylkill River 3-B	Y

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

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

**Application No. PA 0081604**, Industrial Waste, SIC Code 4953, **Department of Environmental Protection (Adams Sanitation Company, Inc.)**, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. This facility is located at 174 Cranberry Road, Aspers, PA 17304, in Tyrone Township, **Adams County**.

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

The receiving stream, a UNT of Opossum Creek, is in Watershed 7-F, and classified for TSF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Wrightsville Water Supply Company located on the Susquehanna River, approximately 80 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0386 mgd are:

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH	Monitor and Report	Monitor and Report	6.0		9.0
BOD <sub>5</sub>	Monitor and Report	Monitor and Report	25	50	50
Total Suspended Solids	Monitor and Report	Monitor and Report	27	88	88
NH <sub>3</sub> -N	Monitor and Report	Monitor and Report	3.22	6.44	6.44
a-Terpineol	Monitor and Report	Monitor and Report	0.019	0.042	0.042
Aniline	Monitor and Report	Monitor and Report	0.015	0.024	0.024
Benzoic Acid	Monitor and Report	Monitor and Report	0.073	0.119	0.119
Naphthalene	Monitor and Report	Monitor and Report	0.022	0.059	0.059
p-Cresol	Monitor and Report	Monitor and Report	0.015	0.024	0.024
Total Phenols	Monitor and Report	Monitor and Report	0.029	0.048	0.048
Pyridine	Monitor and Report	Monitor and Report	0.025	0.072	0.072
Total Arsenic	0.024	0.048	0.075	0.150	0.187
Chromium, VI	0.005	0.010	0.016	0.032	0.040
Total Zinc	0.057	0.115	0.178	0.356	0.445
Total Cobalt	0.009	0.018	0.028	0.056	0.070
Total Copper	0.007	0.014	0.022	0.044	0.055
Cyanide, Free	0.003	0.006	0.008	0.016	0.020

The proposed effluent limits for Outfall 002 based on a design flow of 0.0386 mgd are:

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH	Monitor and Report	Monitor and Report	6.0		9.0
BOD <sub>5</sub>	Monitor and Report	Monitor and Report	25	50	50
Total Suspended Solids	Monitor and Report	Monitor and Report	27	88	88
NH <sub>3</sub> -N	Monitor and Report	Monitor and Report	3.22	6.44	6.44
a-Terpineol	Monitor and Report	Monitor and Report	0.019	0.042	0.042
Aniline	Monitor and Report	Monitor and Report	0.015	0.024	0.024
Benzoic Acid	Monitor and Report	Monitor and Report	0.073	0.119	0.119
Naphthalene	Monitor and Report	Monitor and Report	0.022	0.059	0.059
p-Cresol	Monitor and Report	Monitor and Report	0.015	0.024	0.024
Total Phenols	Monitor and Report	Monitor and Report	0.029	0.048	0.048

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Pyridine	Monitor and Report	Monitor and Report	0.025	0.072	0.072
Total Arsenic	0.024	0.048	0.075	0.150	0.187
Chromium, VI	0.005	0.010	0.016	0.032	0.040
Total Zinc	0.057	0.115	0.178	0.356	0.445
Total Cobalt	0.009	0.018	0.028	0.056	0.070
Total Copper	0.007	0.014	0.022	0.044	0.055
Cyanide, Free	0.003	0.006	0.008	0.016	0.020

The proposed effluent limits for the Stormwater Outfalls are:

<i>Parameter</i>	<i>Monitoring Requirements</i>	
	<i>Grab Sample (mg/l)</i>	<i>Monitor Frequency</i>
pH (Standard Units)	Monitor and Report	2/year
BOD <sub>5</sub>	Monitor and Report	2/year
Total Suspended Solids	Monitor and Report	2/year
Ammonia As N	Monitor and Report	2/year
Nitrate - Nitrite	Monitor and Report	2/year
Total Dissolved Solids	Monitor and Report	2/year
Chemical Oxygen Demand	Monitor and Report	2/year
Oil and Grease	Monitor and Report	2/year
Total Barium	Monitor and Report	2/year
Total Cadmium	Monitor and Report	2/year
Total Lead	Monitor and Report	2/year
Total Mercury	Monitor and Report	2/year
Total Magnesium	Monitor and Report	2/year
Total Selenium	Monitor and Report	2/year
Total Silver	Monitor and Report	2/year
Total Iron	Monitor and Report	2/year
a-Terpineol	Monitor and Report	2/year
Aniline	Monitor and Report	2/year
Benzoic Acid	Monitor and Report	2/year
Naphthalene	Monitor and Report	2/year
p-Cresol	Monitor and Report	2/year
Total Phenols	Monitor and Report	2/year
Pyridine	Monitor and Report	2/year
Total Arsenic	Monitor and Report	2/year
Chromium, VI	Monitor and Report	2/year
Total Zinc	Monitor and Report	2/year
Total Cobalt	Monitor and Report	2/year
Total Copper	Monitor and Report	2/year
Cyanide, Free	Monitor and Report	2/year

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

The EPA waiver is in effect.

**Application No. PA 0010251**, Industrial Waste, SIC Code 4951, **United States Army Carlisle Barracks**, 330 Engineer Avenue, Carlisle, PA 17013-5020. This facility is located in North Middleton Township, **Cumberland County**.

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

The receiving stream, a UNT to Letort Spring Run, is in Watershed 7-B, and classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Pennsylvania American Water Company located on the Conodoguinet Creek, approximately 16.6 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 based on a design flow of 0.036 mgd are:

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Report	Report	XXX	XXX	XXX
Osmotic Pressure	XXX	XXX	XXX	2,000	3,000
pH	XXX	XXX	From 6.0 to 9.0 inclusive		

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

The EPA waiver is in effect.

**Application No. PA 0261106**, Industrial Waste, SIC Code 333, **Voith Siemens Hydro Power Generation, Inc.**, 760 East Berlin Road, York, PA 17405-8701. This facility is located in West Manchester Township, **York County**.

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

The discharge is to a dry swale located on the plant site. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 are:

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH	XXX	XXX	6.0 to 9.0 Standard Units at all times		

The proposed effluent limits for Outfalls 002 and 003 are:

<i>Parameter</i>	<i>Monitoring Requirements</i>	
	<i>Grab Sample (mg/l)</i>	<i>Monitor Frequency</i>
pH (Standard Units)	Monitor and Report	2/year
BOD <sub>5</sub>	Monitor and Report	2/year
COD	Monitor and Report	2/year
Oil and Grease	Monitor and Report	2/year
Total Cadmium	Monitor and Report	2/year
Total Lead	Monitor and Report	2/year
Total Arsenic	Monitor and Report	2/year
Total Chromium	Monitor and Report	2/year
Total Copper	Monitor and Report	2/year
Total Suspended Solids	Monitor and Report	2/year

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

The EPA waiver is in effect.

**Application No. PA 0028649**, Sewage, **Municipal Authority of the Borough of Sinking Spring**, 3940 Penn Avenue, Sinking Spring, PA 19608. This facility is located in Spring Township, **Berks County**.

Description of activity: The application is for an NPDES permit to expand an existing discharge of treated sewage from 1.0 mgd to 1.25 mgd.

The receiving stream, Cacoosing Creek, is in Watershed 3-C, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Borough of Pottstown Water and Sewer Authority is located on the Schuylkill River, approximately 27 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim limits for Outfall 001 for a design flow of 1.0 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	3		6
(11-1 to 4-30)	9		18
Total Phosphorus	Report		
Total Residual Chlorine	0.32		1.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform		200/100 ml as a Geometric Average	
(5-1 to 9-30)		2,000/100 ml as a Geometric Average	
(10-1 to 4-30)			

The proposed final limits for Outfall 001 for a design flow of 1.25 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.5		5.0
(11-1 to 4-30)	7.5		15.0
Total Phosphorus	1.6		3.2
Total Residual Chlorine	0.14		0.44
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Fecal Coliform (5-1 to 9-30) (10-1 to 4-30)		200/100 ml as a Geometric Average 2,000/100 ml as a Geometric Average	

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

The EPA waiver is not in effect.

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

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

**WQM Permit No. 1308402**, Sewerage, **East Penn Township**, 167 Municipal Road, Lehighton, PA 18235-3916. This proposed facility is located in East Penn Township, **Carbon County**.

Description of Proposed Action/Activity: This project is for the construction of a sanitary sewer system to consist of gravity sewer lines, force main, low pressure sewer, grinder pumps and pump station with an estimated average flow of 40,020 gpd to service 107 residential units in the area of East Penn Township known as West Bowmanstown. The sewage will be conveyed to the existing Bowmanstown wastewater treatment plant.

**WQM Permit No. 5208402**, Sewerage, **PA American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033. This proposed facility is located in Lehman Township, **Pike County**.

Description of Proposed Action/Activity: This project is for the replacement of the existing pump station which will involve installation of a new pump, new wet well and piping modifications to connect to existing force main at the Winona Lakes Sewage Lift Station, a/k/a Stony Hollow Lift Station.

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

**WQM Permit No. 3678402, Amendment 08-1**, Sewerage, **Mount Joy Borough Authority**, 21 East Main Street, Mount Joy, PA 17552. This proposed facility is located in Mount Joy Borough, **Lancaster County**.

Description of Proposed Action/Activity: Seeking approval for the modification of the existing secondary treatment process.

**WQM Permit No. 0508401**, Sewerage, **Bedford Township Municipal Authority**, P. O. Box 371, Bedford, PA 15522. This proposed facility is located in Bedford Township, **Bedford County**.

Description of Proposed Action/Activity: Seeking approval for the construction of an approximate 14,200 L.F., 2" low pressure sewer line extension, 33 residential grinder pumps and associated appurtenances along Sweet Rott Road.

**WQM Permit No. 2108404**, Sewerage, **South Middleton Township Municipal Authority**, 345 Criswell Drive, Boiling Springs, PA 17007-0008. This proposed facility is located in South Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking approval for the construction of three additional sludge reed beds.

**WQM Permit No. 0108402**, Sewerage, **Borough of Hanover**, 44 Frederick Street, Hanover, PA 17331. This proposed facility is located in Conewago Township, **Adams County**, Penn Township and Borough of Hanover, **York County**.

Description of Proposed Action/Activity: Seeking approval for the upgrade and extension of the Hanover regional conveyance system serving the Plum Creek drainage basin.

**WQM Permit No. 2108405**, Sewerage, **Suzanne Diehl, Tiger Properties**, 4 East High Street, Carlisle, PA 17013. This proposed facility is located in North Middleton Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking approval for the replacement of a small flow treatment facility for an existing dwelling with a malfunctioning onlot sewage disposal system.

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024508011	CB H20, LP P. O. Box 168 Tannersville, PA 18372	Monroe	Pocono Township	Coolmoor Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI-0321-08-015	The Orchards at Marsh Run Carson Ritchie, CEO 801 North Hanover Street Carlisle, PA 17013	Cumberland	South Middleton Township	Letort Spring Run HQ-CWF

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

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

### **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>Application or Action</i>
Timber Ridge Farms 9699 Timber Ridge Road Big Cove Tannery, PA 17212	Fulton	66.0	1,180	Swine	N/A—WWF	Renewal
Steve Hershey 2024 Donegal Springs Road Mount Joy, PA 17552	Lancaster	134	429.69	Layers/Steers	HQ	Renewal
Lance Heberling 24 Shuman Road Newburg, PA 17240	Cumberland	68.73	498.71	Swine/Veal	N/A	New



<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>Application or Action</i>
Kenneth Loht 250 Road Apple Drive McClure, PA 17841	Mifflin	85	468.4	Swine	N/A	Renewal

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

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

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

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

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

**SAFE DRINKING WATER**

**Applications Received under the Pennsylvania Safe Drinking Water Act**

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

**Application No. 5408506**, Public Water Supply.

Applicant **Papetti's Hygrade Egg Products, Inc.**  
d/b/a Michael Foods Egg Products Co.  
Upper Mahantango Township  
**Schuylkill County**

Responsible Official Shane Menefee  
Corp. Environmental Director  
Michael Foods, Inc.  
301 Carlson Parkway  
Suite 400  
Minnetonka, MN 55305

Type of Facility Public Water Supply

Consulting Engineer Norman C. Wenck, P. E.  
Wenck Associates, Inc.  
1800 Pioneer Creek Center  
P. O. Box 249  
Maple Plane, MN 55359  
(763) 479-4200

Application Received Date August 8, 2008

Description of Action Application for installation of equipment for removal of arsenic from the public water supply serving the egg processing facility.

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

**Permit No. 2608504**, Public Water Supply.

Applicant **North Fayette County Municipal Authority**  
1634 University Drive  
P. O. Box 368  
Dunbar, PA 15431

Township or Borough North Union Township

Responsible Official Robert Softcheck  
General Manager  
North Fayette County Municipal Authority  
1634 University Drive  
P. O. Box 368  
Dunbar, PA 15431

Type of Facility Water treatment plant

Consulting Engineer Fayette Engineering Company, Inc.  
2200 University Drive  
P. O. Box 1030  
Uniontown, PA 15401-1030

Application Received Date August 14, 2008

Description of Action Extension of water service to the Mt. Independence area, two new 30,000 gallon water storage tanks, one revised pump station, one new pump station, 5,300 feet of distribution line and approximately 40 service taps.

<b>Permit No. 4566559</b> , Public Water Supply.	
Applicant	<b>Cooper Springs Trout Hatchery</b> 1146 Shaffer Run Road Somerset, PA 15501
Township or Borough	Jefferson Township
Responsible Official	Jack Beals, Owner Cooper Springs Trout Hatchery 1146 Shaffer Run Road Somerset, PA 15501
Type of Facility	Retail Water Facility
Consulting Engineer	J.P. Evers Geosciences, P.C. 4000 Hempfield Plaza Boulevard Suite 914 Greensburg, PA 15601
Application Received Date	July 9, 2008
Description of Action	Construction of a well as a source and a bulk water load-out facility.

### WATER ALLOCATIONS

#### Applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the Acquisition of Rights to Divert Waters of the Commonwealth

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

**WA4-24B, Water Allocations. Beaver Falls Municipal Authority**, 1425 8th Avenue, P. O. Box 400, Beaver Falls, PA 15010, Beaver County. The applicant is requesting a service area expansion to serve the Borough of Zelienople, **Butler County**.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995

##### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial

area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

**Wyoming Seminary Residential Property (191 South Sprague Avenue)**, Kingston Borough, **Luzerne County**. Martin Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 has submitted a Notice of Intent to Remediate (on behalf of his client, Wyoming Seminary, 201 North Sprague Avenue, Kingston, PA 18704), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result of a release that occurred during the filling of an aboveground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. The proposed future use of the property will be residential. A summary of the Notice of Intent to Remediate was published in *The Citizens' Voice* on August 14, 2008.

**Charles Keniston Residence**, Dingman Township, **Pike County**. Salvatore Sciascia, S & M Management, Inc., P. O. Box 1429, Milford, PA 18337 has submitted a Notice of Intent to Remediate (on behalf of his client, Charles Keniston, 123 Tamarack Drive, Milford, PA 18337), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result of a release from an underground storage tank. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soils. The proposed future use of the property will be residential. A summary of the Notice of Intent to Remediate was published in the *Pike County Dispatch* on May 8, 2008.

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

**Mifflinburg Lanes**, Mifflinburg Borough, **Union County**, Molesevich Environmental, LLC, P. O. Box 654, Lewisburg, PA 17837 on behalf of Mifflinburg Bank & Trust Company, 250 East Chestnut Street, Mifflinburg, PA 17844 has submitted a Notice of Intent to Remediate soil contaminated with No. 2 heating oil. The applicant proposes to remediate the site to meet the Site-Specific Standard. The future use of the property will be for nonresidential office use. A summary of the Notice of Intent to Remediate was reported to have been published in the *The Daily Item* on July 7, 2008.

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

**212 New Castle Road**, City of Butler, **Butler County**. D'Appolonia Engineering, 275 Center Road, Monroeville, PA 15146 on behalf of Garber Family Limited Partnership, 605 Park Building, 355 Fifth Avenue, Pittsburgh, PA 15222 has submitted a Notice of Intent to Remediate. The site was formerly used as a gas station. The gas station was closed and underground storage tanks were removed in 1983. Soil at the site has been found to be impacted with hydrocarbons. Future nonresidential use of the property is anticipated. The Notice of Intent to Remediate was published in the *Butler Eagle* on June 22, 2008.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State operating permit and Title V operating permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior to 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.**

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

**09-0061B: Donaldson Company, Inc.—d/b/a Teratec** (85 Railroad Drive, Ivyland, PA 18974) for installation of a polytetrafluoroethylene extrusion line and drying process, which will be controlled by a Regenerative Thermal Oxidizer, at their facility in North Hampton Township, **Bucks County**. This facility is a Minor facility. There will be 4.4 tpy VOC increase due to this installation. The Plan Approval will contain monitoring and recordkeeping requirements to keep the source operating within the allowable emissions and all applicable air quality requirements.

