

# PENNSYLVANIA BULLETIN

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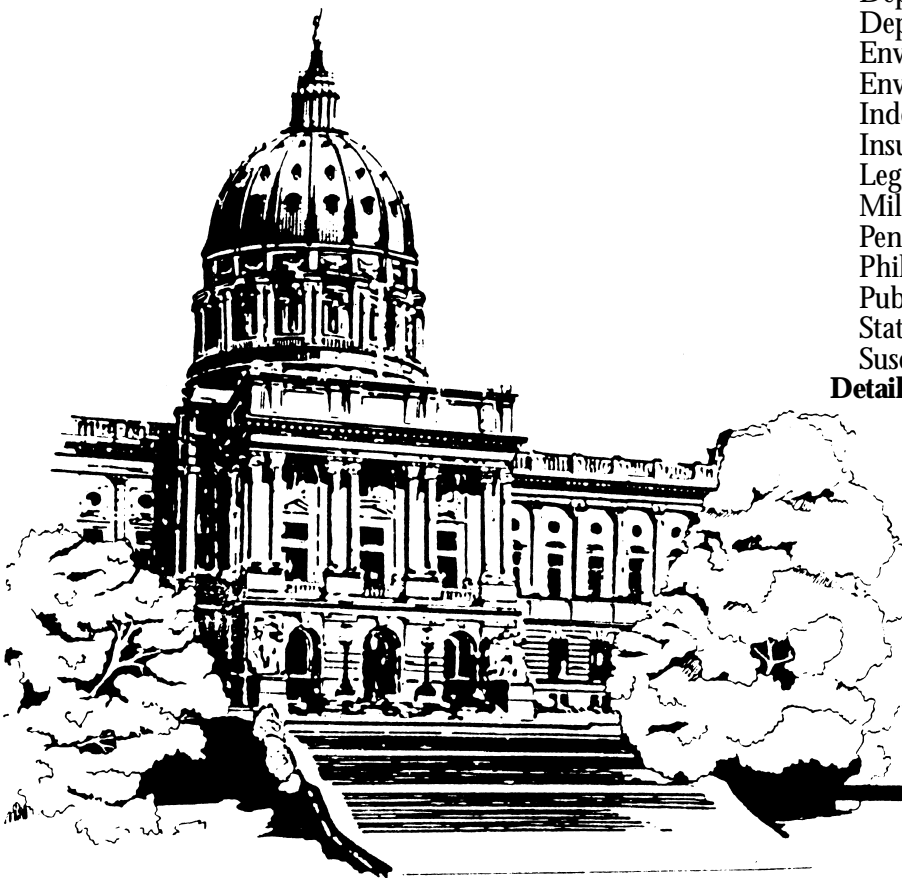
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**No. 415, June 2009**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

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

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

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

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

### **Adoption, Amendment or Repeal of Regulations**

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

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

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

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

### **Citation to the *Pennsylvania Bulletin***

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 255—LOCAL COURT RULES

### PIKE COUNTY

**In Re: Booking Center Processing Fee; Administrative Order No. 82-2009 MD**

#### Order

*And Now*, this 4th day of June, 2009, a county-wide booking center plan having been adopted, it is hereby *Ordered* that anyone placed on probation without verdict pursuant to the provisions of 35 P. S. § 780-117, anyone who received Accelerated Rehabilitative Disposition for, pleads guilty to or nolo contendere to, or is convicted of a crime under 18 Pa.C.S. § 106(a), 75 Pa.C.S. § 3802 (relating to classes of offenses; and driving under influence of alcohol or controlled substance), or a violation of The Controlled Substance Drug Device, and Cosmetic Act (35 P. S. §§ 780-101—780-144) shall be required to pay a booking center fund fee of \$300.

This fee shall be in addition to all other authorized costs and supervision fees and shall be for the purpose of implementing the county-wide booking center plan. The fee collected shall be paid to the County Probation Office pursuant to 42 Pa.C.S.A. § 9728 and deposited into a special central booking center fund established in the county. Moneys in the special fund shall be used solely for the implementation of a county-wide booking center plan and the start-up, operation or maintenance of a booking center.

The Administrative Order of June 17, 2008 filed to No. 84 MD 2008 providing for the collection of a processing fee is hereby vacated on the effective date hereof.

This Order shall become effective July 27, 2009.

*By the Court*

HONORABLE JOSEPH F. KAMEEN,  
*President Judge*

[Pa.B. Doc. No. 09-1097. Filed for public inspection June 19, 2009, 9:00 a.m.]

### PIKE COUNTY

**Re: Promulgation of Pike County Local Rule of Civil Procedure 205.2(a); No. 1146-2009-Civil**

#### Order

*And Now*, this 4th day of June, 2009, the Court *Orders* the following:

1. Local Rule of Civil Procedure 205.2(a) is hereby adopted effective thirty (30) days after publication in the *Pennsylvania Bulletin*;

2. The Court Administrator of the 60th Judicial District is hereby *Ordered* to do the following:

a. File seven (7) certified copies of this *Order* and the pertinent Rules with the Administrative Office of Pennsylvania Courts;

b. File two (2) certified copies and a computer diskette containing this *Order* and the pertinent Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

c. File one (1) certified copy of this *Order* and the pertinent Rule with the Civil Procedural Committee;

d. Provide one (1) copy of this *Order* and the Local Rule to each member of the Pike County Bar Association who maintain an active practice in Pike County; and

e. Keep continuously available for public inspection, copies of this *Order* and the Local Rules.

*By the Court*

HONORABLE JOSEPH F. KAMEEN,  
*President Judge*

**Local Rule 205.2(a). Filing Pleadings and Other Legal Papers with the Prothonotary.**

(1) Filing of Documents:

(i) All documents filed in the office of the Prothonotary or Clerk of Courts or Clerk of the Orphans Court shall be endorsed with the day and exact time of filing, which endorsement, in the absence of fraud, accident, or mistake shall be conclusive evidence of such date and time of filing.

(ii) A proposed order shall accompany all motions or other requests for relief requiring action from a Judge.

(iii) No original documents shall be faxed to the office of the Prothonotary or Clerk of Courts or Clerk of the Orphans Court. Facsimiles will not be accepted as original filings, absent specific permission of the Court Administrator's Office.

(2) Form:

(i) All pleading, legal papers, affidavits, or other documents shall be printed in double space on single sided white paper size 8 1/2 by 11 inches and secured by an appropriate metal fastener. The use of a gummed or taped substance is not permitted. All exhibits attached shall be tabbed and labeled.

(ii) No paper shall be filed in any the office of the Prothonotary or Clerk of Courts or Clerk of the Orphans Court unless it is written in ink, clearly legible, printed or typewritten in print no smaller than typewriting with lines (except quotations) not closer than typewriting double spacing; contains the caption of the proceeding, including the name and division of the Court, identifying case number, the names of the parties, the title of the proceeding, and the name of the paper.

(iii) All papers filed shall be endorsed with the name, address, telephone number, original signature and I.D. number of the attorney filing it or the name, address, original signature and telephone number of the party if there is no attorney.

(iv) While the use of backers is not required, it is strongly encouraged as a means to assist the Court in readily identifying and reviewing filed documents.

(v) All exhibits, papers and other documents attached to original pleadings shall be securely affixed at the top.

[Pa.B. Doc. No. 09-1098. Filed for public inspection June 19, 2009, 9:00 a.m.]

SNYDER COUNTY

Adoption of Local Rules; No. MC-13-2009

Order

And Now, this 5th day of June, 2009, it is hereby Ordered as follows:

1. The court hereby adopts the following Local Rules:

**17CV1915.4. Prompt Disposition of Custody Cases: Mediation Orientation Session.**

(a). In any custody action the parties shall within forty-five (45) days of the date of filing of the pleading raising the custody claim attend the Court-approved mediation orientation session, as provided for in Pa.R.C.P. No. 1940.3 and 17CV1940.3. The mediation orientation session shall be completed before any hearing is scheduled before the Court.

(b) The term "custody action" includes: any action for divorce containing a claim for custody, partial custody, or visitation; any initial action for custody, partial custody, or visitation; any counterclaim for custody, partial custody, or visitation; any petition for modification of an existing custody order; and any petition for contempt in regard to an existing order of custody.

(c) The parties governed by these rules include parents, persons in loco parentis, and grandparents.

(c). At the time of filing of the custody action there shall be submitted to the Court an orientation session Order containing the case caption which shall be substantially in the following form:

**MEDIATION ORIENTATION SESSION ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_, it is hereby ORDERED that that the above-named parties shall within ten (10) days of the date of receipt of a copy of this Order contact the Court-approved Mediation Program Administrator at \_\_\_\_\_ to schedule a mediation orientation session, such session to be conducted within forty-five (45) days of the filing date of the custody pleading accompanying this Order. No hearing shall be scheduled before the Court until the mediation orientation session has been completed.

**FAILURE TO COMPLY WITH THE FOREGOING ORDER MAY RESULT IN THE IMPOSITION OF SANCTIONS (INCLUDING A DISMISSAL OF THE CUSTODY ACTION, DENIAL OF A HEARING, OR AWARD OF COUNSEL FEES) AND/OR A FINDING OF CONTEMPT.**

BY THE COURT:

(c). After the Mediation Orientation Session Order has been signed by the Court and filed of record the filing party shall, in addition to making service of any pleading filed by the party as required by law, at the same time and in the same manner serve a copy of the said Order on any other party. The filing party shall immediately file a proof of service with the Court. The Court shall be

responsible for sending a copy of the Mediation Orientation Session Order to the Mediation Program Administrator.

(d). Each party shall contact the court-approved Mediation Program Administrator at the phone number set forth in the Mediation Orientation Session Order to schedule their attendance at the orientation session.

**17CV1940.3. Order for Orientation Session.**

(a). Except as set forth in subsection (e) or otherwise ordered by the Court all parties to a custody action shall participate in a mediation orientation session pursuant to 17CV1915.4. The mediation orientation session shall be completed before any hearing is scheduled before the Court.

(b). A mediation orientation session is an initial meeting between the parties and a qualified mediator which is intended to educate the parties concerning the mediation process so that an informed choice can be made by the parties about participation in mediation. The mediation orientation session shall be considered part of the mediation process and shall be confidential.

(c). The Mediation Program Administrator shall immediately notify the Court upon the occurrence of any of the following events:

(1). A party fails to contact the Mediation Program Administrator within the ten (10) day period provided in the Mediation Orientation Session Order;

(2). A party does not appear for a scheduled orientation session;

(3). The parties are unable to complete either the orientation session or mediation.

(e). No orientation session shall be required if a party or a child of a party is or has been the subject of domestic violence or child abuse by another party either during the pendency of the custody action or within 24 months preceding the filing of the custody action.

**17CV1940.5. Duties of the Mediator.**

(a). All mediation communications and mediation documents, as those terms are defined in 42 Pa.C.S.A. § 5949, are privileged.

(b). No party, mediator, or other person who participates in mediation may be called as a witness, or otherwise compelled to reveal any matter disclosed in mediation.

2. The rule shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

3. The Court Administrator of the 17th Judicial District is ordered and directed to do the following:

3.1. File seven (7) certified copies of this Order and of the pertinent Rules with the Administrative Office of Pennsylvania Courts.

3.2. File two (2) certified copies and a computer diskette containing this Order and the pertinent Rule with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3.3. File one (1) certified copy of this Order and the pertinent Rule with the Civil Procedural Rules Committee.

3.4. Provide one (1) copy of this Order and the Local Rule to each member of the Union-Snyder County Bar Association who maintains an active practice in Union or Snyder Counties.

3.5. Keep continuously available for public inspection, copies of this Order and the Local Rules.

*By the Court*

HAROLD F. WOELFEL, Jr.,  
*President Judge*

[Pa.B. Doc. No. 09-1099. Filed for public inspection June 19, 2009, 9:00 a.m.]

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## SUPREME COURT

### Accreditation of the National Board of Trial Advocacy as a Certifying Organization; No. 29; Disciplinary Rules; Doc. No. 1

#### Order

*And Now*, this 1st day of June, 2009, the term of accreditation of the National Board of Trial Advocacy as a certifying organization in the area of Family Law Advocacy, which expires on June 1, 2009, is hereby extended until July 31, 2009.

RONALD D. CASTILLE,  
*Chief Justice*

[Pa.B. Doc. No. 09-1100. Filed for public inspection June 19, 2009, 9:00 a.m.]

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### Investment Advisory Board; Request for Proposals for Manager of Managers Investment Services

The Supreme Court of Pennsylvania, through its Investment Advisory Board (IAB), plans to issue a request for proposal (RFP) for investment services. The RFP will

cover the investment operations of four court-appointed boards operating independently of each other, within the purview of the Supreme Court. The Supreme Court has consolidated the investment activity of the boards to maximize overall investment returns, reduce investment costs and increase operating efficiencies. The purpose of this notice is to determine your firm's interest in responding to the soon-to-be-released RFP for a manager of managers.

The Manager of Managers services being sought include the following:

- Consistent with the approved investment policy, manage the consolidated investment portfolio on a discretionary basis to outperform relevant benchmarks.
- Provide monthly, quarterly and annual reports to the IAB on net investment performance of the consolidated investment portfolio and its segments compared to relevant benchmarks.
- Make periodic recommendations to the IAB to include but not limited to modifications of the current investment policy, strategy and asset allocation.

The consolidated portfolio size ranges between \$20—30 million. Source of funds are attorney assessments and fees for service. Offices of the four boards are located in the Harrisburg, PA area.

Persons interested in receiving a copy of the RFP should contact by letter the Administrative Office of the Pennsylvania Courts, P. O. Box 719, Mechanicsburg, PA 17055, Attention IAB-RFP or IAB-RFP@pacourts.us, by July 13, 2009.

MANUEL STAMATAKIS,  
*Chairperson*

[Pa.B. Doc. No. 09-1101. Filed for public inspection June 19, 2009, 9:00 a.m.]

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# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CH. 93 ]

### Blue Eye Run, et al. (Water Quality Network (WQN) Package); Stream Redesignations

The Environmental Quality Board (Board) proposes to amend 25 Pa. Code §§ 93.9b, 93.9d, 93.9f, 93.9g, 93.9i, 93.9l, 93.9p and 93.9q to read as set forth in Annex A.

This proposal was adopted by the Board at its meeting on April 21, 2009.

#### A. *Effective Date*

These proposed amendments will be effective upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

#### B. *Contact Persons*

For further information, contact Richard H. Shertzer, Chief, Division of Water Quality Standards, Bureau of Water Standards and Facility Regulation, 11th Floor, Rachel Carson State Office Building, P. O. Box 8467, 400 Market Street, Harrisburg, PA 17105-8467, (717) 787-9637 or Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, 9th Floor, Rachel Carson State Office Building, P. O. Box 8464, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD-users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) web site (<http://www.depweb.state.pa.us>).

#### C. *Statutory and Regulatory Authority*

This proposed rulemaking is being made under the authority of sections 5(b)(1) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b)(1) and 691.402), which authorize the Board to develop and adopt rules and regulations to implement the provisions of The Clean Streams Law (35 P. S. §§ 691.1—691.1001), and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which grants to the Board the power and duty to formulate, adopt and promulgate rules and regulations for the proper performance of the work of the Department. In addition, section 303 of the Federal Clean Water Act (33 U.S.C. § 1313) sets forth requirements for water quality standards and the Federal regulation in 40 CFR 131.32 (relating to Pennsylvania) sets forth certain requirements for portions of the Commonwealth's antidegradation program.

#### D. *Background of the Proposed Amendments*

Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements (such as, treatment requirements and effluent limits) on individual sources of pollution. The Department may identify candidates for redesignation during routine waterbody investigations. Requests for consideration may also be initiated by other agencies. Organizations, businesses or individuals may submit a rulemaking petition to the Board.

The Department considers candidates for High Quality (HQ) or Exceptional Value (EV) Waters and all other

designations in its ongoing review of water quality standards. In general, HQ and EV waters must be maintained at their existing quality and permitted activities shall ensure the protection of designated and existing uses.

Existing use protection is provided when the Department determines, based on its evaluation of the best available scientific information, that a surface water attains water uses identified in §§ 93.3 and 93.4 (relating to protected water uses; and Statewide water uses). Examples of water uses protected include the following: Cold Water Fishes (CWF), Warm Water Fishes (WWF), HQ and EV. A final existing use determination is made on a surface water at the time the Department takes a permit or approval action on a request to conduct an activity that may impact surface water quality or uses. If the determination demonstrates that the existing use is different than the designated use, the water body will immediately receive the best protection identified by either the attained uses or the designated uses. A stream will then be "redesignated" through the rulemaking process to match the existing uses with the designated uses. For example, if the designated use of a stream is listed as protecting WWF but the redesignation evaluation demonstrates that the water attains the use of CWF, the stream would immediately be protected for CWF, prior to a rulemaking. Once the Department determines the water uses attained by a surface water, the Department will recommend to the Board that the existing uses be made "designated" uses, through rulemaking, and be added to the list of uses identified in § 93.9 (relating to designated water uses and water quality criteria).

The Department operates the Surface Water Quality Network (WQN), which is a long-term, fixed station network of monitoring stations on rivers and streams throughout this Commonwealth. This network was initially designed to monitor water quality conditions on a broad scale. Most stations are located on major streams with large drainage areas. However, recent water quality monitoring trends emphasize the importance of identifying and defining biological reference conditions characteristic of no or minimal disturbance. As part of the process to establish biological reference conditions, smaller watersheds with minimal land disturbance were added to the water quality network to collect data representative of reference water quality conditions and to support biological metric protocol development. WQN streams are selected from various areas across this Commonwealth and monitored for 5 years. Following the close of the 5-year inventory period, the studied sites are replaced with a new set of stations.

After reviewing the WQN monitoring data, several of the stations displayed existing use stream conditions indicative of EV waters. Physical, chemical and biological characteristics along with other information on these waterbodies were considered to determine the appropriateness of the current and recommended designations using applicable regulatory criteria and definitions. In reviewing whether waterbodies qualify as HQ or EV waters, the Department considers the criteria in § 93.4b (relating to qualifying as High Quality or Exceptional Value Waters). According to the Department's regulatory criteria, a Biological Condition Score (BCS) greater than or equal to 92% of the reference station score supports an EV designation. See § 93.4(b)(1)(v).

All reference streams were selected because they were representative of excellent EV conditions based on the macroinvertebrate community and were of similar stream types, comparable geologic settings, and reasonable proximity with respect to their compared candidate stream. Both the candidate stream and the reference streams were sampled within a similar time frame to minimize the effects of seasonal variation.

All of the recommended redesignations in these proposed amendments for the WQN stations are candidates for EV, based upon data and appropriate regulatory criteria. All of the waterbodies in this regulatory package which are being recommended for EV qualify based on their BCS being greater than or equal to 92% of the reference station score. Copies of the Department's stream evaluation report for these waterbodies is available on the Department's web site or from the contacts whose addresses and telephone numbers are listed in Section B. The Department recommends the Board adopt these proposed amendments as described in this preamble and as set forth in Annex A.

Also note that a basinwide migratory fishes (MF) designation to drainage lists A—O and Z, currently has been added as part of the Triennial Review of Water Quality Standards final-form rulemaking at 39 Pa.B. 2523 (May 16, 2009). The MF designated use has been added to those waters that appear in the Annex A of this proposed rulemaking to be consistent with the Triennial Review final-form rulemaking.

The following is a brief explanation of the recommendations for each waterbody:

*East Branch Dyberry Creek.* East Branch Dyberry Creek is a tributary to Dyberry Creek in the Delaware River drainage basin. The basin is located in Dyberry and Lebanon Townships, Wayne County. The majority of East Branch Dyberry Creek basin is located in State Game Land (SGL) 159. Land use in the floodplain is mostly deciduous forest with a dirt road. There is some agriculture and low-density residential development in the surrounding hillsides. East Branch Dyberry Creek basin is currently designated HQ-CWF, MF and the Department recommends that the basin be redesignated EV, MF. Three stations on the East Branch Dyberry Creek were compared to Little Bush Kill and all three stations scored 100% of the reference station.

*Unnamed Tributary (UNT) 29200 to Tunkhannock Creek.* UNT 29200 to Tunkhannock Creek lies in the Susquehanna River watershed. The basin lies in Ararat, Gibson, Jackson and Thompson Townships, Susquehanna County. The UNT Tunkhannock Creek basin is a mixture of deciduous forest along with agriculture, low-density residential development, and several roads. A small portion of the headwaters of one of the tributaries is located in SGL 236. UNT 29200 to Tunkhannock Creek mainstem is classified by the Fish and Boat Commission as Class A wild trout waters. The Department recommends that the basin be redesignated from CWF, MF to EV, MF. Wild Creek was the reference station for UNT 29200 to Tunkhannock Creek. UNT 29200 to Tunkhannock Creek scored 93% of the reference station score.

*Young Womans Creek.* Young Womans Creek is also a tributary to the West Branch Susquehanna River and flows through Chapman, Stewardson and Brown Townships in Clinton, Potter and Lycoming Counties, respectively. Most of the Young Womans Creek watershed is located within the Sproul State Forest. Land use in this basin is almost entirely forested with several roads and

seasonal camps. Young Womans Creek basin is currently designated HQ-CWF, MF. Two stations on Young Womans Creek were compared to Cross Fork Kettle Creek and scored 93 and 100% of the reference station. The Department recommends that Young Womans Creek basin, from its source to and including Left Branch Young Womans Creek, be redesignated EV, MF.

*Muncy Creek.* Muncy Creek is a tributary to the West Branch Susquehanna River within the Susquehanna River basin. The Muncy Creek mainstem from its source to the second SR 2002 Bridge upstream of Sonestown at RM 26.4 is currently designated as CWF, MF. Ellick Run is a tributary to Muncy Creek in the affected area and is currently designated EV, MF. All of the other tributaries (both named and unnamed) to the Muncy Creek from the source to the second SR 2002 Bridge upstream of Sonestown at RM 26.4 are currently designated HQ-CWF, MF. This portion of the Muncy Creek basin lies in Davidson and Laporte Townships in Sullivan County and is mostly forested except for a narrow corridor that runs along the main stem. This area contains a paved road and low-density residential development. The headwaters of Muncy Creek originate in SGL 13. Muncy Creek was compared to Little Fishing Creek and scored 100% of the reference station. The Department recommends that the headwaters of the Muncy Creek basin, from the source to the second SR 2002 Bridge upstream of Sonestown at RM 26.4, be redesignated as EV, MF.

*Spruce Run.* Spruce Run flows through or along the boundaries of Hartley, Lewis, West Buffalo, White Deer and Buffalo Townships in Union County and then enters Buffalo Creek which is a tributary to the West Branch Susquehanna River. Nearly the entire watershed of Spruce Run is located in Bald Eagle State Forest. Land use in this basin is almost entirely forested with several roads and seasonal camps. The Spruce Run basin is currently designated HQ-CWF. Wild Creek was the reference station for Spruce Run. Spruce Run scored 100% of the reference station score. The Department recommends that Spruce Run basin, from its source to the eastern boundary of Bald Eagle State Forest at RM 5.09, be redesignated as EV, MF.

*Blue Eye Run.* Blue Eye Run flows through Columbus, Spring Creek and Pittsfield Townships in Warren County and is a tributary to the Brokenstraw Creek in the Ohio River Drainage basin. Blue Eye Run basin is currently designated CWF. Roughly one-half of the Blue Eye Run watershed is located in SGL 143. West Branch Caldwell Creek was the reference station for Blue Eye Run. Blue Eye Run scored 95% of the reference station score. The Department recommends that the Blue Eye Run basin from its source to SR 0027 Bridge be redesignated EV.

*East Hickory Creek.* East Hickory Creek is a tributary to the Allegheny River in the Ohio River watershed. East Hickory Creek basin from the source to Middle Hickory Creek has a designated use of EV. The remainder of the East Hickory Creek basin from and including the Middle Hickory Creek basin to the mouth is currently designated HQ-CWF. The East Hickory Creek basin from and including the Middle Hickory Creek basin to Forest Highway 119 is a candidate for redesignation to EV. The candidate portion of the basin flows through Watson and Limestone Townships in Warren County and is located in the Allegheny National Forest. Middle Hickory Creek enters East Hickory Creek in Limestone Township. The portion of the basin which is a candidate for redesignation is mostly forested with very little human disturbance except

for hiking trails. East Hickory Creek was compared to West Branch Caldwell Creek. The two stations in East Hickory Creek basin scored 95 and 100% of the reference station. The Department recommends that the East Hickory Creek basin from and including the Middle Hickory Creek basin to Forest Highway 119 should be redesignated from HQ-CWF to EV.

*Other Changes.* In addition to these recommended redesignations, the Department proposes corrections to eight stream names as they currently appear in §§ 93.9b, 93.9d, 93.9g, 93.9l and 93.9p. Tadyuskung Creek, a tributary to the Lackawaxen River in Drainage List B, will be corrected to Teedyuskung Creek. In Drainage List D, the stream names for Upper Tunkhanna and Hokendagua Creeks, both in the Lehigh River basin, will be corrected to Upper Tunkhannock Creek and Hokendauqua Creek. The current spelling of Mahanoh Creek, a tributary to the Schuylkill River in Drainage List F, will be corrected to Mahannon Creek. The Department is proposing to replace the stream name listing for UNT to East Branch Chester Creek at RM 0.4 ("Goose Creek") in Drainage List G with the correct name for this stream, which is Westtown Run. Three corrections are proposed in the West Branch Susquehanna River watershed in Drainage List L. Woodley Hollow, a tributary to Drury Run, is proposed to be corrected to Woodley Draft. Harrington Hollow and Burdie Run, both tributaries to Pine Creek will be corrected to Herrington Hollow and Burdic Run. In Drainage List P, Bayer Brook will be corrected to Boyer Brook. Boyer Brook is a tributary to Potato Creek.

#### E. *Benefits, Costs and Compliance*

1. *Benefits.* Overall, the Commonwealth, its citizens and natural resources will benefit from these recommended changes because they provide the appropriate level of protection to preserve the integrity of existing and designated uses of surface waters in this Commonwealth. Protecting water quality provides economic value to present and future generations in the form of clean water for drinking, recreational opportunities and aquatic life protection. It is important to realize these benefits to ensure opportunity and development continue in a manner that is environmentally, socially and economically sound. Maintenance of water quality ensures its future availability for all uses.

2. *Compliance Costs.* The proposed amendments to Chapter 93 may impose additional compliance costs on the regulated community. These regulatory changes are necessary to improve total pollution control. The expenditures necessary to meet new compliance requirements may exceed that which is required under existing regulations.

Persons conducting or proposing activities or projects must comply with the regulatory requirements relating to designated and existing uses. Persons expanding a discharge or adding a new discharge point to a stream could be adversely affected if they need to provide a higher level of treatment to meet the designated and existing uses of the stream. These increased costs may take the form of higher engineering, construction or operating cost for wastewater treatment facilities. Treatment costs are site-specific and depend upon the size of the discharge in relation to the size of the stream and many other factors. It is therefore not possible to precisely predict the actual change in costs. Economic impacts would primarily involve the potential for higher treatment costs for new or expanded discharges to streams that are redesignated. The initial costs resulting from the installation of techno-

logically advanced wastewater treatment processes may be offset by potential savings from and increased value of improved water quality through more cost-effective and efficient treatment over time.

3. *Compliance Assistance Plan.* The regulatory revisions have been developed as part of an established program that has been implemented by the Department since the early 1980s. The revisions are consistent with and based on existing Department regulations. The revisions extend additional protection to selected waterbodies that exhibit exceptional water quality and are consistent with antidegradation requirements established by the Clean Water Act (33 U.S.C.A. §§ 1251—1376) and The Clean Streams Law. All surface waters in this Commonwealth are afforded a minimum level of protection through compliance with the water quality standards, which prevent pollution and protect existing water uses.

The proposed amendments will be implemented through the Department's permit and approval actions. For example, the National Pollutant Discharge Elimination System (NPDES) permitting program bases effluent limitations on the use designation of the stream. These permit conditions are established to assure water quality criteria are achieved and designated and existing uses are protected. New and expanded dischargers with water quality based effluent limitations are required to provide effluent treatment according to the water quality criteria associated with existing uses and revised designated water uses.

4. *Paperwork Requirements.* The regulatory revisions should have no direct paperwork impact on the Commonwealth, local governments and political subdivisions, or the private sector. These regulatory revisions are based on existing Department regulations and simply mirror the existing use protection that is already in place for these streams. There may be some indirect paperwork requirements for new or expanding dischargers to streams upgraded to HQ or EV. For example, NPDES general permits are not currently available for new or expanded discharges to these streams. Thus an individual permit, and its associated paperwork, would be required. Additionally, paperwork associated with demonstrating social and economic justification may be required for new or expanded discharges to certain HQ Waters, and consideration of nondischarge alternatives is required for all new or expanded discharges to EV and HQ Waters.

#### F. *Pollution Prevention*

The water quality standards and antidegradation program are major pollution prevention tools because the objective is to prevent degradation by maintaining and protecting existing water quality and existing uses. Although the antidegradation program does not prohibit new or expanded wastewater discharges, nondischarge alternatives are encouraged, and required when environmentally sound and cost effective. Nondischarge alternatives, when implemented, remove impacts to surface water and reduce the overall level of pollution to the environment by remediation of the effluent through the soil.

#### G. *Sunset Review*

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

H. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 5, 2009, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees (Committees). In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed regulations within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review of these issues by the Department, the General Assembly and the Governor prior to final-form publication of the regulations.

I. *Public Comments*

*Written Comments.* Interested persons are invited to submit comments, suggestions or objections regarding the proposed amendments to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments must be received by the Board by August 4, 2009. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by

August 4, 2009. The one page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the proposed amendments will be considered. If sufficient interest is generated as a result of this publication, a public hearing will be scheduled at an appropriate location to receive additional comments.

*Electronic Comments.* Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by August 4, 2009. A subject heading of the proposal and return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

JOHN HANGER,  
*Chairperson*

**Fiscal Note:** 7-436. No fiscal impact; (8) recommends adoption.

*Editor's Note:* A basinwide migratory fishes (MF) designation was added to drainage lists A—O and Z at 39 Pa.B. 2523 (May 16, 2009). This additional MF designation to the waters in drainage lists A—O and Z became effective May 16, 2009. The MF designation will apply to all waters within the respective basins unless there are specific exceptions already noted for certain waterbodies or stream segments within one of these drainage lists. Drainage lists A—G are located within the Delaware River Basin. Drainage lists H—O are located within the Susquehanna River Basin. Drainage list Z is located within the Potomac River Basin. The MF designated use has been added to those waters which appear in Annex A to be consistent with the action in the Triennial Review final rulemaking at 39 Pa.B. 2523.)

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 93. WATER QUALITY STANDARDS

§ 93.9b. Drainage List B.

Delaware River Basin in Pennsylvania  
*Lackawaxen River*

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
		* * * * *		
4—Van Auken Creek	Basin	Wayne	HQ-TSF, MF	None
3—Dyberry Creek	[ Basin, Source to Big Brook	Wayne	HQ-CWF, MF	None ]
4—West Branch Dyberry Creek	Basin	Wayne	HQ-CWF, MF	None
4—East Branch Dyberry Creek	Basin	Wayne	EV, MF	None
3—Dyberry Creek	Basin, Confluence of West Branch Dyberry Creek and East Branch Dyberry Creek to Big Brook	Wayne	HQ-CWF, MF	None



<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
4—Big Brook	Basin	Wayne	EV, MF	None
3—Dyberry Creek	Basin, Big Brook to [ <b>Confluence with West Branch Lackawaxen River</b> ] Mouth	Wayne	HQ-CWF, MF	None
* * * * *				
3—[ <b>Tadyuskung</b> ] <b>Teedyuskung</b> Creek	Basin	Pike	HQ-CWF, MF	None
* * * * *				

§ 93.9d. Drainage List D.

**Delaware River Basin in Pennsylvania**  
***Lehigh River***

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
* * * * *				
4—Upper [ <b>Tunkhanna</b> ] <b>Tunkhannock</b> Creek	Basin	Monroe	HQ-CWF, MF	None
* * * * *				
3—[ <b>Hokendagua</b> ] <b>Hokendauqua</b> Creek	Basin	Northampton	CWF, MF	None
* * * * *				

§ 93.9f. Drainage List F.

**Delaware River Basin in Pennsylvania**  
***Schuylkill River***

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
* * * * *				
3—[ <b>Mahanhon</b> ] <b>Mahannon</b> Creek	Basin	Schuylkill	CWF, MF	None
* * * * *				

§ 93.9g. Drainage List G.

**Delaware River Basin in Pennsylvania**  
***Delaware River***

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
* * * * *				
2—Chester Creek	Basin, Source to East Branch Chester Creek	Chester	TSF, MF	None
3—East Branch Chester Creek	Basin, Source to [ <b>UNT at RM 0.4 (“Goose Creek”)</b> ] <b>Westtown Run</b>	Chester	TSF, MF	None
4—[ <b>UNT to East Branch Chester Creek at RM 0.4 (“Goose Creek”)</b> ] <b>Westtown Run</b>	Basin	Chester	WWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
3—East Branch Chester Creek	Basin, [ <b>UNT at RM 0.4</b> ] Westtown Run to Mouth	Chester	TSF, MF	None
2—Chester Creek	Basin, East Branch Chester Creek to Rocky Run	Delaware	TSF, MF	None

\* \* \* \* \*

**§ 93.9i. Drainage List I.**

**Susquehanna River Basin in Pennsylvania  
Susquehanna River**

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
		* * * * *		
2—Tagues Creek	Basin	Wyoming	CWF, MF	None
2—Tunkhannock Creek	[ <b>Main Stem, Source to Susquehanna-Wyoming County Border</b> ] Basin, Source to <b>UNT 29200 at RM 36.08</b>	Susquehanna [ - Wyoming ]	CWF, MF	None
[ 3—Unnamed Tributaries to Tunkhannock Creek	<b>Basins, Source to Susquehanna-Wyoming County Border</b>	<b>Susquehanna</b>	<b>CWF, MF</b>	<b>None</b>
3—Bear Swamp Creek	Basin	Susquehanna	CWF, MF	None
3—Bell Creek	Basin	Susquehanna	CWF, MF	None
3—Leslie Creek	Basin	Susquehanna	CWF, MF	None
3—Partners Creek	Basin	Susquehanna	CWF, MF	None
3—Tower Branch	Basin	Susquehanna	CWF, MF	None
3—Millard Creek	Basin	Susquehanna	CWF, MF	None ]
3—UNT 29200 to Tunkhannock Creek at RM 36.08	Basin	Susquehanna	EV, MF	None
2—Tunkhannock Creek	Basin, UNT 29200 to East Branch Tunkhannock Creek	Susquehanna	CWF, MF	None
3—East Branch Tunkhannock Creek	Basin, Source to Dundaff Creek	Susquehanna	CWF, MF	None
		* * * * *		
3—East Branch Tunkhannock Creek	Basin, Dundaff Creek to Mouth	Susquehanna	CWF, MF	None
2—Tunkhannock Creek	<b>Basin, East Branch Tunkhannock Creek to Susquehanna-Wyoming County Border</b>	<b>Susquehanna-Wyoming</b>	<b>CWF, MF</b>	<b>None</b>
2—Tunkhannock Creek	Main Stem, Susquehanna-Wyoming County Border to Mouth	Wyoming	TSF, MF	None

\* \* \* \* \*

**§ 93.9l. Drainage List L.**

**Susquehanna River Basin in Pennsylvania  
West Branch Susquehanna River**

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
		* * * * *		
4—Sandy Run	Basin	Clinton	HQ-CWF, MF	None
3—Drury Run	Basin, Sandy Run to Woodley [ <b>Hollow</b> ] Draft	Clinton	HQ-CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
4—Woodley [ <b>Hollow</b> ] <b>Draft</b>	Basin	Clinton	CWF, MF	None
3—Drury Run	Basin, Woodley [ <b>Hollow</b> ] <b>Draft to Mouth</b> * * * * *	Clinton	CWF, MF	None
3—Boggs Hollow	Basin	Clinton	EV, MF	None
3— <b>Young Womans Creek</b>	<b>Basin, Source to Left Branch Young Womans Creek</b>	<b>Clinton</b>	<b>EV, MF</b>	None
3—Young Womans Creek	Basin, <b>Left Branch Young Womans Creek to Mouth</b>	Clinton	HQ-CWF, MF	None
3—Caldwell Run	Basin * * * * *	Clinton	HQ-CWF, MF	None
4—[ <b>Harrington</b> ] <b>Herrington Hollow</b>	Basin * * * * *	Tioga	HQ-CWF, MF	None
4—[ <b>Burdie</b> ] <b>Burdic Run</b>	Basin * * * * *	Tioga	HQ-CWF, MF	None
3—Carpenters Run	Basin	Lycoming	WWF, MF	None
[ 3—Muncy Creek	<b>Main Stem, Source to US 220 Bridge at Muncy Valley</b>	<b>Sullivan</b>	<b>CWF, MF</b>	<b>None</b>
4— <b>Unnamed Tributaries to Muncy Creek</b>	<b>Basins, Source to US 220 Bridge at Muncy Valley</b>	<b>Sullivan</b>	<b>HQ-CWF, MF</b>	<b>None</b>
4— <b>Lopez Pond Brook</b>	<b>Basin</b>	<b>Sullivan</b>	<b>HQ-CWF, MF</b>	<b>None</b>
4— <b>South Brook</b>	<b>Basin</b>	<b>Sullivan</b>	<b>HQ-CWF, MF</b>	<b>None</b>
4— <b>Rock Run</b>	<b>Basin</b>	<b>Sullivan</b>	<b>HQ-CWF, MF</b>	<b>None</b>
4— <b>Tublick Run</b>	<b>Basin</b>	<b>Sullivan</b>	<b>HQ-CWF, MF</b>	<b>None</b>
4— <b>Peters Creek</b>	<b>Basin</b>	<b>Sullivan</b>	<b>HQ-CWF, MF</b>	<b>None</b>
4— <b>Big Run</b>	<b>Basin</b>	<b>Sullivan</b>	<b>HQ-CWF, MF</b>	<b>None</b>
4— <b>Cherry Run</b>	<b>Basin</b>	<b>Sullivan</b>	<b>HQ-CWF, MF</b>	<b>None</b>
4— <b>Elklick Run</b>	<b>Basin</b>	<b>Sullivan</b>	<b>EV, MF</b>	<b>None</b>
4— <b>Long Brook</b>	<b>Basin</b>	<b>Sullivan</b>	<b>HQ-CWF, MF</b>	<b>None ]</b>
3—Muncy Creek	<b>Basin, Source to second SR 2002 Bridge upstream of Sonestown at RM 26.4</b>	<b>Sullivan</b>	<b>EV, MF</b>	<b>None</b>
3—Muncy Creek	<b>Main Stem, Second SR 2002 Bridge upstream of Sonestown at RM 26.4 to US 220 Bridge at Muncy Valley</b>	<b>Sullivan</b>	<b>CWF, MF, MF</b>	<b>None</b>
4— <b>UNTs to Muncy Creek</b>	<b>Basins, Second SR 2002 Bridge upstream of Sonestown at RM 26.4 to US 220 Bridge at Muncy Valley</b>	<b>Sullivan</b>	<b>HQ-CWF, MF</b>	<b>None</b>
4—Slip Run	Basin * * * * *	Sullivan	HQ-CWF, MF	None
4—Beaver Run	Basin	Union	CWF, MF	None

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
<b>4—Spruce Run</b>	<b>Basin, Source to eastern boundary of Bald Eagle State Forest at RM 5.09</b>	<b>Union</b>	<b>EV, MF</b>	<b>None</b>
4-Spruce Run	Basin, Eastern boundary of Bald Eagle State Forest at RM 5.09 to Mouth	Union	HQ-CWF, MF	None
4—Little Buffalo Creek	Basin	Union	CWF, MF	None
* * * * *				

§ 93.9p. Drainage List P.

**Ohio River Basin in Pennsylvania  
Allegheny River**

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
* * * * *				
4—Walcott Brook	Basin	McKean	CWF	None
4—[ Bayer ] Boyer Brook	Basin	McKean	HQ-CWF	None
4—Daly Brook	Basin	McKean	HQ-CWF	None
* * * * *				

§ 93.9q. Drainage List Q.

**Ohio River Basin in Pennsylvania  
Allegheny River**

<i>Stream</i>	<i>Zone</i>	<i>County</i>	<i>Water Uses Protected</i>	<i>Exceptions to Specific Criteria</i>
* * * * *				
4—Gar Run	Basin	Warren	CWF	None
<b>4—Blue Eye Run</b>	<b>Basin, Source to SR 0027 Bridge</b>	<b>Warren</b>	<b>EV</b>	<b>None</b>
4—Blue Eye Run	Basin, SR 0027 Bridge to mouth	Warren	CWF	None
4—Little Brokenstraw Creek	Basin (all sections in PA)	Warren	CWF	None
* * * * *				
3—Jones Run	Basin	Forest	CWF	None
3—East Hickory Creek	Basin, Source to [ Middle Hickory Creek ] Forest Highway 119	[ Forest ] Warren	EV	None
[ 4—Middle Hickory Creek	Basin	Warren	HQ-CWF	None ]
3—East Hickory Creek	Basin, [ Middle Hickory Creek ] Forest Highway 119 to Mouth	Forest	HQ-CWF	None
3—Siggins Run	Basin	Forest	CWF	None
* * * * *				

[Pa.B. Doc. No. 09-1102. Filed for public inspection June 19, 2009, 9:00 a.m.]

## [ 25 PA. CODE CH. 252 ]

**Environmental Laboratory Accreditation**

The Environmental Quality Board (Board) proposes to amend Chapter 252 (relating to environmental laboratory accreditation). The proposal clarifies existing requirements, eliminates unnecessary requirements and proposes additional requirements necessary for laboratory accreditation. The proposal also revises the current fee structure found in 25 Pa. Code § 252.204 (relating to fees).

This proposal was adopted by the Board at its meeting of April 21, 2009.

*A. Effective Date*

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

*B. Contact Persons*

For further information contact Aaren S. Alger, Chief, Laboratory Accreditation Program, P. O. Box 1467, Harrisburg, PA 17105-1467, (717) 346-8212 or Scott Perry, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) web site, <http://www.dep.state.pa.us>.

*C. Statutory Authority*

This proposed rulemaking is being made under the authority of 27 Pa.C.S. § 4103(a) (relating to establishment of program), which directs the Department of Environmental Protection (Department) to establish an accreditation program for environmental laboratories, 27 Pa.C.S. § 4104 (relating to powers and duties) which directs the Department to establish, administer and enforce an environmental Laboratory Accreditation Program (Program) which shall include the standards necessary for a State certification program, 27 Pa.C.S. § 4105 (relating to powers and duties of Environmental Quality Board), delegating the Board the power to adopt the regulations of the Department to implement the act, and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20), authorizing and directing the Board to adopt regulations necessary for the proper performance of the work of the Department.

*D. Background and Purpose*

The regulations governing environmental laboratory accreditation at Chapter 252 became effective on January 28, 2006. While completing the first round of laboratory assessments under these regulations, the Program discovered various provisions that are unclear or where the rules are overly restrictive and cost prohibitive to the regulated community. The Program also determined that several necessary standards for accreditation were missing.

Under 27 Pa.C.S. § 4104(6), the accreditation fees must be "in an amount sufficient to pay the Department's cost of implementing and administering the accreditation program." In addition, § 252.204(b) (relating to fees) requires the Department to recommend to the Board regulatory changes to the accreditation fees every 3 years to address any disparity between the program income generated by the fees and program costs. In accordance with this

requirement, the Program staff performed a workload analysis to evaluate the costs associated with the Program. Based on this workload analysis, the Department determined that the accreditation fees contained in § 252.204 were not sufficient to recover the Department's costs to implement to the program. These proposed amendments provide a new fee structure to cover the costs of the Laboratory Accreditation Program.

The Department worked with the Laboratory Accreditation Advisory Committee (LAAC) to amend Chapter 252 in a manner that ensures appropriate requirements for environmental laboratory accreditation. The Department and the LAAC ensured that the interests, concerns, and needs of the regulated community were considered and implemented as appropriate. The LAAC met throughout 2008 to review and comment on the draft Chapter 252 amendments presented by the Department. On December 1, 2008, the LAAC unanimously voted to recommend the Chapter 252 amendments for presentation to the Board.

*E. Summary of Regulatory Requirements**Subchapter A. General Provisions*

§ 252.1 (relating to definitions). The definitions section was changed to eliminate references to the now defunct "National Environmental Laboratory Accreditation Conference (NELAC)" and replace this term with "The NELAC Institute," or "TNI." The term accrediting authority was changed to accreditation body. The term "laboratory notebook" was deleted, the definition for nonpotable water was changed, and the term "action level" was added.

§ 252.4. The provision for interim accreditation was deleted.

§ 252.5 (relating to NELAP/TNI equivalency). The proposed TNI Standard does not include requirements for environmental laboratories to respond to an onsite evaluation and/or submit a corrective action report. The requirement of NELAP laboratories to adhere to the provisions of Subchapter F (relating to onsite assessment requirements) was included. Additionally, clarification was made that laboratories choosing to become accredited in the National Environmental Laboratory Accreditation Program (NELAP) shall comply with the currently approved and effective edition of either the NELAC Standard or TNI Standard, as appropriate.

§ 252.6 (relating to accreditation-by-rule). The accreditation-by-rule section was amended to specify that all laboratories performing testing or analysis for compliance with a Department statute must be registered with the Department in accordance with 27 Pa.C.S. § 4107(a).

*Subchapter B. Application, Fees and Supporting Documents*

§ 252.202 (relating to application for transfer of laboratory accreditation). The phrase "open or pending" was removed from subsection (b).

§ 252.204. An environmental laboratory shall pay an initial application fee and annual renewal fees based on the appropriate accreditation categories sought. Under the act, the fees provided in this section must be sufficient to pay the Department's cost of implementing and administering the accreditation program including processing applications for certificates of accreditation, the issuance, renewal, modification, or other action relating to the certificate. Laboratories pay fees based on the number and complexity of the categories for which they request accreditation. The cost of each fee category is

based on the number of assessor hours necessary to accredit an environmental laboratory for that given category.

To appropriately distribute the cost of the implementation of the Program, the fee structure was amended to include fees for a requested change in administrative information, to perform a supplemental onsite assessment when requested by the applicant laboratory to add fields of accreditation, and an additional fee for NELAP accreditation. The changes to the fee structure include payment of fees based on the number of matrices requested rather than a fee for a specific type of matrix. This structure also allows for a laboratory performing a combination of matrices to pay a lower fee.

§ 252.205 (relating to out-of-State laboratories). The term "accrediting authority" was changed to "accreditation body" to be consistent with the terms used by TNI. The requirement for secondarily accredited laboratories to submit copies of their proficiency testing studies was deleted.

#### *Subchapter C. General Standards for Accreditation*

§ 252.301 (relating to laboratory supervisor). Subsection (a) was added to clarify that the Department considers only individuals named on the application for accreditation and approved by the Department as the laboratory supervisors of an environmental laboratory.

§ 252.302 (relating to qualifications of the laboratory supervisor). The requirements for a laboratory supervisor of an environmental laboratory performing microbiological testing were amended to require biology credits rather than microbiology.

§ 252.304 (relating to personnel requirements). The initial demonstration of capability requirements from § 252.307(j) (relating to methodology) were moved to this section to have the demonstration of capability requirements in one location within the regulation.

§ 252.306 (relating to equipment, supplies and reference materials). Clarification was made to the requirements for weights and thermometers used in the laboratory. Specific acceptance criteria were added to the verification requirements of volumetric dispensing devices and non-Class A glassware used for sample, reagent and standard reference material measurements. The requirements of subsection (h) were amended and rearranged to better explain the requirements of reference materials, reagents, media and laboratory supplies.

§ 252.307. The requirements for the Scope section of the laboratory's standard operating procedures have been expanded. The requirement to list or reference the quantitation range and drinking water MCL(s) or action levels for each Field of Accreditation was added.

#### *Subchapter D. Quality Assurance and Quality Control Requirements*

§ 252.401 (relating to basic requirements). Editorial changes and amendments have been made throughout this section. Subsection (a) now lists the items a quality manual must contain. Subsection (b) lists the policies and procedures that must be in the quality manual. These policies and procedures are not different from the previous version of Chapter 252; they were included here for reference and to aid the reader. Subsection (d) now includes the requirement for training in ethical and legal responsibilities within 2 months of employment for new employees and at least every 14 months thereafter for all employees. Subsection (f) now includes the minimum requirements for handling samples and documenting

their receipt by the laboratory. Subsection (j) now includes the minimum requirements for an analytical test report issued by an accredited laboratory. Subsection (k) was added to allow a laboratory operated by a facility, as defined in § 252.1, to produce abbreviated reports. Subsection (m) was amended to include the requirement to qualify any analytical results that do not meet all analytical testing and sample acceptance criteria in addition to quality control measures.

§ 252.402 (relating to essential quality control—requirements). Editorial changes and amendments were made throughout this section. Subsection (d) now includes the required number of calibration standards that must be used when utilizing a second order calibration curve. Subsection (f) was amended. The requirement to alternate the concentrations of the calibration verification standards throughout the analytical batch has been changed to require verification of the calibration curve with a calibration verification standard at both a high and low concentration with each analytical batch. Subsection (m) was added to specify the requirements a laboratory must undertake when performing manual integrations. Subsection (n) was added to specify the confirmatory requirements a laboratory must undergo when performing organic chromatographic analysis with a detector other than a mass spectrometer. When a laboratory analyzes an environmental sample that has not been previously analyzed by the laboratory or has not previously yielded a detectable result for a particular compound, the laboratory must qualitatively confirm the result using a different detector, chromatographic column, or analytical technique. Subsection (o) was added to point the reader to the documentation requirements of § 252.306.

§ 252.403 (relating to essential quality control requirements—toxicity testing). Editorial changes were made to correct the subsection designations. Subsection (p) was added to point the reader to the documentation requirements of § 252.306.

§ 252.404 (relating to essential quality control requirement—microbiology). Editorial changes and amendments were made throughout this section. The documentation requirements for equipment, supplies and reference materials specifically listed in this section were removed and placed in § 252.306. Subsection (c) was amended to allow the use of pressure cookers in limited circumstances. Amendments were made to subsection (g) to add clarification to the requirements for membrane filtration units. Subsection (h) now clearly outlines that the applicant laboratory must perform the positive and negative control checks on the media used in the laboratory and specifies the requirements for maintenance of the control cultures. Subsection (j) was added to point the reader to the documentation requirements of § 252.306.

§ 252.405 (relating to essential quality control requirement—radiochemistry). Subsection (m) was added to point the reader to the documentation requirements of § 252.306.

#### *Subchapter E. Proficiency Test Study Requirements*

§ 252.501 (relating to proficiency test study requirements). Subsection (l) was amended to specify that the environmental laboratory shall have its proficiency testing study results submitted to the Department's Program.

*Subchapter F. Onsite Assessment Requirements*

§ 252.601 (relating to onsite assessment requirements). Subsection (a) was amended to specify that the Department will perform an onsite assessment of a laboratory prior to granting primary accreditation. Subsection (f) was added to supplement the proposed TNI Standard that does not include onsite assessment and corrective action report requirements for laboratories applying for NELAP accreditation. This subsection specifies that NELAP laboratories shall submit a corrective action report to the Department within 30 calendar-days from receipt of the onsite assessment report from the Department. This subsection also states that if TNI develops an alternate time line for submission of a corrective action report to an accreditation body, the laboratory shall follow the TNI-designated time frame. All NELAP applicant laboratories would be expected to adhere to the requirements of this section.

*Subchapter G. Miscellaneous Provisions*

§ 252.706 (relating to recordkeeping). Subsection (a) was amended to specify that records must be maintained in an organized fashion in a manner accessible by the Department. This means that the laboratory must have a recordkeeping system that allows ready access by the Department in a manner that can be readily understood and retrieved upon request.

§ 252.707 (relating to subcontracting). Subsection (b) was amended to require an accredited laboratory's final report to include the accreditation number of any laboratory performing subcontracted results.

§ 252.708 (relating to reporting and notification requirements). This regulation incorporates the reporting and notification requirements for the Safe Drinking Water regulations, Chapter 109, by reference. Since the Chapter 109 requirements are silent with regard to the time for which a laboratory must validate Safe Drinking Water Act (35 P. S. §§ 721.1—721.17) compliance results, amendments to subsection (a) were made to guide an accredited laboratory in how much time an analytical result can be held before the quality control associated with the analytical or preparation batch, or both, must be reviewed and validated. Subsection (b) was amended to require laboratories to notify the Department within 20 calendar days of a change in laboratory supervisor. Subsection (e) was added to require an environmental laboratory to promptly notify the Department any time a change in analytical capability occurs for more than 90 days. The Department requires this information to ensure that queries regarding a laboratory's analytical capability to produce accredited testing results can be accurately answered and that the laboratory's scope of accreditation is an accurate reflection of the laboratory's analytical capability. The laboratory's accreditation status would be listed as suspended until capability can be adequately demonstrated to justify reinstatement of the affected fields of accreditation.

*F. Benefits, Costs and Compliance**Benefits*

The most significant benefit of these proposed amendments will be the benefit of clear, concise and improved regulations for the regulated community. The proposed amendments will allow for better understanding and increased compliance with the requirements and thus result in an improvement in the overall quality of the data produced by environmental laboratories.

Improved data quality will allow the Department, the regulated community, and the citizens of this Common-

wealth to make better decisions concerning the protection of the environment and the protection of public health, safety and welfare. Accurate laboratory results are critical to achieving the goals of the environmental laws.

*Compliance Costs*

The direct costs of the proposed amendments will be payment of the required fees. The Department is required to set fees in an amount sufficient to cover the cost of establishing and maintaining a laboratory accreditation program. These costs will vary depending upon the type of testing and analyses that the environmental laboratory chooses to perform. Laboratories that require extensive staff time to accredit such as large commercial laboratories and NELAP laboratories will pay a higher accreditation fee. The proposed amendments contain a fee structure that is responsive to the needs of small laboratories. Categories of testing for basic drinking water parameters and for basic wastewater parameters have been increased by only \$50 per category. These smallest environmental laboratories currently pay \$1,200 annually and the proposed fee structure will require an annual fee of \$1,250. In addition, changes to the fee structure include payment of fees based on the number of matrices requested rather than a fee for a specific type of matrix. This structure allows for a laboratory performing a combination of matrices to pay a lower fee.

*Compliance Assistance Plan*

The proposed amendments are minor and in most cases clarify existing requirements or eliminate unnecessary requirements. As such, the Department does not believe that a compliance assistance plan tailored to the proposed amendments is necessary. However, the Department will continue its ongoing compliance assistance efforts.

The ultimate goal of the compliance assistance effort will be improving an environmental laboratory's ability to produce valid and defensible data for use by the Department, the regulated community, and the public. Several areas where compliance assistance is necessary are general laboratory operation, correct performance of specific test procedures, and documentation of laboratory activities. Compliance assistance in these areas has been made available to all environmental laboratories regardless of size throughout this Commonwealth.

*G. Sunset Review*

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

*H. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 5, 2009, the Department submitted a copy of the proposed rulemaking to the Legislative Reference Bureau for publication of notice of proposed rulemaking in the *Pennsylvania Bulletin*, to Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees (Committees). In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections on the proposed rulemaking within 30 days of the close of public comment period. The comments, recom-

mendations or objections shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review by the Department, the General Assembly and the Governor prior to final publication of these regulations.

I. Public Comments

Written Comments. Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17105-2301). Comments submitted by facsimile will not be accepted. The Board must receive comments, suggestions or objections by July 20, 2009. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by July 20, 2009. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form rulemaking will be considered.

Electronic Comments. Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by July 20, 2009. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

JOHN HANGER,  
Chairperson  
Environmental Quality Board

Fiscal Note: 7-434. No fiscal impact; (8) recommends adoption.

Annex A

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

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE VI. GENERAL HEALTH AND SAFETY  
CHAPTER 252. ENVIRONMENTAL LABORATORY ACCREDITATION

Subchapter A. GENERAL PROVISIONS

§ 252.1. Definitions.

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

\* \* \* \* \*

[Accrediting authority] Accreditation body—A territorial, state or Federal agency having responsibility and accountability for environmental laboratory accreditation and which grants accreditation.

\* \* \* \* \*

Action level—The concentration of a contaminant which, if exceeded, triggers a treatment or other requirement which a water system must follow.

\* \* \* \* \*

[Laboratory notebook—A chronological record of observations, results of testing or analysis, equipment maintenance or calibration or other environ-

mental laboratory data. A laboratory notebook may be maintained in an electronic format. ]

\* \* \* \* \*

NELAP [accrediting authority] accreditation body—An [accrediting authority] accreditation body that has been recognized as meeting the requirements of the NELAC [standards] Standard or the TNI Standard and has the authority to grant NELAP or TNI accreditation.

\* \* \* \* \*

Nonpotable water—

(i) Any aqueous sample excluded from the definition of drinking water matrix.

(ii) The term includes wastewater, ambient water, surface water, groundwater, effluents, water treatment chemicals and [toxicity characteristic leaching procedure or other extracts] leachates.

\* \* \* \* \*

Secondary accreditation—Accreditation received from the Department based upon the accreditation status granted by another [accrediting authority] accreditation body.

\* \* \* \* \*

TNI—The NELAC Institute or its successor organization/Standard.

\* \* \* \* \*

§ 252.4. General requirements.

\* \* \* \* \*

[ (c) By July 28, 2006, an environmental laboratory testing or analyzing environmental samples within a matrix identified in § 252.3 and to comply with a statute listed in § 252.3 shall apply to the Department for accreditation in accordance with Subchapter B (relating to application, fees and supporting documents). An environmental laboratory that files an application within that time period shall have interim accreditation to continue operations until the Department takes final action on the application.

(d) After July 28, 2006, an environmental laboratory that seeks accreditation under this chapter shall apply in accordance with Subchapter B. Interim accreditation will not be granted to an environmental laboratory which submits an application for accreditation after July 28, 2006. ]

§ 252.5. NELAP/TNI equivalency.

\* \* \* \* \*

(b) An environmental laboratory seeking NELAP accreditation shall:

(1) Submit a complete application as provided in Subchapter B (relating to application, fees and supporting documents).

(2) Comply with Subchapter F (relating to onsite assessment requirements).

(3) Comply with Subchapter G (relating to miscellaneous provisions).

(4) Comply with the current edition of the NELAC Standard or TNI Standard.



\* \* \* \* \*

**§ 252.6. Accreditation-by-rule.**

(a) *Purpose.* Environmental laboratories performing testing or analysis described in this section will be deemed to have accreditation-by-rule if the following general requirements are met:

**(1) The environmental laboratory registers with the Department in accordance with 27 Pa.C.S. § 4107(a) (relating to interim requirements).**

**[(1)] (2)** The environmental laboratory performs the testing or analysis in conformance with applicable State or Federal laws, regulations, promulgated methods, orders and permit conditions.

**[(2)] (3)** The environmental laboratory assures that samples for testing or analysis are properly preserved, are in proper containers, do not exceed maximum holding times between collection and analysis and are handled in accordance with applicable State or Federal Laws, regulations, promulgated methods, orders and permit conditions.

**[(3)] (4)** The environmental laboratory has the other necessary permits under the applicable environmental protection acts and is operating under the acts and regulations promulgated thereunder and the terms and conditions of permits.

**[(4) (5)]** Records pertaining to the testing or analysis of environmental samples are retained onsite and in accordance with § 252.706 (relating to recordkeeping). Records shall be made available to the Department upon request.

**[(5)] (6)** The environmental laboratory is reporting the results of the testing or analysis of environmental samples in conformance with the applicable State or Federal laws, regulations, orders or permit conditions.

\* \* \* \* \*

**Subchapter B. APPLICATION, FEES AND SUPPORTING DOCUMENTS**

**§ 252.202. Application for transfer of laboratory accreditation.**

\* \* \* \* \*

(b) **[ Open or pending enforcement ] Enforcement** actions will be transferred with the accreditation.

\* \* \* \* \*

**§ 252.204. Fees.**

(a) The appropriate fee in accordance with the following schedule must accompany an application for accreditation, renewal of accreditation, change of ownership, **[ or ] change in administrative information**, addition of fields of accreditation, **or supplemental onsite assessment**. A check must be payable to "Commonwealth of Pennsylvania." The fees are as follows:

<i>Category</i>	<i>Fee</i>
<b>[ Application fee—initial application</b>	<b>\$600</b>
<b>Application fee—renewal application</b>	<b>\$500</b>
<b>Application fee—ownership transfer</b>	<b>\$150</b>
<b>Application fee—addition of fields of accreditation</b>	<b>\$250</b>
<b>Basic drinking water category (one method for each of the following: total coliform bacteria, fecal coliform bacteria, E-coli bacteria, heterotropic bacteria, nitrate, nitrite, fluoride, cyanide)</b>	<b>\$600</b>
<b>Asbestos—drinking water</b>	<b>\$350</b>
<b>Microbiology—drinking water</b>	<b>\$450</b>
<b>Trace metal category—drinking water</b>	<b>\$450</b>
<b>Inorganic nonmetal category—drinking water</b>	<b>\$500</b>
<b>Trace metal and inorganic nonmetal category—drinking water</b>	<b>\$800</b>
<b>Volatile organic chemicals—drinking water</b>	<b>\$500</b>
<b>Extractable and semivolatile organic chemicals—drinking water</b>	<b>\$750</b>
<b>Dioxin—drinking water</b>	<b>\$600</b>
<b>Radiochemical category—drinking water</b>	<b>\$700</b>
<b>Basic nonpotable water category (one method for each of the following: fecal coliform bacteria, BOD, CBOD, nitrate, ammonia, total nitrogen, total kjeldahl nitrogen, nitrite, phosphorus and one method for each type of residue)</b>	<b>\$700</b>
<b>Asbestos—nonpotable water</b>	<b>\$350</b>
<b>Microbiology—nonpotable water</b>	<b>\$400</b>
<b>Trace metal category—nonpotable water</b>	<b>\$450</b>
<b>Inorganic nonmetal category—nonpotable water</b>	<b>\$550</b>
<b>Trace metal and inorganic nonmetal category—nonpotable water</b>	<b>\$900</b>
<b>Volatile organic chemicals—nonpotable water</b>	<b>\$500</b>
<b>Extractable and semivolatile organic chemicals—nonpotable water</b>	<b>\$950</b>
<b>Dioxin—nonpotable water</b>	<b>\$600</b>
<b>Radiochemical category—nonpotable water</b>	<b>\$600</b>

<i>Category</i>	<i>Fee</i>
<b>Whole effluent toxicity testing category</b>	<b>\$600</b>
<b>Microbiology—drinking water and nonpotable water</b>	<b>\$750</b>
<b>Trace metal category—drinking water and nonpotable water</b>	<b>\$800</b>
<b>Inorganic nonmetal category—drinking water and nonpotable water</b>	<b>\$1,000</b>
<b>Trace metal and inorganic nonmetal category—drinking water and nonpotable water</b>	<b>\$1,550</b>
<b>Volatile organic chemicals—drinking water and nonpotable water</b>	<b>\$900</b>
<b>Extractable and semivolatile organic chemicals—drinking water and nonpotable water</b>	<b>\$1,650</b>
<b>Dioxin—drinking water and nonpotable water</b>	<b>\$1,050</b>
<b>Radiochemical category—drinking water and nonpotable water</b>	<b>\$1,050</b>
<b>Asbestos—solid and chemical materials</b>	<b>\$350</b>
<b>Microbiology—solid and chemical materials</b>	<b>\$450</b>
<b>Trace metal category—solid and chemical materials</b>	<b>\$450</b>
<b>Inorganic nonmetal category—solid and chemical materials</b>	<b>\$550</b>
<b>Volatile organic chemicals—solid and chemical materials</b>	<b>\$550</b>
<b>Extractable and semivolatile organic chemicals—solid and chemical materials</b>	<b>\$1,200</b>
<b>Dioxin—solid and chemical materials</b>	<b>\$600</b>
<b>Radiochemical category—solid and chemical materials</b>	<b>\$600 ]</b>
<b>Application fee—Initial Application for State Accreditation</b>	<b>\$750</b>
<b>Application fee—Renewal Application for State Accreditation</b>	<b>\$500</b>
<b>Application fee—Ownership Transfer or Change in Administrative Information</b>	<b>\$150</b>
<b>Application fee—Initial Application for NELAP/TNI Accreditation</b>	<b>\$2,500</b>
<b>Application fee—Renewal Application for NELAP/TNI Accreditation</b>	<b>\$2,000</b>
<b>Application fee—Addition of Field of Accreditation</b>	<b>\$250</b>
<b>Application fee—Supplemental Onsite Assessment</b>	<b>\$500</b>
<b>Basic Drinking Water Category—Includes one method for each of the following: Total Coliform Bacteria, Fecal Coliform Bacteria, <i>E. coli</i> Bacteria, Heterotrophic Bacteria, Nitrate, Nitrite, Fluoride, Cyanide</b>	<b>\$650</b>
<b>Basic Nonpotable Water Category—Includes one method for each of the following: Fecal Coliform Bacteria, BOD, CBOD, Nitrate, Ammonia, Total Nitrogen, Total Kjeldahl Nitrogen, Nitrite, Phosphorus, and one method for each type of residue including % Solids for land applied biosolids</b>	<b>\$750</b>
<b>Asbestos—first matrix</b>	<b>\$400</b>
<b>Microbiology—first matrix</b>	<b>\$500</b>
<b>Trace Metal Category—first matrix</b>	<b>\$550</b>
<b>Inorganic Nonmetal Category—first matrix</b>	<b>\$600</b>
<b>Volatile Organic Chemicals—first matrix</b>	<b>\$650</b>
<b>Extractable and Semivolatile Organic Chemicals—first matrix</b>	<b>\$1,500</b>
<b>Dioxin—first matrix</b>	<b>\$650</b>
<b>Radiochemical Category—first matrix</b>	<b>\$750</b>
<b>Whole Effluent Toxicity Testing—first matrix</b>	<b>\$700</b>
<b>Asbestos—second matrix</b>	<b>\$350</b>
<b>Microbiology—second matrix</b>	<b>\$450</b>
<b>Trace Metal Category—second matrix</b>	<b>\$500</b>
<b>Inorganic Nonmetal Category—second matrix</b>	<b>\$550</b>
<b>Volatile Organic Chemicals—second matrix</b>	<b>\$600</b>
<b>Extractable and Semivolatile Organic Chemicals—second matrix</b>	<b>\$1,400</b>
<b>Dioxin—second matrix</b>	<b>\$600</b>
<b>Radiochemical Category—second matrix</b>	<b>\$700</b>
<b>Asbestos—third matrix</b>	<b>\$300</b>

<i>Category</i>	<i>Fee</i>
<b>Microbiology—third matrix</b>	<b>\$400</b>
<b>Trace Metal Category—third matrix</b>	<b>\$450</b>
<b>Inorganic Nonmetal Category—third matrix</b>	<b>\$500</b>
<b>Volatile Organic Chemicals—third matrix</b>	<b>\$550</b>
<b>Extractable and Semivolatile Organic Chemicals—third matrix</b>	<b>\$1,300</b>
<b>Dioxin—third matrix</b>	<b>\$550</b>
<b>Radiochemical Category—third matrix</b>	<b>\$650</b>

\* \* \* \* \*

**§ 252.205. Out-of-State laboratories.**

(a) Out-of-State environmental laboratories may apply for primary accreditation or secondary accreditation from the Department.

\* \* \* \* \*

(2) *Secondary accreditation.*

(i) The Department will recognize accreditation granted by a primary NELAP [ **accrediting authority** ] /TNI **accreditation body** for the same fields of accreditation for which the Department is a primary NELAP [ **accrediting authority** ] /TNI **accreditation body**.

\* \* \* \* \*

(iii) An environmental laboratory seeking secondary accreditation from the Department shall:

\* \* \* \* \*

(C) Submit a copy of a valid accreditation certificate from the primary [ **accrediting authority** ] **accreditation body**.

\* \* \* \* \*

(E) [ **Submit copies of all proficiency test sample results reported to the primary accrediting authority within the past 12 months.** (F) ] Submit any other material relevant to accreditation, upon request of the Department.

\* \* \* \* \*

**Subchapter C. GENERAL STANDARDS FOR ACCREDITATION**

**§ 252.301. Laboratory supervisor.**

(a) **The Department will consider the laboratory supervisor of an environmental laboratory as the individuals listed on the laboratory's application for accreditation for which the Department has reviewed and approved the individual's qualifications.**

(b) Testing, analysis and reporting of data by an environmental laboratory shall be under the direct supervision of a laboratory supervisor.

[ (b) ] (c) The laboratory supervisor shall certify that each test or analysis is accurate and valid and the test or analysis was performed in accordance with all conditions of accreditation. A laboratory supervisor may certify a test or analysis by signing the final laboratory report. A laboratory may use other mechanisms to certify a test or analysis, provided the mechanism is documented in the laboratory quality manual.

[ (c) ] (d) The laboratory supervisor shall ensure that the records required by this chapter are maintained.

[ (d) ] (e) The Department may disqualify a laboratory supervisor who is responsible for the submission of inaccurate test or analysis results.

[ (e) ] (f) The Department will disqualify a laboratory supervisor convicted of any crime or offense related to violations of State or Federal laws or regulations related to the provision of environmental laboratory services or reimbursement for the services.

[ (f) ] (g) An environmental laboratory may appoint one or more laboratory supervisors for the appropriate fields of accreditation for which they are seeking accreditation.

[ (g) ] (h) An environmental laboratory shall designate another staff member meeting the qualifications of a laboratory supervisor to temporarily perform this function when a laboratory supervisor is absent for a period of time exceeding 16 consecutive calendar days. If this absence exceeds 30 consecutive calendar days, the environmental laboratory shall notify the Department in writing under § 252.708 (relating to reporting and notification requirements).

[ (h) ] (i) An individual may not be the laboratory supervisor of more than one environmental laboratory without authorization from the Department. Circumstances to be considered in the decision to grant the authorization will include at least the following:

(1) The extent to which operating hours of the laboratories to be supervised overlap.

(2) The adequacy of supervision in each laboratory.

**§ 252.302. Qualifications of the laboratory supervisor.**

\* \* \* \* \*

(d) A laboratory supervisor of an environmental laboratory engaged in microbiological analysis limited to fecal coliform, total coliform and [ **heterotropic** ] **heterotrophic** bacteria shall have the following qualifications:

\* \* \* \* \*

(2) A minimum of 4-college semester credit hours in [ **general microbiology** ] **biology**.

(3) At least 2 years of equivalent and successful college education, including a minimum of 4-college semester credit hours in [ **general microbiology** ] **biology**, may be substituted for the associate's degree.

\* \* \* \* \*

**§ 252.304. Personnel requirements.**

\* \* \* \* \*

(b) *Laboratory management responsibilities.* The environmental laboratory management shall be responsible for:

\* \* \* \* \*

(3) Ensuring and documenting that the training and competency of each member of the environmental laboratory technical staff is kept up to date by maintaining records demonstrating the following:

\* \* \* \* \*

(vi) An initial demonstration of capability for each method that relates to the employee's job responsibilities [ . ] has been performed. The initial demonstration of capability requirements are as follows:

(A) An initial demonstration of capability is required prior to the use of any method.

(B) An initial demonstration of capability shall be completed each time there is a change in instrument type, personnel or method.

(C) An initial demonstration of capability must include all sample preparation and analytical steps contained in the method.

(D) If the method or State or Federal regulations specify a procedure for the initial demonstration of capability, that procedure shall be followed; otherwise, an initial demonstration of capability shall be performed as follows:

(I) The analyte shall be diluted in a volume of clean matrix sufficient to prepare four aliquots at the concentration specified in the method. If the method does not specify a concentration, the concentration must be approximately ten times the detection limit.

(II) At least four aliquots of the quality control sample must be prepared and analyzed according to the method.

(III) Using all of the results, calculate the mean recovery and the standard deviation of the mean recovery for the population sample in the same units used to report environmental samples. When it is not possible to determine mean and standard deviation, such as for presence-absence and logarithmic values, the environmental laboratory shall assess method performance using criteria from the method or other established and documented criteria.

(IV) Compare the information from subclause (III) to the corresponding acceptance criteria for precision and accuracy in the method. To be considered acceptable, an initial demonstration of capability must meet all acceptance criteria.

(E) When a method has been in use by an environmental laboratory prior to January 1, 2005, and there have been no changes in instrument type, personnel or method, the environmental laboratory shall have records on file to demonstrate that an initial demonstration of capability is not required.

(F) The laboratory shall retain all data necessary to reproduce the initial demonstration of capability.

(G) The work cell as a unit shall meet the following requirements:

(I) When a member of a work cell changes, the new employee shall work with an experienced analyst in the work cell.

(II) When a member of a work cell changes, the new work cell shall demonstrate capability by means of acceptable quality control performance checks on four consecutive batches. The acceptable performance shall be documented. If any quality control performance check within the four consecutive batches following the change in personnel fails to meet acceptance criteria, an initial demonstration of capability shall be completed.

(III) If the entire work cell is changed, an initial demonstration of capability shall be completed.

\* \* \* \* \*

§ 252.306. Equipment, supplies and reference materials.

\* \* \* \* \*

(f) The following pieces of equipment shall be maintained according to this subsection.

\* \* \* \* \*

(2) *Working thermometers.*

\* \* \* \* \*

(ii) Working thermometers may be glass, dial or electronic and shall be calibrated against a certified NIST-reference thermometer as follows:

(A) Glass [ and electronic thermometers and continuous recording devices ], liquid filled thermometers shall be calibrated every 12 months at the temperature used.

(B) Dial and electronic thermometers shall be calibrated every 3 months at the temperature used. [ Dial thermometers that cannot be calibrated may not be used. ] Electronic thermometers accompanied by a valid NIST traceable certificate of acceptance may be used for 12 months from the date of receipt before re-calibration.

(C) An environmental laboratory shall maintain records [ in a laboratory notebook ] for each working thermometer that [ documents ] document the date of calibration, NIST reference thermometer identification, working thermometer identification, reference thermometer temperature reading, working thermometer temperature reading, correction factor and the initials of the individual conducting the calibration.

\* \* \* \* \*

(iv) A working thermometer that differs by more than [ 1.0C ] 2.0°C from the reference thermometer may not be used.

(3) *ASTM [ type ] class 1, 2 or 3 (Class S or S-1), or better certified reference weights.*

(i) The mass of ASTM [ type ] class 1, 2 or 3 (Class S or S-1), or better certified reference weights shall be recertified at least once every 5 years.

\* \* \* \* \*

(4) *Analytical or pan balances.*

\* \* \* \* \*

(iv) Balance calibration shall be verified using a minimum of three ASTM [ type ] class 1, 2 or 3 (Class S or S-1) certified reference weights that bracket the effective range of the balance's use.

(v) An environmental laboratory shall maintain records **[ in a laboratory notebook ]** of balance calibrations that document the balance identification, date of calibration verification, reference weights used and initials of the individual performing the calibration. **[ Correction factors shall be documented and used. ]**

\* \* \* \* \*

(5) *pH meter.*

\* \* \* \* \*

(iii) The pH meter shall be **[ standardized ] calibrated** daily or before each use, whichever is less frequent, by one of the following:

\* \* \* \* \*

(v) Records of pH meter standardization shall be maintained **[ in a laboratory notebook ]** that **[ documents ] document** the date of standardization, calibration buffers used and initials of the individual conducting the standardization.

(6) *Conductivity meter.*

\* \* \* \* \*

(iv) Records of conductivity meter calibrations shall be maintained **[ in a laboratory notebook ]** that **[ documents ] document** the date of calibration, standards used, results of calibration or cell constant determined and the initials of the individual conducting the calibration.

\* \* \* \* \*

(8) *Incubators, water baths [ and ], heating blocks and ovens.*

(i) An environmental laboratory shall control and monitor the temperature of incubators, water baths **[ and ]**, heating blocks **and ovens** in accordance with the method or as specified by regulations.

(ii) An environmental laboratory shall maintain a minimum of one thermometer per incubator, water bath **[ or ]**, heating block **or oven** immersed in liquid **or sand for ovens** (except electronic thermometers) to the appropriate immersion line. When used as an incubation unit for microbiology, a minimum of one working thermometer shall be on the top and bottom shelf of the use area in each incubator.

\* \* \* \* \*

(iv) Calibration-corrected temperatures for each incubator, water bath **[ or ]**, heating block **or oven** shall be recorded once a day for each day in use for all laboratory activities. When used as an incubation unit for microbiology, the calibration-corrected temperature shall be recorded at least twice per day in use with the readings separated by at least 4 hours. The incubator, water bath or heating block identification, date, time, calibration corrected temperature and the initials of the responsible individual shall be recorded.

(9) *Volumetric dispensing devices.*

(i) Except for Class A glassware, mechanical volumetric dispensing devices including burettes, autopipetors and dilutors, must be of sufficient sensitivity for the application. Delivery volumes of mechanical volumetric dispensing devices shall be checked using **[ a gravimetric ] an appropriate** method at least once every 3 months.

(ii) **Verification will be considered acceptable if the accuracy of the volumetric dispensing device is within 2.5% of expected values. Volumetric dispensing devices that do not meet this criterion may not be used.**

(10) *Graduated sample containers.*

**[ When ] (i) Except for Class A glassware, when graduation marks on [ clear glass or plastic ] filter funnels [ or ], sample bottles or labware are used to measure sample volume, an environmental laboratory shall verify and document the accuracy of the volume of use for each lot or at least once per year, whichever is more frequent.**

**(ii) Verification will be considered acceptable if the accuracy of the graduated sample container is within 2.5% of expected values. Graduated sample containers that do not meet this criterion may not be used to measure sample volumes.**

**[ (11) *Spectrophotometer or colorimeter.* A spectrophotometer or colorimeter must be calibrated according to the manufacturer's specifications or test methods. An environmental laboratory shall maintain records of the calibrations. ]**

\* \* \* \* \*

(h) **[ Reference materials and reagents used for environmental testing must meet the following minimum requirements:**

**(1) Analytical reagent grade chemicals or equivalent are acceptable, unless a method specifies other reagent purity grade requirements.**

**(2) Reagent and standard solutions shall be checked regularly for signs of decomposition, evaporation, and expiration. An environmental laboratory shall maintain standard and reagent preparation logs for all stock and working standards solutions in a laboratory notebook. Standards and reagent preparation logs must contain identification of the compound, concentration, date prepared, initials of the individual preparing the solution and expiration date.**

**(3) Reagent and standard solution containers shall be labeled with identification of the compound, concentration, date prepared, initials of the individual who prepared the solution and expiration date.**

**(4) Purchased chemicals, solutions and standards shall be labeled with date of receipt and the date when the container is opened. Purchased chemicals, solutions and standards without an expiration date on the original container shall be discarded after 10 years from the date of receipt.**

**(5) When reagents are removed from a container, the amount removed shall be used entirely or the unused portion discarded.**

**(6) Compressed gases must be of commercial grade, unless a method specifies other requirements. ]**

**Reference materials, reagents, media and laboratory supplies that are essential to obtain analytical results (such as filters, solid-phase extraction disks/cartridges, presterilized filtration units, certified precleaned laboratory supplies, disposable volumetric equipment, prepreserved sample containers) must meet the following minimum requirements:**

(1) Analytical reagent grade chemicals or equivalent are acceptable, unless a method specifies other reagent purity grade requirements.