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

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

**09-0003B: Superpac, Inc.** (1220 Industrial Boulevard, Southampton, PA 18966) for installation of a flexographic printing press at their Superpac facility in Upper Southampton Township, **Bucks County**. The facility is a manufacturing-commercial printing processor, which operates other flexographic printing presses, numerous space heaters and various miscellaneous sources associated with printing and manufacturing. Superpac is a Title V Facility, currently operating under TVOP-09-00003. The new source is an 8-station, 41-inch web width, central-impression flexographic printing press manufactured by Paper Converting Machine Company. The source is designated as Source ID 132 Flexo Printing Press CI-16. The plan approval will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-0032D: SPS Technologies, Inc.**, (301 Highland Avenue, Jenkintown, PA 19046) for installation of a Plating Line, at SPS major manufacturing aerospace parts facility at Highland Avenue, Abington Township, **Montgomery County**. The installation of the Plating Line may result in the emissions of: 7.80 tpy of PM and 7.80 tpy of HAPs. The Plan Approval and Operating Permit will contain additional recordkeeping and operat-

ing restrictions designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 46-00032. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

**09-0010B: TEVA Pharmaceuticals USA, Inc.** (650 Cathill Road, Sellersville, PA 18960) for addition of ethanol and isopropyl alcohol granulation formulations to an existing Glatt 120 Fluid Bed Processor at their facility in West Rockhill Township, **Bucks County**. The potential VOC emissions from this project were estimated to be 11.7 tpy on a 12-month rolling sum basis. The facility limit for VOC emissions is 24 tpy on a 12-month rolling sum basis.

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

**36-05138A: Quality Custom Cabinetry, Inc.** (125 Peters Road, New Holland, PA 17557) for installation of three spray booths, one batch oven and one make-up air unit in Earl Township, **Lancaster County**. VOC and combined HAP emissions are expected to increase by 6.1 and 1.3 tpy, respectively. The plan approval will include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**24-009F: Domtar Paper Co., LLC** (100 Center Street, Johnsonburg, PA 15845) for installation and operation of a temporary boiler at their facility in Johnsonburg Borough, **Elk County**. This is a Title V facility.

Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue Plan Approval 24-009F to Domtar Paper Company, LLC for the installation and operation of a temporary boiler at their company's facility at 100 Center Street, Johnsonburg Borough, Elk County. The facility currently has a Title V permit No. 24-00009. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 24-009F is for the installation of temporary leased 87.3 mmBtu/hr capacity natural-gas fired boiler. Based on the information provided by the applicant and the Department's own analysis, the proposed source will emit 13.8 tons of NO<sub>x</sub> per year, 21.2 tons of CO per year, 6.0 tons of PM per year, all of which will be PM/PM<sub>2.5</sub>, 3.8 tons of VOCs per year, and 0.2 ton of SO<sub>x</sub> per year. Additionally, this plan approval will allow the permittee the operational flexibility to remove and reinstall this boiler seasonally as needed upon appropriate notification to the Department.

The Plan Approval will contain additional testing, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis, and other documents used in the evaluation 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.

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. 24-009F.

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. 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.

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

**AMS 08064: Mutual Pharmaceutical Co.** (1100 Orthodox Street, Philadelphia, PA 19124) for the following in the City of Philadelphia, **Philadelphia County**: 1) Installation of four electric drying ovens and six modules; 2) Modification of the VOC destruction efficiency requirements of Plan Approval 03053 and Installation Permit No. 94332 for two catalytic oxidizers from 95% destruction efficiency to 95% destruction efficiency or to a concentration at the outlet of 20 ppm<sub>v</sub> or less at 3% oxygen; and 3) Modification of a mass balance equation from Plan Approval 03053. VOC emissions from the facility will be limited to 25 tons per rolling 12 month period. The Plan Approval will contain operating, monitoring and recordkeeping requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

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

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

**09-00016: Exelon Generating Co.—Croydon Generation Station** (955 River Road, Bristol, PA 19007) for renewal of the Title V Operating Permit to provide electrical energy for peak demand periods in Bristol Township, **Bucks County**. There have been no changes since the permit was last issued on July 8, 2008. As a result of potential emissions of NO<sub>x</sub> and SO<sub>x</sub>, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Renewal does not adopt any new regulations and does not reflect any change in air emissions from the facility. The renewal permit contains all applicable requirements including monitoring, recordkeeping and reporting.

**09-00124: Fairless Energy, LLC** (50 Sinter Road, Fairless Hills, PA 19030) for operation of an electric generating station in Falls Township, **Bucks County**. The permit is for a Title V facility. The facility is considered a major source of NO<sub>x</sub>, CO, VOCs and PM emissions, with maximum potential emissions of 424.7 tpy, 360.5 tpy, 88.4 tpy and 387.6 tpy, respectively. Fairless Energy, LLC owns and operates four natural gas-fired combined-cycle electric generation units. Other sources include two natural gas preheaters, one auxiliary boiler and four cooling towers. The facility is subject to the requirements of 40 CFR Part 60, New Source Performance Standards, Subpart GG, Subpart Da and Subpart Dc. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

**15-00104: Tasty Baking Oxford, Inc.** (700 Lincoln Street, Oxford, PA 19363) for a Title V Operating Permit for the manufacturing of pastries and donuts in Oxford Borough, **Chester County**. Primary sources of air pollution include three fryers, a conveyor oven and a rack oven. The facility also operates various smaller combustion units. The Title V Operating incorporates requirements from RACT Operating Permit No. OP-15-0104 and Plan Approval No. 15-0104C. The facility is subject to a site wide emission limit of 49.40 tpy for VOC. The facility is not subject to NSR, PSD, NSPS or NESHAP. The Title V Operating Permit contains monitoring and recordkeeping requirements designed to keep the facility operating within the allowable emission rate and all applicable air quality requirements.

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

**67-05023: American Color Graphics, Inc.** (215 North Zarfoss Drive, York, PA 17404) for operation of a commercial printing facility in West Manchester Township, **York County**. This is a renewal of the Title V operating permit issued in 2003.

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

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

**46-00230: East Norriton-Plymouth-Whitpain Joint Sewer Authority** (200 Ross Street, Plymouth Meeting, PA 19462) for operation of their sewage processing plant in Plymouth Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. No changes have taken place at the facility since the permit was last issued on September 24, 2003. Major sources of air emissions include a sewage sludge incinerator and associated control devices. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00248: Pottstown Borough Auth Montgomery County** (100 East High Street, Pottstown, PA 19464) for issuance of a State-only Operating Permit to operate a sewage sludge dryer in Pottstown Borough, **Montgomery County**. Plan Approval, 46-0248, is being incorporated into the facility permit, NMOP-46-00248. This Operating Permit shall include monitoring and recordkeeping designed to ensure this facility complies with all applicable air quality regulations.

**46-00142: Custom Processing Services, LLC** (461 State Street, East Greenville, PA 18041) for a State-only, Natural Minor Operating Permit Renewal to provide customized grinding, milling, blending and drying services of various mineral products in East Greenville Borough, **Montgomery County**. The pollutant of concern is PM. Dust collectors are used on all sources for PM control. The permit will include monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements.

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

**60-00011: United States Department of Justice** (P. O. Box 2500, White Deer, PA 17887) for the operation of a prison complex (Allenwood Federal Correctional Complex) in Gregg Township, **Union County** and Brady Township, **Lycoming County**.

The facility incorporates three 21 mmBtu/hr natural gas/No. 2 fuel oil-fired boilers, 99 small natural gas, propane and No. 2 fuel oil-fired boilers, furnaces, heaters, makeup air units, water heaters, and the like (with a total combined heat input of 67.3 mmBtu/hr), four natural gas-fired emergency generators (67 horsepower, 82 horsepower, 82 horsepower and 111.5 horsepower), two diesel fuel-fired emergency generators (2,036 horsepower each), a wood furniture finishing operation consisting of six spray booths and four natural gas-fired drying ovens, a wood furniture finishing operation (Unit 5) consisting of two spray booths, a maintenance shop spray booth, a solvent parts washer, various pieces of woodworking equipment, a 4,000 gallon aboveground gasoline storage tank, a 10,000 gallon underground gasoline storage tank, two 8,000 gallon aboveground No. 2 fuel oil storage tanks and two 2,000 gallon aboveground fuel oil storage tanks.

The PM emissions from the woodworking equipment are controlled by two fabric collectors which are exhausted indoors at all times and the PM emissions from the eight spray booths incorporated in the two wood furniture finishing operations and the maintenance shop spray booth are controlled by spray booth filters.

The air contaminant emissions from the facility are not expected to exceed 80 tons of SO<sub>x</sub>, 62 tons of NO<sub>x</sub>s, 19.1 tons of CO and 41.3 tons of VOCs per year and are not expected to equal or exceed 10 tons of any single HAP, 25 tons of all HAPs combined and 100 tons of PM/PM<sub>10</sub>, per year.

The Department of Environmental Protection (Department) proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously contained in Operating Permit 60-302-015, issued on March 3, 1993, and Operating Permit 60-318-007A, issued on November 6, 1997, and conditions previously established as requirements of plan approval exemption determinations made on October 26, 1995, March 15, 2001 and March 26, 2004.

The conditions previously contained in Operating Permit 60-302-015 include:

1. A condition limiting the fuel fired in the three 21 mmBtu/hr boilers to gas (natural or LP) or No. 2 fuel oil to which there has been no reclaimed or waste oil or other waste materials added.
2. A condition requiring the three 21 mmBtu/hr boilers to comply with all applicable requirements of Subpart Dc

of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.40c—60.48c.

The conditions previously contained in Operating Permit 60-318-007A include:

3. A condition requiring all topcoats used in one of the facility's furniture finishing operations to be applied with high volume low pressure (HVLP) spray equipment.

4. Conditions limiting the VOC content of all topcoats used in one of the facility's wood furniture finishing operations to no more than 4.9 pounds per gallon of coating, as mixed for application, and limiting the stains used in the respective operation to water-based stains, except for several exceptions.

5. A condition prohibiting the onsite addition of anything but catalyst and water to any finishing material used in one of the facility's wood furniture finishing operations.

6. A condition prohibiting the use of any methylene chloride-containing materials or 1,1,1 trichloroethane-containing materials in one of the facility's wood furniture finishing operations.

7. A condition limiting the amount of VOC-containing material used in one of the facility's wood furniture finishing operations for equipment cleanup activities and product washdown/cleaning/stripping activities to no more than 500 gallons per year (note: this limit is being modified to no more than 500 gallons in any 12-consecutive month period).

8. A condition requiring the spray booths incorporated in one of the facility's wood furniture finishing operations to be equipped with spray booth filters at all times that finishing materials are being sprayed in the booths.

9. A condition allowing one of the facility's wood furniture finishing operations to deviate from the limitations specified in 3, 4 and 5 herein for the purpose of performing experimental trials of new finishing materials provided the use of such materials is restricted to no more than 10 gallons per individual trial and a total of no more than 160 gallons per year and provided compliance is maintained with all other applicable requirements (note: the annual limit is being modified to no more than 160 gallons in any 12-consecutive month period).

10. A condition requiring all VOC-containing solvents used for spray line cleaning in one of the facility's wood furniture finishing operations to be flushed into closed containers, requiring all containers of VOC-containing solvents used for product washdown/cleaning/stripping to be closed except when actually wetting wiping rags, and the like, requiring all solvent-wet rags to be kept in closed containers when not in actual use, prohibiting waste solvent to be disposed of by evaporation and prohibiting the use of methylene chloride and 1,1,1 trichloroethane for equipment cleanup or product washdown/cleaning/stripping.

11. A condition requiring the maintenance, and quarterly reporting, of the identity, amount and composition of the materials used in one of the facility's wood furniture finishing operations as well as the identity of the materials, if any, which were used in experimental trials (note: the quarterly reporting requirement is being modified to a semi-annual reporting requirement).

The conditions previously established as requirements of a plan approval exemption determination made for a maintenance shop spray booth on October 26, 1995, include:

12. A condition limiting the VOC emissions from the spray booth to less than 10 tpy (note: this limit is being modified to less than 10 tons in any 12-consecutive month period).

13. A condition requiring the maintenance of records of the identity, amount and composition of the materials used in the spray booth.

The conditions previously established as requirements of a plan approval exemption determination made for two 2,036 horsepower diesel fuel-fired emergency generators on March 15, 2001, include:

14. Conditions limiting the operation of each of the two generators to no more than 500 hours in any 12-consecutive month period and requiring the maintenance of records of the number of hours each generator is operated each month.

The conditions previously established as requirements of a plan approval exemption determination made for two wood furniture finishing spray booths (Unit 5) on March 26, 2004, include:

15. A condition limiting the materials applied in the two booths to those specifically identified in a February 23, 2004 letter (or those determined by the Department to be equivalent or better).

16. A condition limiting the amount of topcoats, stain and sealer applied in the two booths to no more than 100 gallons, 200 gallons and 200 gallons, respectively, in any 12-consecutive month period.

17. A condition prohibiting the addition of anything other than water to the materials used in the two booths incorporated in the Unit 5 finishing operation and the use of anything other than water for equipment cleanup or the cleaning or surface preparation of the products or parts finished in the respective booths.

18. Conditions requiring all materials applied in the two booths incorporated in the Unit 5 finishing operation to be applied with airless, air-assisted airless or HVLP spray technology or by brush or rag and requiring the respective two booths to be equipped with filters whenever spraying is occurring.

19. A condition requiring the maintenance of records of the identity and amount of each material used in the two booths incorporated in the Unit 5 finishing operation each month (note: this requirement is being modified to also require the maintenance of material VOC and VHAP contents).

The new conditions the Department proposes to incorporate into the operating permit to be issued include:

20. A condition limiting the total combined facility NOx emissions to less than 100 tons in any 12-consecutive month period, the SOx emissions to less than 100 tons in any 12-consecutive month period, the CO emissions to less than 100 tons in any 12-consecutive month period, the PM10 emissions to less than 100 tons in any 12-consecutive month period, the VOC emissions to less than 50 tons in any 12-consecutive month period, the emissions of any single HAP to less than 10 tons in any 12-consecutive month period and the emissions of all HAPs combined to less than 25 tons in any 12-consecutive month period.

21. A condition requiring all fuel oil fired at the facility to be fuel oil to which no reclaimed or waste oil or other waste materials have been added.

22. A condition restricting the total combined amount of fuel oil fired at the facility to no more than 2.2 million

gallons in any 12-consecutive month period and the total combined amount of natural gas fired at the facility to no more than 300 million cubic feet in any 12-consecutive month period.

23. Conditions requiring the maintenance, and annual reporting, of records of the total combined amount of fuel oil fired at the facility each month, the total combined amount of natural gas fired at the facility each month and the identity and total combined amount of each individual VHAP emitted from the facility each month as well as the maintenance of records of the delivery date, fuel oil type and sulfur content of each load of fuel oil delivered to the facility.

24. A condition requiring the PM emissions from the woodworking equipment associated with the UNICOR operations at the facility to be controlled by two specific fabric collectors which shall be exhausted indoors at all times.

25. A condition prohibiting the reactivation of a 12.5 mmBtu/hr No. 2 fuel oil/natural gas-fired boiler and a 12.7 Btu/hr No. 2 fuel oil/natural gas-fired boiler located at the facility's Prison Camp site without first obtaining plan approval from the Department.

26. Conditions limiting the fuel used in 98 small (2.5 mmBtu/hr or less heat input) combustion units to natural gas, propane or No. 2 fuel oil, the fuel used in a 3.477 mmBtu/hr air makeup unit to natural gas and the fuel used in six emergency generators to natural gas and virgin diesel fuel to which no reclaimed/reprocessed oil, waste oil or other waste materials have been added.

27. Conditions limiting the operation of four natural gas-fired emergency generators to no more than 500 hours each in any 12-consecutive month period and requiring the maintenance of records of the number of hours each of the respective four generators is operated each month.

28. A condition requiring the annual submission of the records maintained of the monthly operating hours for the facility's four natural gas-fired emergency generators as well as the facility's two 2,036 horsepower diesel fuel-fired emergency generators.

29. Conditions limiting the total facility-wide VOC emissions from all wood furniture finishing operations combined to less than 25 tons in any 12-consecutive month period.

30. Conditions requiring the annual reporting of the material usage records maintained for the Unit 5 wood furniture finishing operation and the maintenance shop spray booth.

31. Conditions limiting the VOC emissions from the facility's solvent parts washer to less than 2.7 tons in any 12-consecutive month period and prohibiting the use of any solvent in the parts washer which contains a HAP as an intentionally-added ingredient.

32. A condition requiring the maintenance of records of the amount of solvent added to the solvent parts washer each month.