(2) Standard, reagent and laboratory supply receipt records shall be maintained. These records must include vendor, lot number, amount received, date of receipt, expiration date and certificates of analysis or purity, if available.

(3) Purchased chemicals, solutions, standards, media and laboratory supplies shall be labeled with date of receipt, expiration date and the date when the container is opened. Purchased chemicals, solutions and standards without an expiration date on the original container shall be discarded after 10 years from the date of receipt.

(4) An environmental laboratory shall maintain records of standard, reagent and media preparation. Standard and reagent preparation records must contain identification of the compound, manufacturer, lot number, concentration, amount prepared, date prepared, final pH if used for microbiology testing, initials of the individual preparing the solution and expiration date.

(5) Reagent and standard solution containers shall be labeled with identification of the compound, traceability to the preparation record, such as unique identifier, and expiration date

(6) Standards, reagents and media may not be used past the date of expiration unless reevaluated and validated by a Department approved procedure.

(7) Reagent and standard solutions shall be checked regularly for signs of decomposition and evaporation. Reagent and standard solutions exhibiting signs of decomposition or evaporation shall be discarded.

(8) When reagents are removed from a container, the amount removed shall be used entirely or the unused portion discarded.

(9) Compressed gases must be of commercial grade, unless a method specifies other requirements.

\* \* \* \* \*

§ 252.307. Methodology.

\* \* \* \* \*

(d) An environmental laboratory shall develop and maintain written standard operating procedures for all fields of accreditation.

(1) The environmental laboratory's standard operating procedures must accurately reflect all aspects of the testing or analysis for the fields of accreditation, including the following:

\* \* \* \* \*

(iii) Scope, including applicable matrix or matrices, quantitation range, and for drinking water testing MCLs or action levels as appropriate.

\* \* \* \* \*

[(j) The initial demonstration of capability requirements are as follows:

(1) Prior to the use of any method, an initial demonstration of capability is required.

(2) An initial demonstration of capability shall be completed each time there is a change in instrument type, personnel, or method.

(3) An initial demonstration of capability must include all sample preparation and analytical steps contained in the method.

(4) If the method or State or Federal regulations specify a procedure for the initial demonstration of capability, that procedure shall be followed, otherwise, an initial demonstration of capability shall be performed as follows:

(i) The analyte shall be diluted in a volume of clean matrix sufficient to prepare four aliquots at the concentration specified in the method. If the method does not specify a concentration, the concentration must be approximately ten times the detection limit.

(ii) At least four aliquots of the quality control sample must be prepared and analyzed according to the method.

(iii) Using all of the results, calculate the mean recovery and the standard deviation of the mean recovery for the population sample in the same units used to report environmental samples. When it is not possible to determine mean and standard deviation, such as for presence-absence and logarithmic values, the environmental laboratory shall assess method performance using criteria from the method or other established and documented criteria.

(iv) Compare the information from subparagraph (iii) to the corresponding acceptance criteria for precision and accuracy in the method. To be considered acceptable, an initial demonstration of capability must meet all acceptance criteria.

(5) When a method has been in use by an environmental laboratory prior to January 1, 2005, and there have been no changes in instrument type, personnel or method, an initial demonstration of capability is not required. An environmental laboratory shall have records on file to demonstrate that an initial demonstration of capability is not required.

(6) The laboratory shall retain all data necessary to reproduce the initial demonstration of capability.

(7) The work cell as a unit shall meet the requirements of this paragraph.

(i) When a member of a work cell changes, the new employee shall work with an experienced analyst in the work cell.

(ii) When a member of a work cell changes, the new work cell shall demonstrate capability by means of acceptable quality control performance checks on four consecutive batches. The acceptable performance shall be documented. If any quality control performance check within the four consecutive batches following the change in personnel fails to meet acceptance criteria, an initial demonstration of capability shall be completed.

(iii) If the entire work cell is changed, an initial demonstration of capability shall be completed.]

**Subchapter D. QUALITY ASSURANCE AND QUALITY CONTROL REQUIREMENTS**

**§ 252.401. Basic requirements.**

(a) An environmental laboratory shall develop and maintain a quality manual appropriate to the type, range and volume of testing and analysis of environmental samples. The quality manual shall be available to and used by environmental laboratory personnel. **The quality manual must contain the following:**

**(1) The full name and physical address of the laboratory.**

**(2) The name, address (if different from paragraph (1)), and telephone number of the laboratory supervisors.**

**(3) A revision number and effective date.**

**(4) A table of contents, and applicable lists of references, glossaries and appendices.**

(b) The quality manual must state the environmental laboratory's policies, operational procedures, protocols and practices established to meet the requirements of this chapter. **These policies and procedures must include:**

**(1) An ethics policy statement as specified in subsection (d).**

**(2) A document control system as specified in subsection (c).**

**(3) Recordkeeping as specified in § 252.706 (relating to recordkeeping).**

**(4) The procedures for termination of operations and transfer of records as specified in § 252.706.**

**(5) The procedures for detecting and permitting departures from established procedures as specified in subsections (i) and (h).**

**(6) The procedures for detecting and preventing improper practices as specified in § 252.304 (relating to personnel requirements).**

**(7) The sample handling and acceptance procedures as specified in subsections (f) and (g).**

**(8) The reporting of analytical results as specified in subsection (j).**

**(9) The monitoring of the quality of analysis as specified in subsection (l).**

\* \* \* \* \*

(d) An environmental laboratory shall develop and maintain an ethics policy statement relevant to the employee's duties and responsibilities under the act.

**(1) The laboratory shall [have] implement procedures for educating and training personnel in their ethical and legal responsibilities under the act.**

**(2) The laboratory shall provide training in ethical and legal responsibilities within 2 months of employment to the laboratory and at least every 14 months thereafter for all employees.**

\* \* \* \* \*

(f) An environmental laboratory shall establish procedures for handling environmental samples.

**(1) The environmental laboratory shall implement procedures for checking the thermal or**

**chemical, or both, preservation and the sample container. The results of these checks shall be recorded.**

**(2) The laboratory shall utilize a recordkeeping system that meets the requirements of § 252.706 to document receipt of all sample containers. The recordkeeping system must include the following:**

**(i) The client/project name.**

**(ii) The date, time and location of sample collection, name of sample collector and field identification code.**

**(iii) The date and time of laboratory receipt.**

**(iv) Any comments resulting from inspection for sample rejection shall be linked to the laboratory ID code.**

**(v) A unique laboratory ID code that corresponds to the information required by this paragraph.**

**(vi) An identification of the person making the entries.**

\* \* \* \* \*

(j) An environmental laboratory shall develop procedures for reporting results of testing or analysis of environmental samples. **Each test report must include at least the following information, except as specified in subsection (k).**

**(1) The name and address of the laboratory.**

**(2) The total number of pages in the report, including any addendums, in the format of Page x of y.**

**(3) The name and address of the client.**

**(4) An identification of the test method used.**

**(5) An identification of the samples including the client identification code.**

**(6) The date and time of sample collection.**

**(7) The date of sample analysis.**

**(8) The time of sample preparation or analysis, or both, if the holding time requirement for either activity is less than or equal to 72 hours.**

**(9) The test results and units of measurement.**

**(10) The quantitation limit.**

**(11) The names, functions and signatures of the persons authorizing the test report.**

**(12) Results reported on a basis other than as received (for example, dry weight).**

**(13) An identification of testing or analysis results not covered by the laboratory's scope of accreditation.**

**(14) An identification of results that do not meet the requirements of this chapter.**

**(15) An identification of subcontracted results.**

**(k) Tests performed by an environmental laboratory operated by a facility that provides results to the facility management for compliance purposes do not need to be reported under subsection (j) regarding laboratory sample handling procedures, provided the information required by subsection (j) is maintained under § 252.706**

(l) An environmental laboratory shall implement procedures or practices to monitor the quality of the laboratory's analytical activities. Examples of the procedures or practices are:

\* \* \* \* \*

[ (l) ] (m) To the extent possible, results of testing or analysis of environmental samples shall be reported only if all quality control, **analytical testing and sample acceptance** measures are acceptable. If a quality control, **analytical testing and sample acceptance** measure is found to be out of control and the results of the testing or analysis of environmental samples are to be reported, all environmental samples associated with the failed quality control measure shall be documented and the results flagged in an unambiguous manner on the sample analysis report with the appropriate data qualifiers.

[ (m) ] (n) Policies, procedures, protocols and practices specified in this section must be in writing and be followed.

§ 252.402. Essential quality control requirements—chemistry.

\* \* \* \* \*

(c) Initial calibration requirements are as follows:

\* \* \* \* \*

(6) [ **Results not bracketed by the initial calibration standards shall be reported with appropriate qualifiers.**

(7) ] The lowest standard used for initial calibration may not be below the detection limit. The lowest standard must be at or below the lower limit of the range of quantitation.

(d) Except for methods that explicitly allow initial calibration using a single concentration of standard, initial calibration shall be done using multiple concentrations of standards according to the requirements of this subsection.

(1) Unless otherwise specified in the method, the initial calibration must meet one of the following criteria:

\* \* \* \* \*

(ii) A [ **correlation** ] coefficient [ (r) ] of **determination (r<sup>2</sup>)** of 0.99 for a linear calibration curve.

(iii) A [ **correlation** ] coefficient [ (r) ] of **determination (r<sup>2</sup>)** of 0.999 for a nonlinear calibration curve **determined with the use of at least 6 calibration standards** or as otherwise specified by the Department.

\* \* \* \* \*

(6) If the method does not specify the number of calibration standards, the minimum number of calibration standards **for a response factor or linear calibration**, not including blanks or a zero standard, shall be determined as follows:

\* \* \* \* \*

(f) Calibration verification requirements are as follows:

\* \* \* \* \*

(3) At a minimum, the [ **concentration of the** ] **laboratory shall verify the calibration curve of each analytical batch with calibration verification [ standard shall be alternated between ] standards at a low and a high level.**

\* \* \* \* \*

(h) Laboratory control sample requirements are as follows:

\* \* \* \* \*

(2) [ **The laboratory control sample must consist of a defined matrix containing known and verified concentrations of analytes. The Department will allow the use of an artificial or simulated matrix when a defined matrix is not commercially available** ] **A laboratory control sample must consist of a matrix that is similar to the associated environmental samples and is free of the analytes of interest. When a matrix that is similar to the associated environmental samples that is free of the analytes of interest is not available, reagent water or an artificial or simulated matrix may be used.**

\* \* \* \* \*

(i) Sample duplicate requirements are as follows:

(1) **A sample duplicate or matrix spike duplicate must be processed along with and under the same conditions as the associated environmental samples, including all steps of the preparation and analytical procedure.**

(2) A sample duplicate or matrix spike duplicate shall be analyzed at a minimum of one per preparation batch. When no separate preparation method is used, for example volatiles in water, the batch shall be defined as no more than 20 environmental samples that are analyzed together using the same method, personnel and lots of reagents.

[ (2) ] (3) An environmental laboratory shall document the calculations used for determining the relative percent difference or other statistical method for evaluation of the duplicate pairs.

[ (3) ] (4) Each duplicate relative percent difference shall be compared to the acceptance criteria in the method. When there are no established criteria in the method, an environmental laboratory shall determine internal criteria and document the procedure used to establish the acceptance limits.

[ (4) ] (5) For duplicate results outside established criteria, corrective action shall be documented and the data reported with appropriate data qualifiers.

\* \* \* \* \*

(m) **When manual integrations are performed for chromatography methods, the laboratory shall have written procedures for manual integrations and instrument manipulations.**

(1) **The manual integration procedures must detail the steps taken to perform the integrations and define proper and improper integrations.**

(2) **The laboratory shall document manual integrations with the reason for the integration and the initials of the individual performing the integration.**

(3) **The laboratory shall retain a copy of the data before and after manual integration.**

(n) **The laboratory shall employ confirmation techniques to verify the compound identification when positive results are detected on a sample from a location that has not been previously tested**



by the laboratory or for a sample location that has not previously yielded detectable results for a particular compound.

(1) The confirmations shall be performed when analysis involves the use of an organic chromatography method not utilizing a mass spectrometer.

(2) The confirmations shall be documented.

(o) Records of all equipment, reference materials, reagents, and supplies shall be maintained in accordance with § 252.306 (relating to equipment, supplies and reference materials).

§ 252.403. Essential quality control requirements—  
toxicity testing.

\* \* \* \* \*

(q) Records of all equipment, reference materials, reagents and supplies shall be maintained in accordance with § 252.306 (relating to equipment, supplies and reference materials).

§ 252.404. Essential quality control requirement—  
microbiology.

\* \* \* \* \*

(c) The following pieces of equipment shall be maintained according to this subsection:

(1) *Autoclave.*

(i) An environmental laboratory shall use autoclaves that meet specified temperature tolerances of the method. **[ Pressure cookers may not be used. ]** Because of safety concerns and difficulties with operational control, pressure cookers should not be used. Pressure cookers may not be used for sterilization of media.

(ii) **[ Prior to first use, an environmental laboratory shall evaluate and document the performance of an autoclave by establishing its functional properties and performance (for example, heat distribution characteristics with respect to typical uses).**

(iii) A continuous temperature-recording device or a maximum-temperature-registering thermometer shall be used during each autoclave cycle.

**[ (iv) ] (iii)** An environmental laboratory shall verify the sterilization capability of each autoclave by utilizing appropriate biological indicators (for example, spore strips or ampoules) once a month. Records of biological indicator tests shall be maintained **[ in a laboratory notebook ]** and include the autoclave identification, date, incubation time and temperature, results and initials of the responsible individual.

**[ (v) ] (iv)** An environmental laboratory shall verify the mechanical timing device, if used, for each autoclave every 3 months. Records of mechanical timer verification shall be maintained **[ in a laboratory notebook ]** and include the autoclave identification, date, mechanical timing device time, actual time and initials of the responsible individual. Correction factors shall be documented and used.

**[ (vi) ] (v)** Autoclaves shall be properly cleaned and maintained. **[ A qualified person shall service autoclaves at least once per year. Servicing must include a pressure check and calibration of temperature devices. Records of annual service shall be maintained and the service date shall be recorded**

**on the autoclave ]** Copies of service contracts or internal maintenance protocols and maintenance records shall be kept.

**[ (vii) ] (vi)** Required times for autoclaving items at 121°C are set forth in this subparagraph. The following items must be at temperature for the required amount of time. Except for membrane filters and pads and carbohydrate-containing media, indicated times are minimum times and may necessitate adjustment depending upon volumes, containers and loads. For autoclave runs that include membrane filters and pads and media, the total cycle time may not exceed 45 minutes. Autoclaved membrane filters and pads and media shall be removed immediately after completion of the autoclave cycle.

\* \* \* \* \*

**[ (viii) ] (vii)** Records of each autoclave run shall be maintained **[ in a laboratory notebook ]** and include the date, contents, sterilization time and temperature, total cycle time (recorded as time in and time out) and initials of the responsible individual.

**[ (ix) ] (viii)** If an autoclave cycle fails to meet any requirement, corrective action shall be documented. Media may not be reautoclaved.

(2) *Hot air oven.*

(i) **[ Prior to first use, an environmental laboratory shall evaluate the performance of each hot air oven by establishing its functional properties and performance (for example, heat distribution characteristics with respect to typical uses).**

(ii) An environmental laboratory shall maintain a thermometer, graduated in 10°C increments or less with the bulb placed in sand, in each hot air oven.

**[ (iii) ] (ii)** An environmental laboratory shall verify the sterilization capability of each hot air oven by utilizing appropriate biological indicators (for example, spore strips) once a month. Records of biological indicator tests shall be maintained **[ in a laboratory notebook ]** and include the hot air oven identification, date, incubation time and temperature, results and initials of the responsible individual.

**[ (iv) ] (iii)** An environmental laboratory shall sterilize items in a hot air oven maintaining a temperature of 170°—180°C for a minimum of 2 hours. Only dry items may be sterilized in a hot air oven.

**[ (v) ] (iv)** Records of each hot air oven operation shall be maintained and include the date, contents, sterilization time and temperature, and initials of the responsible individual.

(3) **[ Optical counting equipment.**

(i) An environmental laboratory shall use appropriate optical counting equipment to view and enumerate colonies.

(ii) A dark field colony counter shall be used to count heterotrophic plate count colonies.

(iii) A 10X to 15X stereomicroscope with a fluorescent light source shall be used to count sheen colonies.

(4) *Inoculating equipment.*

\* \* \* \* \*

**[ (5) ] (4)** *Membrane filtration equipment.*

(i) Membrane filtration funnels must be stainless steel, glass, **porcelain** or autoclaveable or **presterilized** plastic. Membrane filtration funnels may not be scratched or corroded and may not leak.

(ii) Membrane filtration units shall be [ **autoclaved** ] **sterilized** before the beginning of a filtration series. A filtration series ends when 30 minutes or longer elapses after a sample is filtered.

\* \* \* \* \*

(v) [ **Records of membrane filters shall be maintained and include the type, lot number, date received and date opened. The manufacturer's specification/certification sheet shall be retained for each lot of membrane filters.** ]

(vi) [ An environmental laboratory using an ultraviolet sanitation lamp to sanitize filtration funnels between successive filtrations shall test the ultraviolet sanitation lamp every 3 months for effectiveness with an appropriate UV light meter or by plate count agar spread plates. Records of ultraviolet lamp tests shall be maintained and bulbs shall be replaced if output is less than 70% of original for light tests or if count reduction is less than 99% for a plate containing 200 to 300 organisms.

[ (6) ] (5) *Culture dishes.*

\* \* \* \* \*

[ (7) ] (6) *Culture tubes and closures.* Culture tubes and containers must be of sufficient size to contain medium and sample without being more than three quarters full. Tube closures must be stainless steel, aluminum, plastic or a screw cap with a nontoxic liner.

[ (8) ] (7) *Pipettes.*

(i) Pipettes must have legible markings and may not be chipped or etched **and must be accurate to within 2.5% tolerance.**

\* \* \* \* \*

[ (9) ] (8) *Sample containers.*

\* \* \* \* \*

[ (10) ] (9) *Plastic and glassware washing procedure.*

\* \* \* \* \*

[ (11) ] (10) *Ultraviolet lamp.* An environmental laboratory shall use a 365-nm, 6-watt ultraviolet lamp in a darkened room to view sample fluorescence.

[ (12) ] (11) *Quanti-Tray™ Sealer.*

\* \* \* \* \*

(d) The requirements for reagent water are as follows:

\* \* \* \* \*

(4) The [ **monthly and annual reagent water** ] **metals** analyses may only be performed by an environmental laboratory accredited under this chapter for [ **the field** ] **those fields** of accreditation [ **that includes the analyte** ].

\* \* \* \* \*

(6) The bacteriological water quality test need not be performed if the environmental laboratory can supply documentation to show that their laboratory pure water or reagent water meets the criteria, as specified in **section 1080** of the currently approved editions of *Standard Methods for the Examination of Water and*

*Wastewater* (available from American Public Health Association, 1015 Fifteenth Street NW, Washington, D.C. 20005), for Type I (**high-quality**) or Type II (**medium-quality**) reagent water.

(e) The requirements for dilution/rinse water are as follows:

\* \* \* \* \*

(2) Stock buffers shall be autoclaved or filter-sterilized. [ **Stock buffer containers shall be labeled and dated.** ] Stock buffers shall be refrigerated[ . ] **and [ Stored stock buffers ]** must be free from turbidity.

\* \* \* \* \*

[ (4) **Records of stock buffers and dilution/rinse water preparation shall be maintained and include the date prepared, lot number or laboratory identification of solutions used, amounts measured, final pH and initials of the responsible individual.** ]

(f) The requirements for media are as follows:

\* \* \* \* \*

(2) [ **An environmental laboratory that uses commercially prepared media shall maintain records on each lot received that includes the date received, type of media, lot number and pH verification. Media may not be used after the manufacturer's expiration date.** ]

(3) [ An environmental laboratory that prepares media from dehydrated stock shall follow method specifications [ **and maintain records of each batch that includes the date of preparation, type of media, lot number, amounts measured, sterilization time and temperature, final pH and initials of the responsible individual.** ]

[ (4) ] (3) Media may not be reautoclaved.

[ (5) ] (4) After [ **sterilization, prepared** ] **preparation**, media shall be stored and maintained as follows:

\* \* \* \* \*

(iv) [ **Liquid** ] **Fermentation** media stored in a refrigerator shall be incubated overnight at room temperature before use. Media that shows growth or bubbles may not be used.

\* \* \* \* \*

(g) An environmental laboratory shall demonstrate that the filtration equipment and filters, sample containers, media and reagents have not been contaminated through improper handling or preparation, inadequate sterilization or environmental exposure as follows:

\* \* \* \* \*

(2) For each **reusable** membrane filtration unit used during a filtration series, the laboratory shall prepare at least one sterility blank at the beginning, after every ten samples, and at the end of the series [ **and record the results. If the membrane filtration unit sterility blank indicates contamination, the data from affected samples shall be invalidated and an immediate resampling requested. When a filtration series is interrupted for more than 30 minutes, the filtration funnels shall be resterilized** ]. A series is consid-

ered ended when more than 30 minutes elapses between filtrations. The laboratory shall insert a sterility blank after every 10 samples or sanitize filtration units by UV light after each sample filtration in addition to the regular rinsing procedure. Records of sterility blank results must be maintained. If sterility blanks indicate contamination, the laboratory must treat affected sample according to program requirements.

**(3) [ For pour plate technique, sterility blanks of the medium shall be made by pouring at least one uninoculated plate for each lot of preprepared, ready-to use media and for each batch of medium prepared in the laboratory. Results shall be recorded. If the sterility check indicates contamination, the data from affected samples shall be invalidated ] For presterilized single use filtration funnel units, a sterility check shall be performed on one funnel unit per lot.**

\* \* \* \* \*

(h) The requirements for positive and negative culture control checks are as follows:

(1) Each preprepared, ready-to-use lot of medium and each batch of medium prepared in the laboratory shall be tested with at least one pure culture of a known positive reaction prior to first use of the medium **by the laboratory**. Records shall be maintained and include the date, media lot or batch number, type of media, positive culture control organism identification, results and initials of responsible individual. If positive culture control checks do not meet expected results, the affected media may not be used.

(2) Each preprepared, ready-to-use lot of selective medium and each batch of selective medium prepared in the laboratory shall be tested with at least one pure culture of a known negative reaction prior to first use of the medium **by the laboratory**. Records shall be maintained and include the date, media lot or batch number, type of media, negative culture control organism identification, results and initials of the responsible individual. If negative culture control checks do not meet expected results, the affected media may not be used.

\* \* \* \* \*

**(5) Culture controls may be single use or cultures maintained by the laboratory using a documented procedure that maintains the purity and viability of the organisms.**

**(6) For cultures maintained by the laboratory, the following criteria must be met:**

**(i) Reference control cultures may be revived and subcultured once to provide reference stocks.**

**(ii) Reference stocks shall be preserved using a method which maintains the characteristics of the organism strains. If reference stocks are thawed, they may not be refrozen and reused.**

**(iii) Working stocks shall be prepared from reference stocks for routine laboratory work.**

**(iv) If the laboratory sequentially cultures working stocks, the laboratory shall prepare a second working stock. Sequential culturing may not be performed from a working stock that has been used for routine laboratory work**

**(v) Working stocks may not be used for more than 30 days.**

**(vi) Working stocks may not be sequentially cultured more than five times and may not be subcultured to replace reference stocks.**

**(vii) Secondary working stocks shall be used to prepare sequential working stocks.**

**(i) [ The requirements for test variability/reproducibility are as follows:**

**(1) ]** For test methods that specify colony counts, duplicate counts shall be performed monthly on one positive sample for each month that the test is performed. If the laboratory has two or more analysts, each analyst shall count typical colonies on the same plate. Counts may not differ by more than 10%. In an environmental laboratory with only one analyst, the analyst shall count the same plate twice. Counts may not differ by more than 5%.

**[ (2) If the protocol for a method does not require a positive culture control during sample analysis, the environmental laboratory shall analyze a positive culture control organism through the entire method on a monthly basis.**

**(3) If the method determines organism density, a control sample shall be prepared from stock culture to contain 20 to 80 viable organisms per the usual volume analyzed. The positive control shall then be processed through all steps of the method and the density of the positive control determined and recorded.**

**(4) If the environmental laboratory is using a method for detecting as opposed to counting organisms, a control sample may be inoculated by transferring a portion of the sample from a positive stock culture to 100-mL of reagent or dilution water. ]**

**(j) Records of all equipment, reference materials, reagents, media and supplies shall be maintained in accordance with § 252.306 (relating to equipment, supplies and reference materials).**

**§ 252.405. Essential quality control requirement—radiochemistry.**

\* \* \* \* \*

**(m) Records of all equipment, reference materials, reagents, and supplies shall be maintained in accordance with § 252.306 (relating to equipment, supplies and reference materials).**

**Subchapter E. PROFICIENCY TEST STUDY REQUIREMENTS**

**§ 252.501. Proficiency test study requirements.**

\* \* \* \* \*

(l) An environmental laboratory shall direct the proficiency test study provider to report the proficiency test study performance results directly to the [ Department ] Department's Laboratory Accreditation Program at the same time that the provider reports the results to the environmental laboratory.

\* \* \* \* \*

**Subchapter F. ONSITE ASSESSMENT REQUIREMENTS**

**§ 252.601. Onsite assessment requirements.**

(a) Prior to **[ accrediting ]** granting primary accreditation to an environmental laboratory, the Department will perform an onsite assessment of the laboratory.

\* \* \* \* \*

(f) **An environmental laboratory seeking NELAP accreditation shall submit a corrective action report to the Department within 30 calendar days from receipt of the onsite assessment report from the Department where the Department has found deficiencies. If TNI establishes a different time for submitting corrective action reports, the laboratory shall follow the time established by TNI. The corrective action report shall document the corrective action taken by the laboratory to correct each deficiency.**

(g) If any portion of the corrective action report is not acceptable, an environmental laboratory shall submit a revised written corrective action report within 30 calendar days from receipt of the Department's response. If the second corrective action report is not acceptable, the Department may revoke accreditation.

**[ (g) ] (h)** Unless otherwise approved by the Department, deficiencies shall be corrected within 120 calendar days of receipt of the onsite assessment report.

**[ (h) ] (i)** The Department may extend the period of implementing corrective actions, for specific deficiencies, for a maximum of 30 calendar days upon receipt of the laboratory's written petition and corrective action report, when the laboratory must take one or more of the following actions:

\* \* \* \* \*

**Subchapter G. MISCELLANEOUS PROVISIONS**

**§ 252.706. Recordkeeping.**

(a) An environmental laboratory shall maintain records in **[ a ]** an organized manner accessible by the Department.

\* \* \* \* \*

**§ 252.707. Subcontracting.**

\* \* \* \* \*

(b) The **accreditation number of the** subcontracted environmental laboratory shall be indicated on the final report.

**§ 252.708. Reporting and notification requirements.**

(a) An environmental laboratory conducting testing or analysis of drinking water under Chapter 109 (relating to safe drinking water) shall **[ meet the reporting and notification requirements of that chapter. ]**:

**(1) Meet the reporting and notification requirements of that chapter.**

**(2) Review all sample analysis data within 24 hours of acquisition of the initial sample results for microbiological, inorganic and wet chemistry analysis. The 24-hour deadline may be extended to a maximum of 72 hours to accommodate a holiday or weekend when the laboratory is closed for business.**

**(3) For organic analyses, review all sample analysis data within 7 days of acquisition of the initial sample results for organic analysis.**

(b) An environmental laboratory shall notify the Department, in writing, within **[ 30 ] 20** calendar days of a change in laboratory supervisor.

\* \* \* \* \*

**(e) An environmental laboratory shall notify the Department, in writing, if a change in the laboratory's capability to produce valid analytical results persists for more than 90 calendar days for any field of accreditation listed on the laboratory's scope of accreditation.**

**(f) An out-of-State environmental laboratory with either primary or secondary accreditation from the Department shall notify, in writing, the Department within 48 hours of any changes in the laboratory's accreditation status from any other primary accrediting authority.**

**[ (f) ] (g)** The Department may require additional information or proof of continued capability to perform the testing or analysis for affected fields of accreditation upon receipt of notification under this subsection.

**[ (g) ] (h)** The Department may require an onsite assessment under § 252.601 (relating to onsite assessment requirements) upon receipt of notification under this subsection.

[Pa.B. Doc. No. 09-1103. Filed for public inspection June 19, 2009, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 37—LAW

### PART III. AGENCIES AND OFFICERS

#### [ 37 PA. CODE CH. 96a ]

#### Guidelines for Temporary Transfers for County Courts

The Department of Corrections (Department) issues guidelines for the implementation of section 1(b) of the act of July 11, 1923 (P. L. 1044, No. 425), known as the Prisoner Transfer Law (61 P. S. § 72(b)) (act) regarding temporary transfers for court as established under the act of September 25, 2008 (P. L. 1057, No. 82).

#### A. *Effective Date*

The chapter will become effective upon publication in the *Pennsylvania Bulletin*.

#### B. *Contact Person*

Further information concerning this chapter may be obtained from Mardiann Vincent, Director, Office of Population Management, Department of Corrections, 50 Utlely Drive, Camp Hill, PA 17001. The guidelines are published on the Department's web site at [www.cor.state.pa.us](http://www.cor.state.pa.us).

#### C. *Statutory Authority*

This chapter is published under section 1(b) of the act which permits the Secretary of Corrections (Secretary) to promulgate interim guidelines for implementation of the act.

#### D. *Purpose and Background*

The act requires the Secretary to temporarily transfer an inmate whose presence is required for a judicial proceeding. The inmate shall be transferred to the State correctional institution of an appropriate security level nearest the judicial proceeding. The Department is permitted to select an alternative location if bed space limitations prevent the transfer to the nearest State correctional institution. The act permits the Department to promulgate interim guidelines requiring a court order directing the transfer upon a finding that either the United States or Pennsylvania Constitutions prohibit the inmate's participation in the proceeding by means of videoconferencing and permitting the Department to charge for the costs of transportation. The guidelines implement these provisions.

#### E. *Paperwork*

The guidelines will require a court order directing the transportation, but will not otherwise appreciably increase the paperwork requirements for the courts of common pleas. The Department will issue an invoice for the costs of transportation and the counties will be required to process payment for those costs.

#### F. *Fiscal Impact*

The guidelines are not expected to appreciably increase costs for the counties or the Department.

JEFFREY A. BEARD, Ph.D.,  
Secretary

*(Editor's Note: Title 37 of the Pa. Code is amended by adding a Statement of Policy in §§ 9.6a.1—9.6a.3 to read as set forth in Annex A.)*

**Fiscal Note:** 19-SOP-11. No fiscal impact; (8) recommends adoption.

### Annex A

#### TITLE 37. LAW

### PART III. AGENCIES AND OFFICERS

#### Subpart B. DEPARTMENT OF CORRECTIONS

#### CHAPTER 96a. TEMPORARY TRANSFERS FOR COUNTY COURTS—STATEMENT OF POLICY

Sec.

96a.1. Authority and purpose.

96a.2. Procedure for requesting temporary transfer.

96a.3. Multiple requests for transfer.

#### § 96a.1. Authority and purpose.

On September 25, 2008, Governor Rendell signed into law Act 82 of 2008 that amended section 1 of the act of July 11, 1923 (P. L. 1044, No. 425), known as the Prisoner Transfer Law (61 P. S. § 72) (act). The legislation requires the Secretary of Corrections to temporarily transfer a State inmate to facilitate his transportation to a judicial proceeding. This chapter is published under the authority conferred under section 1(b)(4) of that act.

#### § 96a.2. Procedure for requesting temporary transfer.

(a) A court may request that the Department of Corrections (Department) temporarily transfer a State inmate for purposes of attending a judicial proceeding by forwarding to the Department's Office of Population Management at least 14 days prior to the date of the judicial proceeding, an order that does the following:

(1) Determines that the Constitution of the United States or the Constitution of Pennsylvania does not permit the inmate's testimony or participation in the judicial proceeding to be conducted by videoconferencing technology and that the inmate's presence is required for the judicial proceeding.

(2) Directs that the inmate be returned to the institution from which he was temporarily transferred at the completion of the judicial proceeding.

(b) Upon receipt of an order under subsection (a), the Department will transfer the inmate to the State correctional institution nearest to the location of the judicial proceeding that the Department determines to be of an appropriate security level to house the inmate. The Department will select an alternate, reasonably accessible State correctional institution to which to transfer the inmate if bed space limitations at the nearest State correctional institution prevent the inmate's transfer to that institution.

(c) Annually, the Department will publish in the *Pennsylvania Bulletin* a notice setting forth the costs that will be charged to a county for transferring an inmate under section 1(b)(6) of the act of July 11, 1923 (P. L. 1044, No. 425) known as the Prisoner Transfer Law (61 P. S. § 72(b)(6)). Effective with the adoption of this chapter (June 20, 2009) until publication of the next annual

notice, the cost for transferring an inmate on one of the Department's regularly scheduled transports shall be \$.16 per mile. Transports that require special arrangements for medical, security or other reasons shall be the actual cost of transportation including, mileage, security and staffing. Upon request, the Department will provide a court with an estimate of the costs of a special transport.

(d) An inmate may not request a transfer under the provisions of this chapter.

*(Editor's Note: Publication by the Department will be codified in this section.)*

**§ 96a.3. Multiple requests for transfer.**

An inmate who has been removed from a State correctional institution by a government official authorized by the court directing the presence of the inmate for a judicial proceeding shall be detained in the county prison if the inmate has been temporarily transferred more than twice in the preceding 6 months or the judicial proceeding is scheduled to last more than 1 week.

[Pa.B. Doc. No. 09-1104. Filed for public inspection June 19, 2009, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF AGRICULTURE

### Order of Quarantine

#### *Recitals*

A. Emerald Ash Borer (EAB), *Agrilus planipennis* (*Fairemaire*)—a beetle indigenous to Asia—is a serious plant pest that attacks and kills ash trees belonging to the genus *Fraxinus*. EAB has worked its way east from Michigan, where it was first detected in 2002.

B. EAB has killed 20–25 million ash trees during the short time it has been present in North America. Typically, trees are killed within 3 years of the initial attack by this beetle. EAB presents a clear threat to the Commonwealth's forest and horticultural resources.

C. The Plant Pest Act (act) (3 P. S. §§ 258.1–258.27) empowers the Department of Agriculture (Department) to take various measures to detect, contain and eradicate plant pests. These powers include the authority to establish quarantines to prevent the spread of plant pests within this Commonwealth.

D. The Department has issued previous EAB-related Orders of Quarantine, establishing a quarantined area that includes all of Allegheny, Beaver, Butler, Lawrence, Mercer and Mifflin Counties, and restricting the movement of designated articles and materials from this quarantined area.

E. EAB has recently been detected in Westmoreland County—a county outside of the current quarantined area—making it necessary to expand the quarantined area to include that county.

#### *Order*

Under authority of section 21 of the act (3 P. S. § 258.21), and with the Recitals above incorporated into this Order by reference, the Department hereby orders the following:

#### *1. Confirmation of Quarantine; Addition of Westmoreland County to the Quarantined Area.*

a. The quarantine established by Orders of June 27, 2007, July 16, 2007, June 27, 2008, and March 1, 2009 with respect to Allegheny, Beaver, Butler, Lawrence, Mercer and Mifflin Counties (collectively, the “quarantined area”) remains in effect, subject to the conditions set forth in this Order.

b. A quarantine is hereby established with respect to Westmoreland County, effective immediately. Westmoreland County is part of the quarantined area, and is subject to the conditions set forth in this Order.

2. *Limitations Imposed.* The following objects or materials may not be moved out of the quarantined area, unless done in accordance with Paragraph No. 3 of this Order:

a. The Emerald Ash Borer in any living stage of development;

- b. Ash trees of any size;
- c. Ash limbs, branches, stumps and roots;
- d. Any cut, nonconiferous (hardwood) firewood;
- e. Nonconiferous (hardwood) bark and nonconiferous (hardwood) wood chips larger than 1 inch in two dimensions;

f. Ash logs and lumber with either the bark or the outer 1 inch of sapwood, or both, attached;

g. Any item made from or containing the wood of the ash tree that is capable of spreading emerald ash borer; and

h. Any other article, product or means of conveyance determined by the Department to present a risk of spreading the EAB infestation.

3. *Movement of regulated articles from quarantined areas.* An article described in Paragraph No. 2 of this Order may be moved from a quarantined area only under the following circumstances:

a. With a valid certificate or limited permit (as described in Paragraph No. 4) attached;

b. Without a certificate or limited permit (as described in Paragraph No. 4) attached if:

i. The regulated article is moved by the United States Department of Agriculture (USDA) or the Department for experimental or scientific purposes; or

ii. The regulated article originates outside the quarantined area and is moved intrastate through the quarantined area under the following conditions:

A. The points of origin and destination are indicated on a waybill accompanying the regulated article; and

B. The regulated article, if moved through the quarantined area during the period of May 1 through August 31 or when the ambient air temperature is 40° Fahrenheit or higher, is moved in an enclosed vehicle or is completely covered to prevent access by the EAB; and

C. The regulated article is moved directly through the quarantined area without stopping (except for refueling or for traffic conditions, such as traffic lights or stop signs), or has been stored, packed or handled at locations approved by an inspector as not posing a risk of infestation by emerald ash borer; and

D. The article has not been combined or commingled with other articles so as to lose its individual identity.

c. Without a certificate or limited permit (as described in Paragraph No. 4) attached if a USDA-issued or USDA-authorized (by USDA compliance agreement) certificate or permit is attached.

4. *Obtaining a Certificate or Limited Permit from the Department for Intrastate Movement of Articles.* The Department or a person operating under a compliance agreement will issue a certificate or limited permit authorizing the intrastate movement of articles described in Paragraph No. 2 of this Order if it is satisfied that all of the following are accurate:

a. The article is either of the following:

i. The article is apparently free of EAB, based on inspection; or the article has been grown, produced, manufactured, stored or handled in a manner that, in the

judgment of the Department, prevents the article from presenting a risk of spreading EAB; or

ii. The article is to be moved to a specified destination for specific processing, handling, or utilization (the destination and other conditions to be listed on the advance written permission), and this movement will not result in the spread of EAB because EAB will be destroyed by the specific processing, handling or utilization; and

b. The article is to be moved in compliance with this Order and any additional emergency conditions that the Department may impose under the Plant Pest Act to prevent the artificial spread of EAB; and

c. The article is eligible for intrastate movement under all other Federal domestic plant quarantines and regulations applicable to the regulated articles.

5. *Cancellation of a Certificate or Limited Permit.* Any certificate or limited permit may be canceled orally or in writing by the Department whenever the Department determines that the holder of the certificate or limited permit has not complied with the act or this Order. If the cancellation is oral, the cancellation will become effective immediately, and the cancellation and the reasons for the cancellation will be confirmed in writing as soon as circumstances permit.

6. *Compliance Agreements.* The Department will consider entering into a compliance agreement with any person that demonstrates an understanding of the requirements of this Order and otherwise satisfies the Department it is capable of issuing certificates or limited permits in accordance with the requirements of this Order. The Department shall either provide blank certificates and limited permits to a person operating under a compliance agreement or authorize reproduction of the certificates or limited permits on shipping containers, or both, as requested by the person operating under the compliance agreement. These certificates and limited permits may then be completed and used, as needed, for the intrastate movement of regulated articles that have met all of the requirements of Paragraph No. 4.

7. *Documentation to Accompany Articles in Intrastate Movement from the Quarantined Area.* If an article described in Paragraph No. 2 of this Order is to be moved intrastate from the quarantined area, the article must be plainly marked with the name and address of the consignor and the name and address of the consignee and must have a copy of the applicable Department-issued or Department-authorized (by compliance agreement as de-

scribed in Paragraph No. 6) certificate or limited permit securely attached at all times during intrastate movement attached to the article itself, or to the container carrying the article, or to the consignee's copy of the accompanying waybill: Provided, that the description of the article on the certificate or limited permit, and on the waybill, are sufficient to identify the regulated article. The carrier must furnish the certificate or limited permit authorizing the intrastate movement of the article to the consignee at the destination of the shipment.

8. *Federal Requirements for Interstate Movement of Articles.* This Order is distinct from, and in addition to, any Federal statute, regulation or quarantine order addressing the interstate movement of articles from the quarantined area or this Commonwealth of Pennsylvania.

9. *Contacting the Department.* A person seeking information about the requirements of this Order, or a limited permit for intrastate movement of quarantined articles, or a compliance agreement for intrastate movement of quarantined articles, shall contact the Department at the following address or telephone number:

Pennsylvania Department of Agriculture  
Attention: Walt Blosser  
2301 North Cameron Street  
Harrisburg, PA 17110-9408

Telephone: (717) 772-5205  
E-mail: wblosser@state.pa.us

10. *Criminal and Civil Penalties.* A person who violates this Order will face summary criminal prosecution carrying up to 90 days imprisonment and a fine of up to \$300 with respect to each violation. In addition, a person who violates this Order may be assessed a civil penalty of up to \$20,000 with respect to each violation.

11. *Cooperation with other agencies.* The Department will consult with USDA, other State agencies and the Pennsylvania State University Cooperative Extension with respect to the most efficacious measures to survey for and detect EAB to slow the spread or eradicate this pest.

12. *Effective Date.* This quarantine is effective as of June 10, 2009, and shall remain in effect until rescinded by subsequent order.

DENNIS C WOLFF,  
Secretary

[Pa.B. Doc. No. 09-1105. Filed for public inspection June 19, 2009, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending June 9, 2009.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the



*Pennsylvania Bulletin.* The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Interim Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-3-2009	The Victory Bank Interim Bank Limerick Montgomery County	Limerick	Filed

The purpose of The Victory Bank Interim Bank, Limerick, is to merge with The Victory Bank, Limerick, to facilitate the proposed reorganization of The Victory Bank into a bank holding company structure whereby The Victory Bank will become the wholly-owned subsidiary of The Victory Bancorp, Inc., a new holding company in formation.

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-3-2009	The Victory Bank, Limerick, and The Victory Bank Interim Bank, Limerick Surviving Institution: The Victory Bank, Limerick	Limerick	Filed

Application filed in conjunction with the proposed reorganization of The Victory Bank into a bank holding company structure whereby The Victory Bank will become the wholly-owned subsidiary of The Victory Bancorp, Inc., a new holding company in formation.

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-3-2009	Quaint Oak Bank Southampton Bucks County	1710 Union Boulevard Allentown Lehigh County	Approved

##### Branch Relocations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-3-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> Giant Food Store 180 Upland Square Drive Stowe Montgomery County  <i>From:</i> Giant Food Store 799 State Street Pottstown Montgomery County	Filed
6-3-2009	Fulton Bank Lancaster Lancaster County	<i>To:</i> 1427—1429 North 3rd Street Harrisburg Dauphin County  <i>From:</i> 1401 North 3rd Street Harrisburg Dauphin County	Filed

##### Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
5-21-2009	Peoples State Bank of Wyalusing Pa. Wyalusing Bradford County	<i>Into:</i> Route 6 Wysox Bradford County  <i>From:</i> P & C Food Market Bradford Towne Centre Wysox Bradford County	Effective

## NOTICES

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-4-2009	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 3130 Lititz Pike Lititz Lancaster County  <i>From:</i> Brethren Village 3001 Lititz Pike Lancaster Lancaster County (Limited Service Facility)	Withdrawn
6-8-2009	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 1345 Baltimore Street Hanover York County  <i>From:</i> 2100 Utz Terrace Hanover York County (Limited Service Facility)	Approved
6-8-2009	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 270 Good Drive Lancaster Lancaster County  <i>From:</i> 2098 Spring Valley Road Lancaster Lancaster County	Approved
6-8-2009	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 502 North Main Street Spring Grove York County  <i>From:</i> 1000 Hanover Road York York County	Approved
6-8-2009	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 3130 Lititz Pike Lititz Lancaster County  <i>From:</i> 2568 Lititz Pike Lancaster Lancaster County	Approved
6-8-2009	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 402 Eisenhower Drive Hanover York County  <i>From:</i> 600 Carlisle Street Hanover York County	Approved
6-8-2009	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 10900 Owings Mills Boulevard Owings Mills Baltimore County, MD  <i>From:</i> 10802 Red Run Boulevard Owings Mills Baltimore County, MD	Approved

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-3-2009	Union Bank and Trust Company Pottsville Schuylkill County	101 South Front Street Auburn Schuylkill County	Approved
6-8-2009	Sharon Savings Bank Darby Delaware County	420 Bainbridge Street Philadelphia Philadelphia County	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
6-9-2009	Commerce Bank/Harrisburg Lemoyne Cumberland County	Amend the First Article of the Articles of Incorporation	Filed

Amendment to the First Article of the institution's Articles of Incorporation changes the name of the institution to "Metro Bank."

**SAVINGS INSTITUTIONS****Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name of Institution</i>	<i>Location</i>	<i>Action</i>
6-3-2009	ESSA Bank & Trust Stroudsburg Monroe County	PA Route 390 and Oak Lane Mountainhome Monroe County	Filed

**CREDIT UNIONS**

No activity.

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 09-1106. Filed for public inspection June 19, 2009, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Action Plan for the Distribution and use of Community Development Block Grant—Recovery Funds

The Department of Community and Economic Development (Department) is proposing an amendment to the Commonwealth's Action Plan for Federal Fiscal Year (FFY) 2008 and the Program Year that began on January 1, 2008. The 2008 Action Plan is an update of the Commonwealth's Consolidated Plan for FFY 2004-2008. This amendment contains the Action Plan for the distribution and use of Community Development Block Grant—Recovery (CDBG-R) funds.

The United States Department of Housing and Urban Development (HUD) awarded the Commonwealth an allocation of \$12,434,921 in CDBG-R funds, as authorized by the American Recovery and Reinvestment Act of 2009 (42 U.S.C.S. § 5301).

The purpose of CDBG-R funds is to provide expedited funding for community development projects that will stimulate the economy and provide job creation and job retention benefits. The Department will award CDBG-R funds on a formula basis to local governments, which includes 13% of the funds for competitive/discretionary projects. The eligible activities include many of the regular activities eligible under the CDBG Program with several exceptions.

The Action Plan and supporting documentation is available for a 7-day public comment period and can be obtained on the Department's web site under the "Publications" section at [www.newpa.com/strengthen-your](http://www.newpa.com/strengthen-your)

[community/technical-assistance/index.aspx](http://community/technical-assistance/index.aspx). The final version of this Action Plan will be submitted to HUD by June 29, 2009.

The Action Plan contains the list of projects that grantees will undertake using CDBG-R funds and local government contact information about those projects.

Persons who would like to comment on this amendment may send those comments to Jody Michael, Department of Community and Economic Development, Center for Community Development, 400 North Street, 4th Floor, Harrisburg, PA 17120. Comments must be received before 5 p.m. on June 25, 2009.

JOHN P. BLAKE,  
*Acting Secretary*

[Pa.B. Doc. No. 09-1107. Filed for public inspection June 19, 2009, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Lancaster General College of Nursing and Health Sciences for Approval of Change From 2-Year to 4-Year College Status

#### Notice of Opportunity for Hearing and Invitation to Protest

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of the Lancaster General College of Nursing and Health Sciences for approval of a Certificate of Authority to change from 2-year to 4-year college status. Additionally, approval is requested for authority to offer a program in Nursing leading to a

Bachelor of Science in Nursing (BSN) degree, a program in Health Sciences leading to a Bachelor of Science in Health Sciences (BSHS) degree and a program in Healthcare Administration leading to a Bachelor of Science in Healthcare Administration (BSHA) degree. Authority is also requested to amend and restate the college Articles of Incorporation.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon these items without hearing, unless within 30 days after the publication of this notice in the *Pennsylvania Bulletin* a written request for public hearing is filed with the Department, along with a notice of intervention, a petition to intervene or protest in accordance with 1 Pa. Code §§ 35.23—35.24 (relating to protest) or 1 Pa. Code §§ 35.27—35.32 (relating to intervention).

Petitions to intervene, protest and request for hearing shall be filed with Carol M. D. Gisselquist, Higher Educa-

tion Specialist (717) 787-4448, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol Gisselquist at (717) 787-4448 to discuss how the Department may best accommodate their needs.

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

[Pa.B. Doc. No. 09-1108. Filed for public inspection June 19, 2009, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

#### APPLICATIONS

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

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

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

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

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

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

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

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

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0023540 (Sew)	Berks—Montgomery Municipal Authority 136 Municipal Drive Gilbertsville, PA 19525-0370	Berks County Colebrookdale Township	Ironstone Creek 3-D	Y
PA0087611 (Sew)	Richfield Area Joint Authority 186 Seven Stars Road Richfield, PA 17086	Juniata County Monroe Township Snyder County West Perry Township	West Branch Mahantango Creek 6C	Y
PA0086282 (IW)	Texas Eastern Transmission, LP—Grantville Compressor Station 5400 Westheimer Court Houston, TX 77056-5310	Dauphin County East Hanover Township	UNT Bow Creek 7-D	Y
PA0081876 (Sew)	Audubon Park, Inc. 322 South Hanover Street Carlisle, PA 17013	York County Monaghan Township	Yellow Breeches Creek 7-E	Y
PA0088048 (Sew)	Borough of New Morgan 75 Grace Boulevard Building 3 Morgantown, PA 19543	Berks County New Morgan Borough	Conestoga River 7-J	Y
PA0021849 (Sew)	Millerstown Borough Council P. O. Box 200 Millerstown, PA 17062	Perry County Greenwood Township	Juniata River 12-B	Y
PAG2003604054-R	Community Bible Church 1185 River Road P. O. Box 180 Marietta, PA 17517	East Donegal Township Lancaster County	Donegal Creek TSF	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>
PA0032905	Sunnyview Mobile Home Park 90 Shenango Park Road Transfer, PA 16154	Pymatuning Township Mercer County	UNT to Brush Run 20-A	Y
PA0222721	Squaw Valley Woodlands STP Byron Center Road Emlenton, PA 16373	Allegheny Township Butler County	UNT to Carrs Run 16-G	Y
PA0222313	Gene P. Kidder P. O. Box 106 Route 36 Sigel, PA 15860	Barnett Township Jefferson County	UNT to Cathers Run 16-B	Y
PA0103772	Hodapp Apartments 9291 Kuhl Road Erie, PA 16510	Greene Township Erie County	UNT to Four Mile Creek 15	Y
PA0003573	Schry Water Conditioning, Inc. 200 Portersville Road Ellwood City, PA 16117	Ellport Borough Lawrence County	Connoquenessing Creek 20-C	Y

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

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

**PA0244481**, Sewage, SIC 8811, **Patricia Benson**, 1007 Forrest Road, Sellersville, PA 18960. This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Proposed Activity: Issuance of NPDES Permit to discharge 500 gpd of treated sewage into Ridge Valley Creek from a small flow sewage treatment plant.

The receiving stream, Ridge Valley Creek, is in the State Water Plan Watershed 3E and is classified for: HQ Stream.

The proposed effluent limits for Outfall 001 are based on a design flow of 500 gpd.

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>			10		20
Total Suspended Solids			10		20
Ammonia as N			3.0		6.0
Fecal Coliform			200 #/100 ml		
Dissolved Oxygen			6.0 minimum		
pH (Standard Units)			6.0 minimum		9.0

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

1. AMMR to DEP and BCHD.
2. Abandon STP.
3. Remedial Measures.
4. Change of Ownership.
5. Sewage Sludge Disposal.
6. Necessary Property Rights.

**PA0053074**, Sewage, SIC 4952, **The Piper Group, Inc.**, 103 Randts Mill Road, P. O. Box 320, Pipersville, PA 18947-9361. This existing facility is located in Whitemarsh Township, **Montgomery County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge 0.0083 mgd of treated sewage effluent from Valley Green Corporate Center STP.

The receiving stream, Sandy Run, is in the State Water Plan Watershed 3F and is classified for: TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Philadelphia Water Department is located on Schuylkill River and is approximately 13 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0083 mgd:

Parameters	Concentration (mg/l)	
	Average Monthly	Instantaneous Maximum mg/l
CBOD <sub>5</sub>		
(5-1 to 10-31)	10	20
(11-1 to 4-30)	20	40
pH (Standard Units)	6.0, Instantaneous Minimum	9.0
Total Suspended Solids	30	60
Ammonia as N		
(5-1 to 10-31)	2.0	4.0
(11-1 to 4-30)	6.0	12.0
Fecal Coliform		
(Col/100 ml)	200	1,000*
Dissolved Oxygen	5.0, Instantaneous Minimum	
Total Residual Chlorine	0.5	1.2
Total Phosphorus as P	Monitor	Monitor
(Nitrite + Nitrate) as N	Monitor	Monitor

\* Not to exceed 1,000 col/100 ml in greater than 10% of the samples.

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

1. Notification of Designation of Responsible Operator.
2. Abandon STP when Public Sewers Become Available.
3. Remedial Measures if Public Nuisance.
4. No Stormwater to Sewers.
5. Necessary Property Rights.

6. Change of Ownership.
7. Chlorine Minimization.
8. Proper Sludge Disposal.
9. Twice per Month Sampling.
10. Operator Training.
11. Operations and Maintenance Plan.
12. Laboratory Certification.
13. Fecal Coliform Reporting.

**PA0057789**, Sewage, SIC 4952, **BPG Office VI River Park II, LP**, 322 A Street, Suite A, Wilmington, DE 19801-5356. This existing facility is located in Whitemarsh Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage effluent from an office park.

The receiving stream, Schuylkill River, is in the State Water Plan Watershed 3F and is classified for: WWF, MF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Philadelphia Water Department is located on the Schuylkill River and is approximately 4.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.015 mgd.

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			25		50
Total Suspended Solids			30		60
Ammonia as N			20		40
Fecal Coliform (Col/100 ml)			200		1,000*
Dissolved Oxygen			2.0, Minimum Monitor Average		
pH (Standard Units)			6.0, Minimum		9.0
Total Residual Chlorine			0.5		1.2

\* Not to exceed 1,000 col/100 ml in greater than 10% of the samples tested.

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

1. Notification of Designation of Responsible Operator.
2. Abandon STP when Public Sewers Become Available.
3. Remedial Measures if Public Nuisance.
4. No Stormwater to Sewers.
5. Necessary Property Rights.
6. Change in Ownership.
7. Chlorine Minimization.
8. Proper Sludge Disposal.
9. Twice per Month Sampling.
10. Laboratory Certification.
11. Operator Training.
12. Fecal Coliform Sampling.
13. Operations and Maintenance Plan.

**PA0058840**, Sewage, **Hilltown Township Water and Sewer Authority**, 316 Highland Park Road, P. O. Box 365, Sellersville, PA 18960. The facility is located in Hilltown Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from Berry Brow WWTP, serving a housing subdivision known as the Reserve at Hilltown.

The receiving stream, a pond discharging to Neshaminy Creek, is in the State Water Plan Watershed 2F and is classified for: WWF, MF. The nearest downstream public water supply intake for is for AQUA PA-Neshaminy Creek.

The proposed effluent limits for Outfall 001 are based on a design flow of 49,875-gpd.

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	10	15		20
Total Suspended Solids	10	15		20
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	3.0			6.0

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Nitrite + Nitrate an N	10			20
Phosphorus, Total	0.5			1.0
Fecal Coliform		50/100 ml as a Geometric Mean		
pH		Between 6.0 and 9.0 Standard Units at all times		
Dissolved Oxygen		Minimum of 6 mg/l at all times		

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

1. Designation of Responsible Operator.
2. Remedial Measures if Public Nuisance.
3. No Stormwater to Sewers.
4. Necessary Property Rights.
5. Small Stream Discharge.
6. Change in Ownership.
7. Proper Sludge Disposal.
8. TMDL/WLA Analysis.
9. 2/Month Monitoring.
10. UV Disinfection.
11. Laboratory Certification.

**PA0025917**, Sewage, **Chalfont—New Britain Township Joint Sewage Authority**, 1645 Upper State Road, Doylestown, PA 18901. This facility is located in Doylestown Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from Chalfont—New Britain STP.

The receiving stream, Neshaminy Creek, is in the State Water Plan Watershed 2F and is classified for: TSE, MF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Aqua Pennsylvania Neshaminy Plant located on Neshaminy Creek.

The proposed effluent limits for Outfall 001 based on an average flow of 4.0 mgd:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	15	23		30
(11-1 to 4-30)	25	40		50
Suspended Solids	30	45		60
Ammonia (as N)				
(5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	6.0			12.0
NO <sub>2</sub> + NO <sub>3</sub> as N				
(7-1 to 10-31)	9.0			18.0
(11-1 to 6-30)	Monitor and Report			
Total Kjeldahl Nitrogen	Monitor and Report			
Phosphorous (as P)				
(4-1 to 10-31)	1.5			3.0
(11-1 to 3-31)	Monitor and Report			Monitor and Report
Fecal Coliform	200 #/100 ml as a Geometric Mean, nor greater than 1,000 #/100 ml in more than 10% of samples			
Dissolved Oxygen	Minimum of 5.0 mg/l at all times			
pH	Within limits of 6.0 to 9.0 Standard Units at all times			
Iron, Total	Monitor and Report			
Iron, Dissolved	Monitor and Report			
Aluminum, Total	Monitor and Report			

The proposed effluent limits for Outfall 001 based on an average flow of 4.44 or 4.6 mgd:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	12	18		24
(11-1 to 4-30)	24	36		48
Suspended Solids	30	45		60



<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Ammonia (as N) (5-1 to 10-31)	2.0			4.0
(11-1 to 4-30)	6.0			12.0
NO <sub>2</sub> + NO <sub>3</sub> as N (7-1 to 10-31)	9.0			18.0
(11-1 to 6-30)	Monitor and Report			
Total Kjeldahl Nitrogen	Monitor and Report			
Phosphorous (as P) (4-1 to 10-31)	1.0			2.0
(11-1 to 3-31)	2.0			4.0
Fecal Coliform	200 #/100 ml as a Geometric Mean, nor greater than 1,000 #/100 ml in more than 10% of samples			
Dissolved Oxygen	Minimum of 5.0 mg/l at all times			
pH	Within limits of 6.0 to 9.0 Standard Units at all times			
Iron, Total	Monitor and Report			
Iron, Dissolved	Monitor and Report			
Aluminum, Total	Monitor and Report			

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

1. Designation of Responsible Operator.
  2. Remedial Measures if Public Nuisance.
  3. No Stormwater to Sewers.
  4. Necessary Property Rights.
  5. Small Stream Discharge.
  6. Change in Ownership.
  7. Proper Sludge Disposal.
  8. TMDL/WLA Analysis.
  9. Chronic WET Monitoring.
  10. Operator Training.
  11. Requirements Applicable to Stormwater Outfalls.
  12. High-Flow Maintenance Plan.
  13. Laboratory Certification.
  14. UV Disinfection System.
- The EPA waiver is not in effect.

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

**PA0061697**, Industrial, **Gilberton Power Company**, 50 Eleanor Avenue, Frackville, PA 17931. This proposed facility is located in West Mahanoy Township, **Schuylkill County**.

Description of Proposed Activity: discharge of industrial wastewater.

The receiving stream, Mahanoy Creek, is in the State Water Plan Watershed 06B and is classified for: CWF. The nearest downstream public water supply intake for City of Harrisburg is located on Susquehanna River is located greater than 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.310 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Aluminum	5.17		2.0	4.0	5.0
Iron	32.47		12.56	25.1	31.4
Manganese	21.64		8.37	16.7	20.9
pH	6.0 to 9.0				
Free Available Chlorine	0.52	1.29	0.2	0.5	0.5
Zinc	2.25	2.25	0.87	0.87	2.2
Copper	0.26	0.36	0.1	0.14	0.25
Oil and Grease	38.8		15.0		30.0
Chromium Total	.52	.52	0.2	0.2	0.5

The proposed effluent limits for Outfalls 002—004 for stormwater.

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily
TSS				50
Oil and Grease			Monitor and Report	
pH			Monitor and Report	
Copper Total			Monitor and Report	
Nickel Total			Monitor and Report	
Zinc Total			Monitor and Report	
Iron Total			Monitor and Report	

Special Conditions: Stormwater, Chemical Additives

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

**Application No. PA 0261319**, Sewage, **Steven L. and Cindy M. Sheets**, 385 Bull Valley Road, Aspers, PA 17304. This facility is located in Butler Township, **Adams County**.

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

The receiving stream, a UNT to Opossum Creek, is in Watershed 7-F, and classified for TSE, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Water Supply Company is located on the Susquehanna River, approximately 76 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0004 mgd are:

Parameter	Average Annual (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
NH <sub>3</sub> -N		Monitor and Report
pH		From 6.0 to 9.0 inclusive
Fecal Coliform		200/100 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 in effect.

**Application No. PA 0021644**, Sewage, **Dover Borough (Dover Borough WWTP)**, 46 Butter Road, Dover, PA 17315-1225. This facility is located in Dover Borough, **York County**.

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

The receiving stream, Fox Run, is in Watershed 7-F, and classified for TSE, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Water Supply Co. is located on the Susquehanna River, approximately 31.28 miles downstream. The discharge is not expected to affect the water supply.

The proposed interim effluent limits for Outfall 001 for a design flow of 0.4 mgd are:

Parameter	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>			
(5-1 to 10-31)	25	40	60
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	2.0	XXX	4.0
(11-1 to 4-30)	6.0	XXX	12.0
Total Phosphorus	2.0	XXX	4.0
Dissolved Oxygen	Minimum of 5.0 at all times		
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	

The proposed final effluent limits for Outfall 001 for a design flow of 0.5 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> (5-1 to 10-31)	25	40	60
(11-1 to 4-30)	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N (5-1 to 10-31)	2.0	XXX	4.0
(11-1 to 4-30)	6.0	XXX	12.0
Total Phosphorus	2.0	XXX	4.0
Dissolved Oxygen	Minimum of 5.0 at all times		
pH	From 6.0 to 9.0 inclusive		
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Average		
(10-1 to 4-30)	2,000/100 ml as a Geometric Average		

*Chesapeake Bay Requirements*

	<i>Concentration (mg/L)</i>		<i>Mass (lbs)</i>	
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Monthly</i>	<i>Annual</i>
Ammonia-N	Report	Report	Report	Report
Kjeldahl-N	Report	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	Report	XXX
Total Nitrogen	Report	Report	Report	Report
Total Phosphorus	Report	Report	Report	Report
Net Total Nitrogen	XXX	Report	Report	7,306
Net Total Phosphorus	XXX	Report	Report	974

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

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

The EPA waiver is not in effect.

**Application No. PA 0261335**, Sewage, **Samuel and Edith Shaffner**, 10959 Stonewall Road, Shippensburg, PA 17257. This facility is located in Southampton Township, **Franklin County**.

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

The receiving stream, Muddy Run, is in Watershed 7-B, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Carlisle Borough is located on the Conodoguinet Creek, approximately 39 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.0005 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Total Residual Chlorine	Monitor and Report	Monitor and Report
pH	From 6.0 to 9.0 inclusive	
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Average	
(10-1 to 4-30)	2,000/100 ml as a Geometric Average	

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

The EPA waiver is in effect.

**Application No. PA 0247162**, Industrial Waste, SIC Code 4941, **Pennsylvania American Water**, 852 Wesley Drive, Mechanicsburg, PA 17055-4475. This facility is located in Fairview Township, **York County**.

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

The receiving stream, UNT to Yellow Breeches Creek, is in Watershed 7-E, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Pennsylvania American Water located on the Yellow Breeches Creek, approximately 2.2 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 0.412 mgd are:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
pH			From 6.0 to 9.0 inclusive		
Total Suspended Solids	XXX	XXX	30	60	75
Total Aluminum	XXX	XXX	0.50	1.0	1.25
Total Iron	XXX	XXX	1.5	3.0	3.75
Total Manganese	XXX	XXX	1.0	2.0	2.5
Interim Total Residual Chlorine	XXX	XXX	Report	XXX	Report
Final Total Residual Chlorine	XXX	XXX	0.012	XXX	0.04

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.

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

**PA0040177**, Industrial Waste, SIC 4941, **Pennsylvania American Water Company**, 17th Street, Brownsville, PA 15417. This application is for renewal of an NPDES permit to discharge treated process water and stormwater from the Brownsville Water Treatment Plant in Brownsville Borough, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Newell Municipal Authority, located at 6.0 miles below the discharge point.

*Outfall 001: existing discharge, design flow of 0.120 mgd.*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and report				
Total Suspended Solids			30.0		60.0
Iron			2.0		4.0
Manganese			1.0		2.0
Aluminum			4.0		8.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

*Outfall 002: existing discharge, design flow of variable mgd.*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and report				
Total Suspended Solids			30.0		60.0
Iron			2.0		4.0
Manganese			1.0		2.0
Aluminum			4.0		8.0
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0				

The discharge through this outfall shall consist of uncontaminated stormwater run off only.

The EPA waiver is in effect.

**PA0027928**, Industrial Waste, SIC 5171, **Gulf Oil Limited Partnership**, 400 Grand Avenue, Pittsburgh, PA 15225. This application is for renewal of an NPDES permit to discharge treated process water, stormwater and untreated hydrostatic test water from the Neville Island Terminal in Neville Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Ohio River (Back Channel), which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply is the Robinson Township Authority.

*Outfall 001: existing discharge, design flow of variable\* mgd.*

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow	Monitor and Report				
Total Recoverable Hydrocarbons			Monitor and Report		
Suspended Solids			30		60
Oil and Grease			15		30
pH	not less than 6.0 nor greater than 9.0 Standard Units				

\* Flow is dependent on rain event.

Other Conditions: Applicable petroleum marketing terminal standard conditions.  
Applicable hydrostatic testing standard condition.

The EPA waiver is in effect.

**PA0002062-A1**, Industrial Waste, SIC 4911, **Reliant Energy Northeast Management Company**, 121 Champion Way, Canonsburg, PA 15317.

The Department of Environmental Protection (Department) is amending the NPDES permit in response to a settlement agreement (Consent Order and Adjudication) entered into by the Department and Reliant Energy Northeast Management Company. The Consent Order and Adjudication resolves the appeal of the NPDES permit. As part of the agreement the effluent limitations for Outfalls 001 are being amended as well as a number of Special Conditions. In addition, two new Internal Outfalls (101 and 201) are being added to the permit and corrections are being made to Internal Outfalls 203 and 403. All other effluent limitations and conditions of the permit as issued on February 28, 2008, remain in effect.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River (Outfall 001 and Internal Outfalls 101 and 201) and Crooked Creek (Internal Outfalls 203 and 403), classified as WWF, with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Buffalo Township Municipal Authority located in Freeport, PA, approximately 10 miles below the discharge point on the Allegheny River.

*Outfall 001:* New discharge to Allegheny River, average discharge flow of 0.648 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum

This discharge shall consist solely of those sources previously monitored at Internal Outfalls 101 and 201.

*Internal Outfall 101:* New discharge to Allegheny River, average discharge flow of 0.648 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			10	20	
Oil and Grease			15	20	30
BOD <sub>5</sub>			25	50	
Aluminum			Monitor and Report		
Arsenic			Monitor and Report		
Beryllium			0.8	1.6	
Boron			Monitor and Report		
Cadmium			Monitor and Report		
Chromium III			Monitor and Report		
Chlorides			Monitor and Report		
Copper			0.1	0.2	
Lead			0.1	0.2	
Manganese			Monitor and Report		
Mercury			0.004	0.008	
Nickel			Monitor and Report		
Selenium, total			3.4	6.8	
Selenium, dissolved			Monitor and Report		
Silver			0.1	0.2	
Zinc			Monitor and Report		
Iron, total			Monitor and Report		
Iron, dissolved			Monitor and Report		
Temperature					110° F
Total Dissolved Solids			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0 Standard Units				

*Internal Outfall 201:* New discharge to Allegheny River, maximum discharge flow of 0.288 mgd (twice/year).

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			10	20	
Oil and Grease			15	20	30
BOD <sub>5</sub>			25	50	

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Aluminum			Monitor and Report		
Arsenic			Monitor and Report		
Beryllium			0.8	1.6	
Boron			Monitor and Report		
Cadmium			Monitor and Report		
Chromium III			Monitor and Report		
Chlorides			Monitor and Report		
Copper			0.1	0.2	
Lead			0.1	0.2	
Manganese			Monitor and Report		
Mercury			0.004	0.008	
Nickel			Monitor and Report		
Selenium, total			3.4	6.8	
Selenium, dissolved			Monitor and Report		
Silver			0.1	0.2	
Zinc			Monitor and Report		
Iron, total			Monitor and Report		
Iron, dissolved			Monitor and Report		
Temperature					110° F
Total Dissolved Solids			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0		Standard Units		

*Internal Outfall 203:* Existing, intermittent discharge to Outfall 003.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			30	100	
Oil and Grease			15	20	
Free Available Chlorine				0.2	0.5
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0		Standard Units		

*Internal Outfall 403:* Existing, intermittent discharge to Outfall 003.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
Suspended Solids			30	100	
Oil and Grease			15	20	
Free Available Chlorine				0.2	0.5
Total Residual Chlorine			0.5		1.0
pH	not less than 6.0 nor greater than 9.0		Standard Units		

#### *Other Conditions*

Language in Part C Conditions C.24, C.31, C.32 and C.33 is changed.

The permittee is required by Condition C.37 to conduct influent sampling to the FGD Scrubber Blowdown Treatment Plant for TSS, TDS, total and dissolved selenium and pH.

**PA0218103, Sewage, Worthington—West Franklin Joint Municipal Authority**, 102 West Main Street, Worthington, PA 16262. This application is for renewal of an NPDES permit to discharge treated sewage from Worthington—West Franklin Joint Municipal Authority STP in West Franklin Township, **Armstrong County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Buffalo Creek, which are classified as a HQ-TSF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Creekside Mushrooms, Ltd. on Buffalo Creek.

Outfall 001: existing discharge, design flow of 0.25 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>				
(5-1 to 10-31)	10	15		20
(11-1 to 4-30)	15	23		30
Suspended Solids	20	30		40
Ammonia Nitrogen				
(5-1 to 10-31)	1.5	2.3		3.0
(11-1 to 4-30)	4.5	6.8		9.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0098345**, Sewage, **Connellsville Area School District**, 732 Rockridge Road, Connellsville, PA 15425. This application is for renewal of an NPDES permit to discharge treated sewage from Clifford Pritts Elementary School STP in Saltlick Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Indian Creek, which are classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Indian Creek Valley Water Authority.

Outfall 001: existing discharge, design flow of 0.007735 mgd.

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

The EPA waiver is in effect.

**PA0030082**, Sewage, **Brownsville Health Services Corporation**, 125 Simpson Road, Brownsville, PA 15417. This application is for renewal of an NPDES permit to discharge treated sewage from Brownsville Hospital STP in Redstone Township, **Fayette County**.

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

Outfall 001: existing discharge, design flow of 0.045 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	1.5			3.0
(11-1 to 4-30)	3.0			6.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0030864**, Sewage, **Western Beaver County School District**, 343 Ridgemont Drive, Midland, PA 15059. This application is for renewal of an NPDES permit to discharge treated sewage from Fairview Elementary School STP in Ohioville Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Swale to Headwaters of Island Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the City of East Liverpool, OH on the Ohio River.

*Outfall 001:* existing discharge, design flow of 0.0065 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	2.3			4.6
(11-1 to 4-30)	6.6			13.2
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0042579**, Sewage, **Smith Machine, Inc.**, P. O. Box 126, 780 Route 519, Eighty Four, PA 15330. This application is for renewal of an NPDES permit to discharge treated sewage from Smith Machine STP in Somerset Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Storm Drain to UNT of Little Chartiers Creek, which are classified as a HQ-WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the West View Borough Municipal Authority on the Ohio River.

*Outfall 001:* existing discharge, design flow of 0.0015 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0216747**, Sewage, **Consol Pennsylvania Coal Company, LLC**, P. O. Box J, Claysville, PA 15323. This application is for renewal of an NPDES permit to discharge treated sewage from West Finley Portal STP in West Finley Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Swale of Robinson Fork, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Bayer Corporation on the Ohio River in WV.

*Outfall 001:* existing discharge, design flow of 0.025 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	5.0			10.0
(11-1 to 4-30)	15.0			30.0



Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.5			1.0
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0020702**, Sewage, **Municipal Authority of the Borough of Fayette City**, P. O. Box 552, Fayette City, PA 15438-0552. This application is for renewal of an NPDES permit to discharge treated sewage from Fayette City Wastewater Treatment Plant in Fayette City Borough, **Fayette County**.

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

*Outfall 001*: existing discharge, design flow of 0.125 mgd, and wet weather flow of 0.175 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25	38		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: Outfalls 002 and 003, which discharge to the receiving waters known as Monongahela River, serve as combined sewer overflows necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. These combined sewer overflows are permitted to discharge only for such reason. There are at this time no specific effluent limitations on the outfalls. Each discharge shall be monitored for cause, frequency, duration and quantity of flow.

The EPA waiver is in effect.

**PA0254061**, Sewage, **Richard Jericho**, 130 Chiccarello Drive, Clinton, PA 15026. This application is for issuance of an NPDES permit to discharge treated sewage from Jericho Single-Residence Sewage Treatment Facility in Hanover Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Traverse Creek, which are classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Midland Borough Municipal Authority located on the Ohio River.

*Outfall 001*: new discharge, design flow of 0.0004 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub> (5-1 to 10-31)	10			20
(11-1 to 4-30)	20			40
Suspended Solids	20			40
Ammonia Nitrogen (5-1 to 10-31)	4.0			8.0
(11-1 to 4-30)	12.0			24.0
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	Monitor and Report			
Dissolved Oxygen	not less than 7.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0021628**, Sewage, **Salisbury Borough**, P. O. Box 343, 171 Smith Avenue, Salisbury, PA 15558. This application is for renewal of an NPDES permit to discharge treated sewage from Salisbury Sewage Treatment Plant in Salisbury Borough, **Somerset County**.

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

*Outfall 001*: existing discharge, design flow of 0.2 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0024589**, Sewage, **Leetsdale Borough Municipal Authority**, 5 Sixth Street, Leetsdale, PA 15056. This application is for renewal of an NPDES permit to discharge treated sewage from Leetsdale Wastewater Treatment Plant in Leetsdale Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Ohio River, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility are not present in PA.

*Outfall 001*: existing discharge, design flow of 0.775 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

Other Condition: The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 0.95 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0205516**, Sewage, **Westmoreland County Industrial Park Authority**, Fifth Floor, Suite 520, 40 North Pennsylvania Avenue, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from the Westmoreland Business and Research Park in Upper Burrell Township, **Westmoreland County**.

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

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

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	4			8
(11-1 to 4-30)	12			24
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.35			0.8
Dissolved Oxygen	not less than 4 mg/l			
pH	not less than 6.0 nor greater than 9.0			
Copper	0.038			0.095
Zinc	0.330			0.825

*Outfall 001: expanded discharge, design flow of 0.10 mgd.*

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	4			8
(11-1 to 4-30)	12			24
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.35			0.8
Dissolved Oxygen	not less than 4 mg/l			
pH	not less than 6.0 nor greater than 9.0			
Copper	0.024			0.060
Lead	0.008			0.020
Zinc	0.200			0.500
Chlorodibromomethane	0.0006			0.0015
Chloroform	0.088			0.220
Dichlorobromomethane	0.009			0.022

The EPA waiver is in effect.

**PA0254126**, Sewage, **Charles Hensel**, 115 Hamel Lane, Johnstown, PA 15905. This application is for issuance of an NPDES permit to discharge treated sewage from Hensel Small Flow Sewage Treatment Facility in Upper Yoder Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Dalton Run, which are classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Blairsville Municipal Authority located on the Conemaugh River.

*Outfall 001: new discharge, design flow of 0.0009 mgd.*

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	10			20
(11-1 to 4-30)	20			40
Suspended Solids	20			40
Ammonia Nitrogen				
(5-1 to 10-31)	3.5			7.0
(11-1 to 4-30)	10.5			21.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	0.1			0.3
Dissolved Oxygen	not less than 7.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0020125**, Sewage, **Borough of Monaca**, 928 Pennsylvania Avenue, Monaca, PA 15061. This application is for renewal of an NPDES permit to discharge treated sewage from Borough of Monaca Sewage Treatment Plant in Monaca Borough, **Beaver County**.

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

*Outfall 101*: existing discharge, design flow of 1.15 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	25	37.5		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

Other Conditions: The first 3 years of the renewal permit will require quarterly sampling for TKN, NH<sub>3</sub>, N, NO<sub>2</sub>-NO<sub>3</sub>, total phosphorus and ortho-phosphate.

The EPA waiver is not in effect.

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

**PA0263524**, Industrial Waste, **City of Bradford**, 24 Kennedy Street, Bradford, PA 16701. This proposed facility is located in City of Bradford, **McKean County**.

Description of Proposed Activity: a seasonal discharge from spray pool (bathing place) waste.

The receiving water is Bennett Brooke. The receiving stream is in State Water Plan 16-C and is classified for the following uses: CWF, aquatic life, water supply and recreation. The nearest downstream potable water supply, State of New York, is located on Tunungwant Creek and is approximately 3.44 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.01661 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow	XX		
CBOD <sub>5</sub>	XX		
Total Suspended Solids	XX		
Total Residual Chlorine	XX		
pH	6.0 to 9.0 Standard Units at all times		

XX—Monitor and report.

The EPA waiver is in effect.

**PA0031461**, Sewage, **Gary Waite, Bryan Hurst, Leo Pfadt, co-owners, d/b/a Thomas Mobile Home Park**, P. O. Box 84, Waterford, PA 16442. This existing facility is located in Waterford Township, **Erie County**.

Description of Proposed Activity: The applicant requests a new NPDES permit for an existing discharge. The previous permit expired due to ongoing effluent violations.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing downstream potable water supply considered during the evaluation is Cambridge Springs on French Creek located in Cambridge Springs approximately 22 miles below the point of discharge.

The receiving stream, a UNT to Trout Run, is in Watershed 16A and classified for: HQ-CWF.