33. Conditions prohibiting the storage of anything other than fuel oil in the facility's two 8,000 gallon and two 2,000 gallon aboveground fuel oil storage tanks and requiring the maintenance of records of the material stored in each of these four tanks.

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

**43-00251: Component Inter-technologies** (2426 Perry Highway, Hadley, PA 16130) for issuance of a Natural Minor Operating Permit for operation of the facility's air contamination source consisting of 2.73 mmBtu/hr miscellaneous natural gas usage, batch vapor degreaser and three parts washers for the component manufacturing of lighting equipment in Perry Township, **Mercer County**.

**62-00148: Elkhorn Gas Processing, LLC** (P. O. Box 60B, Kinuza Road, Warren, PA 16365) for issuance of a Natural Minor Operating Permit for their Roystone Facility in Sheffield Township, **Warren County**. The primary activity at this site is the operation of a natural gas processing plant. The facility's primary emission sources include an oil medium heater, three natural gas fired compressor engines, a glycol regenerator (Dehydrator), equipment leaks (VOC emissions) and product storage tanks and unloading.

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

**S04-017: Mutual Pharmaceutical** (1100 Orthodox Street, Philadelphia, PA 19124) for operation of a pharmaceutical manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include five coating pans, eight modules, 16 electrical drying ovens, nine dust collectors, 11 combustion units burning natural gas rated less than 3 mmBtu/hr, two catalytic oxidizers, one wastewater pretreatment system, one 277-horsepower emergency generator firing diesel fuel, and activities from the research, packaging, and granulation departments.

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

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

## OPERATING PERMITS

### PUBLIC HEARINGS

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

**PA-03-00975B: Reaxis, Inc.** (941 Robinson Highway, McDonald, PA 15057-2213) for construction of one 3,200 gallon fiberglass reactor (chemical reaction vessel/digester) and an associated alkali scrubber at their facility in Robinson Township, **Washington County**.

In accordance with 25 Pa. Code §§ 127.44(b), 127.45 and 127.48, notice is hereby given that the Department of Environmental Protection (Department) will hold a public meeting, to be immediately followed by a public hearing,

on September 23, 2008, 7 p.m., at the Robinson Township Municipal Building located at 8400 Noblestown Road, McDonald, PA 15057.

The purpose of the meeting is for the Department and Reaxis to each present a short summary of the project, to be followed by an informal question and answer period. The purpose of the public hearing is to formally accept testimony regarding the issuance of an Air Quality Plan Approval to Reaxis, Inc. Plan Approval is being issued to allow the construction of one 3,200 gallon fiberglass reactor (chemical reaction vessel/digester) and an associated alkali scrubber at their facility located in Robinson Township, **Washington County**.

The proposed facility is subject to the applicable requirements of 25 Pa. Code Chapter 127, related to construction, modification, reactivation and operation of sources. The Department believes that the facility will meet these requirements by complying with the following Plan Approval conditions:

1. This Plan Approval authorizes the construction of a new 3,200 gallon reactor (chemical reaction vessel/digester), a new 2,000 cfm packed bed scrubber, and associated equipment at the Reaxis McDonald facility located in Robinson Township, **Washington County**.

2. Emissions from the reactor shall be controlled by the scrubber at all times. Reactor shall not operate if the scrubber is not operating properly.

3. Scrubber system shall be equipped with a fluid flow meter to measure the volume of recirculating scrubber fluid and a pressure gauge to measure pressure drop across the scrubber.

4. The flow meter and the pressure gauge shall be observed and recorded once every day, while system is operating. The scrubber medium shall be operated with a pH of 11 or higher at all times.

5. The pH of the scrubber medium shall be tested and recorded once every day, while system is operating.

6. Adjustments to the pH level of the scrubber medium, including scrubber media replacement, shall be recorded.

7. The required records shall be maintained in a logbook and kept on site for period of 2 years. Logbook shall be made available to the Department upon request.

8. Upon completion of the construction of the facility, company must request that the existing Operating Permit be updated to include the new equipment and the new requirements. Notify the Department when the installation is completed so that the facility can be inspected for issuance of an operating permit.

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

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

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

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

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

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

(d) The permittee may request an extension of the 180-day shakedown period if further evaluation of the air contamination aspects of the sources is necessary. The request for an extension should be submitted, in writing, to the Department at least 15 days prior to the end of the initial 180-day shakedown period and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established. This temporary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 120 days.

12. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. The testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at the time as it notifies the company that testing is required. (25 Pa. Code § 127.12b)

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

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

(a) Upon cause shown by the permittee that the records, reports or information or a particular portion thereof, but not emission data, to which the Department has access under the act, if made public, would divulge production or sales figures or methods, processes or production unique to that person or would otherwise tend to affect adversely the competitive position of that person by revealing trade secrets, including intellectual property rights, the Department will consider the record, report or information, or particular portion thereof confidential in



the administration of the act. The Department will implement this section consistent with §§ 112(d) and 114(c) of the CAA (42 U.S.C.A. §§ 7412(d) and 7414(c)). Nothing in this section prevents disclosure of the report, record or information to Federal, State or local representatives as necessary for purposes of administration of Federal, State or local air pollution control laws, or when relevant in a proceeding under the act. (25 Pa. Code §§ 127.12(c) and (d) and 35 P. S. § 4013.2)

15. This plan approval will be valid for a limited time, as specified by the expiration date contained on page 1 of this plan approval.

(a) Except as provided in §§ 127.11a and 127.215 (relating to reactivation of sources; and reactivation), at the end of the time, if the construction, modification, reactivation or installation has not been completed, a new plan approval application or an extension of the previous approval will be required.

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

(i) A justification for the extension.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Regional Air Program Manager  
Department of Environmental Protection  
(At the address given on the plan approval transmittal letter or otherwise notified) (25 Pa. Code § 127.12c)

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

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

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

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

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

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

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

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

Those wishing to present oral testimony during the hearing should contact Community Relations Coordinator, Helen Humphreys, at (412) 442-4000. Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should contact Helen Humphreys or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

Those who are unable to attend the hearing, but wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Francis Condrick, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222. Each written comment must contain the following:

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

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

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

Comments must be received prior to the close of business 30 days after the date of this publication, or by October 3, 2008, whichever is later.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

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

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

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

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

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

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

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

The procedures for determining the final effluent limits, using a mass-balance equation or model, are found in

Technical Guidance Document 362-0600-001, NPDES Program Implementation—Memorandum of Understanding Concerning Water Quality Management, NPDES Program Implementation and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Loads (TMDLs).

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated above 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
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.

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

**Permit Number 26081601 and NPDES Permit No. NA, Foundation PA Coal Terminal, LLC**, (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370), to operate the LaBelle Site in Luzerne Township, **Fayette County** a coal preparation plant with a related NPDES permit as a coal/bulk material transloading facility. Surface Acres Proposed 56.8. Receiving streams: Monongahela River and a UNT to the Monongahela River, both classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is PA American Water Company, Monongahela River intake. Application received June 20, 2008.

**Permit Number 30841317 and NPDES Permit No. PA0213527, Consol Pennsylvania Coal Company, LLC**, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County** and related NPDES permit to add surface acreage to construct the Oak Spring Slope and Supply Yard, Surface Acres Proposed 55.0. Receiving stream: UNT 32722 to Rocky Run, classified for the following use: TSF. Application received June 9, 2008.

**Permit Number 56841608 and NPDES Permit No. PA0213721, PBS Coals, Inc.**, (P. O. Box 260, Friedens,

PA 15541), to revise the permit for the Cambria Fuel Prep Plant in Stonycreek Township, **Somerset County** to treat water transported by a buried pipeline to existing water treatment facilities at the prep plant from a dewatering borehole at the abandoned Cambria Fuels Mine and to inject slurry into the mine through an injection borehole. Dewater the mine will promote safety for miners at the adjacent Horning mine. Surface Acres Proposed 3.3. No additional discharges. Application received May 6, 2008.

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

**56880109 and NPDES No. PA0598283. PBS Coals, Inc.**, P. O. Box 260, 1576 Stoystown Road, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface limestone removal mine in Brothersvalley Township, **Somerset County**, affecting 154.2 acres. Receiving streams: UNTs of Bluelick Creek and Bluelick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 15, 2008.

**07920101 and NPDES No. PA0599581. E. P. Bender Coal Company, Inc.**, P. O. Box 594, Carrolltown, PA 15722, permit renewal for the continued operation and restoration of a bituminous surface mine in Allegheny Township, **Blair County**, affecting 474.0 acres. Receiving streams: UNTs to/and Sugar Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 15, 2008.

**11980102 and NPDES No. PA0234753. E. P. Bender Coal Company, Inc.**, P. O. Box 594, Carrolltown, PA 15722, permit renewal for reclamation only of a bitumi-

nous surface and auger mine in Reade Township, **Cambria County**, affecting 240 acres. Receiving streams: UNTs to Fallentimber Run and Fallentimber Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 15, 2008.

**32980110 and NPDES Permit No. PA0234869. Opal Industries, Inc.**, P. O. Box 980, Latrobe, PA 15650, revision of an existing bituminous surface mine to add auger mining and to add 5.0 acres, changing the total SMP acres from 297.0 to 302.0 in Conemaugh Township, **Indiana County**, affecting 297.0 acres. Receiving streams: UNTs to/and Sulphur Run; UNTs to/and Blacklegs Creek; and UNTs to/and Kiskiminetas River classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received August 13, 2008.

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

**26870202 and NPDES Permit No. PA0589608. Carbon Fuel Resources, Inc.** (2927 Pittsburgh Street, Perryopolis, PA 15473). Renewal application for reclamation only of a bituminous surface mine, located in German Township, **Fayette County**, affecting 103.2 acres. Receiving streams: UNTs to Browns Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received August 14, 2008.

**26743202 and NPDES Permit No. PA0069736. Fayette Energy Project, LLC** (P. O. Box 275, West Leisenring, PA 15489). Application received for transfer of permit currently issued to Fayette Coal & Coke, Inc., for continued operation and reclamation of a bituminous surface mine/coal refuse reprocessing facility located in Dunbar and North Union Townships, **Fayette County**, affecting 150.1 acres. Receiving streams: Rankin Run to Redstone Creek to Monongahela River, classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is the North Fayette Municipal Authority. Transfer application received August 14, 2008.

**30980101 and NPDES Permit No. PA0202304. CORESCO, LLC** (308 Dents Run Road, Morgantown, WV 26501). Renewal application for reclamation only of a bituminous surface mine, located in Dunkard Township, **Greene County**, affecting 148.4 acres. Receiving streams: UNT to Dunkard Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received August 15, 2008.

**65910103 and NPDES Permit No. PA0592447. Coal Loaders, Inc.** (210 East Main Street, P. O. Box 556, Ligonier, PA 15658). Application received for transfer of permit currently issued to Calvin W. Hepler for continued operation and reclamation of a bituminous surface mining site located in South Huntingdon Township, **Westmoreland County**, affecting 42.4 acres. Receiving streams: UNTs to Barren Run to Jacobs Creek to the Youghiogheny River, classified for the following use: WWF. There is no potable water supply intake within ten miles downstream from the point of discharge. Transfer application received August 18, 2008.

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

**33960107 and NPDES Permit No. PA0227269. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Renewal of an existing bituminous surface strip and auger operation in Union Township, **Jefferson County** affecting 17.8 acres. Receiving streams: Welch Run to Redbank Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is CRUMA Water Company. Application for reclamation only. Application received August 19, 2008.

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

**17080111 and NPDES Permit No. PA0256901. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830), commencement, operation and restoration of a bituminous surface and auger mine in Lawrence Township, **Clearfield County**, affecting 175.0 acres. Receiving streams: UNTs to the West Branch Susquehanna River, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 1, 2008.

**17860104 and NPDES Permit No. PA0611077. RES Coal, LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920), transfer and renewal of an existing bituminous surface mine from Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), located in Girard Township, **Clearfield County**, affecting 267.8 acres. Receiving streams: Deer Creek and Buck Run to West Branch Susquehanna River, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 21, 2008.

**17870129 and NPDES Permit No. PA0116190. RES Coal, LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920), transfer of an existing bituminous surface mine from Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), located in Morris Township, **Clearfield County**, affecting 498.3 acres. Receiving streams: Emigh Run and Laurel Run to Moshannon Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 10, 2008.

**17960113 and NPDES Permit No. PA0220396. RES Coal, LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920), transfer of an existing bituminous surface mine from Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), located in Covington and Karthaus Townships, **Clearfield County**, affecting 306.0 acres. Receiving stream: Curley's Run to West Branch Susquehanna River, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 10, 2008.

**17990101 and NPDES Permit No. PA0238822. RES Coal, LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920), transfer of an existing bituminous surface mine from Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), located in Girard Township, **Clearfield County**, affecting 149.0 acres. Receiving streams: Surveyor Run to West Branch Susquehanna River, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 18, 2008.

**17060107 and NPDES No. PA0256391. RES Coal, LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920), transfer of an existing bituminous surface mine from Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), located in Girard Township, **Clearfield County**, affecting 294.8 acres. Receiving streams: Deer Creek to West Branch Susquehanna River, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 18, 2008.

**17930103 and NPDES No. PA0207241. Junior Coal Contracting, Inc.** (2330 Six Mile Road, Philipsburg, PA 16866), permit renewal for the continued operation and restoration of a bituminous surface mine in Decatur Township, **Clearfield County**, affecting 309.9 acres. Receiving stream: Little Beaver Run, Beaver Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 7, 2008.

*Noncoal Applications Returned*

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

**Permit No. 28840302 and NPDES Permit No. PA0614289, Valley Quarries, Inc.,** P. O. Box J, Chambersburg, PA 17201-0809, renewal of NPDES Permit, Hamiltonban Township, **Adams County**. Receiving

stream: Conococheague Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received January 18, 2008. Permit returned August 7, 2008.

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

**08070811. John Norton** (R. R. 1, Box 155B, New Albany, PA 18833), commencement, operation and restoration of a small industrial minerals (bluestone) permit located in Tuscarora Township, **Bradford County**, affecting 5.0 acres. Receiving streams: UNT to Fargo Creek, classified for the following use: CWF. Application received November 16, 2007. Application returned August 6, 2008.

**08070809. B. Dale Kelley** (R. R. 3, Box 3384, Laceyville, PA 18623), commencement, operation and restoration of a small industrial minerals (flagstone) permit located in Tuscarora Township, **Bradford County**, affecting 5.0 acres. Receiving stream: UNT to Tuscarora Creek. Application received September 10, 2007. Application returned July 23, 2008.

*Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**26920401 and NPDES Permit No. PA0203441. Coolspring Mining, Inc.** (P. O. Box 1328). Renewal application for reclamation only of a large noncoal surface mine, located in North Union Township, **Fayette County**, affecting 60.6 acres. Receiving streams: UNT to Coolspring Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received August 15, 2008.

**26082804. Mon River Energy Corp.** (P. O. Box 466, Brier Hill, PA 15415). Application for commencement, operation and reclamation of a small noncoal surface mine, located in South Union Township, **Fayette County**, affecting 4.1 acres. Receiving stream: Jennings Run, classified for the following use: WWF. Small noncoal application received August 18, 2008.

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

**16080307 and NPDES Permit No. PA0258628. WDK Enterprises, Inc.** (P. O. Box 5, 688 Day City Road, Corsica, PA 15829). Commencement, operation and restoration of a shale and incidental coal extraction permit in Monroe Township, **Clarion County** affecting 216.0 acres. The Department of Environmental Protection has made a tentative determination to impose effluent limitations, within the ranges specified in Table 1 for iron and manganese in addition to the limits identified in Table 2. Receiving streams: six UNTs to Reids Run to Piney Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received August 11, 2008.

**6896-16080307-E-1. WDK Enterprises, Inc.** (P. O. Box 5, 688 Day City Road, Corsica, PA 15829). Application for a stream encroachment to encroach upon UNT 1 to Reids Run and to encroach upon and cross UNT 2 to Reids Run in Monroe Township, **Clarion County**. Receiving streams: six UNTs to Reids Run to Piney Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received August 11, 2008.

**37080305 and NPDES Permit No. PA0258636. Terra Resources, LLC** (267 Gilmore Road, Enon Valley, PA 16120). Commencement, operation and restoration of a limestone and incidental coal removal operation in Slippery Rock Township, **Lawrence County** affecting 83.8

acres. The Department of Environmental Protection has made a tentative determination to impose effluent limitations, within the ranges specified in Table 1 for iron and manganese in addition to the limits identified in Table 2. Receiving streams: UNT to Slippery Rock Creek (unclassified) and Slippery Rock Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received August 15, 2008.

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

**7775SM4 and NPDES Permit No. PA0594563. Lehigh Cement Company**, (537 Evansville Road, Fleetwood, PA 19522-8541), modification to the NPDES Permit to increase the average daily discharge from 0.30 mgd to 4.33 mgd for quarry operation in Oley Township, **Berks County**, receiving streams: UNT to UNT to Manatawny Creek, classified for the following use: CWF. Application received August 13, 2008.