The proposed effluent limits for Outfall 001 based on a design flow of 0.040 mgd:

<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	
Total Suspended Solids	30		60
NH <sub>3</sub> -N (5-1 to 10-31)	4.5		9
(11-1 to 4-30)	13.5		27
Dissolved Oxygen	minimum of 3.0 mg/l at all times		

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Total Residual Chlorine	0.5		1.15
Fecal Coliform (5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	
pH		6.0 to 9.0 Standard Units at all times	

The EPA waiver is in effect.

**PA0209988**, Industrial Waste, **Department of Public Welfare—Polk Center**, P. O. Box 94, Main Street, Polk, PA 16342-0094. This proposed facility is located in Polk Borough, **Venango County**.

Description of Proposed Activity: A new NPDES permit for an existing, emergency discharge of treated filter backwash.

The receiving water is Little Sandy Creek. The receiving stream is in State Water Plan 16-G and is classified for the following uses: HQ-CWF, aquatic life, water supply and recreation. The nearest downstream potable water supply is the Emlenton Water Company intake, located on the Allegheny River, and is approximately 24 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.025 mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow (mgd)	XX		
Total Suspended Solids			75
Iron			5
Manganese			2.5
Aluminum			10
Total Residual Chlorine			1.2
pH		6.0 to 9.0 Standard Units at all times	

XX—Monitor and Report

The EPA waiver is in effect.

**PA608301, Amendment No. 1**, Industrial Waste, **Harsco Corporation**, 350 Poplar Church Road, Camp Hill, PA 07011. This proposed facility is located in Winfield Township, **Butler County**.

Description of Proposed Activity: Amendment of an NPDES Permit for existing and new discharges of stormwater associated with industrial activities and stormwater from construction activities.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply (stream and Public Water Supplier) considered during the evaluation is the Allegheny River and New Kensington Municipal Water located approximately 20 miles below point of discharge.

The receiving stream, Little Buffalo Creek, is in Watershed 18-F and classified for: HQ-TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfalls 001, 002 and 005—007 are based on a design flow of n/a mgd.

<i>Parameter</i>	<i>Concentrations</i>		
	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow*			XX
Alkalinity			XX
pH			XX
TDS			XX
TSS			XX
Aluminum			XX
Total Iron			XX
Chromium			XX
Nickel			XX
Manganese			XX

XX—Monitor and report on monthly DMRs.

\*—Discharge shall not occur at these outfalls except from a 25-year 24-hour rain event or greater. Any discharge from these ponds must be measured for the parameters shown and additional samples must be taken for each day that the discharge continues.

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

**WQM Permit No. 0909404**, Sewerage, **Northampton Bucks County Municipal Authority**, 111 Township Road, Richboro, PA 18954-1550. This proposed facility is located in Northampton Township, **Bucks County**.

Description of Action/Activity: Construction of sewerage system including two pump stations and a water distribution system.

**WQM Permit No. 1509402**, Sewerage, **East Vincent Municipal Authority**, 3807 Schuylkill Road, Spring City, PA 19475. This proposed facility is located in East Vincent Township, **Chester County**.

Description of Action/Activity: Additions and modifications to existing wastewater treatment plant.

**WQM Permit No. 2309407**, Sewerage, **Upper Providence Township Sewer Authority**, 935 North Providence Road, Media, PA 19063-1499. This proposed facility is located in Upper Providence Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a low pressure sanitary sewer extension utilizing individual grinder pumps.

**WQM Permit No. 0909405**, Sewerage, **Patricia Benson, c/o Del Val Soil & Environmental Consultants, Inc.**, 4050 Skyron Drive, Suite A1, Doylestown, PA 18902. This proposed facility is located in West Rockhill Township, **Bucks County**.

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

**WQM Permit No. 1509405**, Sewerage, **Bruce E. Shepherd, Hibernia Homes**, 177 Creamery Road, 1009 Telegraph Road, Coatesville, PA 19320-1001. This proposed facility is located in West Caln Township, **Chester County**.

Description of Action/Activity: Construction and operation of a new individual stream discharge small flow wastewater treatment facility.

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

**WQM Permit No. 0589201, Amendment 09-1**, Industrial Waste, **WSI—Sandy Run Landfill, Inc.**, 905 Landfill Road, P. O. Box 136, Hopewell, PA 16650. This proposed facility is located in Broad Top Township, **Bedford County**.

Description of Proposed Action/Activity: Seeking permit amendment approval to add aeration to their leachate treatment.

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

**WQM Permit No. 1809401**, Sewerage 4952, **Pine Creek Municipal Authority**, P. O. Box 608, Avis, PA 17721. This proposed facility is located in Pine Creek Township, **Clinton County**.

Description of Proposed Action/Activity: The applicant proposes to abandon an existing contact stabilization sewage plant and construct and operate a new tertiary sewage plant.

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

**WQM Permit No. 0309405**, Sewerage, **Ford City Borough Municipal Sewage Disposal Authority**, P. O. Box 66, Ford City, PA 16226. This proposed facility is located in Ford City Borough, **Armstrong County**.

Description of Proposed Action/Activity: Application for the construction and operation of sewer separation.

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

**WQM Permit No. 5609403**, Sewerage, **Mostoller Landfill, Inc.**, 7095 Glades Pike, Somerset, PA 15501. This proposed facility is located in Somerset Township, **Somerset County**.

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

**WQM Permit No. 6509404**, Sewerage, **L & T Enterprises, LLC**, 729 North Church Street, Mount Pleasant, PA 15666. This proposed facility is located in Donegal Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewage treatment plant.

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

**WQM Permit No. 4296403**, Sewerage, **Borough of Port Allegany**, 45 West Maple Street, Port Allegany, PA 16743-1318. This proposed facility is located in Port Allegany Township, **McKean County**.

Description of Proposed Action/Activity: Issuance of a permit to install a fine screen device to facilitate more efficient operation of the treatment plant through the removal of nonorganic material from the influent stream. The fine screen will be sized to treat the maximum flow of 3.75 mgd from the approved Act 537 Plan.

**IV. NPDES Applications for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)****V. Applications for NPDES Wavier Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4)****VI. NPDES Individual Permit Applications for Discharges of Stormwater Associated with Construction Activities**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 2309004	Elwyn, Inc. 111 Elwyn Road Media, PA 19063	Delaware	Middletown Township	Ridley Creek HQ-TSF

*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>
PAI024509006	Dolan Construction 301 South 13th Street Reading, PA 19602	Monroe	Chestnuthill Township	Poplar Run EV

*Wayne County Conservation District: Ag Service Center, 470 Sunrise Avenue, Honesdale, PA 18431, (570) 253-0930.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI026404003R	Department of Transportation District 4-0 55 Keystone Industrial Park Dunmore, PA 18512	Wayne	Honesdale Borough	Lackawaxen River HQ-TSF, MF WB Lackawaxen river HQ-TSF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023909013	Louis Pekor, III Lehigh Hills Route 100 Dev., LP 559 Main Street Suite 300 Bethlehem, PA 18018	Lehigh	Upper Macungie Township	Little Lehigh 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>
PAI032109001	Department of General Services Art Pfeiffer 18th and Herr Streets Harrisburg, PA 17120	Cumberland	Middlesex Township	LeTort Spring Run HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041409006	Wendell L. Williams Nittany View Partnership 2214 North Atherton Street State College, PA 16803	Centre	Harris Township	Spring Creek HQ-CWF

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

*Armstrong County Conservation District: Armsdale Administration Building, Suite B-2, 124 Armsdale Road, Kittanning, PA 16201, (724) 548-3425.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI050309001	Borough of Apollo P. O. Box 306 Apollo, PA 15613	Armstrong	Apollo Borough	Kiskiminetas River (WWF)

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

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

**STATE CONSERVATION COMMISSION**

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

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

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Daniel C. Heller Flintrock Farms 16 East Brubaker Valley Road Lititz, PA 17543	Lancaster	95.53	810	Broilers, Horses	NA	Renewal
Aaron Hawbaker 6842 Buttermilk Road Waynesboro, PA 17268	Franklin	185.6	114.8	Duck	NA	New

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determi-

nations 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

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

**Permit No. 0609505**, Public Water Supply.  
 Applicant **Reading Area Water Authority**  
 Municipality Reading Township  
 County **Berks**  
 Responsible Official Dean Miller, Executive Director  
 815 Washington Street  
 Reading, PA 19601  
 Type of Facility Public Water Supply  
 Consulting Engineer Max C. Kurbjun Jr., P. E.  
 BCM Engineers  
 920 Germantown Pike  
 Plymouth Meeting, PA 19462  
 Application Received May 14, 2009  
 Description of Action Construction of the 18th Ward  
 Booster Pump Station, relining  
 of an existing 16" water main  
 along 11th Street from Cotton  
 Street north to Spring Street and  
 replacement of 8,000 existing  
 water service meters.

**Permit No. 0709505**, Public Water Supply.  
 Applicant **Martinsburg Municipal Authority**  
 Municipality North Woodbury Township  
 County **Blair**  
 Responsible Official Jeffrey L. Garner, Vice President  
 133 East Allegheny Street  
 Martinsburg, PA 16662  
 Type of Facility Public Water Supply  
 Consulting Engineer Lawrence J. Lennon, P. E.  
 Lennon, Smith, Souleret  
 Engineering, Inc.  
 846 Fourth Avenue  
 Coraopolis, PA 15108-1522

Application Received May 18, 2009  
 Description of Action Addition of nitrate treatment for  
 existing groundwater sources.

**Permit No. 6709503**, Public Water Supply.  
 Applicant **Exelon Generation, Nuclear,  
 Peach Bottom Atomic Power  
 Station**  
 Municipality Peach Bottom Township  
 County **York**  
 Responsible Official Garey Stathes, Plant Manager  
 1848 Lay Road  
 Delta, PA 17314-0130  
 Type of Facility Public Water Supply  
 Consulting Engineer Robert J. Scholz, P. E.  
 Peach Bottom Atomic Power  
 Station  
 1848 Lay Road  
 Delta, PA 17314-0139

Application Received May 22, 2009  
 Description of Action Zenon Ultra-filtration  
 installation.

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

**Application No. 61095002**, Public Water Supply.  
 Applicant **Aqua PA Shenango Division**  
 Township or Borough Emlenton Borough  
**Venango County**  
 Responsible Official Jack N. Walter, P. E.  
 Consulting Engineer Pete Kusky, P. E.  
 Design Engineer  
 Aqua PA Shenango Division  
 665 South Dock Street  
 Sharon, PA 16146  
 Application Received June 1, 2009  
 Date  
 Description of Action Provide detail of existing  
 facilities, including raw water  
 intake, treatment plant and  
 distribution system. Includes  
 upgrades to various sections of  
 facilities and system.

### 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

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

**WA 06-1030, Water Allocations. Muhlenberg Township, Berks County.** The applicant is requesting the right to withdraw up to 4.0 mgd from the two boreholes that are hydraulically connected to an abandoned quarry pool in Muhlenberg Township, **Berks County**: Matt Carnish, Gannett Fleming Inc. Date Application Received February 13, 2009.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 1

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

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

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

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

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

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

**Saville Residence**, East Pikeland Township, **Chester County**. Stacie Cottone, J & J Spill Service Supplies, Inc., P. O. Box 370, Blue Bell, PA 19422 on behalf of Ben and Lisa Saville, 22 Kimble Drive, Phoenixville, PA 19460 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The future use of the site will remain the same.

**410 Monastery Avenue**, City of Philadelphia, **Philadelphia County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, Jim McMahon, Allstate Insurance Company, 1200 Atwater Drive, Suite 110, Malvern, PA 19355 on behalf of Laura Boylan, 410 Monastery Avenue, Philadelphia, PA 19355 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The intended future use of the site is residential. A summary of the Notice of Intent to Remediate was reported to have been published in *The Philadelphia Tribune* on May 12, 2009.

**Laminators, Inc.**, Hatfield Township, **Montgomery County**. Chris Ehret, Ehret's Regulatory Services, Inc., LLC, 108 Pennsylvania Avenue, Sinking Spring, PA 19608 and Andrew S. Levine, Esq., Stradley, Ronon, 2600 One Commerce Square, Philadelphia, PA 19103 on behalf of Mark Kawchak, Laminators, Inc., 3255 Penn Street, Hatfield, PA 19440 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of lead. The future use of the site will remain the same. A summary of the Notice of the Intent to Remediate was reported to have been published in the *Reporter* on March 9, 2009.

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

**C-B Tool Company**, Lancaster Township, **Lancaster County**. ARRO Consulting, Inc., 270 Granite Run Drive, Lancaster, PA 17601, on behalf of C-B Tool Company, 640 Bean Hill Road, Lancaster, PA 17603, submitted a Notice of Intent to Remediate groundwater contaminated with chlorinated solvents from historical machine shop operations. The site will be remediated to the Site-Specific Standard and will remain a machine shop.

**Muhlenberg School District**, Muhlenberg Township, **Berks County**. Earth Resource Associates, Inc., 544 Hemlock Lane, Lebanon, PA 17042-9064, on behalf of Muhlenberg Area School District, 801 Bellevue Avenue, Laureldale, PA 19605-1799, submitted a Notice of Intent to Remediate site soils contaminated with lead from crushed battery casings used as fill. The applicant intends to remediate the site the Site-Specific Standard, and the property will remain a high school campus.

#### **DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS**

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

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

**General Permit Application No. WMGR096SE005. Clean Earth Dredging Technologies, Inc.**, 269 Canal

Road, Fairless Hills, PA 19030-4305, Falls Township, **Bucks County**. The application was submitted for determination of applicability under the conditions defined within the existing General Permit No. WMGR096 for the beneficial use of regulated fill material as a capping material at the former disposal area of the facility. The application for determination of applicability was received by the Southeast Regional Office June 1, 2009.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

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

**Permit Application No. 101698. Bunnell Recycling Center**, Bunnell Recycling Center, Inc., 267 Tryon Street, Honesdale, PA 18431. An application for a new municipal waste transfer facility for construction and demolition waste located in Berlin Township, **Wayne County**. The application was received in the Regional Office on February 20, 2009; and as of May 29, 2009, the application was deemed to be administratively complete.

**Permit Application No. 301257. PPL Martins Creek Ash Basin No. 4**, PPL Martins Creek, LLC, Two North Ninth Street, GENPL-6, Allentown, PA 18101-1179. A major permit modification to modify the closure plan for this captive, Class II residual waste disposal impoundment located in Lower Mount Bethel Township, **Northampton County**. The application was received in the Regional Office on April 30, 2009; and as of June 5, 2009, the application was deemed to be administratively complete.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30

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

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

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

### PLAN APPROVALS

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

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

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

**15-0122A: Kennett Square Specialties, LLC** (556 East South Street, P. O. Box 652, Kennett Square, PA 19348) for installation of a spent shiitake mushroom growth media fired boiler rated at 9.6 mmBtu/hr (boiler) at the Kennett Square Specialties mushroom substrate and spawn production facility at 556 East South Street, Kennett Township, **Chester County**. The permittee will take limitations to keep emission of NO<sub>x</sub> and VOC below the major facility threshold levels. The Plan Approval will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**46-0026D: Global Packaging, Inc.** (209 Brower Avenue, Oaks, PA 19456-0187) for installation of a new

thermal oxidizer to control VOC emissions from four existing printing presses in Upper Providence Township, **Montgomery County**. Under this Plan Approval, no increase in VOC emissions has been proposed. The facility will still remain a synthetic minor. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**40-399-065: Vita-Line Products, Inc.** (111 North Park Drive, Hazleton, PA 18202) for installation of a new dog food manufacturing operation at their facility in Hazle Township, **Luzerne County**.

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

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

**48-309-129: Hercules Cement Co.** (501 Hercules Drive, Stockertown, PA 18083) for utilization of tire-derived fuel (TDF) to be fired as a supplemental fuel in the Nos. 1 and 3 cement kilns at the Stockertown Plant in Stockertown Borough, **Northampton County**. The facility currently has a Title V Operating Permit No. 48-00005. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

Plan Approval No. 48-309-129 is for the utilization of TDF to be fired as a supplemental fuel in the Nos. 1 and 3 cement kilns. Each cement kiln can be fired by either a combination of coke and bituminous coal or a combination of coke, bituminous coal and TDF. Since both kilns exhaust their emissions from a common fabric collector through a single stack, the total emissions from both cement kilns when fired by TDF will not exceed the following emission limits listed below:

Pollutant	LBS/Hour
Arsenic	0.0107
Cadmium	0.00625
Hexavalent Chromium	0.00553
Lead	0.181
Mercury	0.00648
Nickel	0.0175
Zinc	0.403
Hydrogen Fluoride	2.296
Hydrogen Chloride	14.56
Chlorine	0.837
Hydrogen Cyanide	0.0189
Total VOCs	19.0
SO <sub>2</sub>	500 ppm (1-hr block average)
NOx	492.0 (30-day rolling average)
Particulates	39.33 (roller mill on)
Particulates	28.0 (roller mill off)

The emission limits listed in the previous table for SO<sub>2</sub>, NOx and particulates (roller mill on and roller mill off) remain unchanged from the current Title V operating permit.

The Plan Approval and Operating Permit will include emission restrictions and testing, work practice standards

and monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. The company will be required to operate and maintain a Continuous emission Monitoring System (CEMS), which is certified by the Department, for opacity, SOx and NOx. The company will be required to conduct annual stack testing for arsenic, cadmium, hexavalent chromium, lead, mercury, nickel, zinc, total VOCs and particulates when the kilns are being fired by TDF. In addition, the company will be required to conduct a one-time stack test for hydrogen fluoride, hydrogen chloride, chlorine and hydrogen cyanide when the kilns are being fired by TDF.

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

**26-00586A: Highland Coaters, LLC** (2241 Industrial Drive, Connellsville, PA 15425) to allow construction of a paint booth, which includes two HVLP spray guns and a solvent still, at their facility in Bullskin Township, **Fayette County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.45, the Department of Environmental Protection (Department) intends to issue a Plan Approval PA-26-00586A Emissions from the facility are estimated to be 8.85 tons of VOC and 2.74 tons of HAPs per year. 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:

#### *Special Conditions*

1. This Plan Approval is to allow the construction and operation of a paint booth by Highland Coaters at their plant located in Bullskin Township, Fayette County (25 Pa. Code § 127.12b).

2. Air contamination sources at the Facility are as follows (25 Pa. Code § 127.12b):

- Paint Booth (enclosed, control by overspray media).
- Two Anest Iwata, Model No. LPH200-P (or equivalent), HVLP spray guns.
- Solvent still.

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

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

5. The Owner/Operator shall not cause or permit the emission into the outdoor atmosphere of VOCs from a surface coating process category listed in Table I, unless one of the following limitations is met (25 Pa. Code § 129.52):

a. The VOC content of each as applied coating is equal to or less than the standard specified in Table I.

i. The VOC content of the as applied coating, expressed in units of weight of VOC per volume of coating solids, shall be calculated as follows:

$$\text{VOC} = (\text{Wo}) * (\text{Dc}) / \text{Vn}$$

Where:

VOC = VOC content in lb VOC/gal of coating solids

Wo = Weight percent of VOC (Wv - Ww - Wex)

Wv = Weight percent of total volatiles (100%—weight percent solids)

Ww = Weight percent of water

Wex = Weight percent of exempt solvent(s)

Dc = Density of coating, lb/gal, at 25° Celsius

Vn = Volume percent of solids of the as applied coating

Table I Emission Limits of VOCs in Surface Coatings by Process Category

Surface Coating Process Category	Weight of VOC per Volume of Coating Solids	
	<i>lbs VOC per gallon coating solids</i>	<i>kg VOC per liter coating solids</i>
10(e). Air-dried coatings, Miscellaneous metal parts and products.	6.67	0.80

6. The Owner/Operator shall maintain the following daily records (25 Pa. Code § 129.12b):

a. The following parameters for each coating, thinner and other component as supplied:

i. The coating, thinner or component name and identification number.

ii. The application product from 25 Pa. Code § 129.52 Table I (for example, Miscellaneous metal parts and products—air-dried coatings).

iii. The volume used (gallons).

iv. The mix ratio.

v. The density or specific gravity.

vi. The weight percent of total volatiles (100%—weight percent solids).

vii. The weight percent of water, exempt solvents and solids.

viii. The weight percent of VOC (weight percent of total volatiles—weight percent water—weight percent exempt solvents).

ix. The volume percent of solids.

x. The VOC and HAP content (pounds per gallon).

b. The VOC and HAP content (pounds per gallon) of each as applied coating.

7. The Owner/Operator shall use HVLP application technology, or application technology approved by the Department in writing, prior to use, to apply all surface coatings or primers which contain VOC. HVLP equipment shall operate at 10.0 psig of atomizing air pressure or less at the air cap, and equipment necessary to demonstrate atomizing air pressure of the HVLP spray guns shall be maintained onsite (25 Pa. Code § 127.12b).

8. VOC emissions from the facility shall be limited to 9.0 tons in any consecutive 12-month period. HAP emissions shall be limited to 2.8 tons in any consecutive 12-month period. The Owner/Operator shall maintain records of the 12-month rolling total for VOC and HAP emissions (25 Pa. Code § 127.12b).

9. The Owner/Operator shall develop, maintain and comply with a written Work Practice Implementation Plan (WPIP). The WPIP shall be made available for

inspection by the Department upon request and shall consist of the following (25 Pa. Code § 127.12b):

a. Operator Training Program. New and existing personnel, including contract personnel, who are involved in coating or cleaning operations, shall complete an operator training program.

1) New personnel shall be trained upon hiring.

2) Existing personnel shall be trained before source startup.

3) Personnel shall be given refresher training annually.

4) A copy of the written operator training program shall be maintained with the WPIP. The operator training program shall include the following:

i. A list of current personnel by name and job description that are required to be trained.

ii. An outline of the subjects to be covered in the initial and annual refresher training sessions for each position or group of personnel.

iii. The initial and annual refresher training sessions shall include, at a minimum, appropriate application techniques, appropriate cleaning procedures, appropriate equipment setup, adjustment to minimize coating usage and overspray, and appropriate management of cleanup wastes.

iv. Records of successful completion of the initial or annual refresher training sessions shall be maintained for each employee trained.

v. A record of the date each employee is trained.

b. Leak Inspection and Maintenance Plan. The Owner/Operator shall prepare and maintain as part of the WPIP a written leak inspection and maintenance plan which shall include the following:

1) A minimum visual inspection frequency of once per month for all equipment used to transfer or apply coatings.

2) An inspection schedule.

3) The methods for documenting the date and results of each inspection and any repairs that were made.

4) The time frame between identifying a leak and making the repair, which shall adhere to the following schedule:

i. A first attempt at repairs, including tightening of packing glands, shall be made within 5 working days after the leak is detected.

ii. Final repairs shall be made within 15 working days, unless the leaking equipment is to be replaced by a new purchase, in which case repairs shall be completed within 3 months.

c. Storage Requirements. The Owner/Operator shall use normally closed containers for storing coating and cleaning materials.

d. Line Cleaning, Equipment and Spray Gun Cleaning. The solvent used for cleaning shall be collected in normally closed containers.

10. The Owner/Operator shall perform a daily facility-wide inspection while the sources are in operation for the presence of any fugitive emissions or malodors at the property line. If fugitive emissions or malodors are apparent, the Owner/Operator shall take corrective action. Records of each inspection shall be maintained in a log and at the minimum include the date, time, name and

title of the observer, along with any corrective action taken as a result (25 Pa. Code § 127.12b).

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

12. Upon determination by the Owner/Operator that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection (25 Pa. Code § 127.12b).

13. Upon completion of Initial Operating Permit Inspection and determination by the Department that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall submit a State-only Operating Permit application at least 60 days prior to the expiration date of the Plan Approval (25 Pa. Code § 127.12b).

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

#### *General Conditions*

1. Words and terms that are not otherwise defined in this plan approval shall have the meanings set forth in section 3 of the Air Pollution Control Act (APCA).

2. The issuance of this plan approval does not prevent the future adoption by the Department of any rules, regulations or standards, or the issuance of orders necessary to comply with the requirements of the Federal Clean Air Act (CAA) or the 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.

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

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

b. Under 25 Pa. Code § 127.12b(d), temporary operation of the sources 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 180 days.

e. The notice submitted by the permittee under subpart a. previous, prior to the expiration date of the plan approval, shall modify the plan approval expiration date on page 1 of this plan approval. The new plan approval expiration date shall be 180 days from the date of commencement of operation.

4. The permittee shall maintain and operate the sources and associated air cleaning devices in accordance with good engineering practice as described in the plan approval application submitted to the Department.

5. 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 sections 112(d) and 114(c) of the CAA (42 U.S.C.A. §§ 7412(d) and 7414(c)). Nothing in this section prevents disclosure of the report, record or information to Federal, State or local representatives as necessary for purposes of administration of Federal, State or local air pollution control laws, or when relevant in a proceeding under the act.

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

a. 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:

1. A justification for the extension.
2. A schedule for the completion of the construction.

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

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

7. 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.

a. 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.

b. This plan approval is valid only for the specific source and the specific location of the source as described in the application.

8. 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.

a. 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.

b. Nothing in this plan approval condition shall limit the ability of the Environmental Protection Agency (EPA) to inspect or enter the premises of the permittee in accordance with section 114 or other applicable provisions of the CAA.

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

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

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

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

d. The EPA determines that this plan approval is not in compliance with the CAA or the regulations thereunder.

10. 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.

11. 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.

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

Regional Air Program Manager  
Department of Environmental Protection  
400 Waterfront Drive  
Pittsburgh, PA 15222

13. If required by section 112(r) of the CAA, the permittee shall develop and implement an accidental release program consistent with requirements of the CAA, 40 CFR Part 68 (relating to chemical accident prevention provisions) and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act.

14. A person may not cause or permit the operation of a source subject to § 127.11 (relating to plan approval requirements), unless the source and air cleaning devices identified in the application for the plan approval and the plan approval issued to the source, are operated and maintained in accordance with specifications in the application and conditions in the plan approval issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices.

Those who 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 Alan Binder, 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.

All comments must be received prior to the close of business 30 days after the date of this publication.

For additional information persons may contact Alan Binder at (412) 442-4168.

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

**20-0250: GE Transportation—Erie** (2901 East Lake Road, Erie, PA 16531) for modification of the facility's construction schedule for the installation date of three new engine test cells in Building 63 and the modification date of three engine test cells in Building 4E in **Erie County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Minor Plan Approval Modification for the modification of plan approval 25-025M. The modification is to modify the facility's construction schedule for the installation date of 3 new engine test cells in Building 63 and the modification date of 3 engine test cells in Building 4E located in Erie County. The first test cell will commence construction by December 31, 2009, and another cell every 6 months thereafter. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

The change in the construction schedule does not modify any terms or conditions that are in Plan Approval 25-025M.

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

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

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 25-025O.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

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

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

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

**09-00176: Metal Improvement Co., LLC** (3434 State Road, Bensalem, PA 19020) for issuance of a State-only Operating Permit to operate aerospace chromium anodizing process, sulfuric anodizing process, phosphoric anodizing process, boric sulfuric anodizing process, five coating booths, two boilers, blast cabinet, process heaters and dryer ovens at 450 Winks Lane, Bensalem Township, **Bucks County**. The facility is synthetic minor for VOC. The following Plan Approvals and Operating Permits, 09-0176A and 09-312-026GP are being incorporated into the facility synthetic minor operating permit, 09-00176.

This Operating Permit shall include monitoring and recordkeeping designed to ensure this facility complies with all applicable air quality regulations.

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

**54-00035: Tredegar Film Products** (30 Maple Avenue, Marlin, PA 17951), for manufacture of polyethylene and polypropylene film from resin pellets in East Norwegian Township, **Schuylkill County**. This is a renewal of the State-only Natural Minor operating permit.

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

**65-00143: Hanson Aggregates PMA, Inc.** (2200 Springfield Pike, Connellsville, PA 15425-6412) for renewal of the 2004 synthetic minor operating permit for their Thaddus Carr sand and gravel dredge and processing plant on the Ohio River in **Beaver County**.

**03-00185: Vista Metals, Inc.** (1024 East Smithfield Street, McKeesport, PA 15135) for operation of manufacturing facility at Kittanning Plant in East Franklin Township, **Armstrong County**. This is a State-only Operating Permit Renewal.

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

**20-00093: Trojan, Inc.—DIC Tool Co.** (114 Poplar Street, P. O. Box 404, Meadville, PA 16335) for a Natural Minor Operating Permit to operate a facility that manufactures shatter resistant lighting products in the City of Meadville, **Crawford County**. The facility's primary emission sources include a silicone rubber coating line, a Teflon coating line, miscellaneous VOC use, natural gas process use and space heating.

**25-00970: Wire Weld, Inc.** (12069 East Main Road, North East, PA 16428-3641) for a Natural Minor Permit to operate a metal coating and allied services. The significant sources included: 1) Fluidized bed sand stripper with afterburner and cyclone separator; 2) Burn off oven; and 3) Miscellaneous natural gas usage. The plant is in North East Township and **Erie County**. The facility is natural minor because the emissions are less than the Title V threshold limits.

**61-00204: Franklin Bronze & Alloy Co., Inc.** (655 Grant Street, Franklin, PA 16323-2217) for the re-issuance of a Natural Minor Operating Permit to operate a manufacturing process creating bearings, bushings and plates using bronze and other nonferrous metals in the City of Franklin, **Venango County**. The primary emission sources include two dewax furnaces, shell preheat furnaces, degreasing operations, induction furnaces, cut off saws, grinders and miscellaneous natural gas use.

### **COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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



Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated above each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

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

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

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

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

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located

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

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

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

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

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

*Coal Applications Received*

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

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

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

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

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

**32080102 and NPDES No. PA0262595. Britt Energies, Inc.**, 2450 Philadelphia Street, Indiana, PA 15701, transfer of an existing bituminous surface mine from Alverda Enterprises, Inc. located in Pine Township, **Indiana County**, affecting 85.2 acres. Receiving stream: Leonard Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 22, 2009.

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

**26090103 and NPDES Permit No. PA0251704. Patterson Coal Company** (20 Elizabeth Drive,

Smithfield, PA 15478). Application for commencement, operation and reclamation of a bituminous surface mine, located in German Township, **Fayette County**, affecting 58.1 acres. Receiving streams: UNTs to Dunlap Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received May 28, 2009.

**26040103 and NPDES Permit No. PA0250589. Amerikohl Mining, Inc.** (1384 SR 711, Stahlstown, PA 15687). Renewal application for reclamation only of a bituminous surface mine, located in German Township, **Fayette County**, affecting 201.4 acres. Receiving streams: UNTs to Cat's Run, classified for the following use: WWF. The potable water supplies that have intakes within 10 miles downstream from the point of discharge: Masontown Water Works, Carmichaels Municipal Authority and Southwestern PA Water Authority. Renewal application received June 1, 2009.

*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.

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

**58070833. Norman G. Wright, Sr.**, (R. R. 2, Box 2341, Factoryville, PA 18419), Stages I and II bond release from a quarry operation in Lenox Township, **Susquehanna County** affecting 5.0 acres on property owned by Dave Talabisus. Application received May 18, 2009.

**FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of

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

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E35-424. City of Carbondale**, 1 North Main Street, Carbondale, PA 18407, in City of Carbondale, **Lackawanna County**, United States Army Corps of Engineers, Baltimore District.

To remove a 4-story building, streambank retaining wall and the existing bridge; to construct and maintain a prestressed adjacent box beam bridge having a 50-foot, 3-inch span and an 8-foot, 4-inch minimum underclearance across the Lackawanna River (HQ-CWF); and to remove accumulated sediment in and along 100 feet of the Lackawanna River, 50 foot upstream and 50 foot downstream of the bridge. The project is located at the Sixth Street Bridge over the Lackawanna River. This project was previously authorized by the Department of Environmental Protection Permit E35-385 which has expired (Carbondale, PA Quadrangle Latitude: 41° 34' 19"; Longitude: 75° 30' 15").

**E66-143. Wyoming County Conservation District**, 1 Hollowcrest Complex, Tunkhannock, PA 18657, in Eaton Township, **Wyoming County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain an 810-foot-long stream channel restoration project in Sugar Hollow Creek (HQ-CWF) consisting of the following work: three rock cross vanes with scour pools, nine double log veins, stepped-back rock stabilization walls and streambank biostabilization plantings. The project begins approximately 1,100 feet upstream from where Sugar Hollow Creek (HQ-CWF) intersects Bowman's Creek (HQ-CWF) and extends upstream 810 linear feet (Tunkhannock, PA Quadrangle Latitude: 41° 30' 25.3"; Longitude: 75° 59' 31.9").

**E39-419A.** (Allentown West, PA Quadrangle Latitude: 40° 30' 58"; Longitude: 75° 33' 31"), Borough of Macungie, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To stabilize an existing drainage swale; construct and maintain approximately 1,710 square feet of at-grade gravel parking areas and a gravel access road and 754 square feet of at-grade asphalt parking area in the floodway of the Swabia Creek (HQ-CWF). The project is located at 52 Race Street in the Borough of Macungie.

**E45-542.** (Bushkill, PA, PA-NJ Quadrangle Latitude: 41° 0' 20"; Longitude: 75° 7' 0"), Smithfield Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a timber truss suspension golf cart bridge having a span of 250 feet and an underclearance of 26 feet across the Delaware River (WWF, NF) in place of an existing, 286 foot seasonal bridge, which will be removed. Also, the construction of asphalt golf cart paths within the 100-year floodway of the Delaware River. The purpose of the project is to replace the existing seasonal bridge with a permanent structure for golf cart access at the Shawnee on the Delaware Golf Course. The project is located 1.57 miles northeast of the intersection of SR 2028 and I-80.

**E45-544.** (Thornhurst, PA Quadrangle Latitude: 41° 9' 53.9"; Longitude: 75° 34' 2.2"), Coolbaugh Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 95 LF, 48-inch wide, 12-inch high boardwalk with a 10 feet by 10 feet square

wooden pad, permanently impacting approximately 0.01 acre of PEM wetlands adjacent to Arrowhead Lake. The project is located 7.6 miles west of the intersection of I-380 and SR 0423.

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

**E67-867: Felton Borough**, 88 Main Street, Felton, PA 17322, North Branch Muddy Creek Stream Restoration (Phase II), Felton Borough, **York County**, United States Army Corps of Engineers, Baltimore District.

The project comprises a 3,375-foot section of the North Branch Muddy Creek (CWF) that flows through Felton Borough, York County. The project will utilize both natural and traditional stream restoration methods to stabilize and restore the channel while the removal of fill and debris mounds and the incorporation of floodplain benches will improve flood storage capacity. This will be accomplished through the installation of 11 rock cross vanes, two rock deflectors, 24 J-hook rock vanes and toe riprap throughout the length of the restoration segment. The project also includes bank regrading, the use of live stakes, riparian stream bank herbaceous vegetation, shrub and tree plantings and the installation of six root wads and eight cover logs. The upstream extent of the project is just upstream of the Red Lion Avenue crossing and extends downstream to the Beaver Street Bridge (Stewartstown, PA Quadrangle N: 18.75 inches; W: 9.5 inches, Latitude: 39° 51' 13.28"; Longitude: 76° 34' 05.30") in Felton Borough, York County.

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

**E08-456. East Resources, Inc.**, 301 Brush Creek Road, Warrensdales, PA 22203. Water Obstruction and Encroachment Joint Application, Troy Gas Gathering Pipeline, in Alba Borough, Canton, Troy and Armenia Townships, **Bradford County** and McNett Township, **Lycoming County**, United States Army Corps of Engineers, Baltimore District (Canton, PA Quadrangle N: 41° 45' 33"; W: 76° 54' 43").

To construct, operate and maintain 18.5 miles of 12" natural gas pipeline within the Susquehanna River Watershed (WWF). Construction of the pipeline will require 40 stream and 37 wetland crossings. The project is centered south of SR 0414, approximately 2 miles east of the Village of Canton, in Alba Borough, Canton, Troy and Armenia Townships, Bradford County and McNett Township, Lycoming County.

**E14-521. Centre Regional Recreation Authority**, 2643 Gateway Drive, State College, PA 16801. Sewer line under Millbrook Marsh, in College Township, **Centre County**, United States Army Corps of Engineers, Baltimore District (State College, PA Quadrangle N: 40° 48' 48"; W: 77° 50' 18").

To construct and maintain a 70-foot long section of 6-inch PVC gravity fed sewer line under Millbrook Marsh and a UNT to Slab Cabin Run for the Spring Creek Educational Center located 150 feet north of the caretaker's house. This project proposes to temporarily impact 700 square feet of Millbrook Marsh, which is classified as a HQ-CWF.

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

**E02-1611. Allegheny County Department of Public Works**, 501 County Office Building, 542 Forbes Avenue, Pittsburgh, PA 15219. To excavate accumulated sediment in North Park Lake, Hampton and McCandless Townships, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Glenshaw, PA Quadrangle N: 17.40 inches; W: 16.96 inches; Latitude: 40° 35' 45"; Longitude: 79° 59' 50"). The applicant proposes to remove accumulated sediment from North Park Lake for the purpose of restoring the open water habitat and aquatic ecosystem to the lake. The lake is V-shaped, and currently has a surface area of approximately 63 acres. This project will be completed in two phases. Phase I would involve the excavation of approximately 104,000 cubic yards (CY) of sediment, primarily from the North Fork Pine Creek (CWF) arm of the lake. Phase II would involve the excavation of approximately 213,000 CY of sediment, primarily from the Pine Creek (CWF) arm of the lake, and the area in front of the dam. The accumulated sediments will be removed by conventional earth moving equipment, after the lake is dewatered. All of the excavated sediment will be transported and disposed at the Wildwood Mine Sediment Placement Area (insert location info). Upon completion of this project, the restored lake will have a surface area of approximately 63 acres, and water depths that will range from shallow shoreline areas, to approximately 26-ft at the most downstream end of the lake. Structures such as porcupine cribs, porcupine crib juniors, rock humps, mixed stone piles, and osprey nests will be installed in and around the restored lake, to restore aquatic habitat. In addition, coir fiber logs will be installed along the lake bank at select locations, and outlet protection will be added to existing culverts around the lake. The project is located on the west side of Babcock Road at the intersection of Babcock and Ingomar Roads.

**E02-1612. Community Center and Library Association**, 1220 Powers Run Road, Pittsburgh, PA 15238-2618. To develop a library building and impact wetlands in Fox Chapel Borough, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Glenshaw, PA Quadrangle N: 2.7 inches; W: 0.7 inch, Latitude: 40° 30' 54"; Longitude: 79° 52' 47"). The applicant proposes to develop a 15,500 square foot library building with associated parking that impacts 0.025 acre of wetlands and 60 linear feet of a UNT to Squaw Run (HQ-CWF). The project is located near the intersection of Fox Chapel Road with Field Club Road.

**E02-1618. Department of Transportation**, District 11, 45 Thoms Run Road, Bridgeville, PA 15017. To construct a single span bridge in Lincoln Borough, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (McKeesport, PA Quadrangle N: 5.25 inches; W: 14 inches, Latitude: 40° 16' 45"; Longitude: 79° 51' 8"). The applicant proposes to remove the existing SR 2010, 15 ft. wide, 32 ft. long single span bridge skewed 45° with an underclearance of 5 ft. and construct and maintain adjacent to and to the east a 27 ft. wide, 47.5 ft. long, single span bridge skewed 20° with an underclearance of 5 ft. over Wylie Run (WWF) with a drainage area of 1.6 square miles; construct and maintain associated 150 ft. of stream relocation and bank protection; and to construct and maintain adjoining stormwater outfalls. The project is located approximately one half mile upstream of the confluence with the Monongahela River.