**06970302C6 and NPDES Permit No. PA0223794. Haines & Kibblehouse, Inc.**, (2052 Lucon Road, P. O. Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Robeson and Union Townships, **Berks County**, receiving streams: UNT to Hay Creek, classified for the following use: Exceptional Value. Application received August 18, 2008.

### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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#### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E21-404: Hampden Township Sewer Authority**, Steven S. Campbell, 230 South Sporting Hill Road, Mechanicsburg, PA 17050, Hampden Township, **Cumberland County**, United States Army Corps of Engineers, Baltimore District.

To remove the existing sewage pump stations and a house, and then to construct and maintain: 1) a 21-foot by 10-foot Sewage Pump Station 2 and its associated 6-foot by 6-foot valve pit, a 8-foot by 6-foot wet well, a 4-foot diameter manhole, a 4-inch diameter force main and a 8-inch diameter influent lines; and 2) a 10-foot by 6-foot Sewage Pump Station 13 and its associated 6-foot by 6-foot valve pit, 8-foot by 6-foot wet well, two 4-foot diameter manholes, 4-inch diameter force main and a 8-inch diameter gravity main along the left bank floodplain of Conodoguinet Creek (WWF) to upgrade the pump stations located about 2,000.0 feet upstream of Orr's Bridge Road bridge (Lemoyne, PA Quadrangle N: 22.70 inches; W: 11.60 inches, Latitude: 40° 14' 58"; Longitude: 76° 57' 27" and N: 21.80 inches; W: 11.20 inches, Latitude: 40° 14' 52"; Longitude: 76° 57' 20" respectively) in Hampden Township, **Cumberland County**.

**E67-858: PPL Brunner Island, LLC**, River Intake Debris Barrier, David G. Hopfer, 2 North 9th Street, GENPL6, Allentown, PA 18101-1139, East Manchester Township, **York County** and Conoy Township, **Lancaster County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 36,000.0 square foot debris barrier/deflector extending into the Susquehanna River (WWF) using 16,600.0 cubic yards of fill. The project is located at Brunner Island (York Haven, Quadrangle N: 17.7 inches; W: 9.5 inches, Latitude: 40° 5' 53"; Longitude 76° 41' 30") in East Manchester Township, **York County** and Conoy Township, **Lancaster County**.

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

**E32-485. Department of Transportation, District 10-0**, P. O. Box 429, 2530 Oakland Avenue, Indiana, PA 15701-0429. To fill wetlands for a compensation site in Conemaugh Township, **Indiana County**, United States Army Corps of Engineers, Pittsburgh District (Avonmore, PA Quadrangle N: 5.0 inches; W: 2.8 inches, Latitude 40° 31' 40"; Longitude: 79° 23' 42"). The applicant proposes to fill and maintain 0.022 acre of PEM wetlands for the purpose of constructing a 2.5 acre advanced wetland compensation site located adjacent to SR 286.

**E32-487. Reliant Energy Northeast Management Company**, 121 Champion Way, Suite 200, Canonsburg, PA 15944-9154. To fill wetlands as part of a landfill in West Wheatfield Township, **Indiana County**, United States Army Corps of Engineers, Pittsburgh District (New Florence, PA Quadrangle N: 5.5 inches; W: 9.5 inches, Latitude: 40° 24' 19"; Longitude: 79° 4' 6"). The applicant proposes to impact 16 wetlands totaling 2.19 acres, and 4,755.61 linear feet of UNTs to the Conemaugh River (CWF) as part of stage III landfill development located in West Wheatfield Township. The project consists of:

1. Removing material within the floodway area for wetland development of 2.2 acres and 1,690 linear feet of channel around the wetlands.
2. Construction of a 100-foot long, 48-inch diameter pipe culvert under the existing access road connected to a 290-foot long 36-inch pipe as temporary diversion structure in a UNT to the Conemaugh River (CWF).
3. Construction of an outfall structure in said river.

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## ACTIONS

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

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

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

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

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

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

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

**I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0011762	American Nickeloid Company 131 Cherry Street Walnutport, PA 18088-1689	Walnutport Borough Northampton County	Lehigh River 2A	Y
PA0062634 (Minor Sewage)	Larry L. Luckenbill Sammy's Mobile Home Park 631 South Route 183 Schuylkill Haven, PA 17972	North Manheim Township Schuylkill County	UNT to Mahonney Creek 03A	Y
PA-0061395 (Industrial Waste)	Schuylkill Haven Borough Tumbling Run Filter Plant 12 West Main Street Schuylkill Haven, PA 17972-1900	Schuylkill County North Manheim Township	Tumbling Run 3A	Y
PAS802218	United Parcel Services, Inc. 1821 South 19th Street Harrisburg, PA 17101	Bethlehem Township Northampton County	UNT to Monocacy Creek HQ-CWF	Y
PA-0064017	ESSROC Cement Corporation Route 248 and Easton Road Nazareth, PA 18064	Nazareth Borough Northampton County	UNT to Shoeneck Creek 2C	Y
PA-0063991	ESSROC Cement Corporation Route 248 and Easton Road Nazareth, PA 18064	Upper Nazareth Township Northampton County	UNT to Shoeneck Creek 2C	Y

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (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>
PAG2003603079-R	Nelson Wenger 1805 Swamp Bridge Road Stevens, PA 17678	Lancaster County Penn Township	UNT Chiques Creek WWF	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>
PA0046426 Sewage	Franklin Township Sewer Authority 570 Rolling Meadows Road Waynesburg, PA 15370	Greene County Franklin Township	South Fork Tenmile Creek	N
PA0096121 Sewage	Joe Walker Elementary School 90 McGuffey School Claysville, PA 15323	Washington County South Franklin Township	UNT to Chartiers 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>
PA0021504	Western Butler County Authority P. O. Box 427 607 Market Street Zelienople, PA 16063	Zelienople Borough Butler County	Connoquenessing Creek, a UNT to Glade Run and Glade Run 20-C	N
PA0103225	KRS Development, Inc. 17933 Paint Boulevard Shipperville, PA 16254	Paint Township Clarion County	UNT to the Clarion River 17-B	Y
PA0221091	ELCAM Tool and Die, Inc. 497 Buena Vista Highway Wilcox, PA 15870	Jones Township Elk County	UNT to West Branch Clarion River 17-A	Y
PA0103331	Jackson Center Borough R. R. 1 Bradley Road Jackson Center, PA 16133	Jackson Township Mercer County	Yellow Creek 20-A	Y



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


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

**NPDES Permit No. PA0084794**, Sewage, **Asbury Pointe Water and Sewer Company, LLC**, 139 East Market Street, York, PA 17401. This proposed facility is located in East Manchester Township, **York County**.

Description of Proposed Action/Activity: Transfer of permit and authorization to discharge to the Codorus Creek in Watershed 7-H.

**NPDES Permit No. WQG02380801**, Sewage, **Union Township**, 3111 SR 72, Jonestown, PA 17038. This proposed facility is located in Union Township, **Lebanon County**.

Description of Proposed Action/Activity: Application for the construction of the I-78/I-81 Logistics Park Pump Station.

**NPDES Permit No. PAS603506**, Industrial Waste, **Aumiller's Auto Wreckers, Inc.**, 45 Auto Parts Drive, P. O. Box 354, Milroy, PA 17063. This proposed facility is located in Armagh Township, **Mifflin County**.

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

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

**NPDES Permit No. PA0240192**, Sewage, **Frank R. and Myranda S. Hyden**, 24478 State Street, Meadville, PA 16335. This proposed facility is located in Blooming Valley Borough, **Crawford County**.

Description of Proposed Action/Activity: This is a Single-Residence Sewage Treatment Plant discharging to a UNT to Woodcock Creek, 16-A.

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


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

**WQM Permit No. 4506408**, Sewerage, **Franconia Mennonite Camping Association, Inc.**, R. R. 1, Box 605, Canadensis, PA 18325. This proposed facility is located in Barrett Township, **Monroe County**.

Description of Proposed Action: Issuance of Water Quality Management Permit for the rerating of the existing sewage treatment plant up to 8,323 gpd. Increased spray irrigation field.

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

**WQM Permit No. WQG018647**, Sewerage, **Thomas Marx**, 129 Dutch Road, Harmony, PA 16037. This proposed facility is located in Jackson Township, **Butler County**.

Description of Proposed Action/Activity: A Single-Residence Sewage Treatment Plant.

**WQM Permit No. WQG018632**, Sewerage, **Frank R. and Myranda S. Hyden**, 24478 State Street, Meadville, PA 16335. This proposed facility is located in Blooming Valley Borough, **Crawford County**.

Description of Proposed Action/Activity: A Single-Residence Sewage Treatment Plant.

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


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


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


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023908008	Department of Transportation Engineering District 5-0 1002 Hamilton Street Allentown, PA 18103-1013	Lehigh	Coopersburg Borough Upper Saucon Township	Saucon Creek HQ-CWF
PAI024507004	Buttermilk Falls Corp. Center SR 0209 and Gap View Drive East Stroudsburg, PA 18301	Monroe	Smithfield Township	Marshalls Creek HQ-CWF

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

*Indiana County Conservation District, USDA Service Center, 1432 Route 286, Highway W, Indiana, PA 15701-1467, (724) 463-8547.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI053208001	Indiana County Airport Authority 801 Water Street Indiana, PA 15701	Indiana	White and Cherryhill Townships	2 UNT Ramey Run CWF 3 UNT Two Lick Creek CWF Two Lick Creek TSF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI062508001	Evergreen Farms, Eastman Development, LLC 2601 West 26th Street Erie, PA 16506	Erie	Fairview Township	Trout Run 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 Groundwater Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-8 General Permit Coverage
PAG-9	General Permit for Beneficial Use of Residential Septage by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application Under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)
PAG-13	Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)

#### *General Permit Type—PAG-2*

##### *Facility Location:*

<i>Municipality &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>
Eldred Township Monroe County	PAG2004506006	Sheila Chen 490 Ridgeway White Plains, NY 10605	Buckwha Creek CWF, MF	Monroe County Conservation District (570) 629-3060
West Pennsboro Township Cumberland County	PAG2002108017	Thomas and Becky McElwee 250 Jumper Road Newburg, PA 17240	Big Spring Creek CWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812
Conestoga Township Lancaster County	PAG2003607017	Van Brinkley 649 Stone Hill Road Conestoga, PA 17516	UNT to Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5

## NOTICES

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<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>
Mount Joy Township Lancaster County	PAG2003607092	Jason Brandt 3501 North Colebrook Road Manheim, PA 17545	UNT to Little Chickies Run TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Strasburg Township Lancaster County	PAG2003608030	John A. Fisher 255 Old Leacock Road Gordonville, PA 17529	Walnut Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Strasburg Township Lancaster County	PAG2003608038	Darrel Ranck 249 Gap Road Ronks, PA 17572	UNT to Pequea Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Warwick Township Lancaster County	PAG2003608042	Nelson Stoner 194 West Lexington Road Lititz, PA 17543	Lititz Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003608048	RLPS Partners II, LLC 1910 Harrington Drive Lancaster, PA 17601	Landis Run WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Brecknock Township Lancaster County	PAG2003608049	MBC Development, LP P. O. Box 472 Schuylkill Haven, PA 17972	UNT to Little Muddy Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Akron Borough Lancaster County	PAG2003608050	Ervin Hoover 118 North 7th Street Akron, PA 17501	Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Greene Township Franklin County	PAG2002803013-R	Highlands of Greenvillage Sasson School WASHCO Developers 1741 Dual Highway Hagerstown, MD 21740	UNT to Rowe Run CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Southampton Township Franklin County	PAG2002805027	Gerald Eby 2030 Clearfield Road Shippensburg, PA 17257	Rowe Run CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Letterkenny and Southampton Townships Franklin County	PAG2002808006	CFJMA 725 Municipal Drive Shippensburg, PA 17257	Muddy Run CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5

<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>
Washington Township Franklin County	PAG2002808017	Tom Mongold 418 Epic Drive Chambersburg, PA 17201	Red Run CWF	Franklin County Conservation District 100 Sunset Boulevard West Chambersburg, PA 17201 (717) 264-8074, Ext. 5
Dover Township York County	PAG2006708020	John M. Kemp Royal Farms 3611 Roland Avenue Baltimore, MD 21211	Little Conewago Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Manchester Township York County	PAG2006707065	Edmund Glabus 4800 Union Deposit Road Harrisburg, PA 17111	Little Conewago Creek TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Dover Township York County	PAR10Y340-R	Glenn Moore Woodhaven Building and Development, Inc. 4175 Hanover Pike Manchester, MD 21102	UNT to Fox Run TSF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Granville Township Mifflin County	PAG2004407002(3)	First Quality Nonwovens, Inc. 101 Green Mountain Road Hazleton, PA 18202	Juniata River WWF	Mifflin County Conservation District 20 Windmill Hill No. 4 Burnham, PA 17009 (717) 248-6589
South Middleton and Dickinson Townships Carlisle Borough Cumberland County	PAG2002106054(1)	Michael Gillespie Department of Transportation Engineering District 8-0 2140 Herr Street Harrisburg, PA 17103	Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9131 (717) 240-7812
Hampden Township Cumberland County	PAG2002103023-R	Richard Thomas 155 Ken-Lin Drive Carlisle, PA 17013	Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013-9131 (717) 240-7812
Centre County College Township	PAG2001408012	Canterbury Crossing Burton Stover S & A Homes, Inc. 2121 Old Gatesburg Road State College, PA 16803	UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Liberty Township	PAG2001408014	The Inn at Bald Eagle State Park Michael Twigg Department of Natural Resources 400 Market Street P. O. Box 8451 Harrisburg, PA 17105	Foster Joseph Sayers Lake CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Columbia County Hemlock Township	PAG2001908006	Department of Transportation Engineering District 3-0 Dave L. Burkhart 715 Jordan Avenue P. O. Box 218 Montoursville, PA 17754-0218	Hemlock Creek CWF Little Fishing Creek CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, Ext. 102

## NOTICES

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<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>
Northumberland County Delaware and Lewis Townships	PAG2004908004	Hornberger Residential Subdivision James Hornberger 10170 Route 44 Watsontown, PA 17777	UNT to Warrior Run WWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Northumberland County Delaware Township	PAG2004908005	Tom McClintock Watsontown United Methodist Church 11 East Third Street Watsontown, PA 17777	Dry Run WWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Union County Buffalo Township	PAG2006008007	Jonathan Dietrich 5931 Buffalo Road Mifflinburg, PA 17844	Buffalo Creek CWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Cambria County Conemaugh Township	PAG2001108007	Kurt Freidhoff Hoff Enterprises, Inc. 151 Freidhoff Lane Johnstown, PA 15902	Peggy's Run WWF	Cambria County Conservation District (814) 472-2120
Fayette County Georges Township	PAG2002608015	Tina L. Strickland Rev. Trust 2 Rose Garden Smithfield, PA 15478	UNT to York Run WWF	Fayette County Conservation District (724) 438-4497
Fayette County North Union Township	PAG2002608018	Null Land, Inc. P. O. Box 229 Mt. Braddock, PA 15465	Jennings Run WWF	Fayette County Conservation District (724) 438-4497
Westmoreland County North Huntingdon Township	PAG2006503050-R	Donato Pasquarelli 870 Peregrine Drive North Huntingdon, PA 15642	UNT to Little Sewickley Creek TSF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Penn Township	PAG2006508013	West. Comm. Federal Credit Union 1007 Georges Station Road Greensburg, PA 15601	Brush Creek TSF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County North Huntingdon Township	PAG2006508014	Charles Cleaveland Cleaveland-Price, Inc. 14000 Route 993 Trafford, PA 15085	Brush Creek TSF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Hempfield Township	PAG2006508016	Relex Software Co. 540 Pellis Road Greensburg, PA 15601	UNT to Brush Creek TSF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Sewickley Township	PAG2006508017	Robert Miele 3091 Clay Pike Herminie, PA 15637	Sewickley Creek TSF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Mt. Pleasant Borough and Township	PAG2006508020	Fred C. Edge Woodfield Manor, LLC 1829 University Drive Dunbar, PA 15431	UNT to Shupe Run WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Unity Township	PAG2006508021	St. Vincent College Robert Clouse 300 Fraser Purchase Road Latrobe, PA 15650	Monastery Run WWF	Westmoreland County Conservation District (724) 837-5271