**E04-327. Ronald B. McKee**, 758 SR 288, Fombell, PA 16123. To maintain an existing bridge in Franklin Township, **Beaver County**, United States Army Corps of

Engineers, Pittsburgh District (Zelienople, PA Quadrangle N: 14.9 inches; W: 7.7 inches, Latitude: 40° 49' 55"; Longitude: 80° 10' 50").

The applicant proposes to operate and maintain the existing bridge having a span of 42.0 feet with an underclearance of 7.0 feet across the channel of Camp Run (WWF) for the purpose of providing access to applicant's property. The bridge is located on the east side of North Camp Run Road, approximately 3,500.0 feet northeast from the intersection of North Camp Run Road and SR 288 and will impact approximately 16.0 linear feet of stream channel.

**E65-931. The Municipal Authority of Westmoreland County**, P. O. Box 703, Greensburg, PA 15672. To construct a waterline under Sewickley Creek in Hempfield Township and the Borough of Youngwood, **Westmoreland County**, United States Army Corps of Engineers, Pittsburgh District (Mount Pleasant, PA Quadrangle N: 19.1 inches; W: 10.69 inches, Latitude: 40° 13' 49"; Longitude: 79° 34' 36") The applicant proposes to construct and maintain approximately 13,400 feet long, 48-inch DI water main, which replaces the existing 20-inch transmission main under the channel bottom of Sewickley Creek (WWF) and two UNTs to Jacks Run (WWF). The project is located between Waycross and Stone Church Roads in Hempfield Township and Borough of Youngwood.

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

**E20-575. Vernon Township Volunteer Fire Department**. Vernon Township Volunteer Fire Department Station and Social Hall, in Vernon Township, **Crawford County**, United States Army Corps of Engineers, Pittsburgh District (Meadville, PA Quadrangle N: 41° 39' 32"; W: 80° 10' 25").

The applicant proposes to construct and maintain stormwater management facilities and a parking area associated with a fire station and social hall within the FEMA mapped 100 year floodway of French Creek on the east side of Mosiertown Road approximately 0.8 mile south of the intersection of Mosiertown and Round Top Roads. French Creek is a perennial stream classified as a WWF.

**E61-286. Oil Creek Township**, 16835 Shreve Run Road, Pleasantville, PA 16341. Wastewater Collection and Conveyance Extension, in Oil Creek Township, **Venango County**, United States Army Corps of Engineers, Pittsburgh District (Pleasantville, PA Quadrangle N: 41° 35' 41"; W: 79° 34' 51").

The applicant proposes to construct and maintain a 60,000 linear feet sewerline extension and seven pump stations conveying sewage to the Borough of Pleasantville wastewater treatment plant involving the following:

1. To construct and maintain 11 sewer line stream crossings by directional drilling in UNTs to Pine Creek (HQ-CWF, seven crossings), UNTs to Pine Creek (CWF, two crossings), and UNTs to Pithole Creek (CWF, two crossings).
2. To construct and maintain five sewer line crossings of PFO exceptional value wetlands and six sewer line crossings of other PFO wetlands by directional drilling.
3. To construct and maintain a 20-foot by 30-foot pump station and associated access road within the floodway of a UNT to Pine Creek.

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

**E25-731, Department of Transportation, District 1-0**, 255 Elm Street, Oil City, PA 16323. SR 0090, Section B08, in Harborcreek Township, **Erie County**, United States Army Corps of Engineers, Pittsburgh District (Harborcreek, PA Quadrangle N: 42° 07' 37"; W: 79° 56' 58.5").

To conduct the following activities associated with the replacement of the bridges across Sixmile Creek on I-90 approximately 1 mile east of SR 432 (Station Road):

1. To remove the existing east bound bridge and to construct and maintain a 46-foot wide bridge having three-spans totaling 746 feet and an underclearance of 160 feet across Sixmile Creek and adjoining wetland on the existing alignment.

2. To remove the existing west bound bridge and to construct and maintain a 46-foot wide bridge having three-spans totaling 746 feet and an underclearance of 160 feet across Sixmile Creek and adjoining wetland on a new alignment just north of the existing bridge.

3. To permanently fill a total of 0.28 acre of wetland (0.15 acre PFO, 0.13 acre PEM) associated with the realignment of the westbound lanes of I-90 to the north of the existing alignment.

4. To temporarily impact a total of 0.56 acre of wetland (0.56 acre PEM) associated with temporary access for removal and construction of the bridges and realigned westbound lanes.

5. To extend the existing 500-foot long, 48-inch diameter RCP an additional 177 feet for a total structure

length of 677 feet in a tributary to Sixmile Creek (Tributary No. 1) having a contributory drainage area less than 100 acres.

6. To extend the existing 330-foot long, 18-inch diameter RCP an additional 70 feet and realign approximately 100 feet of an intermittent tributary to Sixmile Creek (Tributary No. 7) having a contributory drainage area less than 100 acres.

7. To extend the existing 330-foot long, 18-inch diameter RCP an additional 20 feet in an intermittent tributary to Sixmile Creek (Tributary No. 8) having a contributory drainage area less than 100 acres.

8. To construct two temporary roadway crossings of Sixmile Creek for construction access for removal and construction of the bridges. One crossing is located approximately 700 feet downstream of the bridges and will consist of five 90-foot long, 60-inch diameter culverts and clean rock fill. The other crossing is located under the existing west bound bridge and will consist of four 80-foot long, 60 inch diameter culverts and clean rock fill.

Project proposes debit of a total of 0.58 acre from the Department of Transportation's Houghton Wetland Mitigation Bank constructed under the Department of Environmental Protection Permit No. E20-555 for replacement of permanent wetland impacts. Mitigation for the 267 linear feet of permanent stream impacts consists of stabilization of three tributaries to Sixmile Creek at the project site.

## ACTIONS

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

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

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

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the

*Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

## I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0060470 (nonmunicipal sewage)	Geisinger Foundation/ Marworth Lily Lake Road Waverly, PA 18471	Lackawanna County North Abington Township	UNT to Ackerly Creek 4F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0228052 (Sewage)	Allen's True Value, Inc. 759 Susquehanna Trail Watsontown, PA 17777	Delaware Township Northumberland County	UNT to Muddy Run WWF	Y
PA0114316 (Sewage)	John and Sandra Erdley 175 Eagle Lane Millmont, PA 17845	Hartley Township Union County	UNT to Penns Creek HQ-CWF	Y
PA0044547 (Sewage)	Department of Conservation and Natural Resources Hills Creek State Park 111 Spillway Road Wellsboro, PA 16901	Charleston Township Tioga County	Hills Creek WWF	Y
PA0060232 (Sewage)	United States Army Corps of Engineers Baltimore District Tompkins Recreation Area 710 Ives Run Lane Tioga, PA 16946	Lawrence Township Tioga County	Cowanisque WWF	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>
PA0222844	Ellwood Industrial Facilities Company 700 Moravia Street New Castle, PA 16101	City of New Castle Lawrence County	Shenango River 20-A	Y

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

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

**NPDES Permit No. PA0051802**, Industrial Waste, **Gruner & Jahr USA Group, Inc., d/b/a Brown Printing Company**, 1500 Broadway, Suite 505, New York, NY 10036. This proposed facility is located in Upper Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the authorization to discharge from a facility known as Brown Printing Company, East Greenville Division located at 688 Gravel Pike, East Greenville, PA. To a UNT to Perkiomen Creek, in Watershed 3E.

**NPDES Permit No. PA0011720**, Industrial Waste, **Rhodia, Inc.**, CN 7500, 8 Cedar Brook Drive, Cranbury, NJ 08512-7500. This proposed facility is located in Falls Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge stormwater from Rhodia Morrisville Facility into Biles Creek in Watershed 2E-Common.

**NPDES Permit No. PA0050644**, Industrial Waste, **East Greenville Borough**, 206 Main Street, East Greenville, PA 18041-0128. This proposed facility is located in Upper Hanover Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from the facility into the Perkiomen Creek in Watershed 3E.

**NPDES Permit No. PA0026964**, Sewage, **Lower Perkiomen Valley Regional Sewer Authority**, P. O. Box 297, 101 Station Road, Oaks, PA 19456. This proposed facility is located in Upper Providence Township, **Montgomery County**.

Description of Proposed Action/Activity: approval for the renewal to discharge from the facility known as Oaks WWTP into the Schuylkill Rver in Watershed 3D.

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

**NPDES Permit No. PA0088897**, CAFO, **Dennis R. Hissong, Hissong Farmstead, Inc.**, 7951 Lemar Road, Mercersburg, PA 17326. This proposed facility is located in Peters and Montgomery Townships, **Franklin County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1,445-Animal Equivalent Units dairy operation located in Watershed 13-C.

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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. 3909402**, Sewerage, **Lehigh County Authority**, 1053 Spruce Street, P. O. Box 3348, Allentown, PA 18106. This proposed facility is located in Upper Milford Township, **Lehigh County**.

Description of Proposed Action: Issuance of Water Quality Management Permit for construction of a low pressure sewer collection system in the Vera Cruz area.

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

**WQM Permit No. 2109403**, Sewage, **Cumberland-Franklin Joint Municipal Authority**, 725 Municipal Drive, Shippensburg, PA 17257. This proposed facility is located in Southampton Township, **Cumberland County**.

Description of Proposed Action/Activity: Permit approval for the construction/operation of the Southwood Crossing Interceptor. Construction of 7,299' of 15" diameter PVC interceptor through Southwood Crossing to T-380 Airport Road.

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

**WQM Permit No. WQM1704402-A1**, Sewerage 4952, **Woodward Township Sewer & Water Authority**, Punkin Hollow Road, Houtzdale, PA 16651. This facility is located in Woodward Township, **Clearfield County**.

Description of Action/Activity: The applicant is approved to install chemical addition and storage to achieve removal of solids in the existing treatment facilities. The chemical addition will utilize Alum.

*Southwest Region: Water Management Program Manager; 400 Waterfront Drive, Pittsburgh, PA 1522-4745.*

**WQM Permit No. WQG016173**, Sewerage, **Richard McIntyre**, 526 Freeport Road, Freeport, PA 16229. This proposed facility is located in South Buffalo Township, **Armstrong County**.

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

**WQM Permit No. WQG016172**, Sewage, **William C. Brown**, 3985 Route 553, Penn Run, PA 15765. This proposed facility is located in Cherryhill Township, **Indiana County**.

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

**WQM Permit No. 3294401-A1**, Sewerage, **Central Indiana County Joint Sanitary Authority**, 603 South Main Street Extension, Homer City, PA 15748. This existing facility is located in Center Township, **Indiana County**.

Description of Proposed Action/Activity: Permit amendment issuance for modifications a the CICJSA Sewage Treatment Plant and Coral Pump Station.

**WQM Permit No. 6308403**, Sewerage, **Independence-Cross Creek Joint Sewer Authority**, P. O. Box 156, 16 Campbell Street, Avella, PA 15312. This proposed facility is located in Independence Township, **Washington County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sanitary sewers, pump station and force main and sewage treatment plant.

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

**WQM Permit No. 4296403**, Sewerage, **Borough of Port Allegany**, 45 West Maple Street, Port Allegany, PA 16743-1318. This proposed facility is located in Port Allegany Township, **McKean County**.

Description of Proposed Action/Activity: Issuance of a permit to install a fine screen device to facilitate more efficient operation of the treatment plant through the removal of nonorganic material from the influent stream. The fine screen will be sized to treat the maximum flow of 3.75 mgd from the approved Act 537 Plan.

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

**WQM Permit No. 1508417**, Sewerage, **Philadelphia Water Department**, ARAMARK Tower, 5th Floor, 1101 Market Street, Philadelphia, PA 19107-2994. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Action/Activity: Construction of operation of the State Road Parallel Relief Sewer gravity.

**WQM Permit No. 1508412**, Sewerage, **West Grove Borough Authority**, P. O. Box 61, 117 Rosehill Avenue, West Grove, PA 19390-0061. This proposed facility is located in London Grove Township, **Chester County**.

Description of Action/Activity: Re-rate of organic loading at the existing treatment facility from 521 lbs/day BOD to 646 lbs/day BOD.

**WQM Permit No. 0909402**, Sewerage, Northampton, **Bucks County Municipal Authority**, 111 Township Road, Richboro, PA 18954. This proposed facility is located in Northampton Township, **Bucks County**.

Description of Action/Activity: Upgrades to the existing interceptor, including the 24" and 30" lines and all associated appurtenances.

**WQM Permit No. WQG010028**, Sewerage, **Jaster Associates, LLC**, 437 King Road, Doylestown, PA 18901. This proposed facility is located in Bedminster Township, **Bucks County**.

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

**WQM Permit No. 0909403**, Sewerage, **Chalfont-New Britain Township Joint Sewer Authority**, 1645 Upper State Road, Doylestown, PA 18901-2666. This proposed facility is located in New Britain Township, **Bucks County**.

Description of Action/Activity: Construction and operation of a low pressure sewer system to serve ten residential properties.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1507057	Devereux Foundation 444 Devereux Drive Villanova, PA 19085	Chester	Willistown Township	UNT Crum Creek HQ-CWF
PAI01 1509014	River Station, LP P. O. Box 1496 Exton, PA 19341	Chester	Downingtown Borough	East Branch Brandywine Creek WWF-MF

*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>
PA023508005	PA American Water Co. 852 Wesley Drive Mechanicsburg, PA 17055	Lackawanna	Spring Brook Township	Spring Brook HQ-CWF
PAI024008003	UGI Energy Services, Inc. One Meridian Boulevard Suite 2C01 Wyomissing, PA 19610	Luzerne	Hunlock Township	Susquehanna River WWF
PAI023908028	Lehigh County Authority P. O. Box 3348 1053 Spruce Street Allentown, PA 18106	Lehigh	Lower Macungie Township	Cedar Creek HQ-CWF

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

*Clearfield County Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-2629.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041709002	Shannon Land and Mining P. O. Box 368 Bigler, PA 16825	Clearfield	Pike Township	UNT to Little Clearfield Creek HQ-CWF West Branch Susquehanna River WWF



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


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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).

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


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

*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>
Warminster Township Bucks County	PAG200 0909036	County View Properties, LP 55 Lynn Avenue Oreland, PA 19075	Tributary Pennypack Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franklin Township Chester County	PAG200 1504023-R	Wilkinson Heritage, LLC 1020 Broad Run Road Landenberg, PA 19350	East Branch White Clay Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Brandywine Township Chester County	PAR10- G499-R	Costa Homes, Inc. 665 Amalie Lane Southampton, PA 18966	Beaver Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Phoenixville Borough Chester County	PAG200 1509009	Chester County Park & Recreation 601 Westtown Road Suite 160 P. O. Box 2747 West Chester, PA 19380-0990	Schuylkill River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Dublin Township Montgomery County	PAG200 4608156	Lubavitch Center of Montgomery County 426 Pennsylvania Avenue Suite 120 Fort Washington, PA 19034	UNT Sandy Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 5104001-R	Isle of Capri Associates, LP 242 South 17th Street Philadelphia, PA 19103	Delaware River/Cohocksink Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<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>
City of Philadelphia Philadelphia County	PAG201 5109002	Rite Aid Corporation 875 Kings Highway Suite 201 Woodbury, NJ 08096	Poquessing Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Chestnuthill Township Monroe County	PAG2004509001	Pleasant Valley School District One School Drive	Weir Creek CWF	Monroe County Conservation District (570) 629-3060
Upper Saucon Township Lehigh County	PAG2003904012R	Ken Synder TG Development Co., Inc. 3312 Seventh Street Whitehall, PA 18052	Tributary to Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
Hampden Township Cumberland County	PAG2002109004	Jim Mumper 3913 Market Street Camp Hill, PA 17011	Sears Run WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Silver Spring Township Cumberland County	PAG2002109003	Lois and Ntzani's Partnership George Lois 76 Millers Gap Road Enola, PA 17025	Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Guilford Township Franklin County	PAG2002809009	Chambersburg Waste Paper Kelly Adams 2047 Loop Road Chambersburg, PA 17202	Conococheague Creek CWF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 (717) 264-5499
Hamilton Township Franklin County	PAG2002808007	Ralph Tolbert 1262 Sollembergber Road Chambersburg, PA 17202	Back Creek TSF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 (717) 264-5499
Chambersburg Borough Franklin County	PAG2002809014	Limekiln/Walker Road Hotel VJ Mehta 211 Walker Road Chambersburg, PA 17201	Falling Springs Branch TSF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 (717) 264-5499
Greene Township Franklin County	PAG2002809018	Exit 17 Fill Area Ryan Johnston BCR Properties 900 Kriner Road Suite 1 Chambersburg, PA 17202	Falling Springs Branch TSF	Franklin County Conservation District 185 Franklin Farm Lane Chambersburg, PA 17201 (717) 264-5499
South Londonderry Township Lebanon County	PAG2003808012	Don Lechleitner Springbrook Farms 1840 Fishburn Road Hershey, PA 17033	Spring Creek WWF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
New Cumberland Borough Cumberland County	PAG2002109001	Joan Anderson West Shore School District 507 Fishing Creek Road New Cumberland, PA 17070	Yellow Breeches Creek—Susquehanna River CWF-WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812

**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>
Warwick Township Lancaster County	PAG2003608085	Sechan Electronics, Inc. 525 Furnace Hills Pike Lititz, PA 17543	Bachman Run TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Ephrata Township Lancaster County	PAG2003609008	Tim High 1480 Diamond Station Road Ephrata, PA 17522	UNT to Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Quarryville Borough Lancaster County	PAG2003609017	Quarry Edge Properties, LP 11 West State Street Quarryville, PA 17566	Big Beaver Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
West Lampeter Township Lancaster County	PAG2003609023	George Desmond 1085 Manheim Pike Lancaster, PA 17601	UNT to Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
East Hempfield Township Lancaster County	PAG2003609026	Theodore Esbenshade 999 South Colebrook Road Manheim, PA 17545	Little Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Quarryville Borough Lancaster County	PAG2003609030	Quarryville Presbyterian Home 625 Robert Fulton Highway Quarryville, PA 17566	Big Beaver Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Earl Township Lancaster County	PAG2003609031	Wright New Holland, LLC 35 East Baltimore Pike Media, PA 19063	UNT to Mill Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Cumru Township Berks County	PAG2000609014	Grande Construction c/o Kirk Barnett 2213 Quarry Road West Lawn, PA 19609	UNT to Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Marion Township Berks County	PAG2000609017	Dean Brubaker 50 Camp Strauss Road Bethel, PA 19507	Tulpehocken Creek TSF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201

<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>
Spring Township Berks County	PAG2000609010	Thomas Holleran 1170 Cedar Hill Drive Reading, PA 19605	Cacoosing Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Bradford County Wyalusing Township	PAG2000809002	Ray Fleming Wyalusing Area School District 115 Main Street Wyalusing, PA 188853	Susquehanna River WWF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 6
Clearfield County Sandy Township	PAG2001709003	Glenn O. Hawbaker P. O. Box 135 State College, PA 16804	Clear Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Montour County Anthony Township	PAG2004708003 (1)	Ben Detweiler 79 Fairview Road Turbotville, PA 17772	West Branch Chillisquaque Creek WWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Montour County Cooper Township	PAG2004708007	Service 1st Federal Credit Union 1207 Bloom Street Danville, PA 17821	Sechlar Run CWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Northumberland County City of Shamokin Coal Township	PAG2004909005	Daniel G. Weaver Shamokin Coal Joint Sewer Authority 114 Bridge Street Coal Township, PA 17872	Shamokin Creek WWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Northumberland County Lewis Township	PAG2004909006	SCI Coal Township 1 Kelly Drive Coal Township, PA 17866	UNT to Shamokin Creek WWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (507) 286-7114, Ext. 4
Union County Kelly Township	PAG200600904	Terry Napp Evangelical Community Hospital 1 Hospital Drive Lewisburg, PA 17837	Buffalo Creek TSF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Fayette County North Union Township	PAG2002609001	James Nickman Wesclair Development Group 5 Nickman Plaza Lemont Furnace, PA 15456	UNT to Cove Run WWF	Fayette County Conservation District (724) 438-4497

*Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Indiana County White Township	PAG2003208006-1 Foundation for Indiana University of Pennsylvania Sutton Hall Room 103 1011 South Drive Indiana, PA 15705	Marsh Run CWF	Indiana County Conservation District (724) 463-8547
Butler and Adams Counties	PAG2001008019 Valencia Sports Park Paul Adametz 302 Westburn Court Seven Fields, PA 16046	UNT Glade Run WWF	Butler County Conservation District (724) 284-5270
Mercer County City of Hermitage	PAG2004309002 Strategic Development Partners, LLC Paul H. Paoletta 848 Brandywine Drive Hermitage, PA 16148	Hogback Run WWW	Mercer County Conservation District (724) 662-2242

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

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Berks County Maidencreek Township	PAR213552 Lehigh Cement Company, Inc. 537 Evansville Road Fleetwood, PA 19522-8541	Maiden Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

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

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bedford County East Providence Township	PAG043606 William C. Dietzel 147 Clark Road Everett, PA 15537-5233	French Run WWF 11-D	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cherryhill Township Indiana County	PAG046400 William C. Brown 3985 Route 553 Penn Run, PA 15765	UNT to Rose Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*Permit Type—PAG-5**Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lancaster County Sadsbury Township	PAG053598 ARA Consulting, Ltd. Universal Truck Stop 4203 West Lincoln Highway Parkesburg, PA 19365	UNT William Run TSF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*General Permit Type—PAG-8**Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Cumberland Township Adams County	PAG083540 Gettysburg Municipal Authority 601 East Middle Street Gettysburg, PA 17325-3307	Gettysburg Municipal Authority WWTP	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*Facility Location:  
Municipality &  
County*Upper Paxton  
Township  
Dauphin CountyPermit No.  
PAG083544*Applicant Name &  
Address*  
Millersburg Area  
Authority  
101 West Street  
Millersburg, PA 17061*Site Name &  
Location*  
Millersburg Area  
Authority  
WWTF*Contact Office &  
Phone No.*  
DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
(717) 705-4707East Providence  
Township  
Bedford CountyPermit No.  
PAG083539*Applicant Name &  
Address*  
East Providence  
Township Municipal  
Authority  
P. O. Box 83  
Breezewood, PA 15533*Site Name &  
Location*  
East Providence  
Township Wastewater  
Treatment Plant  
244 Municipal Road  
Breezewood, PA 15533*Contact Office &  
Phone No.*  
DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
(717) 705-4707*General Permit Type—PAG-10**Facility Location:  
Municipality &  
County*Salem Township  
Westmoreland  
CountyPermit No.  
PAG106127*Applicant Name &  
Address*  
Texas Eastern  
Transmission, LP  
5400 Westheimer Court  
5G-40  
Houston, TX 77056*Receiving  
Water/Use*  
UNT of Whitehorn Creek*Contact Office &  
Phone No.*  
Southwest Regional Office  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000**STATE CONSERVATION COMMISSION****NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR  
NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)  
PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)**

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved/ Disapproved</i>
Eric Risser Meadow Vista Dairy, LLC 166 Risser Road Bainbridge, PA 17502	Lancaster	847.7	1,296.5	Dairy	NA	Approved

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved/Disapproved</i>
Harold Weaver 15 Alice Avenue Lititz, PA 17543	Lancaster	129.1	254.18	Ducks, Heifers	NA	Approved
Weiler Farms 2 R. D. 2 (Lawn Road) Palmyra, PA 17079	Lebanon	0	822.33	Swine	NA	Approved
Stoner's Hijos Hill, Inc. 7678 Oellig Road Mercersburg, PA 17236	Franklin	1,470.5	1,222.65	Dairy	NA	Approved
Curvin Martin 322 Hatchery Road Dalmatia, PA 17017	Northumberland	12.1	59.6	Ducks	None	Approved

**PUBLIC WATER SUPPLY (PWS) PERMITS**

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

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

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

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

**SAFE DRINKING WATER**

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

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

**Permit No. 4009516MA, Minor Amendment, Public Water Supply.**

Applicant	<b>United Water Pennsylvania, Inc.</b> 4211 East Park Circle P. O. Box 4151 Harrisburg, PA 17111 Dallas Township
County	<b>Luzerne County</b>
Type of Facility	Public Water Supply
Consulting Engineer	Arthur C. Saunders, P. E. United Water Pennsylvania, Inc. 4211 East Park Circle P. O. Box 4151 Harrisburg, PA 17111
Permit to Construct Issued	June 2, 2009

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

**Operations Permit** issued to Mifflintown Municipal Authority, 4340008, Milford Township, **Juniata County** on June 2, 2009, for the operation of facilities approved under Construction Permit No. 3405504.

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

**Permit No. Minor Amendment—Construction, Public Water Supply.**

Applicant	<b>Driftwood Borough Water System</b>
Township or Borough	Driftwood Borough
County	<b>Cameron</b>
Responsible Official	James McMillan Facility Manager Driftwood Borough Water System P. O. Box 235 Driftwood, PA 15832
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Andy Johnson, P. E. Gwin, Dobson & Foreman, Inc. 3121 Fairway Drive Altoona, PA 16602

Permit Issued Date June 9, 2009  
 Description of Action Construction of the water treatment facility upgrades and building addition.

**Howard Borough Water Company** (Public Water Supply), **Centre County**: On June 2, 2009, the Department of Environmental Protection (Department) approved the Wellhead Protection (WHP) program for this community water system. Howard Borough Water Company personnel involved with the development of this WHP program are to be commended for taking these proactive steps to protect these water sources for their community. Development of the program was funded by the Department (David W. Garg, (570) 321-6581).

**Mansfield Borough Municipal Authority** (Public Water Supply), **Tioga County**: On June 5, 2009, the Department of Environmental Protection (Department) approved the Source Water Protection (SWP) program for this community water system. Mansfield Borough Municipal Authority SWP Steering Committee personnel involved with the development of this program are to be commended for taking these proactive steps to protect these water sources for their community. Development of the program was funded by the Department (David W. Garg, (570) 321-6581).

**Mansfield University** (Public Water Supply), **Tioga County**: On June 5, 2009, the Department of Environmental Protection (Department) approved the Source Water Protection (SWP) program for this community water system. Mansfield University SWP Steering Committee personnel involved with the development of this program are to be commended for taking these proactive steps to protect these water sources for their community. Development of the program was funded by the Department (David W. Garg, (570) 321-6581).

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

**Permit No. 1607502**, Public Water Supply.

Applicant **Hawthorn Redbank Redbank Municipal Authority (HRRMA)**  
 Township or Borough Hawthorn Borough Redbank Township  
 County **Clarion County**  
 Type of Facility Public Water Supply  
 Consulting Engineer Michael C. Malak, P. E.  
 Permit to Construct June 4, 2009  
 Issued

**Permit No. 364W14-MA4**, Public Water Supply.

Applicant **Hawthorn Redbank Redbank Municipal Authority (HRRMA)**  
 Township or Borough Redbank Township  
 County **Clarion and Armstrong Counties**  
 Type of Facility Public Water Supply  
 Consulting Engineer Michael C. Malak, P. E.  
 Permit to Construct June 4, 2009  
 Issued

**Permit No. 2076501-MA2**, Public Water Supply.

Applicant **Municipal Authority of Conneaut Lake**

Township or Borough Conneaut Lake Borough  
 County **Crawford County**  
 Type of Facility Public Water Supply  
 Consulting Engineer Steven R. Halmi, P. E.  
 Permit to Construct June 8, 2009  
 Issued

**Operations Permit** issued to **Millcreek Township Water Authority**, PWSID No. 6250076, Millcreek Township, **Erie County**, June 5, 2009, for operation of the rehabilitated Sterrettania Water Storage Tank, as permitted under construction permit No. 2590505-MA3, issued September 12, 2005.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Manheim Township	5191 Wool Mill Road Glennville, PA 17329	York County

*Plan Description:* Manheim Elementary School, DEP Code No. A3-67940-140-2: The approved plan provides for a one lot institutional development on 8.12 acres with total estimated sewage flows of 2,275 gpd. All new and existing flows will be treated by a new Department of Environmental Protection permitted onlot disposal system with nitrate-nitrogen treatment. The development is located at 5778 Blooming Grove Road in Manheim Township, York County. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

*Plan Location*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Worth Township	123 Reese Hollow Road Port Matilda, PA 16870	Centre County

*Plan Description:* This plan proposes extending the Port Matilda Borough Authority's sewage collection system by construction of low pressure forcemain with grinder pumps at each property along the Route 220 corridor. The remaining areas of Worth Township will be served by a Sewage Management Plan that will ensure the long-term operation and maintenance of all onlot disposals systems in the Township. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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



*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Douglass Township	1068 Douglass Drive Boyertown, PA 19512	Berks County

*Plan Description:* The Brookwood Estates Subdivision (DEP Code No. A3-06930-104-2) is a 21 lot residential subdivision (one lot is to remain open space) that will generate a total of 12,000 gallons of sewage per day with each to be served by individual onlot septic systems. This plan was disapproved because five of the proposed lots did not meet the minimum lot size established by the preliminary hydrogeologic study. Also, the site suitability testing did not fully define the proposed absorptions areas on some of the proposed lots.

**PUBLIC NOTICE OF PROPOSED CONSENT  
ORDER AND AGREEMENT PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION**

**FORMER CARDINAL HOME PRODUCTS, INC.  
FACILITY LINESVILLE BOROUGH, CRAWFORD  
COUNTY**

Under section 1113 of the Pennsylvania Hazardous Sites Cleanup Act (35 P. S. 35 P. S. § 6020.101—6020.1305) (HSCA), notice is hereby provided that the Pennsylvania Department of Environmental Protection (Department) has entered into an Agreement among Linesville Realty Corporation (LRC) and the Economic Alliance Foundation, Inc. (EAF) to transfer LRC's remedial obligations for the former Cardinal Home Products, Inc. facility (site) to EAF. EAF agrees to continue to remediate the site. The site is located on approximately 6 acres of land at North Pymatuning and Conneaut Streets in Linesville Borough, Crawford County, PA.

In the past, hazardous substances, including at least, Trichloroethylene and/or Cis-1, 2-Dichlorethene were released and contaminated the environment at the site. Under the terms of the settlement, EAF will continue to implement the remediation plan currently operating there. The further investigation and remediation actions at the site will continue until EAF demonstrates attainment of one or a combination of Cleanup Standards under the land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.909.) EAF will submit, for Department approval, a written schedule for the response actions to obtain the proposed Cleanup Standards under Act 2. The agreement requires LRS to provide funding to EAF for the remediation activities. In exchange, the Department will relieve LRC of its obligations to remediate the site.

The specific terms of this settlement are set forth in the Consent Order and Agreement (Agreement) among the Department, EAF and LRC. The Department will receive and consider comments relating to the Agreement for 60 days from the date of this Public Notice. The Department has the right to withdraw its consent to the Agreement if the comments concerning the Agreement disclose facts or considerations that indicate that the Agreement is inappropriate, improper, or not in the public interest.

After the public comment period, the Department's settlement among EAF and LRC shall be effective upon the date that the Department notifies EAF and LRC, in writing, that this Agreement is final and effective in its

present form, and that the Department has filed a response to significant written comments to the Agreement, or that no such comments were received.

The Agreement is available for inspection and copying at the Department's office at 230 Chestnut Street, Meadville, PA. Comments may be submitted, in writing, to Eric Gustafson, Regional Manager, Environmental Cleanup Program, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335. Further information may be obtained by contacting Eric Gustafson at (814) 332-6648. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 645-5984.

**NOTICE OF PROPOSED INTERIM RESPONSE  
COMMONWEALTH OF PENNSYLVANIA**

Department of Environmental Protection  
Hazardous Sites Cleanup Program  
Mon View Mining Site  
Union and Carroll Townships  
Washington County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.13305) (HSCA), is proposing a response action for the Mon View Mining site (Site). This Site consists of a closed deep mine complex where transformers and containers of waste have been abandoned at different locations on the property. Beginning in 1994, Mon View Mining Company (Mon View) took over operating the underground coal mine, coal refuse disposal facility and related coal preparation plant in Union and Carroll Townships in Washington County. Mon View ceased operating the deep mine and associated facilities in March 2002 and went into bankruptcy.

The Department has determined that hazardous substances, as defined by the HSCA, have been released to the public and the environment from contamination related to leaking drums and containers of waste and leaking transformers at the supply yard, prep plant, and coal refuse areas of the deep mine complex. Results of samples taken by the Department of soil impacted by the leaking containers found volatile and semi-VOCs, PCBs, benzene, tetrachloroethene and lead. The proposed alternative is to remove and properly dispose of the containers of waste and contaminated soil.

The following alternatives were considered by the Department: alternative 1, no action; alternative 2, fence and secure drums, transformers and contaminated soil areas; and alternative 3, remove and properly dispose of drums and containers of waste and excavate and properly dispose of contaminated soil. Alternative 3 was chosen because it complies with the applicable, relevant, appropriate requirements and is the most cost effective alternative compared to 1 and 2.

This notice is being provided under section 506(b) of HSCA. The administrative record, which contains the information that forms the basis and documents the selection of this Interim Response, is available for public review and comment. The administrative record is located at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, and is available for review Monday through Friday from 8 a.m. to 4 p.m. Call (412) 442-4000 for an appointment.

The administrative record will be open for comment from June 20, 2009, until September 19, 2009. Persons may submit written comments into the record, during

this time only, by sending them to Annette Paluh, Project Manager, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222 or by delivering them to the office in person.

In addition, persons may present oral comments for inclusion in the administrative record at a public hearing. A public hearing is scheduled for August 12, 2009, at 6 p.m. at the Elrama Volunteer Fire Hall, located at 17 Elrama Avenue, Elrama, PA 15038. Persons wishing to present comments should register with Katy Gresh before 12 p.m., August 12, 2009, at the Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4203, [kagresh@state.pa.us](mailto:kagresh@state.pa.us).

Persons with disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should call Katy Gresh at (412) 442-4203 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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

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

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

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

The Department has received the following plans and reports:

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

**410 Monastery Avenue, City of Philadelphia, Philadelphia County.** Richard D. Trimpi, Trimpi Associates, Inc., 1635, Old Plains Road, Pennsburg, PA 18073, Brenda MacPhail, REPSG, 6901 Kingsessing Avenue, Philadelphia, PA 19142, Ron Feingold, REPSG, 6901 Kingsessing Avenue, Philadelphia, PA 19142 on behalf of Laura Boylan, 410 Monastery Avenue, Philadelphia, PA 19128 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Department of Transportation, District 6-3 Maintenance Facility, Middletown Township, Delaware County.** Peter Chronowski, Apex Companies, LLC, 269 Great Valley Parkway, Malvern, PA 19355, James Fogel, Department of Transportation, Engineering District 6-0, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Joseph Maule, 269 Great Valley Parkway, Malvern, PA 19355 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with petroleum. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**1701—1737 North Delaware Avenue Property, City of Philadelphia, Philadelphia County.** Craig Herr, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 on behalf of James Anderson, Columbus Boulevard Associates, LP, 6958 Torresdale Avenue, Philadelphia, PA 19135 has submitted a Final Report concerning remediation of site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Buckeye Terminals, LLC, Tank 102 Release Site, 5198 Buckeye Road, Lower Macungie Township, Lehigh County.** J. Matthew Brainard and Jeffrey W. Brudereck, Groundwater & Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341 have submitted a Final Report (on behalf of their client, Buckeye Partners, LP, P. O. Box 368, Emmaus, PA 18049), concerning the remediation of soil and groundwater found to have been impacted by unleaded gasoline due to a surface release from Tank 102 on the property. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submission of the Final Report was published in *The Morning Call* on May 12, 2009.

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

**Yuasa Battery, Inc., Laureldale Borough, Berks County.** Liberty Environmental, Inc., 50 North Fifth Street, 5th Floor, Reading, PA 19601, on behalf of Yuasa Battery, Inc., 2901 Montrose Avenue, Laureldale, PA 19605, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and

groundwater contaminated with No. 6 fuel oil. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

**Former Phoenix Steel Foundry Parcel**, Phoenixville Borough, **Chester County**. Stephan Brower, Environmental Standard, 1140 Valley Forge Road, P. O. Box 810, Valley Forge, PA 19482, on behalf of Michael Kimble, Hankin Phoenix Foundry Partners, LP, 707 Eagleview Boulevard, Exton, PA 19341 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with lead and inorganics. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on May 27, 2009.

**Green Street Mews**, Downingtown Borough, **Chester County**. David VanKeuren, Earth Engineering, Inc., 115 West Germantown Pike, East Norriton, PA 19401, Sarah Peck, Progressive Housing Ventures LLC, Seven Great Valley Parkway, Suite 210, Malvern, PA 19355 on behalf of Charles Stauffer, Alimar Builders, 931 Grandview Drive, Exton, PA 19340 has submitted a Final Report concerning the remediation of site soil contaminated with other organics. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on May 22, 2009.

**Staats Oil**, Borough of Malvern and Willistown Township, **Chester County**. Michael Welsh Applied Environmental Management, Inc., 16 Chester County Commons, Malvern, PA 19355 on behalf of Eli Kahn, 237 King Partners, LLC, 55 County Club Drive, Downingtown, PA 19335 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on May 18, 2009.

**120 Turtle Center**, Bensalem Township, **Bucks County**. James Mulry, Mulry and Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 3, Glenmoore, PA 19343 on behalf of has submitted a 90 day Final Report concerning the remediation of site soil contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on May 22, 2009.

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Notice of Proposed Interm Response

#### Cross Keys HSCA Site Doylestown, Buckingham and Plumstead Townships, Bucks County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) (HSCA), is proposing a response action at the Cross Keys HSCA Site (Site) in Doylestown, Buckingham and Plumstead Townships, Bucks County, PA.

The Department, under the authority of HSCA, has been conducting an environmental investigation of the Site. This investigation includes the sampling of private drinking water supply wells located in the vicinity of the intersection of Swamp Road (Rt. 313) and North Easton Road approximately 100 wells are contaminated or may potentially be contaminated with detectable levels of Tetrachloroethene (PCE), 1,1-Dichloroethene (1,1,-DCE) and 1,4-Dioxane.

To address the release and threat of release of hazardous substances at the Site, and corresponding threats to human health and the environment, the Department proposes to implement a response action at the Site under section 501(a) of HSCA (35 P. S. § 6020.501(a)). The Department hereby proposes the installation of a water-line, including water mains and lateral connections to the public water supply. This proposed alternative complies with Applicable, Relevant and Appropriate Requirements (ARARs) and is feasible and cost-effective. Other possible alternatives include no action or the installation and continued monitoring and maintenance of whole-house carbon filtration units and/or supplying bottled water.

An Administrative Record, which contains more detailed information concerning this proposed response action, is available for public inspection. The Administrative Record may be examined from 8 a.m. until 4 p.m. at the Department's office at 2 East Main Street, Norristown, PA 19401. Those interested in examining the Administrative Record should contact Sabrina Chrzanowski at (484) 250-5965 to arrange for an appointment. Additional copies of the Administrative Record are available for review at the Doylestown Township Municipal Building at 425 Wells Road, Doylestown, PA 18901; the Buckingham Township Municipal Building at 4613 Hughesian Drive, Buckingham, PA 18912; and the Plumstead Township Municipal Building at 5186 Stump Road, Plumsteadville, PA 18949.

Under section 506(d) of HSCA (35 P. S. § 6020.506(d)), the Department shall conduct a public hearing on July 30, 2009, at 7 p.m. at the Doylestown Township Municipal Building located at 425 Wells Road, Doylestown, PA 18901. Anyone who would like to present formal oral comments regarding this proposed response may do so by registering with the Department before the meeting. Individuals may register by calling the Department's Community Relations Coordinator, Lynda Rebarchak, at (484) 250-5820.