*Facility Location:  
Municipality &  
County*

<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>
Westmoreland County City of Greensburg	PAG2006508024	Seton Hill University Seton Hill University Drive Greensburg, PA 15601	Zellers Run WWF	Westmoreland County Conservation District (724) 837-5271
Westmoreland County Hempfield Township	PAG2006508025	Adam Eidemiller, Inc. 1003 East Pittsburgh Street Greensburg, PA 15601	Jacks Run WWF	Westmoreland County Conservation District (724) 837-5271
Butler County Connoquenessing Township	PAG2001003035R	Weaver Master Builders, Inc. P. O. Box 449 Mars, PA 16049	UNT Little Connoquenessing Creek CWF	Butler County Conservation District (724) 284-5270
Butler County Cranberry Township	PAG2001008001	Oak Tree Place Walnut Capital Partners-Cranberry South, LP 5500 Walnut Street Suite 300 Pittsburgh, PA 15232	Brush Creek WWF	Butler County Conservation District (724) 284-5270
Butler County Adams Township	PAG2001008010	Grace Bay, LP 147 Link Lane Slippery Rock, PA 16057	UNT Breakneck Creek WWF	Butler County Conservation District (724) 284-5270
Lawrence County Shenango Township	PAG2003708006	Forlong, Inc. Attn: George Sewall 329 Fourth Street Ellwood City, PA 16117	UNT to Big Run WWF	Lawrence County Conservation District (724) 652-4512

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

<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>
Adams County Straban Township	PAR803657	United Parcel Service, Inc. 1821 South 19th Street Harrisburg, PA 17104	UNT to Rock Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Lykens Township	PAR803623	CASA Trucking, d/b/a Michael Foods, Inc. 68 Spain Road Klingerstown, PA 17941	UNT to Pine Creek TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Muhlenberg Township	PAR803661	Farm & Home Oil Company, LLC 3115 Slate Road P. O. Box 389 Telford, PA 18969	UNT to Laurel Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Elizabeth Borough Allegheny County	PAR116132-A1	Gardner Denver Nash, LLC 9 Trefoil Drive Trumbull, CT 06611	Monongahela River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4**Facility Location:  
Municipality &  
County*

<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>
Berks County Muhlenberg Township	PAG043706	Frank Stramaglia 2125 Georgia Road Temple, PA 19560	UNT to Laurel Run CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*Facility Location:  
Municipality &  
County*

Cumberland County  
North Middleton  
Township

Permit No.  
PAG043880

*Applicant Name &  
Address*

Suzanne Diehl  
Tiger Properties  
4 East High Street  
Carlisle, PA 17013

*Receiving  
Water/Use*

Conodoguinet Creek  
WWF

*Contact Office &  
Phone No.*

DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707

Jackson Township  
Butler County

Permit No.  
PAG049460

Thomas Marx  
129 Dutch Road  
Harmony, PA 16037

UNT to Connoquenessing  
Creek  
20-C

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

*General Permit Type—PAG-5*

*Facility Location:  
Municipality &  
County*

Warwick Township  
Bucks County

Permit No.  
PAG050078

*Applicant Name &  
Address*

Hartsville Garage, Inc.  
1075 West Bristol Road  
Warminster, PA 18901

*Receiving  
Water/Use*

Little Neshaminy Creek  
2F

*Contact Office &  
Phone No.*

Southeast Region Office  
2 East Main Street  
Norristown, PA 19401

Newtown Township  
Delaware County

Permit No.  
PAG050027

Sunoco, Inc. (R & M)  
350 Eagleview Boulevard  
Suite 300  
Exton, PA 19341

UNT to Hunter Run  
3G  
Ridley Creek

Southeast Region Office  
2 East Main Street  
Norristown, PA 19401

West Mead  
Township  
Crawford County

Permit No.  
PAG058382

United Refining  
Company of  
Pennsylvania  
P. O. Box 688  
Warren, PA 16365-0688

UNT to Mill Run

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

*General Permit Type—PAG-10*

*Facility Location:  
Municipality &  
County*

Dauphin County  
East Hanover  
Township

Permit No.  
PAG103534

*Applicant Name &  
Address*

Texas Eastern  
Transmission, LP  
890 Winter Street  
Suite 300  
Waltham, MA 02451

*Receiving  
Water/Use*

UNT to Swatara Creek  
WWF

*Contact Office &  
Phone No.*

DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707

Berks County  
Muhlenberg  
Township

Permit No.  
PAG103529

Farm & Home Oil  
Company, LLC  
3115 State Road  
P. O. Box 389  
Telford, PA 18969

UNT to Laurel Run  
WWF

DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707

Cambria Township  
Cambria County

Permit No.  
PAG106120

Texas Eastern  
Transmission, LP  
890 Winter Street  
Suite 300  
Waltham, MA 02451

Roaring Run

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

*General Permit Type—PAG-12*

*Facility Location:  
Municipality &  
County*

Lancaster County  
Rapho Township

Permit No.  
PAG123666

*Applicant Name &  
Address*

Harold S. Weaver  
Kevin Greiner  
Greiner & Weaver  
Poultry & Heifer Farm  
15 Alice Avenue  
Lititz, PA 17543

*Receiving  
Water/Use*

UNT to Brubaker Run  
WWF

*Contact Office &  
Phone No.*

DEP  
Southcentral Region  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Dauphin County Wayne Township	PAG123667	Gary Miller 2146 Powell's Valley Road Halifax, PA 17032	UNT to Powells Run TSF	DEP Southcentral Region 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

### SAFE DRINKING WATER

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

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

#### **Permit No. 5408505, Public Water Supply.**

Applicant	<b>Jackson Perry</b> 1703 Panther Valley Road Pine Grove, PA 17963 Wayne Township
County	<b>Schuylkill</b>
Type of Facility	Bulk Water Hauling Facility
Consulting Engineer	Edward E. Davis, P. E. Forino Company, LP 555 Mountain Home Road Sinking Spring, PA 19608
Permit to Construct Issued	August 14, 2008

#### **Permit No. 2450045, Operations Permit, Public Water Supply.**

Applicant	<b>Pennsylvania American Water</b> 800 West Hersheypark Drive Hershey, PA 17033 Middle Smithfield Township
County	<b>Monroe</b>
Type of Facility	PWS
Consulting Engineer	N/A
Permit to Operate Issued	August 19, 2008

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

**Operations Permit issued to Millerstown Borough Municipal Authority, 7500021, Greenwood Township, Perry County on August 19, 2008, for the operation of facilities approved under Construction Permit No. 5007507 MA.**

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

#### **Permit No. 1408502—Construction, Public Water Supply.**

Applicant	<b>Gregg Township Water Authority</b>
Township or Borough	Gregg Township
County	<b>Centre</b>
Responsible Official	Thomas J. Stitzer Gregg Township Water Authority P. O. Box 165 Spring Mills, PA 16875
Type of Facility	Public Water Supply— Construction
Consulting Engineer	Eric Lundy, P. E. Nittany Engineering & Assoc., LLC 2836 Earlstown Road Suite 1 Centre Hall, PA 16828
Permit Issued Date	July 17, 2008
Description of Action	Construction of Well No. 1, with associated appurtenances, a transmission line to the filtration plant and detention piping.

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

#### **Permit No. 2577501-MA1, Public Water Supply.**

Applicant	<b>Edinboro Water Authority</b>
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Township or Borough    Edinboro Borough  
 County                    **Erie County**  
 Type of Facility        Public Water Supply  
 Consulting Engineer    Kirt Ervin, LLC  
                                   US Engineering  
                                   13742 Mary Lane  
                                   Aviston, IL 62216  
 Permit to Construct    August 25, 2008  
 Issued

### SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

#### Plan Location:

	<i>Borough or Township</i>	<i>Address</i>	<i>County</i>
Borough or Township	Jackson Township	439 Roths Church Road Spring Grove, PA 17362	York County

*Plan Description:* Project Independence, A3-67931-244-3: The approved plan provides for a one lot commercial development on 230 acres with total estimated sewage flows of 50,000 gpd tributary to an onsite pump station and ultimately, the Jackson Township Wastewater Treatment Plant. The proposed development is located on the northern side of the intersection of Hidden Lane and Commerce Drive in Jackson Township, York County. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup

plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**Charles Keniston Residence**, Dingman Township, **Pike County**. Salvatore Sciascia, S & M Management, Inc., P. O. Box 1429, Milford, PA 18337 has submitted a Final Report on July 3, 2008, (on behalf of his client, Charles Keniston, 123 Tamarack Drive, Milford, PA 18337), concerning the remediation of soils found to have impacted by No. 2 fuel oil as a result of a release from an underground storage tank. However, since the Notice of Intent to Remediate was submitted on August 18, 2008, the effective date becomes August 18, 2008, for the Final Report receipt. The report was submitted to document attainment of the Residential Statewide Health Standard for soils. The proposed future use of the property will be residential. A public notice regarding the submittal of the Final Report was published in the *Pike County Dispatch* on May 8, 2008.

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

**Huntingdon Former MGP Site**, Huntingdon Borough, **Huntingdon County**. Haley & Aldrich, 340 Granite Street, 3rd Floor, Manchester, NH 03102 on behalf of PPL Gas Utilities Corporation, 2 North Ninth Street (GENTW17), Allentown, PA 18101-1179, submitted a cleanup plan concerning remediation of site soils and groundwater contaminated with coal tar, PAHs and VOCs. The site is being remediated to the Site-Specific Standard.

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

**Montour Oil Service Company Fuel Storage Facility**, Montoursville Borough, **Lycoming County**. Converse Consultants, 2738 West College Avenue, State College, PA 16801 on behalf of Montour Oil Service Company, 112 Broad Street, Montoursville, PA 17754 has submitted a Remedial Investigation Report and Cleanup Plan concerning the remediation of site soil and groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Northumberland Former MGP Site**, Northumberland Borough, **Northumberland County**. The Mahfood Group, LLC, 260 Millers Run Road, Bridgeville, PA 15017

on behalf of PPL Electric Utilities Corp., 2 North 9th Street, GENTW-17, Allentown, PA 18101-1179 has submitted a Remedial Investigation Report, Risk Assessment Report and a Cleanup Plan concerning remediation of site soil and groundwater contaminated with PAHs and benzene, ethylbenzene, toluene and xylene (BETX). The reports are intended to document remediation of the site to meet the Site-Specific Standard.

**Mifflinburg Lanes**, Mifflinburg Borough, **Union County**, Molesevich Environmental, LLC, P. O. Box 654, Lewisburg, PA 17837 on behalf of Mifflinburg Bank & Trust Company, 250 East Chestnut Street, Mifflinburg, PA 17844 has submitted a combined Remedial Investigation Report/Final Report concerning remediation of site soil contaminated with No. 2 heating 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.*

**Stackpole Center Northeast Area**, City of St. Marys, **Elk County**, EMSOURCE St. Marys, LLC, 111 Commercial Street, Suite 400, Portland, ME 04101 has submitted a Final Report concerning remediation of site soil contaminated with arsenic, benzene, cadmium, 1,2-dichloroethane, dichloromethane (methylene chloride), lead, polychlorinated biphenyls (aroclor) (PCBs), tetrachloroethylene (PCE), thallium, trichloroethylene (TCE), vinyl chloride and site groundwater contaminated with benzene, bromomethane, 1,2-dichloroethane, 1,1-dichloroethylene, CIS-1,2-dichloroethylene, 1,2-dichloropropane, lead, tetrachloroethylene (PCE), 1,1,2-trichloroethane, trichloroethylene (TCE) and vinyl chloride. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

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

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

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the 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.*

**Norfolk Southern Enola Railway/Former Lagoon Area**, East Pennsboro Township, **Cumberland County**, ENSR International, Four Gateway Center, 444 Liberty Avenue, Suite 700, Pittsburgh, PA 15222-1220, on behalf of Norfolk Southern Corporation, 110 Franklin Road, SE, Box 13, Roanoke, VA 24042-0013 and Consolidated Rail Corporation, Two Commerce Square, 2001 Market Street, Philadelphia, PA 19101-1416, submitted a remedial investigation report concerning remediation of site soils and groundwater contaminated with PCBs, lead, heavy metals, BTEX, PHCs, PAHs and solvents. The applicant proposes to remediate the site to the Site-Specific Standard. The remedial investigation was approved by the Department of Environmental Protection on August 18, 2008.

**Turkey Hill Store No. 126**, Borough of Leesport, **Berks County**, Liberty Environmental, Inc., 10 North Fifth Street, Suite 800, Reading, PA 19601, on behalf of Turkey Hill Minit Markets, 257 Centerville Road, Lancaster, PA 17603, submitted a Final Report concerning remediation of site soils contaminated with unleaded gasoline. The report was submitted within 90 days of the release. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on August 19, 2008.

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

**Growmark F.S. Inc. (Pleasant Gap Crop Center)**, Spring Township, **Centre County**, Groundwater Sciences Corp., 2601 Market Place Street, Suite 310, Harrisburg, PA 17701 on behalf of Growmark F. S. Inc., 308 NE Front Street, Milford, DE 19963 has submitted a Remedial Investigation Report, Risk Assessment Report and a Cleanup Plan concerning remediation of site soil and groundwater contaminated with herbicides and fertilizers. The report and plan was approved by the Department of Environmental Protection on August 22, 2008.

**SOLID AND HAZARDOUS WASTE  
BENEFICIAL USE DETERMINATIONS**

**Beneficial Use Determinations received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the regulations for municipal and residual waste.**

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

The Southeast Regional Office received written notice from Liberty Property Trust to use coal ash as structural fill under 25 Pa. Code § 287.661. The approximate 8 acre facility, entitled The Tasty Baking Company Building, is located along 26th Street on the north side of I-95's Girard Point Bridge at The Navy Yard in the City of Philadelphia. Approximately 6,500 cubic yards of bottom ash is projected to be utilized as a 6-inch structural fill layer on the interior of the building footprint directly beneath the floor slab. This notification is being placed to comply with the Department of Environmental Protection's requirement to publish a summary of the written notice received prior to the beneficial use of coal ash as structural fill. The required written notice was received on July, 14, 2008.

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

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

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**Permit No. 101509 Conestoga Landfill**, New Morgan Landfill Company, Inc., 420 Quarry Road, Morgantown, PA 19543-0128. A Permit Renewal extending the existing permit until September 1, 2017, and authorizing the continued operation of this municipal waste landfill located in New Morgan Borough, **Berks County**. The permit was issued by the Regional Office on August 19, 2008.

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

**Permit No. 101680. Waste Management Disposal Service of Pennsylvania, Inc.**, 1000 New Ford Mill Road, Morrisville, PA 19067, Falls Township, **Bucks County**. This permit amendment is for approving the modification to the geocomposite material type used within the leachate detection zone of the liner system and the use of a 2-inch diameter or 4-inch diameter discharge hose from the pumps installed within the side slope risers at the GROWS North Landfill. The permit was issued by the Southeast Regional Office on August 8, 2008.

**Permit No. 400691. Upper Moreland—Hatboro Joint Sewer Authority**, P. O. Box 535, 2875 Terwood Road, Willow Grove, PA 19090-0535, Upper Moreland Township, **Montgomery County**. This permit is for the 10-year renewal for their existing solid waste permit for the continuing operation of the sewage sludge incinerator facility located in Upper Moreland Township, **Montgomery County**. The permit was issued by the Southeast Regional Office on August 8, 2008.

**AIR QUALITY**

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

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

**45-310-051GP3: Haines & Kibblehouse** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on August 15, 2008, to construct and operate a Portable Crushing Operation with watersprays at their site in Tobyhanna Township, **Monroe County**.

**45-329-008GP9: Haines & Kibblehouse** (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on August 15, 2008, to install and operate a Diesel I/C Engine at their site in Tobyhanna Township, **Monroe County**.

**48-399-059GP4: Consolidated Storage Co.** (225 Main Street, Tatamy, PA 18085) on August 15, 2008, to construct and operate a Burn Off Oven at their site in Tatamy, **Northampton County**.

**48-310-076GP3: Atlas Machine & Welding, Inc.** (P. O. Box 72, 777 Smith Lane, Northampton, PA 18067) on August 15, 2008, to construct and operate a Portable Crushing Operation with watersprays at their site in East Allen Township, **Northampton County**.

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

**GP5-65-00953B: The Peoples Natural Gas Co.** (D. L. Clark Building, Suite 500, 501 Martindale Street, Pittsburgh, PA 15212) on August 25, 2008, to install a new tri-ethylene glycol dehydration system equipped with a natural gas-fired thermal oxidizer for VOC/HAP control at their Armbrust Compressor Station in Hempfield Township, **Westmoreland County**. An existing 945 bhp Caterpillar G3512TALC compressor engine is also covered by the terms of this General Permit.

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

**GP-42-212A: Atlas Pipeline McKean, LLC—SR 59 Station** (SR 59, Lewis Run, PA 16738) on August 20, 2008, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Lafayette Township, **McKean County**.

**GP-42-217C: Glenn O. Hawbaker, Inc.—Port Allegheny** (257 Glass Place, Port Allegheny, PA 16743) on August 20, 2008, for a Portable Nonmetallic Mineral Processing Plant (BAQ-GPA/GP-3) in Liberty Township and Port Allegheny Borough, **McKean County**. This was previously permitted at Greenmans Station (42-219).