Any person with a disability who wishes to attend the public hearing and will require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lynda Rebarchak at the telephone number listed previously or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs. The public may also submit written comments regarding the Department's proposed Interim Response action during the period of public comment. In accordance with section 506(c) of HSCA, the Department has established a period for public comment that is now open until close of business September 20, 2009. Written comments should be addressed to Sabrina Chrzanowski, Project Officer, Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.

Anyone with questions regarding this notice should contact Sabrina Chrzanowski at (484) 250 5965.

#### **Hazardous Waste Action**

Proposed action on an application for a remedial action plan renewal under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and the regulations to operate a hazardous waste storage and treatment facility.

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application.

Responses should include the name, address and telephone number of the writer; and concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based.

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

#### *Intent to Renew Plan*

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

**Permit ID. No. PAD98052848. Newell Rubbermaid, Inc.**, 2707 Butterfield Road, Oakbrook, IL 60523-1267. Operation of a hazardous waste storage and treatment facility located in Center Township, **Beaver County**. The application to renew a remedial action plan for the storage and treatment of hazardous waste was considered for intent to approve by the Regional Office on June 8, 2009.

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

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

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

**Permit No. 101680. Waste Management Disposal Service of Pennsylvania, Inc.**, 1000 New Ford Mill Road, Morrisville, PA 19067. This minor modification is issued regarding the installation of concrete bottom in the leachate Tank T-8 and Tank T-9 as an alternate to the steel bottom that was previously approved by the Department of Environmental Protection, and utilizing a coarse bubbler system instead of the fin bubbler system to provide more efficient leachate aeration in Tank T-8 and Tank-9 at GROWS North Landfill located in Falls Township, **Bucks County**. The permit was issued by the Southeast Regional office on June 3, 2009.

#### **DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS**

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

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

**General Permit Application: WMGM027SC001. Royal Green, LLC, 30 West Huller Lane, Temple, PA 19560.** The Southcentral Regional Office, Waste Management Program has issued WMGM027-SC001, a Determination of Applicability (DOA) under Residual Waste General Permit WMGM027 for Royal Green, LLC located in

Ontelaunee Township, **Berks County**. This General Permit is for the processing by grinding, shredding, screening and blending of various organic wastes for beneficial use as an alternative fuel material. The DOA was issued by the Southcentral Regional office on June 3, 2009.

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

## AIR QUALITY

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

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

**GP3-09-0085: Mellott Co.** (100 Mellott Drive, Suite 100, Warfordsburg, PA 17267) on June 3, 2009, to operate a portable nonmetallic mineral processing plant in Nockamixon Township, **Bucks County**.

**GP1-46-0236: Montgomery Chemicals, LLC** (901 Conshohocken Road, Conshohocken, PA 19428) on June 5, 2009, to operate a small gas/No. 2 oil-fired combustion unit in Plymouth Township, **Montgomery County**.

**GP3-09-0086: Haines & Kibblehouse, Inc.** (2052 Lucon Road, Skippack, PA 19474) on June 8, 2009, to operate a portable nonmetallic mineral processing plant in Plumstead Township, **Bucks County**.

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

**64-310-025GP3: Middle Creek Quarry, Inc.** (2893A Owego Turnpike, Hawley, PA 18428) on May 22, 2009, to construct and operate a Portable Crushing Operation with watersprays at their site in Palmyra Township, **Wayne County**.

**40-323-019GP4: Cornell Iron Works** (24 Elmwood Road, Mountain Top, PA 18707) on June 5, 2009, to install and operate a burn off oven at their site in Wright Township, **Luzerne County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-348, George Monasky, New Source Review Chief, (814) 332-6940.*

**GP-10-360A: Thompson-Miller Funeral Home—Human Cremation** (300 East Jefferson Street, Butler, PA 16001) on May 29, 2009, to construct a human crematory (BAQ-GPA/GP-14) in the City of Butler, **Butler County**.

**GP-10-360B: Thompson-Miller Funeral Home—Animal Cremation** (300 East Jefferson Street, Butler, PA 16001) on May 29, 2009, to construct an animal crematory (BAQ-GPA/GP-14) in the City of Butler, **Butler County**.

**GP-24-163B: Seneca Resources Corp.—Wilson Run Station** (Fire Tower Road, Brookville, PA 15825), on June 2, 2009, to operate a natural gas fired compressor engine and dehydrator (BAQ-GPA/GP-5) in Horton Township, **Elk County**.

**GP-25-985A: Chase Manufacturing Co.** (9 Pennsylvania Avenue, Corry, PA 16407) on June 4, 2009, to operate a natural gas fired burn off oven (BAQ-GPA/GP-4) in the City of Corry, **Erie County**.

**GP-25-1022A: Troyer Potato Products, Inc.** (817 Route 97 South, Waterford, PA 16441) on June 3, 2009, to operate a natural gas fired boiler (BAQ-GPA/GP-1) in Waterford Township, **Erie County**.

**GP-33-158A: Fairman Corp.—Big Run Station** (Route 36, Big Run, PA 15715) on June 2, 2009, to operate natural gas fired compressor engines (BAQ-GPA/GP-5) in Gaskill Township, **Jefferson County**.

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

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

**28-03055A: D.L. Martin Co.** (25 Harbaugh Drive, Mercersburg, PA 17236-1715) on June 4, 2009, for a special fabricated down-draft filter booth and a fabric collector for their facility in Mercersburg Borough, **Franklin County**.

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

**62-178C Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on June 3, 2009, to modify a plan approval to add a RAP mixing drum after the rotary dryer, RAP crusher, use waste asphalt shingles in the hot mix asphalt and permit three portable plants to crush and screen materials as needed at Glenn O. Hawbaker, Inc. Plant No. 7-Turtlepoint Asphalt in Annin Township, **McKean County**.

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

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

**15-0015C: Sartomer Co., Inc.** (502 Thomas Jones Way, Exton, PA 19341) on June 2, 2009, to operate a control device in West Chester Borough, **Chester County**.

**15-0128: Pet Memorial Services Corp.** (319 Westtown Road, Suite Q, West Chester, PA 19382) on June 2, 2009, to operate an animal crematory in West Goshen Township, **Chester County**.

**23-0009D: Boeing Co.—Integrated Defense Systems—Rotocraft** (P. O. Box 16858, MC P25-75, Philadelphia, PA 19142) on May 27, 2009, to operate a new hot water boiler in Ridley Township, **Delaware County**.

**46-0020E: Superior Tube Co., Inc.** (3900 Germantown Pike, Collegeville, PA 19426) on June 4, 2009, to operate two flush and blow booths in Lower Providence Township, **Montgomery County**.

**46-0267: SmithKline Beecham Research Co., d/b/a GlaxoSmithKline** (1250 South Collegeville Road, Collegeville, PA 19426) on June 4, 2009, to operate an eight 2,000-kW electric in Upper Providence Township, **Montgomery County**.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, William R. Weaver, New Source Review Chief, (717) 705-470.*

**28-05002A: Letterykenny Army Depot** (1 Overcash Avenue, Chambersburg, PA 17201-4150) on December 8, 2008, to construct a new No. 2 fuel oil and natural gas fired, 28.6 mmBtu/hr firetube boiler at their facility in Letterykenny Townships, **Franklin County**. This plan approval was extended.

**36-03075A: City of Lancaster AWWTP** (120 North Duke Street, Lancaster, PA 17608-1599) on November 26, 2008, to install a lime stabilization system at their wastewater treatment facility in Lancaster Township, **Lancaster County**. This plan approval was extended.

**36-03075A: City of Lancaster AWWTP** (120 North Duke Street, Lancaster, PA 17608-1599) effective May 26, 2009, to install a lime stabilization system at their wastewater treatment facility in Lancaster Township, **Lancaster County**. This plan approval was extended.

**36-03077A: ICM of PA, Inc.** (638 Lancaster Avenue, Malvern, PA 19355-1898) effective May 10, 2009, to replace existing baghouses with an upgraded wet suppression system at the Cedar Hill Quarry in Fulton Township, **Lancaster County**. This plan approval was extended.

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

**25-066G: Accuride Corp.** (1015 East 12th Street, Erie, PA 16503) on June 4, 2009, to install two 7,000 ton forging presses with associated control devices at their Erie Facility in the City of Erie, **Erie County**.

**42-004C: American Refining Group, Inc.** (77 North Kendall Avenue, Bradford, PA 16701) on May 31, 2009, to construct a new hydrotreater unit to enable ARG to produce diesel fuels for commercial sale that meet the ultra low sulfur standards required by the Environmental Protection Agency and to construct a desulfurization unit to convert the existing sour gas to a sweet gas as well as reducing H<sub>2</sub>S from the hydrotreater to elemental sulfur in the City of Bradford, **McKean County**. This is a Title V facility.

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

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

**23-00089: FPL Energy Marcus Hook, LP** (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on June 4, 2009, to operate three combined cycle combustion turbines with a combined output of 750 MW in the Borough of Marcus Hook, **Delaware County**. The permit is for a Title V facility. This Title V Permit contains the following emission limits for each of the three combined cycle combustion turbine: 112.3 tons NO<sub>x</sub> per year, 29.6 tons VOCs per year, 246.6 tons CO per year, 119.3 tons PM per year, 63.4 tons SO<sub>2</sub> per year, and 22.1 tons sulfuric acid mist per year. The operation is subjected to NSPS Subparts Da, Gg and J. The permit will include

monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

**46-00013: Hatfield Quality Meats, Inc.—A Subsidiary of The Clemens Family** (2700 Funks Road, P. O. Box 902, Hatfield, PA 19440-0902) on June 9, 2009, to renew the facility's Title V Operating Permit issued on August 4, 2004, at 2700 Funks Road, Hatfield Township, **Montgomery County**. The major sources of pollution at the facility are NO<sub>x</sub>, SO<sub>x</sub> and PM. The operation is subjected to NSPS and FECC. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

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

**36-05009: J.L. Clark, Inc.** (303 North Plum Street, Lancaster, PA 17602-2401) on June 2, 2009, for a lithographic decorative metal can coat art manufacturing facility in the City of Lancaster, **Lancaster County**. This is a renewal of the Title V operating permit.

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

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

**09-00097: Lower Bucks Hospital** (501 Bath Road, Bristol, PA 19007) on May 28, 2009, to renew the original State-only Operating Permit (Synthetic Minor) in Bristol Township, **Bucks County** issued on November 12, 2003, and expired on November 30, 2008. There have been no other changes made to the permit since it was issued. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00261: U.S. Tape Co., Inc.** (2452 Quakertown Road, Pennsburg, PA 18073) on June 4, 2009, for a State-only, Synthetic Minor Operating Permit in Upper Hanover Township, **Montgomery County**. The company has a nickel plating operation and a special printing operation to print on measuring tapes. The facility is limited to VOC emissions of 24.9 tpy on a 12-month rolling basis. The permit will include monitoring, recordkeeping and reporting requirements designed to address all applicable air quality requirements.

**09-00041: Costa Penn Farm** (6071 Durham Road, Pipersville, PA 18947) on June 4, 2009, to renew the original State-only Operating Permit (Synthetic Minor) issued on March 4, 2004, and amended on June 28, 2007, in Plumstead Township, **Bucks County**. There have been no other changes made to the permit since it was amended on June 28, 2007. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00256: Horgan Recycling, Inc.** (2188 Detwiler Road, Harleysville, PA 19348) on June 4, 2009, to operate a concrete and asphalt crushing plant in Upper Gwynedd Township, **Montgomery County**. PM emissions are controlled by a wet suppression system. This facility is a State-only facility. The Operating Permit will contain monitoring and recordkeeping requirements and operat-

ing restrictions designed to keep the facility operating within all applicable air quality requirements.

**15-00059: Paulsonbilt Ltd.** (1000 West 11th Avenue, Coatesville, PA 19320) on June 9, 2009, to operate a spray booth operation in the City of Coatesville, **Chester County**. The permit is for a non-Title V (State-only) facility. Several clerical changes have been made to the permit. No changes are being made to the permit. The permit will continue to include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**54-00019: Air Products and Chemicals, Inc.** (357 Marian Avenue, Tamaqua, PA 18252) on June 4, 2009, to re-issue a State-only (Synthetic Minor) Operating Permit for operation of an industrial gas manufacturing facility in Rush Township, **Schuylkill County**.

**39-00057: Saint Lukes North** (1736 Hamilton Street, Allentown, PA 18104) on May 29, 2009, to operate a hospital in Allentown City, **Lehigh County**. The State-only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a State-only Synthetic Minor operating permit.

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

**21-03006: Nestle Purina Petcare Co.** (6509 Brandy Lane, Mechanicsburg, PA 17050-2817) on May 26, 2009, to operate a pet food manufacturing, packaging and distribution facility in Hampden Township, **Cumberland County**. This is a renewal of the State-only operating permit.

**36-05076: Lancaster General Hospital** (P. O. Box 3555, 555 North Duke Street, Lancaster, PA 17604-3555) on June 2, 2009, to operate their medical and surgical hospital facility in the City of Lancaster, **Lancaster County**. This is a renewal of the State-only operating permit.

**67-03038: Formit Steel Co.** (P. O. Box 285, 775 Lombard Road, Red Lion, PA 17356) on June 2, 2009, to operate their steel fabrication facility in Windsor Township, **York County**. This is a renewal of the State-only operating permit.

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

**33-00148: Brockway Mould, Inc.** (4189 Route 219, Brockport, PA 15823-3819) on June 4, 2009, to re-issue a Natural Minor Operating Permit to operate a manufacturing process creating molds used in the bottle industry in Snyder Township, **Jefferson County**. The primary emission sources include miscellaneous natural gas combustion, milling machines, processing machines, polishers, welding stations and woodworking stations.

**62-00150: Superior Tire and Rubber Corp.** (1818 Pennsylvania Avenue, Warren, PA 16365) on June 4, 2009, to re-issue a Synthetic Minor Permit to operate a tires and inner tube manufacturing facility in Warren City, **Warren County**. The major emitting sources included, 1) two boilers; 2) Miscellaneous natural gas usage; 3) 2 spray finishing; 4) Burn off oven; 5) Degreaser Unit.

The facility has taken the emission restriction of single HAP less than 9.9 tpy and multiple HAP less than 24.9 tpy. Thus, the facility is synthetic minor.

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

**S09-007: LaSalle University** (1900 West Olney Avenue, Philadelphia, PA 19141-1199) on June 2, 2009, for University facility in the City of Philadelphia, **Philadelphia County**. The synthetic minor facilities emission sources include three Emergency Generators firing diesel, and four boilers greater than 10 mmBtu/hr firing either natural gas or No. 2 fuel oil and 45 boilers less than 10 mmBtu/hr firing either natural gas or No. 2 fuel oil.

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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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*Southeastern Region: Air Quality Program, 2 East Main Street, Norristown, PA 1940, Janine Tulloch-Reid, Facilities Permitting Chief, (484) 250-5920.*

**23-00009: The Boeing Co.—Integrated Defense Systems Rotorcraft** (P. O. Box 16858, Philadelphia, PA 19142-0858) on June 5, 2009, for renewal of the Title V Operating Permit for their Rotorcraft Management Center, an aerospace fabrication and repair facility in Ridley Township, **Delaware County**. The renewal will also include the incorporation of Plan Approvals 23-0009C, 23-302-145GP and 23-312-223GP. The renewal does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

**09-00050: Hanson Aggregates BMC, Inc.** (1900 Sullivan Trail, Easton, PA 18044) on June 5, 2009, for an Administrative Amendment to incorporate the conditions of Plan Approval 09-0050D for operation of a Drum Mix asphalt Plant and handling of RAP in Wrightstown Township, **Bucks County**. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility within all applicable air quality requirements.

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**Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.**

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

**37-00152: Resco Products Inc.—New Castle Refractories** (915 Industrial Street, New Castle, PA 16102-1329) on May 22, 2009, requested revocation of their State-only Operating Permit for operation of the refractory production facility in the City of New Castle, **Lawrence County**. This operating permit was revoked because of a permanent shutdown of operations at the facility.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

### *Coal Applications Returned*

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

**26081301 and NPDES Permit No. PA0235776, Amerikohl Mining, Inc.**, (1384 SR 711, Stahlstown, PA 15687), to operate the White Mine in Saltlick Township, **Fayette County** a new underground mine and related NPDES permit. Surface Acres Proposed 58.2, Underground Acres Proposed 693.2, Subsidence Control Plan Acres Proposed 425.5. Receiving streams: Little Champion Creek and UNT A to Little Champion Creek, both classified for the following use: CWF. Application received July 7, 2008. Application returned June 1, 2009.

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

**54850201C. Joe Kuperavage Coal Company**, (916 Park Avenue, Port Carbon, PA 17965), correction to an existing anthracite coal refuse reprocessing and surface mine operation for a stream crossing of a UNT tributary of Schuylkill River in Blythe Township, **Schuylkill County** affecting 31.1 acres, receiving stream: UNT to Schuylkill River. Application received January 12, 2009. Application withdrawn June 8, 2009.

### *Coal Permits Actions*

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

**56020105 and NPDES No. PA0249262. Black Resources, Inc.**, 162 Cumberland Street, Berlin, PA 15530, permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 87.7 acres. Receiving streams: UNTs of Millers Run and Sandy Hollow classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 24, 2009. Permit issued May 29, 2009.

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

**63080103 and NPDES Permit No. PA0251445. Amerikohl Mining, Inc.** (1384 SR 711, Stahlstown, PA 15687). Permit issued for commencement, operation and reclamation of a bituminous surface mining site located in

Somerset and Fallowfield Townships, **Washington County**, affecting 205.5 acres. Receiving streams: UNTs to North Branch Pigeon Creek to Pigeon Creek to Monongahela River, and UNT to Pigeon Creek to Monongahela River. Application received July 1, 2008. Permit issued June 1, 2009.

**26080102 and NPDES Permit No. PA0251321. Patterson Coal Company** (20 Elizabeth Drive, Smithfield, PA 15478). Permit revised to add nine acres for a stream variance, coal removal, support facilities, AML reclamation, and a land use change for all affected unmanaged natural habitat to be reclaimed to pastureland and/or land occasionally cut for hay at an existing bituminous surface mining site located in German Township, **Fayette County**, now affecting 50.3 acres. Receiving streams UNT to North Branch Browns Run. Application received March 17, 2009. Revised permit issued: June 1, 2009.

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

**17814000 and NPDES No. PA0608769. TDK Coal Sales, Inc.** (34 Kelley Way, Brilliant, OH 43913), permit renewal for the continued operation and restoration of a bituminous surface mine in Penn Township, **Clearfield County**, affecting 206.9 acres. Receiving stream: Irish Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 25, 2008. Permit issued May 29, 2009.

### *Noncoal Permits Actions*

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

**65930401 and NPDES Permit No. PA0200492. Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425). NPDES renewal issued for continued operation and reclamation of an existing large noncoal surface mining site (limestone quarry) located in Ligonier and Derry Townships, **Westmoreland County**, affecting 172.6 acres. Receiving streams: UNT to Loyalhanna Creek, to Loyalhanna Creek. Application received: March 16, 2009. NPDES renewal issued: June 2, 2009.

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

**1479401 and NPDES No. 0118001. Graymont (PA), Inc.** (965 East College Avenue, Pleasant Gap, PA 16823, revision of an existing bituminous surface mine with incidental boundary correction to add a sight barrier along the eastern permit boundary, NPDES revision to add one point and eliminate six existing points, increase mineral extraction area toward SR 64, and a final land use change, in Spring Township, **Centre County**. Receiving streams: Logan Branch and Nittany creek to Spring Creek followed by the Bald Eagle Creek to the Susquehanna River, classified as HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received: March 8, 2007. Permit issued: May 29, 2009.

**08970302 and NPDES No. PA0237868. Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034), renewal of NPDES permit in Sheshequin Township, **Bradford County**. Receiving stream Susquehanna River, classified for the following use WWF. There are no potable water supply intakes within 10



miles downstream. NPDES renewal application received: April 1, 2009. Permit issued May 29, 2009.

### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

#### *Blasting Permits Actions*

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

**21094117. M & J Explosives, Inc.**, P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for highway/road development in Carlisle Borough and South Middleton Township, **Cumberland County**. Blasting activity permit end date is April 30, 2010. Permit issued May 27, 2009.

**21094118. Warrens Excavating & Drilling, Inc.**, P. O. Box 214, Myerstown, PA 17067-0214, blasting activity permit issued for residential development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is June 1, 2010. Permit issued May 29, 2009.

**01094101. Newville Construction Services, Inc.**, 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for residential development in Cumberland Township, **Adams County**. Blasting activity permit end date is May 26, 2010. Permit issued May 29, 2009.

**07094002. Appalachian Geo Services LLC**, 2659 SR 60, P. O. Box 426, Killbuck, OH 44637, blasting activity permit issued for seismic exploration in Juniata and Freedom Townships, **Blair County**. Blasting activity permit end date is October 31, 2009. Permit issued June 4, 2009.

**05094001. Appalachian Geo Services LLC**, 2659 State Route 60, P. O. Box 426, Killbuck, OH 44637, blasting activity permit issued for seismic exploration in West St. Clair Township, **Bedford County**. Blasting activity permit end date is October 31, 2009. Permit issued June 4, 2009.

**05094002. Appalachian Geo Services, LLC**, 2659 SR 60, P. O. Box 426, Killbuck, OH 44637, blasting activity permit issued for seismic exploration in Napier Township, **Bedford County**. Blasting activity permit end date is October 31, 2009. Permit issued June 4, 2009.

**07094003. Appalachian Geo Services, LLC**, 2659 SR 60, P. O. Box 426, Killbuck, OH 44637, blasting activity permit issued for seismic exploration in Juniata Township, **Blair County**. Blasting activity permit end date is October 31, 2009. Permit issued June 4, 2009.

**56094002. Appalachian Geo Services, LLC**, 2659 SR 60, P. O. Box 426, Killbuck, OH 44637, blasting activity permit issued for seismic exploration in Milford Township, **Somerset County**. Blasting activity permit end date is October 31, 2009. Permit issued June 4, 2009.

**56094001. Appalachian Geo Services, LLC**, 2659 SR 60, P. O. Box 426, Killbuck, OH 44637, blasting activity permit issued for seismic exploration in Addison Township, **Somerset County**. Blasting activity permit end date is October 31, 2009. Permit issued June 4, 2009.

**07094001. Appalachian Geo Services, LLC**, 2659 SR 60, P. O. Box 426, Killbuck, OH 44637, blasting activity permit issued for seismic exploration in Juniata Township, **Blair County**. Blasting activity permit end date is October 31, 2009. Permit issued June 4, 2009.

**11094002. Appalachian Geo Services, LLC**, 2659 SR 60, P. O. Box 426, Killbuck, OH 44637, blasting activity permit issued for seismic exploration in Portage Township, **Cambria County**. Blasting activity permit end date is October 31, 2009. Permit issued June 4, 2009.

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

**13094101. MD Drilling & Blasting, Inc.**, (88 Goldledge Avenue, Suite 2, Auburn, NH 03032), construction blasting for replacement of the Lehigh River and Pohopoco Creek Bridges in East Penn and Mahoning Townships, **Carbon County** with an expiration date of May 31, 2010. Permit issued June 3, 2009.

**15094106. J Roy's, Inc.**, (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Sawmill Phase II Development in West Bradford Township, **Chester County** with an expiration date of June 3, 2010. Permit issued June 3, 2009.

**15094107. J Roy's, Inc.**, (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Swinehart Village in West Brandywine Township, **Chester County** with an expiration date of June 3, 2010. Permit issued June 3, 2009.

**15094108. J Roy's, Inc.**, (P. O. Box 125, Bowmansville, PA 17507), construction blasting for Culbertson Development in West Bradford Township, **Chester County** with an expiration date of June 3, 2010. Permit issued June 3, 2009.

**35094105. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Preserve At Gravel Pond in South Abington Township, **Lackawanna County** with an expiration date of June 30, 2010. Permit issued June 3, 2009.

**40094110. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for residential development at 411 Susquehanna Street, White Haven Borough in **Luzerne County** with an expiration date of May 24, 2010. Permit issued June 3, 2009.

**67094115. J Roy's, Inc.**, (P. O. Box 125, Bowmansville, PA 17507), construction blasting for utilities at Grandview Drive in Penn Township, **York County** with an expiration date of June 3, 2010. Permit issued June 3, 2009.

**22094106. Warren's Excavating & Drilling, Inc.**, (P. O. Box 214, Myerstown, PA 17067), construction blasting for Wyndhurst Manor Lower Paxton Township, **Dauphin County** with an expiration date of June 1, 2010. Permit issued June 4, 2009.

**22094107. Warren's Excavating & Drilling, Inc.**, (P. O. Box 214, Myerstown, PA 17067), construction blasting for The Preserve At Bow Creek Development in East Hanover Township, **Dauphin County** with an expiration date of June 1, 2010. Permit issued June 4, 2009.

**64094103. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Dave Jones/Road Base in Berlin Township, **Wayne County** with an expiration date of June 1, 2010. Permit issued June 4, 2009.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E06-642: City of Reading**, 503 North 6th Street, Reading, PA 19601, City of Reading, **Berks County**, ACOE Philadelphia District.

To construct and maintain an 8.0-foot wide by 35.0-foot long concrete boat launch, an 8.0-foot wide, 170.0-foot long paved access walkway, a 12.0-foot wide, 250.0-foot long paved access roadway, and a 680.0 square foot paved

parking area all located in the floodway of the Schuylkill River (WWF) (Reading, PA Quadrangle N: 14.7 inches, W: 8.7 inches; Latitude: 40° 19' 51", Longitude: 76° 56' 18"), for the purpose of providing access to the Schuylkill River in the City of Reading, Berks County.

**E05-351: Bedford Township Municipal Authority**, P. O. Box 371, Bedford, PA 15522, Bedford Township Area II Sanitary Sewer and Water Project, Bedford Township, **Bedford County**, United States Army Corps of Engineers, Baltimore District.

To conduct various activities as follows:

1. To construct and maintain Kaleidoscope Road Pump Station located in the floodplain of Dunning Creek (WWF) (Everett West, PA Quad N: 13.10 inches, W: 16.40 inches; Latitude: 40° 04' 20", longitude: 78° 29' 32", and Rabbit Lane Pump Station located along the floodplain of Dunning Creek (WWF) (Everett West, PA Quad N: 17.30 inches, W: 13.92 inches; Latitude: 40° 05' 43", longitude: 78° 28' 28").

2. To construct and maintain Kenametal Pump Station located along in floodplain of a UNT to Dunning Creek (WWF) (Everett West, PA Quad N: 5.70 inches, W: 15.40 inches; Latitude: 40° 01' 53", Longitude: 78° 29' 06").

3. To construct and maintain a 8-inch diameter water line and a 6-inch diameter force main in a wetland along a UNT to Dunning Creek (WWF) (Everett West, PA Quad N: 7.40 inches, W: 15.40 inches; Latitude: 40° 02' 28", longitude: 78° 29' 05").

4. To construct and maintain a 8-inch diameter water line and a 6-inch diameter force main in a wetland along UNTs to Dunning Creek (WWF) (Everett West, PA Quad N: 9.40 inches, W: 14.60 inches; Latitude: 40° 03' 05", Longitude: 78° 28' 44").

5. To construct and maintain a 8-inch diameter water line and a 2-inch diameter sewer line with a 6-inch casing in a wetland along an unnamed tributary to Dunning Creek (WWF) (Everett West, PA Quad N: 11.30 inches, W: 13.80 inches; Latitude: 40° 03' 44", Longitude: 78° 28' 21").

6. To construct and maintain a 8-inch diameter water line and a 6-inch diameter force main in a wetland along a UNT to Dunning Creek (WWF) (Everett West, PA Quad N: 11.90 inches, W: 15.06 inches; Latitude: 40° 03' 56", Longitude: 78° 29' 11").

7. To construct and maintain a 8-inch diameter water line and 6-inch diameter force main in UNTs to Dunning Creek (WWF) and its associated wetland (Everett West, PA Quad N: 12.40 inches, W: 16.20 inches; Latitude: 40° 04' 08", Longitude: 78° 29' 25").

8. To construct and maintain a 2-inch diameter low pressure sanitary sewer line in a wetland along a UNT to Dunning Creek (WWF) (Everett West, PA Quad N: 12.10 inches, W: 16.70 inches; Latitude: 40° 03' 57", Longitude: 78° 29' 40").

9. To construct and maintain a 2-inch diameter low pressure sanitary sewer line in a wetland along a UNT to Dunning Creek (WWF) (Everett West, PA Quad N: 10.10 inches, W: 17.30 inches; Latitude: 40° 03' 20", Longitude: 78° 28' 52").

10. To construct and maintain a 8-inch diameter water line and a 4-inch diameter force main with a 6-inch diameter pipe casing in a wetland along UNTs to Imlertown Run (TSF) (Everett West, PA Quad N: 16.50 inches, W: 13.70 inches; Latitude: 40° 05' 23", Longitude: 78° 28' 33").

11. To construct and a 8-inch diameter water line and a 8-inch diameter in a wetland along a UNT to Imlertown Run (TSF) (Everett West, PA Quad N: 17.00 inches, W: 13.30 inches; Latitude: 40° 05' 39", Longitude: 78° 28' 11").
12. To construct and maintain a 8-inch diameter water line and a 6-inch diameter force main in a wetland along UNTs to Dunning Creek (WWF) (Everett West, PA Quad N: 5.90 inches, W: 15.20 inches; Latitude: 40° 01' 58", Longitude: 78° 29' 02").
13. To construct and maintain a six 6-inch diameter manholes and its associated 10-inch diameter sanitary sewer line in a wetland along UNTs to Dunning Creek (WWF) (Everett West, PA Quad N: 4.50 inches, W: 14.70 inches; Latitude: 40° 01' 38", Longitude: 78° 28' 48").
14. To construct and maintain a 6-inch diameter force main and a 8-inch diameter water line in UNTs to Dunning Creek (WWF) (Everett West, PA Quad N: 7.50 inches, W: 15.40 inches; Latitude: 40° 02' 28", Longitude: 78° 29' 05").
15. To construct and maintain a 6-inch diameter force main and a 8-inch diameter water line in UNTs to Dunning Creek (WWF) (Everett West, PA Quad N: 9.60 inches, W: 14.60 inches; Latitude: 40° 03' 12", Longitude: 78° 28' 43").
16. To construct and maintain a 8-inch diameter water line with a 16-inch diameter casing and a 2-inch diameter low pressure sanitary sewer line with a 4-inch diameter casing in Dunning Creek (WWF) located 95 feet downstream of Rabbit Lane (T-493) bridge (Everett West, PA Quad N: 10.80 inches, W: 13.90 inches; Latitude: 40° 03' 34", Longitude: 78° 28' 26").
17. To construct and maintain a 8-inch diameter and a 6-inch diameter force main in a UNT to Dunning Creek (WWF) for the purpose improving the sanitary sewer line (Everett West, PA Quad N: 11.30 inches, W: 13.70 inches; Latitude: 40° 03' 44", Longitude: 78° 28' 21").
18. To construct and maintain a 8-inch diameter and a 6-inch diameter force main in a UNT to Dunning Creek (WWF) (Everett West, PA Quad N: 11.90 inches, W: 15.50 inches; Latitude: 40° 03' 56", Longitude: 78° 29' 10").
19. To construct and maintain a 8-inch diameter and a 6-inch diameter force main in UNTs to Dunning Creek (WWF) (Everett West, PA Quad N: 12.40 inches, W: 16.30 inches; Latitude: 40° 04' 06", Longitude: 78° 29' 27").
20. To construct and maintain a 10-inch diameter water line with a 20-inch diameter casing in Dunning Creek (WWF) located 1,900 feet downstream of SR 1014 bridge for (Everett West, PA Quad N: 13.00 inches, W: 15.30 inches; Latitude: 40° 04' 18", Longitude: 78° 29' 05").
21. To construct and maintain a 10-inch diameter water line and a 8-inch diameter sanitary sewer line in a UNT to Dunning Creek (WWF) and a 6-inch diameter force main in Dunning Creek (WWF) (Everett West, PA Quad N: 13.00 inches, W: 15.70 inches; Latitude: 40° 04' 8", Longitude: 78° 29' 10").
22. To construct and maintain a 6-inch diameter sanitary sewer line with a 12-inch diameter casing in Dunning Creek (WWF) located 310 feet downstream of SR 1014 bridge (Everett West, PA Quad N: 13.00 inches, W: 16.10 inches; Latitude: 40° 04' 19", Longitude: 78° 29' 22").
23. To construct and maintain a 10-inch diameter water line and a 8-inch diameter sanitary sewer line in a UNT to Dunning Creek (WWF) (Everett West, PA Quad N: 13.10 inches, W: 16.90 inches; Latitude: 40° 04' 21", Longitude: 78° 29' 43").
24. To construct and maintain a 2-inch diameter low pressure sanitary sewer line in A UNT to Dunning Creek (WWF) (Everett West, PA Quad N: 11.70 inches, W: 16.80 inches; Latitude: 40° 03' 53", Longitude: 78° 29' 42").
25. To construct and maintain a 2-inch diameter low pressure sanitary sewer line in a UNT to Dunning Creek (WWF) (Everett West, PA Quad N: 10.60 inches, W: 17.10 inches; Latitude: 40° 03' 30", Longitude: 78° 29' 50").
26. To construct and maintain a 2-inch diameter low pressure sanitary sewer line in a UNT to Dunning Creek (WWF) (Everett West, PA Quad N: 10.10 inches, W: 17.20 inches; Latitude: 40° 03' 20", Longitude: 78° 29' 52").
27. To construct and maintain a 8-inch diameter water line and a 4-inch diameter force main in UNTs to Dunning Creek (WWF) (Everett West, PA Quad N: 13.90 inches, W: 16.00 inches; Latitude: 40° 04' 35", Longitude: 78° 29' 20").
28. To construct and maintain a 8-inch diameter water line and a 4-inch diameter force main in UNT to Dunning Creek (WWF) (Everett West, PA Quad N: 15.60 inches, W: 14.70 inches; Latitude: 40° 04' 50", Longitude: 78° 29' 10").
29. To construct and maintain a 8-inch diameter water line and a 4-inch diameter force main in UNTs to Dunning Creek (WWF) (Everett West, PA Quad N: 15.10 inches, W: 15.40 inches; Latitude: 40° 05' 01", Longitude: 78° 29' 03").
30. To construct and maintain a 8-inch diameter water line and a 4-inch diameter force main in UNTs to Dunning Creek (WWF) (Everett West, PA Quad N: 15.80 inches, W: 14.50 inches; Latitude: 40° 05' 14", Longitude: 78° 28' 42").
31. To construct and maintain a 8-inch diameter water line and a 4-inch diameter force main in a UNT to Imlertown Run (TSF) (Everett West, PA Quad N: 16.30 inches, W: 13.90 inches; Latitude: 40° 05' 23", Longitude: 78° 28' 27").
32. To construct and maintain a 8-inch diameter water line and a 4-inch diameter force main in UNTs to Imlertown Run (TSF) (Everett West, PA Quad N: 16.60 inches, W: 13.50 inches; Latitude: 40° 05' 31", Longitude: 78° 28' 15").
33. To construct and maintain a 6-inch diameter water line and a 2-inch diameter low pressure sanitary sewer line in a UNT to Imlertown Run (TSF) (Everett West, PA Quad N: 16.10 inches, W: 13.40 inches; Latitude: 40° 05' 20", Longitude: 78° 28' 14").
34. To construct and maintain a 15-inch diameter sanitary sewer line in a UNT to Dunning Creek (TSF) (Everett West, PA Quad N: 5.90 inches, W: 15.20 inches; Latitude: 40° 01' 57", Longitude: 78° 29' 01").
35. To construct and maintain a 6-inch diameter water line and 2-inch diameter low pressure sanitary sewer line with a 6-inch diameter casing in Pleasant Valley Run (CWF) (Everett West, PA Quad N: 5.90 inches, W: 15.20 inches; Latitude: 40° 01' 57", Longitude: 78° 29' 01").

36. To construct and maintain a 10-inch diameter water line and a 8-inch diameter sanitary sewer line in Dunning Creek (WWF) (Everett West, PA Quad N: 13.00 inches, W: 16.10 inches; Latitude: 40° 04' 19", Longitude: 78° 29' 22").

All for the purpose of providing and improving water and sewage system in Bedford Township, Bedford County.

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

**E02-1606. Atlas Industries, Inc.**, 530 Bell Avenue, P. O. Box 470, Carnegie, PA 15106. To construct a retaining wall and temporary road crossing in Scott Township, **Allegheny County**, United States Corps of Engineers, Pittsburgh District. (Pittsburgh West, PA Quadrangle, N: 12.3 inches; W: 12.7 inches; Latitude: 40° 24' 56"; Longitude: 80° 04' 43"). The applicant proposes to construct and maintain a 10.0 foot high × 90.0 foot long retaining wall in the channel and along the left bank of Whiskey Run (WWF) for the purpose of preventing stream bank erosion at the existing Atlas Industries site. This permit also authorizes the construction and maintenance of a temporary road crossing. The project is located approximately 500.0 feet northeast from the intersection of Bell Avenue and Noblestown Road.

**E56-350. Pennsylvania Department of Transportation, Engineering District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648. To remove and replace two existing bridges and fill wetlands in Quemahoning Township, Somerset County, United States Army Corps of Engineers, Pittsburgh District.

1. Remove the existing SR 30 two lane, 44 ft. wide, two span bridge having a total length of 90 ft., and having an underclearance of 18.2 ft.; and construct and maintain on the same alignment a two lane 46 ft. wide, two span bridge having a total length of 152.5 ft. with an underclearance of 18.26 ft. over Stony Creek (CWF) with a drainage area of 116 square miles. This bridge is located 0.3 miles southeast of Stoystown Borough (Stoystown, PA Quadrangle N: 10.2 inches; W: 17.7 inches; Latitude: 40° 5' 52"; Longitude: 78° 56' 52").

2. Remove the existing SR 30 two lane, 44 ft. wide, two span bridge having a total length of 86 ft., and having an underclearance of 8.8 ft.; and construct and maintain on the same alignment a two lane 53.3 ft. wide, two span bridge having a total length of 87.5 ft. with an underclearance of 8.9 ft. over a UNT Stony Creek (CWF) with a drainage area of 0.47 square mile. This bridge is located 0.35 mile southeast of Stoystown Borough (Stoystown, PA Quadrangle N: 10.2 inches; W: 17.7 inches; Latitude: 40° 5' 52"; Longitude: 78° 56' 52").

3. Construct and maintain approximately 145 ft. of stream relocation in UNTs to Stony Creek with drainage areas less than 100 acres and associated stormwater outfalls. In addition, a total of 0.35 acre of PEM/PSS wetland will be filled and maintained and a minimum of .24 acre of wetland mitigation will be created at the Admiral Perry VoTech School in Ebensburg. In addition, Department of Transportation will pay \$1,000 into the PWRP wetland fund. Temporary causeways for pier construction, 185 ft. of temporary stream impacts, and 0.3 acre of temporary wetland impacts are intended to be included in the project. This project is associated with SR 30 reconstruction and improvement work with these encroachments located southeast of Stoystown Borough extending 0.6 mile into Quemahoning Township in Somerset County (beginning from Stoystown, PA Quad-

rangle, N: 5 inches, W: 8.5 inches; Latitude 40° 39' 08", Longitude: 80° 03' 18"; and ending N: 10.1 inches, W: 18.0 inches; Latitude: 40° 5' 51", Longitude: 78° 56' 35").