**GP-42-217D: Glenn O. Hawbaker, Inc.—Port Allegheny** (257 Glass Place, Port Allegheny, PA 16743) on August 20, 2008, for a Diesel or No. 2 fuel-fired Internal Combustion Engine (BAQ-GPA-GP-9) in Liberty Township and Port Allegheny Borough, **McKean County**. This was previously permitted at Greenmans Station (42-219).

**GP-43-311A: Vista Resources, Inc.—Clarks Mills Compressor Station** (Gravatt Road, Clarks Mills, PA

16114) on August 21, 2008, to operate natural gas fired compressor engines (BAQ-GPA/GP-5) in New Vernon Township, **Mercer County**.

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

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

**35-320-010: PA Hutchinson Co.** (400 Penn Avenue, Mayfield, PA 18433) on August 14, 2008, to construct and operate a two color Web Heatset Printing Press at their site in Mayfield Borough, **Lackawanna County**.

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

**38-03055A: Always Bagels, Inc.** (10 Keyland Court, Bohemia, NY 11716-2620) on August 18, 2008, to install a bagel bakery in Lebanon Rails Business Park in North Lebanon Township, **Lebanon County**.

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

**10-346B: Scrap Salvage & Surplus, Inc.** (690A Glenwood Way, Butler, PA 16001) on August 18, 2008, to install a baghouse to control particulate emissions from torch cutting operations in Center Township, **Butler County**.

**20-005B: W. L. Dunn Construction Co.** (180 North Franklin Street, Cochranon, PA 16314) on August 15, 2008, to modify existing operating permit conditions to permit maximum production rates to be averaged over a daily production period in East Fairfield Township, **Crawford County**.

**25-996A: Advanced Finishing USA—Fairview Plant** (7401 Klier Drive East, Fairview, PA 16506) on August 15, 2008, to increase the facility VOC limit to 12 tpy in Fairview Township, **Erie County**. This is a State-only facility.

**42-158L: Temple Inland—Mt. Jewett** (147 Temple Drive, Kane, PA 16735) on August 15, 2008, to reopen the PAL permit to reflect the cessation of the Particle Board plant and a plan approval application for reduced hours of operation at the MDF plant at their Mt. Jewett facility in Mt. Jewett Township, **McKean County**. The facility currently has a Title V Permit No. 42-00158.

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

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

**15-0094B: Metallurgical Products Co., Inc.** (810 Lincoln Avenue, P. O. Box 598, West Chester, PA 19381-0598) on August 15, 2008, to operate a foundry side electric furnace in West Goshen Township, **Chester County**.

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

**10-0210: Indspec Chemical Corp.** (133 Main Street, P. O. Box 307, Petrolia, PA 16050) on September 30, 2008, to replace burners in the Bertrams No. 1 and No. 2 furnaces with LNB (12.8 mmBtu/hr each) in Petrolia Borough, **Butler County**. The facility is a Title V Facility.

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

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

**06-05024: Reliant Energy Mid-Atlantic Power Holdings, LLC** (121 Champion Way, Canonsburg, PA 15317-5817) on August 18, 2008, to operate an electricity generating station at their Titus Station in Cumru Township, **Berks County**. This Title V operating permit was administratively amended for the purpose of changing the responsible official for their Titus Generating Station and clarification of reporting requirements. This is Revision No. 2.

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

**V05-012: Grays Ferry Cogeneration Partnership** (2600 Christian Street, Philadelphia, PA 19146) on August 25, 2008, to operate a steam and electric generating facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include a 1,119 mmBtu/hr natural gas or No. 2 fuel oil-fired auxiliary boiler and a 1,515 mmBtu/hr natural gas or No. 2 fuel oil-fired combustion turbine with or without a 366 mmBtu/hr natural gas or No. 2 fuel oil-fired Heat Recovery Steam Generator with Selective Catalytic Reduction System.

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

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

**09-00064: CRC Industries, Inc.** (885 Louis Drive, Warminster, PA 18974) on August 21, 2008, to renew the State-only Operating Permit for a non-Title V, Synthetic Minor facility to manufacture specialty chemicals used in the automotive, marine, electrical and industrial maintenance markets in Warminster Township, **Bucks County**. The initial permit was issued on December 2, 2002. The main emissions for this facility are VOCs, of which the facility is limited to less than 18 tpy of emissions and HAPs, of which the facility is limited to less than 10 tpy for any single HAP and less than 25 tpy for all of the HAPs combined. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

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

**07-03040: Pennfield Corp.** (711 Rohrerstown Road, P. O. Box 4366, Lancaster, PA 17604) on August 20, 2008, for a livestock feed mill in Martinsburg Borough, **Blair County**. This is a renewal of the State-only operating permit.

**36-03116: Wilbur Chocolate Co., Inc.—d/b/a Cargill Cocoa and Chocolate** (200 Chocolate Avenue, Mount Joy, PA 17552-2000) on August 19, 2008, for an operating permit for their chocolate manufacturing facility in Mount Joy Borough, **Lancaster County**. This is a renewal of the State-only operating permit.

**50-03004: Tuscarora Hardwoods, Inc.** (2240 Shermans Valley Road, Elliptsburg, PA 17024-9182) on August 20, 2008, to operate a 27.4 mmBtu/hr wood fired boiler in Spring Township, **Perry County**.

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

**10-00139: J. S. McCormick Co.** (1043 Branchton Road, Boyers, PA 16020-1405) on August 22, 2008, to issue a Natural Minor Operating Permit to operate a facility that processes coke breeze for use in brake manufacturing and metallurgical purposes in Cherry Township, **Butler County**. The facility's primary emission sources include three rotary dryers, coke screening/shaking and three space heating furnaces.

**25-00969: Union Electric Steel Corp.** (P. O. Box 465, Carnegie, PA 15106-0465) on August 15, 2008, to renew the State-only Operating Permit for their facility at 1712 Green Garden Road in the City of Erie, **Erie County**. The facility is a Natural Minor. The primary sources at the facility include three electro slag remelt stations, four electrically heated slag pots, miscellaneous natural gas combustion sources and a parts cleaner.

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

**36-05093: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506-0550) on August 20, 2008, to operate the Denver asphalt plant in East Cocalico Township, **Lancaster County**. This State-only operating permit was administratively amended to incorporate plan approval No. 36-05093C. This is Revision No. 1.

**38-05027: Reading Materials, Inc.** (P. O. Box 1467, Skippack, PA 19474-1467) on August 15, 2008, to operate their asphalt plant in North Annville Township, **Lebanon County**. This State-only operating permit was administratively amended to incorporate Reprocessed Asphalt Pavement per the requirements of plan approval No. 38-05027A (PA) and incorporation of an RFD for the use of asphalt shingle materials into the asphalt batch mix. This is Revision No. 1.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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### Coal Permits Actions

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

**32040102 and NPDES No. PA0249491. Britt Energies, Inc.**, 2450 Philadelphia Street, Indiana, PA 15701, revision of an existing bituminous surface and auger mine for a land use change on a portion of the site from forestland to pastureland/land occasionally cut for hay in Center Township, **Indiana County**, affecting 201.2 acres. Receiving stream: UNT to Yellow Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 10, 2008. Permit issued August 21, 2008.

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

**03900109 and NPDES Permit No. PA0200476. Short Brothers, Inc.** (15 Rayne Run Road, Marion Center, PA 15759). Permit renewal issued for continued operation and reclamation of a bituminous surface/auger mining site located in Kittanning Township, **Armstrong County**, affecting 92.5 acres. Receiving streams: UNTs to Campbell Run and Campbell Run. Application received June 11, 2008. Renewal issued August 21, 2008.

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

**17990110 and NPDES No. PA0238333. AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650), permit renewal for the continued operation and restoration of a bituminous surface mine in Chest Township, **Clearfield County**, affecting 350.0 acres. Receiving stream: Chest Creek to West Branch Susquehanna, classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received May 5, 2008. Renewal issued August 18, 2008.

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

**54070103. White Pine Coal Co., Inc.**, (P. O. Box 119, Ashland, PA 17921-0119), commencement, operation and restoration of an anthracite surface mine operation in Reilly Township, **Schuylkill County** affecting 159.9 acres, receiving stream: Polly's and Swatara Creeks and

Muddy Branch Schuylkill River. Application received July 19, 2007. Permit issued August 21, 2008.

*Noncoal Permits Actions*

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

**Permit No. 28030301 and NPDES Permit No. PA0613371. DL George & Sons Construction**, 13321 Midvale Road, Waynesboro, PA 17268, renewal of NPDES Permit, Antrim Township, **Franklin County**. Receiving stream: Paddy Run classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received June 13, 2008. Permit issued August 19, 2008.

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

**02030301 and NPDES Permit No. PA0004278. LaFarge North America, Inc.** (5160 Main Street, Whitehall, PA 18052-1827). Permit issued for commencement, operation and reclamation of a noncoal surface mining site located in West Mifflin Borough, **Allegheny County**, affecting 106.0 acres. Receiving streams: Thompson Run. Application received November 14, 2003. Permit issued August 20, 2008.

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

**08082801. Jesse Gerould** (1829 Gee Road, Gillett, PA 16925), commencement, operation and restoration of a small industrial minerals (sand and gravel) permit located in Ridgebury Township, **Bradford County**, affecting 5.0 acres. Receiving stream: Bentley Creek, tributary to Chemong River, classified for the following use: WWF. Application received May 15, 2008. Permit issued July 17, 2008.

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

**52080802. Andrew Polowy**, (11390 North Delaware Drive, Bangor, PA 18013), commencement, operation and restoration of a quarry operation in Shohola Township, **Pike County** affecting 5.0 acres, receiving stream: none. Application received March 6, 2008. Permit issued August 21, 2008.

**ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

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

*Blasting Permits Actions*

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

**01084112. Keystone Blasting Services**, 381 Reifsnnyder Road, Lititz, PA 17543, blasting activity permit issued for manure storage pit development in Reading Township, **Adams County**. Blasting activity permit end date is August 30, 2008. Permit issued August 11, 2008.

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

**26084003. New Enterprise Stone & Lime Co., Inc.** (P. O. Box 77, New Enterprise, PA 16664). Blasting activity permit for construction of the Mon-Fayette Expressway, SR 43, Section 51F, 166 South, located in Redstone and Luzerne Townships, **Fayette County** with an expected duration of blasting for 90 days. Permit issued August 20, 2008.

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

**17084101. Newville Construction Services, Inc.** (408 Mohawk Road, Newville, PA 17241-9424), construction blasting for a single dwelling, Bizousky property, located in Bell Township, **Clearfield County**. Permit expires August 19, 2009. Permit issued August 22, 2008.

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

**45084140. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Evergreen Estates in Middle Smithfield Township, **Monroe County** with an expiration date of August 31, 2009. Permit issued August 18, 2008.

**45084142. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Sunrise Village Development in Smithfield Township, **Monroe County** with an expiration date of August 31, 2009. Permit issued August 18, 2008.

**45084143. ER Linde Construction Corp.**, (9 Collan Park, Honesdale, PA 18431), construction blasting for Fox Chapel Development in Middle Smithfield Township, **Monroe County** with an expiration date of August 30, 2009. Permit issued August 18, 2008.

**45084144. ER Linde Construction Corp.**, (9 Collan Park, Honesdale, PA 18431), construction blasting for East Stroudsburg University in Smithfield Township, **Monroe County** with an expiration date of August 30, 2009. Permit issued August 18, 2008.

**52084116. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Oak Ridge Estates in Dingman Township, **Pike County** with an expiration date of August 31, 2009. Permit issued August 18, 2008.

**67084124. Newville Construction Services, Inc.**, (408 Mohawk Road, Newville, PA 17241), construction blasting for new electric service line spanning across Interstate 83 in Conewago and East Manchester Townships, **York County** with an expiration date of August 16, 2009. Permit issued August 18, 2008.

**15084112. Brubacher Excavating, Inc.**, (P. O. Box 528, Bowmansville, PA 17507), construction blasting for D-London Tract Development in Valley Township, **Chester County** with an expiration date of August 15, 2009. Permit issued August 19, 2008.

**22084111. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for Hummels-town Comfort Suites in Swatara Township, **Dauphin County** with an expiration date of August 31, 2009. Permit issued August 20, 2008.

**36084197. Warren's Excavating & Drilling, Inc.**, (P. O. Box 1022, Honey Brook, PA 19344), construction blasting for Millcreek Development in East Lampeter and West Lampeter Townships, **Lancaster County** with an expiration date of August 1, 2009. Permit issued August 20, 2008.

**40084118. Kesco, Inc.**, (P. O. Box 95, Adrian, PA 16210), construction blasting for Sewage Treatment Plant

in Butler Township, **Luzerne County** with an expiration date of June 30, 2009. Permit issued August 20, 2008.

**67084125. TJ Angelozzi, Inc.**, (7845 Kabik Court, Woodbine, MD 21797), construction blasting for Taylor Estates in Windsor Township, **York County** with an expiration date of December 1, 2008. Permit issued August 20, 2008.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341).

Except as otherwise noted, the Department has granted 401 Water Quality Certification certifying that the construction and operation described will comply with the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) and that the construction will not violate applicable Federal and State water quality standards.

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

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

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E04-323. Department of Transportation**, 25 Thomas Run Road, Bridgeville, PA 15017. To remove existing bridge and to construct and maintain culvert in Industry Borough, **Beaver County**, United States Army Corps of Engineers, Pittsburgh District (Midland, PA Quadrangle N: 5.01 inches; W: 3.13 inches, Latitude: 40° 39' 9"; Longitude: 80° 23' 51"). To remove the existing single span bridge located over Sixmile Run (WWF); to construct and maintain a new 30.0' wide and 12.5' high and 116' long high arch culvert, located approximately 200' downstream of the existing structure; to construct and maintain 20' of riprap protection on the upstream end of the new culvert and 20' of riprap protection on the downstream end of the new culvert; to construct and maintain a temporary stream relocation 172' long of the same stream; and to place and maintain fill in a de minimis wetland (0.017 acre) (PEM). The work is part of proposed realignment of Engle Road (SR 4032) and its intersection with SR 0068. To compensate for the wetland impacts the applicant proposes to make a payment to the wetland replacement fund.

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

**E61-282, Donald E. Hall**, Department of Transportation Engineering District 1-0, 255 Elm Street, P. O. Box 398, Oil City, PA 16301. Cooperstown Bridge Replacement SR 0427 Section B01 over Sugar Creek (CWF), in Cooperstown Borough, **Venango County**, United States Army Corps of Engineers, Pittsburgh District (Franklin, PA Quadrangle N: 41° 29' 55.5"; W: 79° 52' 12.5").

To remove the existing bridge and to construct and maintain a concrete spread box beam bridge having two equal clear spans of 65.175 feet and a minimum underclearance of 11.42 feet on a 75° skew across Sugar Creek (CWF) and to realign the roadway approaches on SR 0427.

## SPECIAL NOTICES

### DRINKING WATER STATE REVOLVING FUND SPECIAL NOTICE

**Special Notice under the Federal Safe Drinking Water Act (SDWA); 42 U.S.C. 300f, et. seq.**

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

*Project Location:*

<i>Applicant</i>	<i>Applicant Address</i>	<i>County</i>
Aqua Pennsylvania, Inc.	50 East Woodhaven Drive White Haven, PA 18661	Luzerne

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The applicant, Aqua Pennsylvania, Inc., proposes the construction of a new replacement source of supply (Forest Park Well No. 2); treatment facilities for disinfection, pH adjustment, sequestration and iron and manganese control, and chlorine contact pipe and transmission main installations. Other modifications include the construction of a 50,000 gallon storage tank, distribution system extension construction, as well as modifications to the existing Well No. 1 Station comprising of booster station construction, chlorine contact pipe installation and the removal of a 7,000 gallon hydropneumatic tank. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the



project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

[Pa.B. Doc. No. 08-1632. Filed for public inspection September 5, 2008, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Technical Guidance). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2008.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Final Technical Guidance*

DEP ID: 385-2000-011. Title: Pennsylvania Combined Sewer Overflow (CSO) Policy. Description: On March 1, 2002, the Department published a Combined Sewer Overflow (CSO) Policy to assist in meeting the goals of controlling and eliminating CSO discharges, as practical, as well as to facilitate compliance among all CSO system permittees with State water quality standards through the National Pollutant Discharge Elimination System (NPDES) permitting program. Substantive revisions were made to the policy to further enhance and support compliance with CSO and NPDES permit conditions among the regulated community. Additionally, revisions were incorporated to establish the Department's policy regarding CSO Phase III permitting to implement, as appropriate, the Environmental Protection Agency's (EPA) April 1994 National Combined Sewer Overflow Control Policy and the subsequent Wet Weather Water Quality Act of 2000 that codified that policy.

Notice of the interim final technical guidance document, including a request for public comment, was published at 37 Pa.B. 4841 (September 1, 2007). A 30-day public comment period was provided, which concluded on October 1, 2007. No comments were received. This policy will be reviewed and revised at least once every 5 years to reflect changes to State or Federal CSO policies. The policy applies to Department staff and CSO system

permittees regarding permit requirements for CSOs and the actions necessary to achieve compliance with the requirements of the CSO Phase III Program. Contact: Questions concerning final technical guidance No. 385-2000-011 can be directed to John Wetherell, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, P. O. Box 8467, Rachel Carson State Office Building, 11th Floor, Harrisburg, PA 17105-8467, (717) 705-0486, [jwetherell@state.pa.us](mailto:jwetherell@state.pa.us). Effective Date: September 6, 2008.

DEP ID: 362-5512-004. Title: Recognition of Cost Items Associated with Concurrent Act 537 and Combined Sewer Overflow Long Term Control Plan (LTCP) Planning. Description: This document describes the treatment of costs in the calculation of Act 537 sewage facilities planning assistance grant when a LTCP has been made part of an Act 537 Official plan revision. It confirms that a LTCP, whose content responds to regulations enforced under the Federal Clean Water Act, may be part of a comprehensive Act 537 update revision document. Notice proposing this technical guidance document was published at 34 Pa.B. 2890 (May 29, 2004). A 30-day public comment period was provided, which concluded on June 28, 2004. No comments were received during the comment period. No substantive revisions were made to the guidance; however, two changes were made to enhance the clarity of the document. The first change updates the name of the Bureau responsible for oversight of the Act 537 Program from the Bureau of Water Supply and Wastewater Management to the Bureau of Water Standards and Facilities Regulation. The second change corrects grammar in the first sentence of paragraph B.3. Contact: John Diehl, Department of Environmental Protection, Bureau of Water Supply and Facilities Regulation, P. O. Box 8774, Harrisburg, PA 17105-8774 (717)-787-8184, [diehl@state.pa.us](mailto:diehl@state.pa.us). Effective Date: September 6, 2008.

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1633. Filed for public inspection September 5, 2008, 9:00 a.m.]

### Bid Opportunity

**OSM 24(3896,3897)101.1, Abandoned Mine Reclamation Project, Winslow Hill IV, Benazette Township, Elk County.** The principal items of work and approximate quantities include 400,517 cubic yards of grading, 101,000 tons of alkaline addition and 40.4 acres of seeding. This project issues on September 5, 2008, and bids will be opened on October 2, 2008, at 2 p.m. Bid documents cost \$15 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control and Reclamation Act of 1977, and is subject to that Law, and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or [joelmiller@state.pa.us](mailto:joelmiller@state.pa.us) for more information on this bid.

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1634. Filed for public inspection September 5, 2008, 9:00 a.m.]



**General NPDES Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (PAG-06); Public Notice of Availability**

The Department of Environmental Protection (Department) by this notice is reissuing its National Pollutant Discharge Elimination System (NPDES) General Permit for Wet Weather Overflow Discharges from Combined Sewer Systems (PAG-06) for an additional 5 years. This General Permit is issued under the authority of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20) and will expire on September 6, 2013. The General Permit will continue to not be applicable to discharges into waters designated as "special protection" under 25 Pa. Code Chapter 93 (relating to water quality standards). The discharges are required to be covered through an individual permit.

Notice requesting comments on the proposed General Permit was published at 38 Pa.B. 844 (February 9, 2008). During the 30-day public comment period, the Department received comments from the Environmental Protection Agency (EPA). The Department prepared a Comment and Response document, which summarizes EPA's comments and the changes that were made to the final general permit. The Comment and Response document is available from the Department in addition to the final general permit package.

The General Permit package is available from the Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Division of Water Management, Rachel Carson State Office Building, P. O. Box 8774, 11th Floor, Harrisburg, PA 17105-8774, (717) 787-8184 and the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "NPDES Permits"; then select "General Permits").

Persons with a disability may contact the Department by using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1635. Filed for public inspection September 5, 2008, 9:00 a.m.]

**Statewide Water Resources Committee; Meeting Cancellation**

The Statewide Water Resources Committee (Committee) meeting scheduled for September 10, 2008, has been cancelled. The next meeting is scheduled for December 18, 2008, at 9:30 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning the next scheduled meeting of the Committee should be directed to Susan Weaver at (717) 772-4048, [suweaver@state.pa.us](mailto:suweaver@state.pa.us). The agenda and materials for the December 18, 2008, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Public Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-4048 or through the

Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1636. Filed for public inspection September 5, 2008, 9:00 a.m.]

**Storage Tank Advisory Committee; Meeting Cancellation**

The Storage Tank Advisory Committee (Committee) meeting scheduled for September 9, 2008, has been cancelled. The next meeting is scheduled for December 9, 2008, at 10 a.m. in the 14th Floor, Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the cancellation of the September 9, 2008, meeting or the next regularly scheduled Committee meeting should be directed to Charles Swokel, Bureau of Waste Management, (717) 772-5806, [cswokel@state.pa.us](mailto:cswokel@state.pa.us). The agenda and meeting materials for the December 9, 2008, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Public Participation, Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-5551 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1637. Filed for public inspection September 5, 2008, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Bureau of Managed Care; Address Change

Under 28 Pa. Code § 9.703(d) (relating to internal complaint process), the Department of Health (Department), is giving notice that its address for purposes of complaint and grievance information is as follows:

Department of Health  
Bureau of Managed Care  
Room 912 Health and Welfare Building  
625 Forster Street  
Harrisburg, PA 17120-0701

The Department is making this change to provide a more specific street address to which complaints and grievances may be sent.

Persons with questions regarding this notice should contact James Ratcliff, Room 912, Health and Welfare Building, Department of Health, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 787-5193 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

Persons who require an alternative format of this notice (for example, large print, audiotope, Braille) may contact

James Ratcliff at the previous address or telephone numbers so that necessary arrangements may be made.

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-1638. Filed for public inspection September 5, 2008, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

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

The Village at Luther Square  
149 West 22nd Street  
Erie, PA 16502-2899  
FAC ID 382602

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.25(a), 205.26(a), 205.31 and 205.67(j) and (k).

Brethren Village  
3001 Lititz Pike  
P. O. Box 5093  
Lancaster, PA 17606  
FAC ID 282602

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

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

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

Persons with a disability who 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 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).

CALVIN B. JOHNSON, M. D., M.P.H.,  
Secretary

[Pa.B. Doc. No. 08-1639. Filed for public inspection September 5, 2008, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Medical Assistance Program; Prior Authorization List

The Department of Public Welfare (Department) announces additions to the Medical Assistance (MA) Pro-

gram's list of services and items requiring prior authorization, effective September 15, 2008:

- Letairis
- Methadone
- Myobloc (Botulinum Toxin Type B)
- Atypical antipsychotics when two or more are prescribed for 60 days or more
- Atypical antipsychotics when prescribed for children under 6 years of age
- Stimulants and related agents when prescribed for children under 4 years of age
- Over-The-Counter (OTC) cough and cold medications when prescribed for children under 2 years of age

Section 443.6(b)(7) of the Public Welfare Code (62 P. S. § 443.6(b)(7)) authorizes the Department to add items and services to the list of services requiring prior authorization by publication of notice in the *Pennsylvania Bulletin*.

The MA Program will require prior authorization of prescriptions for the medications listed previously that are dispensed on and after September 15, 2008.

The Department will issue MA Bulletins to providers enrolled in the MA Program specifying the procedures for obtaining prior authorization of the prescriptions for the medications listed previously.

#### *Fiscal Impact*

It is estimated that the change will result in savings of \$0.013 million (\$0.006 million in State funds) in the MA-Outpatient Program in Fiscal Year (FY) 2008-2009 and annualized net savings of \$0.017 million (\$0.008 million in State funds) in FY 2009-2010.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revisions to these prior authorization requirements.

Persons with a disability who require an auxiliary aid or service may submit comments using the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
Secretary

**Fiscal Note:** 14-NOT-568. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 08-1640. Filed for public inspection September 5, 2008, 9:00 a.m.]

## DEPARTMENT OF STATE

*Patricia and Raynard Spaide, Petitioners v. Ira Troy Huntington, Jr., Respondent; Doc. No. 0001-97-07*

On July 30, 2008, the Secretary of the Commonwealth issued an adjudication and order in the matter of *Patricia and Raynard Spaide, Petitioners v. Ira Troy Huntington, Jr., Respondent*. After notice and opportunity for a hearing under 13 Pa.C.S. § 9518(d) (relating to claim concern-

ing inaccurate or wrongfully filed record), the Department of State (Department) has determined that a financing statement filed in the Berks County Recorder of Deeds Office by Ira Troy Huntington, Jr., naming Patricia and Raynard Spaide as debtors, was fraudulently filed. The Department concluded that no rational basis exists under 13 Pa.C.S. § 9509 (relating to persons entitled to file a record) entitling Ira Huntington to file the initial financing statement and that Huntington filed the initial financing statement with intent to annoy, harass or harm Patricia and Raynard Spaide.

Individuals may obtain a copy of the adjudication and order by writing to Martha H. Brown, Assistant Counsel, Department of State, Office of Chief Counsel, 301 North Office Building, Harrisburg, PA 17120.

PEDRO A. CORTÉS,  
*Secretary*

[Pa.B. Doc. No. 08-1641. Filed for public inspection September 5, 2008, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission (Commission) met publicly at 10:30 a.m., Thursday, August 21, 2008, and announced the following:

*Regulation Deemed Approved Under Section 5(g) of the Regulatory Review Act—Effective August 20, 2008:*

Insurance Department #11-234: Preparation and Filing of Forms for Approval (Fire and Casualty (deletes 31 Pa. Code Chapter 133))

*Regulations Approved:*

Department of Public Welfare #14-504: Licensure/Approval Appeal Procedure (amends 55 Pa. Code Chapters 20, 1181, 2380, 2390, 3130, 3140, 3270, 3280, 3290, 3680, 3700, 6400 and 6590)

Environmental Quality Board #7-416: Consumer Products (amends 25 Pa. Code Chapter 130, Subchapters B and C)

Pennsylvania Gaming Control Board #125-78: Slot Machine Testing and Control (amends 58 Pa. Code Chapter 461a)

Pennsylvania Gaming Control Board #125-79: Preliminary Provisions; Employees; Junket Enterprises; Slot Machine Licenses; Slot Machine Testing and Control; Possession of Slot Machine; and Accounting and Internal Controls (amends 58 Pa. Code Chapters 401a, 435a, 439a, 441a, 461a, 461b, 463a and 465a)

*Regulations Disapproved:*

Department of Labor and Industry #12-71: Registration of Sign Language Interpreters and Transliterations (adds 34 Pa. Code Chapter 501)

Department of Education #6-300: Keystone Educational Accountability Best Management Practices Standards (adds 22 Pa. Code Chapter 405)

### Approval Order

Public Meeting held  
August 21, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Karen A. Miller; John F. Mizner, Esq.

*Department of Public Welfare—Licensure/Approval Appeal Procedure; Regulation No. 14-504 (#2552)*

On June 20, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Public Welfare. This rulemaking amends 55 Pa. Code Chapters 20, 1181, 2380, 2390, 3130, 3140, 3270, 3280, 3290, 3680, 3700, 6400 and 6590. The proposed regulation was published in the July 8, 2006, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 21, 2008.

This regulation adopts the General Rules of Administrative Practice and Procedure (1 Pa. Code Part II) for use in Department of Public Welfare certification appeals.

We have determined this regulation is consistent with the statutory authority of the Department of Public Welfare (2 Pa. C.S. §§ 501—508 and §§ 701—704; 62 P. S. §§ 921 and 1021) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
August 21, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Karen A. Miller; John F. Mizner, Esq.

*Environmental Quality Board—Consumer Products; Regulation No. 7-416 (#2636)*

On August 29, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 130, Subchapters B and C. The proposed regulation was published in the September 15, 2007, *Pennsylvania Bulletin* with a 102-day public comment period. The final-form regulation was submitted to the Commission on July 18, 2008.

This regulation amends the existing provisions that limit the Volatile Organic Compound content of various consumer products.

We have determined this regulation is consistent with the statutory authority of the Board (35 P. S. § 4005) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting held  
August 21, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson;  
Karen A. Miller; John F. Mizner, Esq.

*Pennsylvania Gaming Control Board—Slot Machine  
Testing and Control; Regulation No. 125-78 (#2666)*

On January 9, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking amends 58 Pa. Code Chapter 461a. The proposed regulation was published in the January 19, 2008, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 11, 2008.

This final-form regulation amends the Board's existing regulations to address unredeemed gaming vouchers.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. §§ 1202(b)(30) and 1207) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting held  
August 21, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson;  
Karen A. Miller; John F. Mizner, Esq.

*Pennsylvania Gaming Control Board—Preliminary  
Provisions; Employees; Junket Enterprises; Slot Machine  
Licenses; Slot Machine Testing and Control; Possession of  
Slot Machines; and Accounting and Internal Controls;  
Regulation No. 125-79 (#2677)*

On February 21, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking amends 58 Pa. Code Chapters 401a, 435a, 439a, 441a, 461a, 461b, 463a and 465a. The proposed regulation was published in the March 8, 2008, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 11, 2008.

This regulation amends language based on organizational changes within the Board's organizational structure, adds new design standards for slot machines, deletes an obsolete technical standard, amends accounting and internal control requirements and expands provisions relating to merchandise jackpots.

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

*By Order of the Commission:*

This regulation is approved.

**Disapproval Order**

Public Meeting held  
August 21, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson;  
Karen A. Miller; John F. Mizner, Esq.

*Department of Labor and Industry—Registration of Sign  
Language Interpreters and Transliterators; Regulation No.  
12-71 (#2556)*

On July 10, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Labor and Industry (Department). This rulemaking adds 34 Pa. Code Chapter 501. The proposed regulation was published in the July 22, 2006, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 8, 2008.

The purpose of the rulemaking is to implement the Sign Language Interpreter and Transliterator State Registration Act (Act). (63 P. S. §§ 1725.1—1725.11)

Based upon the information provided to us, the Commission has determined that one of the criteria set forth in the Regulatory Review Act has not been met. That criterion pertains to clarity and lack of ambiguity. (71 P. S. § 745.5b(b)(3)(ii)).

Our comments on the proposed version of this rulemaking identified specific sections that lacked clarity. The Department has made several changes to the rulemaking in response to those comments and also comments provided by the public. However, the following clarity concerns remain.

First, § 501.4, pertaining to registration and § 501.5, pertaining to exemptions, are written in a manner that requires a person to read both the regulation and the Act in order to understand all aspects of the registration process. In addition, the regulation is silent on the provisions of the Act pertaining to confidential communications. We recommend that §§ 501.4 and 501.5 be amended in a manner that more accurately informs the regulated community of the registration process and we recommend that a new section pertaining to confidential communications be added to the regulation. We note that the amendments to the exemptions in § 501.5 should include the exemptions contained in the Act and also the exemption created by Act 172 of 2006, which relates to court and administrative proceeding interpreters.

Second, we believe the definition of "RID Generalist examinations" found in § 501.1 remains unclear for two reasons. First, the definition does not reflect the fact that the examination is no longer given. In addition, the definition now includes the following undefined acronyms: CI/CT, CSC, MCSC, CDI, OTC and OIC:C. We recommend that this definition be amended to reflect the fact that the examination is no longer given and to define the acronyms.

Third, in our comment on § 501.5(e), we asked the Department to amend the final regulation in accordance with Act 92 of 2006 (Act 92), which relates to interpreting and transliterating in a public or private school. The Department added language to reference "regulations promulgated by the State Board of Education." The State Board of Education recently promulgated two regulations, as required by Act 92. We acknowledge that when the final-form regulation was developed by the Department, the regulations of the State Board of Education were not finalized and it would not have been possible to include more specific citations. However, the State Board of

Education's regulation are now finalized and we recommend that this final regulation include those specific citations (See 22 Pa. Code § 14.105 and § 711.5)

We have determined this regulation is consistent with the statutory authority of the Department (63 P.S. § 1725.3(4)) and the intention of the General Assembly. However, after considering the clarity criterion of the Regulatory Review Act discussed above, we find that promulgation of this regulation is not in the public interest.

*By Order of the Commission:*

This regulation is disapproved.

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### Disapproval Order

Public Meeting held  
August 21, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson;  
Karen A. Miller; John F. Mizner, Esq.

*Department of Education—Keystone Educational  
Accountability Best Management Practices Standards;  
Regulation No. 6-300 (#2550)*

On June 20, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Education (Department). This rulemaking adds 22 Pa. Code Chapter 405. The proposed regulation was published in the July 1, 2006, *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 21, 2008.

This final-form regulation implements the Keystone Educational Accountability Act of 2003 (Act). The purpose of the Act is to put in place an assessment system aimed at improving school district management practices and use of resources, as well as to identify potential cost savings, by providing for the establishment of best management practice standards covering a broad range of educational and operational programs and services.

Based upon the information provided to us, the Commission has determined that three of the criteria set forth in the Regulatory Review Act have not been met.

The first and most critical criterion that has not been met is whether the agency has the statutory authority to promulgate the regulation and whether the regulation conforms to the intention of the General Assembly in the enactment of the statute upon which the regulation is based. (71 P.S. § 745.5b(a)). In our comments on the proposed rulemaking, we stated that the regulation fails to establish the process for both self-assessment and the external review. In response to this comment, the Department added a new section pertaining to the review and self-assessment process (§ 405.14). Our concern is with the following new language in the section: "Each school district of the Commonwealth shall be reviewed for compliance with the standards once every six years, **to the extent that funds are provided for this purpose in the general appropriation act each year.**" (Emphasis added.) We believe that the Department does not have the statutory authority to limit compliance reviews to years when the General Assembly provides a specific appropriation. The controlling provision of the Act states, "Every school district shall be subject to a best financial management practices review on a continuing six-year cycle." (24 P.S. § 25-2506-A(a)). We understand this to mean that every school district *must* undergo a review every six years, regardless of designated funding.

The Act does permit the Department some flexibility depending on the availability of specifically appropriated funds, but that flexibility is limited to situations involving the use of private firms to conduct these reviews. Specifically, the Act allows the Department "to contract with a private firm or firms . . . to the extent that funds are provided for this purpose in the General Appropriation Act each year." 24 P.S. § 25-2506-A(c). We feel that the Department has mistakenly applied the flexibility permitted in Subsection (c) to the review process required in Subsection (a). Therefore, we conclude that § 405.14 of the regulation conflicts with the specific statutory directive to conduct financial management reviews of each school district once every six years. Further, the Department, by exceeding the scope of statutory authority granted by the General Assembly, is not conforming to the intention of that body. The Department should delete Section 405.14 from the regulation.

The second criterion that has not been met is whether the regulation is clear and lacks ambiguity. (71 P.S. § 745.5b(b)(3)(ii)). We believe the new section pertaining to definitions (§ 405.2) lacks clarity for the following reasons. First, the introductory paragraph of the section is not written in regulatory language and should be deleted. Second, most of the definitions included in the final rulemaking include the term that is being defined. Pursuant to the *Pennsylvania Code and Bulletin Style Manual*, the term being defined should not be included in the definition (§ 1.7(e)), and we recommend that the definitions be amended accordingly. Third, under the definition of "Keystone District," the phrase "is eligible to be certified by the Pennsylvania Secretary of Education as a Keystone District" is substantive and should be moved to the body of the regulation.

The third criterion that has not been met is whether the Department has complied with the provisions of the Act and the regulations of Commission in promulgating the regulation. As noted above, a new section pertaining to definitions was added to the final regulation. The inclusion of this new section required renumbering of other sections contained in the regulation. However, the renumbering was not formatted in a manner consistent with the Commission's regulations under 1 Pa. Code § 307.3a(b)(1) and (2).

We have determined this regulation is not consistent with the statutory authority of the Department and the intention of the General Assembly. Additionally, after considering all of the other criteria of the Regulatory Review Act discussed above, we find promulgation of this regulation is not in the public interest.

*By Order of the Commission:*

This regulation is disapproved.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-1642. Filed for public inspection September 5, 2008, 9:00 a.m.]

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## INSURANCE DEPARTMENT

**Blue Cross of Northeastern Pennsylvania and  
Highmark Blue Shield BlueCare Major Medical  
Plan; Rate Filing**

On August 21, 2008, Blue Cross of Northeastern Pennsylvania and Highmark Blue Shield submitted a rate

filing (No. 1427-MMNG-1/1/09) to increase the premium rates for the BlueCare Major Medical Plan by approximately 4.9%. This filing will affect approximately 4,800 subscribers and produce additional premium income of about \$.46 million annually. The requested effective date of the change is January 1, 2009.

Blue Cross of Northeastern Pennsylvania and Highmark Blue Shield have also proposed the following benefit changes:

- Increase the pharmacy copayments from 3-tier \$10 Generic/\$20 Brand Formulary/\$35 Nonformulary with \$500 deductible to 4-tier \$0 Selected Generic/\$15 Generic/\$30 Brand Formulary/\$50 Nonformulary with \$500 deductible;
- Change the benefit for outpatient Physical Therapy, Speech Therapy, Occupational Therapy and Physical Medicine providing for a combined benefit maximum of 45 visits per calendar year.

Unless formal administrative action is taken prior to November 20, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

A copy of the filing is also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg Regional office.

Interested parties are invited to submit written or email comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120 at [csandersjo@state.pa.us](mailto:csandersjo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 08-1643. Filed for public inspection September 5, 2008, 9:00 a.m.]

### Robert E. Jackson; Prehearing

#### **Appeal of Robert E. Jackson under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2001-0301(S); Doc. No. UT08-08-003**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on October 9, 2008, at 9:30 a.m. A hearing shall occur on October 22, 2008, at 9:30 a.m., in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before September 25, 2008. Answers to petitions to intervene, if any, shall be filed on or before October 7, 2008.

A date for a hearing shall be determined, if necessary, at the prehearing/settlement telephone conference.

On or before September 25, 2008, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for the party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

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) 705-3873.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 08-1644. Filed for public inspection September 5, 2008, 9:00 a.m.]

### **Notice to Medical Malpractice Insurance Carriers and Self-Insured Health Care Providers**

Insurance companies that offer basic limits medical malpractice coverage are required to report medical malpractice claims information to the Insurance Department (Department) for insureds who are subject to the Medical Care Availability and Reduction of Error (MCARE) Act (act) (40 P. S. §§ 1303.101—1303.910). Organizations and physicians that self-insure their medical malpractice exposures are also required to report this claims information. These reports are required under section 743 of the act (40 P. S. § 1303.743).

The claims information must be reported to the MCARE Fund and to the Department. The following calendar year 2007 claims information is due to the Fund and the Department by October 15, 2008:

- The aggregate amount of premium earned.
- The aggregate amount of losses paid.
- The aggregate amount of losses incurred.
- The aggregate amount of loss reserves outstanding.
- The aggregate amount of loss adjustment expenses paid.
- The aggregate amount of loss adjustment expenses incurred.
- The aggregate amount of loss adjustment expense reserves outstanding.
- A table showing separately by accident year and county the number of claims first reported (or arising) in 2007.
- A table showing separately by accident year and disposition (that is, judgment of arbitration panel, judg-

ment of court, settlement or other) the number of claims closed by county (or disposed) in 2007.

- A separate table for each type of disposition previously identified showing for claims closed (or disposed) in 2007 separately by accident year: the number of claims closed (or disposed) with payment; the total losses incurred for those claims closed with payment; and the basic coverage premiums collected.

Reports must be submitted as an Excel spreadsheet. A letter has been mailed instructing medical malpractice carriers to submit their 2007 data.

Medical malpractice carriers who have not received a letter should contact Bojan Zorkic, Actuarial Associate, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-6968, bzorkic@state.pa.us. Questions should be directed to Bojan Zorkic.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 08-1645. Filed for public inspection September 5, 2008, 9:00 a.m.]

### 7-Eleven #21110; Prehearing

#### **Appeal of 7-Eleven #21110 under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2007-0119(F); Doc. No. UT08-08-016**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and any other relevant procedure provisions of law.

A preliminary prehearing telephone conference shall be held on October 1, 2008, at 10 a.m. A hearing shall occur on October 16, 2008, in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before September 17, 2008. Answers to petitions to intervene, if any, shall be filed on or before September 26, 2008.

On or before September 24, 2008, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for the party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

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) 705-3873.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 08-1646. Filed for public inspection September 5, 2008, 9:00 a.m.]

## **INTERBRANCH COMMISSION FOR GENDER, RACIAL AND ETHNIC FAIRNESS**

### **Annual Public Meeting**

The Interbranch Commission (Commission) for Gender, Racial and Ethnic Fairness was established in 2005 as a means of implementing the recommendations contained in the study by the Supreme Court Committee of Pennsylvania on Racial and Gender Bias in the Justice System. Since its inception, the Commission has been actively addressing issues identified in the study, including diversifying the court workforce and juries throughout the State, establishing a loan forgiveness program for public defenders, developing systems for juvenile record expungement, and providing interpreter services in administrative hearings, among other initiatives.

The Commission is planning to present a report of its activities to the public during its next quarterly meeting on September 11, 2008. The meeting will be held at the Rachel Carson State Office Building, Auditorium located at 400 Market Street, Harrisburg, PA 17101. We would be honored to have you attend the event from 1:30 to 3:30 p.m., during which the presentation of our third Annual Report will be made. Members of the judiciary, the legislature, local and State bar associations, law school faculty and community groups, as well as the press, have been invited to attend. The Commission has also issued a special invitation to Governor Rendell and Mayor Stephen R. Reed to speak.

The Commission believes that this program will reflect very positively on the entire legal community. The Commission hopes that persons will find the time to attend, not only to learn more about what the Commission has accomplished during the past year, but also to show support for our efforts to promote fairness in our court system.

The contact is Christine Kalinik, paralegal for the Commission, at christine.kalinik@pacourts.us. If persons plan to attend the meeting contact Christine Lakinik by September 8, 2008.

LISETTE M. MCCORMICK, Esq.,  
*Chair*

[Pa.B. Doc. No. 08-1647. Filed for public inspection September 5, 2008, 9:00 a.m.]

# OFFICE OF ATTORNEY GENERAL

## Public Meeting

Public notice is hereby given of a meeting of the Lobbying Disclosure Regulation Committee (Committee) established under November 1, 2006 (P. L. 1213, No. 134) (Act 134). The meeting will be held on Thursday, September 11, 2008, at 9:30 a.m. in Hearing Room 2, North Office Building, Harrisburg, PA.

The purpose of the meeting will be for the Committee to consider regulations under Act 134 of 2006 and to receive public comments. Visit [www.attorneygeneral.gov](http://www.attorneygeneral.gov) for more information and to view a copy of the complete agenda.

THOMAS CORBETT,  
*Attorney General*

[Pa.B. Doc. No. 08-1648. Filed for public inspection September 5, 2008, 9:00 a.m.]

# PATIENT SAFETY AUTHORITY

## Public Meeting

The Patient Safety Authority (Authority), established by section 303 of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.303), enacted on March 20, 2002, announces a meeting of the Authority's Board on Tuesday, September 9, 2008, at 9:30 a.m. to be held at the Wildwood Conference Center, Harrisburg Area Community College, One HAAC Drive, Harrisburg, PA.

Individuals having questions regarding this meeting, which is open to the public, should contact the Authority at (717) 346-0469.

MICHAEL C. DOERING,  
*Executive Director*

[Pa.B. Doc. No. 08-1649. Filed for public inspection September 5, 2008, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Local Exchange Carrier Services

**A-2008-2059288. Consolidated Communications Network Services, Inc.** Application of Consolidated Communications Network Services, Inc., for approval to provide Competitive Local Exchange Carrier Services to the public in the service territory of The United Telephone Company of Pennsylvania, d/b/a Embarq 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 September 22, 2008. The docu-

ments 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:* Consolidated Communications Network Services, Inc.

*Through and By Counsel:* Norman J. Kennard, Esquire, Michael L. Swindler, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108-9500

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-1650. Filed for public inspection September 5, 2008, 9:00 a.m.]

## Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by September 22, 2008. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under each application.**

**A-2008-2055287. Four Seasons Limousine Service, Inc.** (1524 McKean Street, Philadelphia, Philadelphia County, PA 19145)—a corporation of the Commonwealth—in limousine service, from points in the Counties of Bucks, Chester, Delaware and Montgomery, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Andrew D. Santana, Esq., P. O. Box 3001, Blue Bell, PA 19422.

**A-2008-2055403. Hibetallah Oussai** (2817 Rosehill Road, Harrisburg, Dauphin County, PA 17110)—in call or demand service, from points in the Counties of Cumberland and Dauphin.

**A-2008-2056920. Vicky L. Shepos** (475 Lancaster Pike, New Providence, Lancaster County, PA 17560)—in paratransit service, from points in the Willow Valley Retirement Communities, Lancaster County, to points in Pennsylvania, and return.

**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* by *transfer of rights* as described under each application.**

**A-2008-2056878. McCollister's Transportation Systems of New Jersey, Inc.** (2500 Milford Square Pike, Quakertown, Bucks County, PA 18951)—a corporation of



the State of Delaware—household goods in use, which is to be a transfer of all rights authorized under the certificates issued at A-00096992 to Ware's Van and Storage, Inc., subject to the same limitations and conditions. *Attorney:* James W. Patterson, 2929 Arch Street, 13th Floor, Philadelphia, PA 19104.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-1651. Filed for public inspection September 5, 2008, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

### **Bureau of Professional and Occupational Affairs v. Hair.com Styling and Tanning Salon; Doc. No. 1341-45-2008**

On July 15, 2008, Hair.com Styling and Tanning Salon, of Somerset, Somerset County, had their license suspended for failure to pay \$1,000 in civil penalties issued by the State Board of Cosmetology (Board) order.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 08-1652. Filed for public inspection September 5, 2008, 9:00 a.m.]

### **Bureau of Professional and Occupational Affairs v. Sony Huynh; Doc. No. 0490-45-2008**

On July 14, 2008, Sony Huynh, of Philadelphia, Philadelphia County, had his license to practice cosmetology revoked based on his obtaining a license by dishonest or unethical means.

Individuals may obtain a copy of the adjudication by writing to Christopher K. McNally, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of

their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 08-1653. Filed for public inspection September 5, 2008, 9:00 a.m.]

### **Bureau of Professional and Occupational Affairs v. Tam Minh Thi Huynh; Doc. No. 0497-45-2008**

On July 17, 2008, Tam Minh Thi Huynh, of Mobile, AL, had her license to practice cosmetology revoked for obtaining a license by dishonest or unethical means.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 08-1654. Filed for public inspection September 5, 2008, 9:00 a.m.]

### **Bureau of Professional and Occupational Affairs v. Minh Tuyet Thi Le; Doc. No. 0544-45-2008**

On July 14, 2008, Minh Tuyet Thi Le, of Leominster, MA, license was revoked, based on obtaining a license to practice cosmetology by dishonest or unethical means.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Cosmetology (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 08-1655. Filed for public inspection September 5, 2008, 9:00 a.m.]

**Bureau of Professional and Occupational Affairs v. Thanh Minh Ly; Doc. No. 0559-45-2008**

On July 14, 2008, Thanh Minh Ly, of Mobile, AL, had his license to practice cosmetology revoked based on his obtaining a license by dishonest or unethical means.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final Board decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 08-1656. Filed for public inspection September 5, 2008, 9:00 a.m.]

## STATE BOARD OF DENTISTRY

**Bureau of Professional and Occupational Affairs v. William P. Kardos, DMD; Doc. No. 0175-46-2006**

On July 16, 2008, William P. Kardos, of Apollo, Armstrong County, had his license to practice dentistry suspended for 2 years, is being required to complete 30 hours of continuing education and was levied a civil penalty of \$1,000, based on his failing to conform to the standards of acceptable and prevailing dental practice.

Individuals may obtain a copy of the adjudication by writing to Christopher P. Grovich, Board Counsel, State Board of Dentistry, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Dentistry (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

JOHN W. REITZ, DDS,  
*Chairperson*

[Pa.B. Doc. No. 08-1657. Filed for public inspection September 5, 2008, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State

Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

September 29 and 30, 2008	Rolf Larsen (Effective Date of Retirement and Final Average Salary)	9 a.m.
October 8, 2008	Larry Punch (Benefit Reduction and COLA Application)	1 p.m.
October 16, 2008	Jesse A. Moss (Age 50 Retirement Credit)	1 p.m.
October 17, 2008	Mary Jo Zambelli (Age 50 Retirement Credit)	10 a.m.
October 17, 2008	Robert S. Goyak (Age 50 Retirement Credit)	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code, Part II (relating to General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

LEONARD KNEPP,  
*Secretary*

[Pa.B. Doc. No. 08-1658. Filed for public inspection September 5, 2008, 9:00 a.m.]

## STATE ETHICS COMMISSION

### Public Meeting

Under 65 Pa.C.S. §§ 1101—1113 (relating to Public Official and Employee Ethics Act) (act), the State Ethics Commission (Commission) is required to hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the act and from other interested parties.

The Commission will conduct a public meeting at Pocono Inne Town, 700 Main Street, Stroudsburg, PA 18360 on September 23, 2008, beginning at 9 a.m. for purposes of receiving input and for the conduct of other agency business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present any statement, information or other comments in relation to the act, the Regulations of the Commission or agency operations should contact Claire J. Hershberger at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of the meeting.

JOHN J. CONTINO,  
*Executive Director*

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