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

**E10-448. Joseph Landis**, 414 Freeport Street, Saxonburg, PA 16056. Sewage System Repair, in Clinton Township, **Butler County**, United States Army Corps of Engineers, Pittsburgh District. (Curtisville, PA Quadrangle N 40°, 43', 47.98"; W 79°, 48', 3.45").

To construct and maintain a 500 GPD Small Flow Treatment Facility at 414 Freeport Street, Clinton Township, Butler County, approximately 1 mile south of the Borough of Saxonburg including a 4 inch diameter plastic pipe with riprap apron along the east bank of a tributary to Sarver Run. Sarver Run is a perennial stream classified as HQ-TSF.

**E20-574. Tim Donut U.S. Limited, Inc.**, 4455 Transit Road, Suite 2B, Williamsville, NY 14221. Tim Hortons, in the City of Meadville, **Crawford County**, United States Army Corps of Engineers, Pittsburgh District. (Meadville, PA Quadrangle N: 41°, 37', 48"; W: 80°, 9', 14").

The applicant proposes to remove existing structures and construct and maintain a 1,630 square foot building, storm water management facilities, and a parking area within the FEMA floodway of French Creek approximately 350 feet NE of the intersection of Park Avenue and Linden Street eliminating approximately 139 feet of existing north-side frontage and constructing approximately 70 feet of new north-side building frontage. French Creek is a perennial stream classified as a WWF.

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

**EA52-002. National Park Service**, Attn: Kris Provenzano, Project Manager, Delaware Water Gap National Recreation Area, 1 River Road, Bushkill, PA 18324, in Delaware Township, **Pike County**, United States Army Corps of Engineers, Philadelphia District.

To repair and maintain an existing concrete boat and canoe launch ramp in the Delaware River (WWF, MF). The project requires the approval of an Environmental Assessment for Section 401 Water Quality Certification. The project is located on the right bank east of US Route 209 and downstream of S.R 2019 and the Dingman's Ferry Toll Bridge. (Stroudsburg, PA Quadrangle, Latitude: 41 12' 41"; Longitude: -74 51' 36").

**WL4009402. Earth Conservancy**, Attn: Michael Dziak, Executive Director, 101 South Main Street, Ashley, PA 18706-1506, in Hanover Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To reclaim a mine reclamation grading project adjacent to Concrete City in Hanover Township and Nanticoke which will involve the permanent impact of 0.68 acre of PEM wetlands along the edge of a silt pond previously used for mining operations and some isolated pockets of wetlands. The water quality in the area is degraded with a pH of less than 5.0 and Aluminum > 0.6 mg/l. the project is located along Middle Road approximately 2 miles West of the intersection with S.R 0029. (Wilkes Barre West, PA Quadrangle, Latitude 41 11' 24.6"; Longitude: -75 58' 47.2").

#### **EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control Permit(s) have been issued.

Any person aggrieved by these actions may appeal, pursuant to section 4 of the Environmental Hearing Board Act (35 P.S. § 7514), and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board (Board), Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape

from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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ESCGP-1 # ESX09-051-0012

Applicant Name Atlas Resources, LLC  
 Contact Person Jeremy Hirtz  
 Address 800 Mountain View Drive  
 City Smithfield State PA Zip Code 15478  
 County Fayette Township(s) German  
 Receiving Stream(s) and Classification(s) UNT to Dunlap Creek, Other

ESCGP-1 # ESX09-129-0008

Applicant Name Atlas Resources, LLC  
 Contact Person Jeremy Hirtz  
 Address 800 Mountain View Drive  
 City Smithfield State PA Zip Code 15478  
 County Westmoreland Township(s) Sewickley  
 Receiving Stream(s) and Classification(s) Little Sewickley Creek, TSF, Other

ESCGP-1 # ESX09-125-0006

Applicant Name Atlas Resources, LLC  
 Contact Person Jeremy Hirtz  
 Address 800 Mountain View Drive  
 City Smithfield State PA Zip Code 15478  
 County Washington Township(s) West Bethelhem and Deemston  
 Receiving Stream(s) and Classification(s) UNTs to Tenmile & Plum Creeks, Other

ESCGP-1 # ESX09-125-0005

Applicant Name RANGE RESOURCES—APPALACHIA, LLC  
 Contact Person Carla Suszkowski  
 Address 380 Southpointe Blvd, Suite 300  
 City Canonsburg State PA Zip Code 15317  
 County Washington Township(s) Mt. Pleasant  
 Receiving Stream(s) and Classification(s) UNT TO GEORGES Run and UNT to Cross Creek, HQ and Other

ESCGP-1 # ESX09-005-0002

Applicant Name CHIEF OIL & GAS, LLC  
 Contact Person Michael Hirtz  
 Address 6051 Wallace Road Ext., Suite 210  
 City Wexford, PA 15090  
 County Armstrong Township(s) Cowanshannock  
 Receiving Stream(s) and Classification(s) UNT TO Cowanshannock Creek, Other

ESCGP-1 # ESX09-059-0010

Applicant Name EQT Production Company  
 Contact Person DAVID TESTA  
 Address 225 North Shore Drive  
 City Pittsburgh, PA 15212  
 County Greene Township(s) Morris  
 Receiving Stream(s) and Classification(s) Browns Creek, HQ

ESCGP-1 # ESX09-111-0001

Applicant Name CHESAPEAKE APPALACHIA, LLC  
 Contact Person DAVID A. MCDOUGAL  
 Address P. O. Box 6070, 900 Pennsylvania Avenue  
 City Charleston, WV 25362  
 County Somerset Township(s) Shade  
 Receiving Stream(s) and Classification(s) Piney Run, Laurel Run, HQ

ESCGP-1 # ESX09-125-0007

Applicant Name RANGE RESOURCES-APPALACHIA, LLC

Contact Person CARLA SUSZKOWSKI

Address 380 Southpointe Boulevard, Suite 300

City Canonsburg, PA 15317

County Washington Township(s) Amwell

Receiving Stream(s) and Classification(s) UNT to Redd Run, Other

ESCGP-1 # ESX09-005-0001

Applicant Name Snyder Brothers, Inc.

Contact Person Doug Miller

Address P. O. Box 1022

City Kittanning State PA Zip Code 16201

County Armstrong Township(s) West Franklin

Receiving Stream(s) and Classification(s) Buffalo Creek, HQ

ESCGP-1 # ESX09-051-0001

Applicant Name Atlas Resources, LLC

Contact Person Jeremy Hirtz

Address 800 Mountain View Drive

City Smithfield State PA Zip Code 15478

County Fayette Township(s) Redstone

Receiving Stream(s) and Classification(s) UNT of Redstone Creek, Other

ESCGP-1 # ESX09-051-0002

Applicant Name Atlas Resources, LLC

Contact Person Jeremy Hirtz

Address 800 Mountain View Drive

City Smithfield State PA Zip Code 15478

Fayette County, North Union Township(s)

Receiving Stream(s) and Classification(s) UNT of Redstone Creek, Other

ESCGP-1 # ESX09-051-0003

Applicant Name Atlas Resources, LLC

Contact Person Jeremy Hirtz

Address 800 Mountain View Drive

City Smithfield State PA Zip Code 15478

County Fayette Township(s) Washington

Receiving Stream(s) and Classification(s) UNT to Little Redstone Creek, Other

ESCGP-1 # ESX09-051-0004

Applicant Name Atlas Resources, LLC

Contact Person Jeremy Hirtz

Address 800 Mountain View Drive

City Smithfield State PA Zip Code 15478

County Fayette Township(s) Jefferson and Washington

Receiving Stream(s) and Classification(s) UNT to Monongahela River, Other

ESCGP-1 # ESX09-051-0005

Applicant Name Atlas Resources, LLC

Contact Person Jeremy Hirtz

Address 800 Mountain View Drive

City Smithfield State PA Zip Code 15478

County Fayette Township(s) Springhill

Receiving Stream(s) and Classification(s) Georges Creek, HQ

ESCGP-1 # ESX09-051-0006

Applicant Name Atlas Resources, LLC

Contact Person Jeremy Hirtz

Address 800 Mountain View Drive

City Smithfield State PA Zip Code 15478

County Fayette Township(s) Nicholson

Receiving Stream(s) and Classification(s) Jacobs Creek, HQ

ESCGP-1 # ESX09-051-0007

Applicant Name Atlas Resources, LLC

Contact Person Jeremy Hirtz

Address 800 Mountain View Drive

City Smithfield State PA Zip Code 15478

County Fayette Township(s) Springhill

Receiving Stream(s) and Classification(s) Georges Creek, HQ

ESCGP-1 # ESX09-051-0008

Applicant Name Atlas Resources, LLC

Contact Person Jeremy Hirtz

Address 800 Mountain View Drive  
City Smithfield State PA Zip Code 15478  
County Fayette Township(s) Springhill  
Receiving Stream(s) and Classification(s) UNT to Mountain Creek/UNT to Grassy Run, Other

ESCGP-1 # ESX09-051-0009  
Applicant Name Atlas Resources, LLC  
Contact Person Jeremy Hirtz  
Address 800 Mountain View Drive  
City Smithfield State PA Zip Code 15478  
County Fayette Township(s) Nicholson  
Receiving Stream(s) and Classification(s) Cats Run, Other

ESCGP-1 # ESX09-051-0010  
Applicant Name Atlas Resources, LLC  
Contact Person Jeremy Hirtz  
Address 800 Mountain View Drive  
City Smithfield State PA Zip Code 15478  
County Fayette Township(s) Nicholson  
Receiving Stream(s) and Classification(s) York Run, Other

ESCGP-1 # ESX09-051-0011  
Applicant Name Atlas Resources, LLC  
Contact Person Jeremy Hirtz  
Address 800 Mountain View Drive  
City Smithfield State PA Zip Code 15478  
County Fayette Township(s) Henry Clay  
Receiving Stream(s) and Classification(s) UNT of Fike Run, HQ

ESCGP-1 # ESX09-059-0001  
Applicant Name Atlas Resources, LLC  
Contact Person Jeremy Hirtz  
Address 800 Mountain View Drive  
City Smithfield State PA Zip Code 15478  
County Greene Township(s) Cumberland  
Receiving Stream(s) and Classification(s) Neel Run, Other

ESCGP-1 # ESX09-059-0003  
Applicant Name Atlas Resources, LLC  
Contact Person Jeremy Hirtz  
Address 800 Mountain View Drive  
City Smithfield State PA Zip Code 15478  
County Greene Township(s) Greene and Cumberland  
Receiving Stream(s) and Classification(s) UNT to Goose Run, Other

ESCGP-1 # ESX09-059-0004  
Applicant Name Eastern American Energy Corporation  
Contact Person Jon Curry  
Address 1380 Route 286 Highway East, Suite 221  
City Indiana State PA Zip Code 15701  
County Greene Township(s) Greene  
Receiving Stream(s) and Classification(s) Minor Run, Other

ESCGP-1 # ESX09-059-0005  
Applicant Name Atlas Resources, LLC  
Contact Person Jeremy Hirtz  
Address 800 Mountain View Drive  
City Smithfield State PA Zip Code 15478  
County Greene Township(s) Monongahela  
Receiving Stream(s) and Classification(s) UNT to Whiteley Creek, Other

ESCGP-1 # ESX09-059-0006  
Applicant Name EQT Production Company  
Contact Person Shari Darr-Hodges  
Address 225 North Shore Drive, 4th Floor  
City Pittsburgh State PA Zip Code 15212  
County Greene Township(s) Morris  
Receiving Stream(s) and Classification(s) Browns Creek, HQ

ESCGP-1 # ESX09-059-0007  
Applicant Name CNX Gas Company, LLC  
Contact Person Kenneth Kormendy  
Address 2481 John Nash Boulevard  
City Bluefield State WV Zip Code 24701  
County Greene Township(s) Center  
Receiving Stream(s) and Classification(s) West Run, HQ

## ESCGP-1 # ESX09-059-0008

Applicant Name Eastern American Energy Corporation  
 Contact Person Barbara Chambers  
 Address 1380 Route 286 Highway East, Suite 221  
 City Indiana State PA Zip Code 15701  
 County Greene Township(s) Jefferson  
 Receiving Stream(s) and Classification(s) Muddy Creek, Other

## ESCGP-1 # ESX09-059-0009

Applicant Name Atlas Resources, LLC  
 Contact Person Jeremy Hirtz  
 Address 800 Mountain View Drive  
 City Smithfield State PA Zip Code 15478  
 County Greene Township(s) Dunkard  
 Receiving Stream(s) and Classification(s) UNT to Dunkard Creek, Other

## ESCGP-1 # ESX09-125-0001

Applicant Name Atlas Resources, LLC  
 Contact Person Jeremy Hirtz  
 Address 800 Mountain View Drive  
 City Smithfield State PA Zip Code 15478  
 County Washington Township(s) Deemston  
 Receiving Stream(s) and Classification(s) UNT to Tenmile Creek, Other

## ESCGP-1 # ESX09-125-0002

Applicant Name Atlas Resources, LLC  
 Contact Person Jeremy Hirtz  
 Address 800 Mountain View Drive  
 City Smithfield State PA Zip Code 15478  
 County Washington Township(s) Deemston  
 Receiving Stream(s) and Classification(s) UNT to Plum Run, Other

## ESCGP-1 # ESX09-125-0003

Applicant Name Range Resources—Appalachia, LLC  
 Contact Person Carla Suskowski  
 Address 380 Southpointe Boulevard, Suite 300  
 City Canonsburg State PA Zip Code 15317  
 County Washington Township(s) Cecil  
 Receiving Stream(s) and Classification(s) Brush Run, Other

## ESCGP-1 # ESX09-125-0004

Applicant Name Range Resources—Appalachia, LLC  
 Contact Person Carla Suszkowski  
 Address 380 Southpointe Boulevard, Suite 300  
 City Canonsburg State PA Zip Code 15317  
 County Washington Township(s) Chartiers  
 Receiving Stream(s) and Classification(s) UNT to Chartiers Creek, Other

## ESCGP-1 # ESX09-063-0001

Applicant Name EQT Production Company  
 Contact Person Shari Hodges  
 Address 225 North Shore Drive  
 City Pittsburgh State PA Zip Code 15212  
 County Indiana Township(s) Young  
 Receiving Stream(s) and Classification(s) Unnamed Tributary to Craig Run, Other

## ESCGP-1 # ESX09-059-0011

Applicant Name EQT Gathering, LLC NIJUS006 Pipeline Project  
 Contact Person Hanna McCoy  
 Address 225 North Shore Drive  
 City Pittsburgh State PA Zip Code 15212  
 County Greene Township(s) Morgan  
 Receiving Stream(s) and Classification(s) Castilt Run (WWF) Other

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

<i>ESCP No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
5809806	Chesapeake Midsteam Partners, LP 100 1st Center Horseheads, NY 14845	Susquehanna County	Auburn Township	UNTs to Tuscarora Creek (CWF)



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

ESCGP-1 # 0809811-07  
 Applicant Name Fortuna Energy  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Bradford  
 Township(s) Troy  
 Receiving Stream(s)and Classification(s) South Branch Sugar Creek - TSF North Branch Towanda Creek - CWF

ESCGP-1 # ESX09-008-0019  
 Applicant Name Chesapeake Appalachia, LLC  
 Contact Person Eric Haskins  
 Address PO Box 18496  
 City, State, Zip Oklahoma City, OK 73154-0496  
 County Bradford  
 Township(s) Asylum  
 Receiving Stream(s)and Classification(s)

ESCGP-1 # 1408802-01  
 Applicant Name EXCO - North Coast  
 Energy, Inc.  
 Contact Person Scott Sweder  
 Address One GOJO Plaza, Suite 325  
 City, State, Zip Akron, OH 44311-1057  
 County Centre  
 Township(s) Burnside  
 Receiving Stream(s)and Classification(s)

ESCGP-1 # ESX09-014-0001  
 Applicant Name Anadarko E&P Company, LP  
 Contact Person Bertha Nefe  
 Address PO Box 1330  
 City, State, Zip Houston, TX 77251-1330  
 County Centre  
 Township(s) Snow Shoe  
 Receiving Stream(s)and Classification(s)

ESCGP-1 # 5909803  
 Applicant Name Fortuna Energy  
 Contact Person Tracy Gregory  
 Address 337 Daniel Zenker Drive  
 City, State, Zip Horseheads, NY 14845  
 County Tioga  
 Township(s) Ward  
 Receiving Stream(s)and Classification(s) UNT to Fall Brook CWF

ESCGP-1 # 5909805-1  
 Applicant Name East Resources, Inc.  
 Contact Person Scott Blauvelt  
 Address 351 Brush Creek Road  
 City, State, Zip Warrendale, PA 15086  
 County Tioga  
 Township(s) Sullivan  
 Receiving Stream(s)and Classification(s)

ESCGP-1 # ESX09-117-0006  
 Applicant Name Ultra Resources, Inc.  
 Contact Person W.R. (Bill) Picquet  
 Address 304 Inverness Way South, Suite 295  
 City, State, Zip Englewood, CO 80112-5828  
 County Tioga  
 Township(s) Gaines & Elk  
 Receiving Stream(s)and Classification(s)

*Northwest Region: Oil and Gas Program Manager 230 Chestnut St. Meadville, PA 16335*

**ESCGP-1 #ESX09-053-0001**  
 Applicant Name EOG Resources, Inc.  
 Contact Person Nathan Wells  
 Address 400 Southpointe Blvd. Suite 300  
 CityCanonsburg State PA Zip Code15317  
 County Clearfield, Elk Township(s) Huston, Fox  
 Receiving Stream(s) and Classification(s) Sawmill Run & Bear Run CWF; Boggy Run HQ-CWF

**ESCGP-1 #ESX09-053-0001**

Applicant Name East Resources, Inc.

Contact Person Scott Blauvelt

Address 301 Brush Creek Road

City Warrendale State PA Zip Code 15086

County Forest Township(s) Howe

Receiving Stream(s) and Classification(s) Thad Shanty Run HQ, Bald Hill Run HQ, Secondary Water-Tionesta Creek HQ, Bluejay Creek HQ

[Pa.B. Doc. No. 09-1109. Filed for public inspection June 19, 2009, 9:00 a.m.]

**Availability of Technical Guidance**

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <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 2009.

*Ordering Paper Copies of Department Technical Guidance*

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

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

*Changes to Technical Guidance Documents*

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

*Draft Technical Guidance*

DEP ID: 362-4180-002. Title: Civil Penalty Calculation Procedure for Pollution Incidents. Description: This revised technical guidance has been developed to establish uniform instructions and procedure for calculating civil penalties for most pollution incidents where pollutants have been discharged to waters of the Commonwealth. Upon publication in the PA Bulletin as final it will replace the current version posted on the Department's web site. Penalties are calculated based on a range of mitigating factors to consider in relation to the magnitude of the violation. Besides the fundamental unauthorized discharge penalty factors (Damage, Willfulness and History), this revision incorporates references to additional regulations that allow staff to consider specific violations that may result from a typical pollution incident: the failure to mitigate; the failure to take preventative actions; the failure to develop a PPC Plan; causing a sheen and violating general water quality standards. Additionally, the guidance allows the Department to recover its costs associated with the violation, such as laboratory,

supplies, travel and employee costs. The total penalty is then based on the sum of the unauthorized discharge under The Clean Streams Law, the associated regulations and recoverable Department costs associated with the violation. Written Comments: Interested persons may submit written comments on this draft technical guidance document by July 20, 2009. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Robert Kachonik, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, Harrisburg, PA 17105-8774, (717) 772-4018, [rkachonik@state.pa.us](mailto:rkachonik@state.pa.us). Contact: Questions regarding the draft technical guidance should be directed to Robert Kachonik at (717) 772-4018, [rkachonik@state.pa.us](mailto:rkachonik@state.pa.us). Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

DEP ID: 362-4180-006. Title: Civil Penalty Assessment Informal Hearing Procedure. Description: This draft technical guidance has been developed to establish standardized instructions to be used by Department Water Quality Field Operations staff for the assessment of civil penalties for violations of National Pollutant Discharge Elimination System (NPDES) permits. Section 92.93(b) of the Department's Rules and Regulations provides that a person who has been served with a proposed civil penalty assessment by the Department for a violation of NPDES permitting requirements may request an informal hearing on the proposed assessment. This draft guidance incorporates the elements of Section 605 of the Clean Streams Law and 25 Pa. Code 92 that will assist Water Quality Field Operations staff to consistently adhere to methods described in regulation regarding the informal hearing process. Written Comments: Interested persons may submit written comments on this draft technical guidance document by July 20, 2009. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Robert Kachonik, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, Harrisburg, PA 17105-8774, (717) 772-4018, [rkachonik@state.pa.us](mailto:rkachonik@state.pa.us). Contact: Questions regarding the draft technical guidance should be directed to Robert Kachonik at (717) 772-4018, [rkachonik@state.pa.us](mailto:rkachonik@state.pa.us). Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

DEP ID: 362-4180-001. Title: Guidance for Civil Penalty Calculations for Effluent Violations. Description: This revised guidance document provides instructions for the calculation of civil penalties for effluent violations. Sec-

tion 605(a) of the PA Clean Streams Law, 35 P.S. 691.605(a); Civil Penalties Generally, requires the Department to consider the willfulness of the violation, damage to waters of the Commonwealth, cost of restoration, and other relevant factors. This revised guidance document primarily differs from the 2002 version by including the Willfulness factor. In addition, unlike the 2002 version, which calculated penalties by starting out low and working upwards to the statutory maximum of \$10,000 per day per violation, this revision starts out at the statutory maximum and is then factored down allowing for more appropriate penalty amounts. Furthermore, this revision allows the Department to take into consideration the Economic Benefit of a violation and also allows the Department to include recoverable costs associated with the violation. Written Comments: Interested persons may submit written comments on this draft technical guidance document by July 20, 2009. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Robert Kachonik, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, Harrisburg, PA 17105-8774, (717) 772-4018, rkachonik@state.pa.us. Contact: Questions regarding the draft technical guidance should be directed to Robert Kachonik at (717) 772-4018, rkachonik@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

*Final Technical Guidance—Minor Revision*

DEP ID: 361-0100-003. Title: Water Quality Toxic Management Strategy. Description: The primary purpose of this Toxic Management Strategy (TMS) is to regulate priority pollutants and other pollutant discharges by point sources in order to avoid toxic impact on human health and aquatic life. This TMS also encourages a consistent Statewide approach for dealing with the United States Environmental Protection Agency (USEPA) priority pollutants that are known or suspected to have toxic impacts under the National Pollutant Discharge Elimination System (NPDES) permit program. It is based upon the Department's Toxic Management Policy Statement as contained in Title 25 Pa. Code Chapter 16 available on the web [www.pacode.com](http://www.pacode.com). This minor revision to the TMS is to clarify how "nondetect" or "ND" values in Discharge Monitoring Reports (DMR) are to be reported in the eDMR system. The current TMS indicates, on page 16, that permittees should report "nondetect" or "ND" on the DMR, which cannot be accepted by the Department's eDMR system. The TMS has been revised to require permittees to use the less than (<) symbol, which is widely accepted by the eDMR system for nondetect data. Contact: Questions regarding this minor revision for the technical guidance document should be directed to Dharmendra Kumar at (717) 783-2288 or dkumar@state.pa.us. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-1110. Filed for public inspection June 19, 2009, 9:00 a.m.]

## Bid Opportunity

**OSM 16(0986)101.1, Abandoned Mine Reclamation Project, Stone House Northeast, Clarion Township, Clarion County.** The principal items of work and approximate quantities include mobilization and demobilization, clearing and grubbing, 185,000 cubic yards of grading, 19 acres of seeding and tree planting of 6,800 trees. This project issues on June 19, 2009, and bids will be opened on July 21, 2009, at 2 p.m. Bid documents cost \$10 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 for more information on this bid.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-1111. Filed for public inspection June 19, 2009, 9:00 a.m.]

## Quehanna Wild Area Nuclear Site Moshannon State Forest, Clearfield County; Notice of Proposed Settlement

Under section 1113 of the Hazardous Sites Cleanup Act (HSCA) (35 P.S. § 6020.1113), notice is given by the Department of Environmental Protection (Department) that the Department has entered into a proposed settlement with Atlantic Richfield Company, for the reimbursement of certain response costs incurred by the Commonwealth, for response actions taken at the Quehanna Wild Area Nuclear Site in Clearfield County, PA (Site).

From the 1950s to the 2000s, this Site was the location of a facility at which radioactive materials were processed, stored, handled, and more recently, remediated, under Federal licenses from the Atomic Energy Commission and Nuclear Regulatory Commission (NRC). During that time span, a number of businesses, including Atlantic Richfield Company and related entities (Atlantic Richfield), conducted activities at the Site utilizing radioactive and other materials. For almost all of this 50+ year period, the Site has been owned by the Commonwealth and managed by Commonwealth agencies. Since the mid-1990s, the Site has been managed by the Department of Conservation and Natural Resources.

The Site activities that involved radioactive materials included operation of a pool-type research reactor in the 1950s; research and development activities associated with a variety of applications, including, but not limited to, the manufacture of prototype thermoelectric generators using strontium-90 (Sr-90) in the early and mid-1960s; encapsulation of sealed sources of cobalt-60 (Co-60) and other radionuclides in the late 1960s and part of the 1970s; and operation of irradiators for food and wood irradiation and other processes from the 1960s to 2002.

For more than 15 years, the Department has been coordinating Site cleanup activities. The cleanup is virtually complete. The cleanup activities have included removal and offsite disposal of all regulated radioactive

materials; demolition of all Site structures; and extensive monitoring and sampling to ensure that the Site meets NRC requirements. The Commonwealth's cleanup expenditures exceed \$30 million.

In 2003 and 2004, the Commonwealth and the United States entered into agreements under which the United States reimbursed the Commonwealth for \$10 million of the Commonwealth's cleanup expenditures. Recently, the Department has filed two lawsuits in the United States District Court for the Middle District of Pennsylvania in which the Department seeks payment of the remaining unreimbursed cleanup expenditures. One lawsuit is against Lockheed Martin Corporation, which the Department contends is liable for those Site expenditures relating to the cleanup of Sr-90. The civil action number of that lawsuit is 1:09-CV-0821. In that action, the Department seeks in excess of \$20 million.

This notice is about the second lawsuit. The second lawsuit is against Atlantic Richfield Company, in which the Department seeks to recover from Atlantic Richfield the Site expenditures relating to the cleanup of Co-60. The civil action number of that lawsuit is 1:09-CV-0913. In that action, the Department contends that Atlantic Richfield is liable for the Site expenditures relating to the cleanup of Co-60. The Department has asserted that the expenditures for the cleanup of Co-60 were at least \$1,450,000. The Department and Atlantic Richfield have agreed to a proposed Consent Decree that resolves the second lawsuit and any other claims that the Commonwealth could have made against Atlantic Richfield relating to the Site cleanup and reimbursement of the Commonwealth's cleanup expenditures.

The primary terms of the proposed Consent Decree are that Atlantic Richfield shall pay the Department \$995,000 for reimbursement of the Commonwealth's cleanup expenditures and that Atlantic Richfield receives contribution protection and cannot be sued by any other entity with respect to the Commonwealth's cleanup expenditures. In the proposed Consent Decree, which has been filed with and is subject to court approval, the Department and Atlantic Richfield have stated: (1) the proposed Consent Decree has been negotiated by the Department and Atlantic Richfield in good faith; (2) the settlement of this matter will avoid prolonged and complicated litigation between the Department and Atlantic Richfield; and (3) that the settlement is fair, reasonable, and in the public interest.

Under section 1113 of the HSCA, the Department is providing a 60-day comment period on the proposed settlement commencing on the date of publication of this Notice. Interested persons may submit written comments to the Department which shall be addressed to Michael D. Buchwach, Department of Environmental Protection, Office of Chief Counsel, Rachel Carson State Office Building, 9th Floor, Harrisburg, PA 17105-8464. Copies of the proposed Consent Decree also may be obtained from Michael Buchwach. The Department has the right to withdraw its consent to the Consent Decree if comments concerning the Consent Decree disclose facts or considerations that indicate that the Consent Decree is inappropriate, improper, or not in the public interest.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-1112. Filed for public inspection June 19, 2009, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of The Center for Spine Care at Lancaster NeuroScience & Spine Associates for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Center for Spine Care at Lancaster Neuroscience & Spine Associates has requested an exception to the requirements of 28 Pa. Code §§ 553.31(a) and 559.2 (relating to administrative responsibilities; and director of nursing).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-1113. Filed for public inspection June 19, 2009, 9:00 a.m.]

### Application of Geisinger Wyoming Valley Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Wyoming Valley Medical Center has requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and or

hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-1114. Filed for public inspection June 19, 2009, 9:00 a.m.]

### Application of Milton S. Hershey Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Milton S. Hershey Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 5.3.1.2(3) (relating to layout), 5.3.2.2(1) (relating to space requirements for special procedure rooms), 5.3.3.2(1) (relating to space requirements for postanesthetic care units), 5.3.5.1 (relating to control station), 5.3.5.11 (relating to anesthesia workroom), 5.3.6.2(2) (relating to staff clothing change areas) and 2.1-5.3.2.2 (relating to station outlets).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-1115. Filed for public inspection June 19, 2009, 9:00 a.m.]

### Application of The NeuroSpine Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The NeuroSpine Center has requested an exception to the requirements of 28 Pa. Code § 553.31(a) (relating to administrative responsibilities).

The request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-1116. Filed for public inspection June 19, 2009, 9:00 a.m.]

### Availability of Revised Preventive Health and Health Services Block Grant; Application for Federal Fiscal Year 2009; Notice of Public Hearing

The Department of Health (Department) is making copies available of the revised Preventive Health and Health Services Block Grant(block grant) Application for Federal Fiscal Year (FFY) 2009, under 42 U.S.C. § 300w-4. 300 w-4. This application is the Commonwealth's revision to the application request with the United States Department of Health and Human Services (HHS) for block grant funding to address the Healthy People 2010 Health Status Objectives.

The revised block grant application (Pennsylvania's funding request to HHS) describing proposed services, program goals, and objectives and activities is available and can be obtained by calling the Bureau of Health Promotion and Risk Reduction at (717) 787-6214.

A public hearing will be conducted by the Department for the purpose of receiving testimony on the *revised* application in accordance with 42 U.S.C. § 300 w-4.

The hearing will be held from 10 a.m. until 12 noon, July 8, 2009, in Conference Room 1000, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120. Persons wishing to testify are requested to pre-register by contacting the Bureau of Health Promotion and Risk Reduction at (717) 787-6214. Registration will be accepted on the day of the hearing. Persons will be allotted a maximum of 10 minutes to testify. Individuals should provide the Department with two copies of their testimony at the time of the hearing.

Written comments will be accepted for 30 days after publication of this notice in the *Pennsylvania Bulletin* and should be sent to the Bureau of Health Promotion and Risk Reduction at the address listed previously. Comments and suggestions from the public should relate to

the priorities and program plans included in the application. Comments will be received no later than 4 p.m. July 20, 2009.

Persons with a disability who require an alternative format of the application or desire to comment in alternative format (for example, large print, audio tape, Braille) or wish to attend the meeting and require special accommodations should notify the Bureau of Health Promotion and Risk Reduction at (717) 787-6214 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-1117. Filed for public inspection June 19, 2009, 9:00 a.m.]

### Chronic Renal Disease Advisory Committee Meeting

The Renal Disease Advisory Committee, established by section 4 of the act of June 23, 1970 (P.L. 419, No.14) (35 P. S. § 6204), will hold a public meeting on Friday, July 24, 2009, from 10 a.m. to 2 p.m. in Conference Room 327 of the Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

For additional information or persons with a disability and who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Carolyn S. Cass, Director, Division of Child and Adult Health, Department of Health, Health and Welfare Building, Seventh Floor, East Wing, Seventh and Forster Streets, Harrisburg, PA 17102 at (717) 772-2762 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-1118. Filed for public inspection June 19, 2009, 9:00 a.m.]

### Draft Title V Block Grant Program; 2008 Report and 2010 Application; Public Comment Period

During the period of June 10, 2009, to July 10, 2009, the Bureau of Family Health is accepting public comment about the Commonwealth's draft Title V Block Grant 2008 Report and 2010 Application. A draft of this document is electronically accessible through the Department of Health's web site: <http://www.health.state.pa.us/blockgrant>.

Individuals who wish to review the Commonwealth's draft Title V Block Grant 2008 Report and 2010 Application or persons with a disability who require an alternative format of this document (for example, large print, audiotape, Braille) should contact Kenneth Huling, Bureau of Family Health Title V Block Grant Coordinator at Health and Welfare Building, 7th Floor, East Wing, 625 Forster Street, Harrisburg, PA 17120, (717) 772-2762, fax

(717) 772-0323 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-1119. Filed for public inspection June 19, 2009, 9:00 a.m.]

### Emergency Medical Services Operating Fund Funding Priorities

Under 28 Pa. Code §§ 1001.22 and 1001.23 (relating to criteria for funding; and allocation of funds), the Department of Health (Department) gives notice of priorities for the distribution by the regional emergency medical services (EMS) councils of funding from the Emergency Medical Services Operating Fund (EMSOF) for the fiscal year (FY) beginning July 1, 2009, and ending June 30, 2010.

EMSOF moneys are to be used to provide funding to maintain, improve and develop the quality of the EMS system within this Commonwealth. The Department finds that EMSOF is not sufficient to fully fund the EMS system. Therefore, it gives notice, under § 1001.22(d), that recipients of EMSOF funding from regional EMS councils may be required to contribute funds toward all purchases, acquisitions and projects for which the Department permits the use of EMSOF moneys.

Each regional EMS council shall prioritize the distribution of its EMSOF allocation based upon the Statewide EMS Development Plan and its regional EMS development plan, subject to the funding priorities set forth in this notice. By October 30, 2009, the regional EMS councils shall notify the providers and other appropriate entities of the established funding priorities, the application process, acquisition documentation requirements and processing deadlines. Each regional EMS council must complete all documents required for the distribution of EMSOF funding by June 30, 2010.

The Department may increase the amount of the initial payment or reimbursement from EMSOF based upon the EMS development plans (State and regional) or documented financial hardship of a provider of EMS. A provider of EMS that seeks additional funds due to financial hardship shall be required to submit a financial disclosure statement and other documentation deemed necessary by the Department.

A provider of EMS applying for EMSOF funding must be in full compliance with all regulations, policies and priorities of the State and regional EMS systems.

Funds for purchases, acquisitions and projects for the FY beginning July 1, 2009, and ending June 30, 2010, must be expended by the regional EMS council by June 30, 2010, unless a written request for an extension of time, not to exceed 90 calendar days, is submitted by the regional EMS council and approved by the Department prior to June 30, 2010.

#### *Funding Priorities*

These priorities are not ranked. The priorities must be considered before there is any regional distribution of EMSOF moneys for initiatives that are not listed. All funding must be distributed consistent with the regional and Statewide EMS development plans. Consequently, if the priorities in this notice have been funded and addi-

tional funding is available, the request to use EMSOF money towards nonpriority items must still be supported by the Statewide and regional EMS development plans.

- Development or improvement of an organizational risk management program (safety measures, hazard recognition/mitigation and the necessary organizational structure and support processes) proposed by an ambulance service. Proposals for funding must be comprehensive and include safe vehicle operations. Approval by the Department is required prior to funding.

- Recruitment and retention programs, including scholarships/tuition reimbursement for first responder (FR), emergency medical technician (EMT) and paramedic training in areas with high prehospital personnel vacancy rates as determined by the regional EMS council and approved by the Department.

- Equipment required to meet basic life support (BLS) and advanced life support (ALS) ambulance service licensure.

- Capnography equipment (especially wave-form end-tidal CO<sub>2</sub> monitors).

- An ambulance for ambulance services that is older than 10 years or has more than 200,000 miles on it. Limit to one per FY.

- Software/computer equipment to enable services to collect and transmit EMS patient care reports electronically.

- Quality assurance/improvement program.

- EMS personnel protective respiratory equipment approved by the Department to protect the EMS practitioner from communicable diseases transmitted from person to person through airborne mechanisms.

- Costs associated with investigating a potential merger or consolidation of services. These costs include but are not limited to consulting fees, studies, legal fees and statistical analysis.

- Costs associated with the actual merger or consolidation of services.

- Funding will be provided for the additional cost of reflective chevron markings on back of a new ambulance purchased by an ambulance service.

When two or more ambulance companies have consolidated, for the first 5 years after the ambulance companies completed consolidation the entity may be deemed eligible to receive funding not to exceed the amount of the

combined total for which the individual companies would have been eligible had they not consolidated.

*Emergency Preparedness and Response Funding Requests*

Emergency preparedness and response funding requests must be based on local and response roles of services, regional needs and needs identified by threat vulnerability analysis. Purchases must be coordinated with county emergency, fire service, HAZMAT and hospital organizations in the applicant's service area to assure interoperability and to prevent duplication. Funding requests related to response to all hazard and emergency preparedness must have a clear connection to the regional EMS catastrophic plan and the regional EMS development plan. Priority will be given to fund the ambulance services in each region that have committed to participating in the EMS strike team capability project and respond to requests for EMS, both interstate and intrastate, as identified in the State and regional mass casualty plans.

*Provider Equipment*

Purchases by providers of EMS are not limited to equipment. If an EMS provider requests EMSOF moneys to purchase equipment, the Eligible Provider Equipment List identifies equipment for which EMSOF funds will be made available to purchase. This chart identifies the types of providers of EMS eligible for equipment purchases supported by EMSOF funding and the maximum allowable cost upon which the EMSOF contribution will be calculated.

EMSOF funds will fund 60% of the maximum allowable cost of an equipment item for rural providers and will fund 50% of the maximum allowable cost of an equipment item for nonrural providers. An eligible provider is responsible for the balance of the purchase price. The provider may purchase an item for an amount that exceeds the maximum allowable cost, but the provider will be responsible for any amount exceeding that figure. The last two columns of the chart identify the percentage of EMSOF contribution towards the purchase price, up to the maximum allowable cost of the item, based upon whether the provider operates in a rural or nonrural area.

*Paramedic Examinations*

Funding may be provided to services to cover the cost of the State written test for paramedic certification taken by their personnel at 100% of the cost of two examination attempts up to a maximum allowable cost of \$300 per person.

**ELIGIBLE PROVIDER EQUIPMENT LIST**

EQUIPMENT DESCRIPTION	LIFE EXPECTANCY	ELIGIBLE PURCHASE FOR:				ALLOWABLE COSTS <sup>1</sup>	NON RURAL	RURAL
		ALS	ALS/SQ	BLS	QRS		(50%)	(60%)
EKG Monitor/Defibrillator with Pacer	5 years	Y	Y	N	N	12,000	6,000	7,200
12 Lead EKG <sup>2</sup>	5 years	Y	Y	N	N	20,000	10,000	12,000
Automated External Defibrillator (AED)	5 years	N	N	Y <sup>3</sup>	Y <sup>3</sup>	1,500	750	900

<i>EQUIPMENT DESCRIPTION</i>	<i>LIFE EXPECTANCY</i>	<i>ELIGIBLE PURCHASE FOR:</i>				<i>ALLOWABLE COSTS<sup>1</sup></i>	<i>NON RURAL (50%)</i>	<i>RURAL (60%)</i>
		<i>ALS</i>	<i>ALS/SQ</i>	<i>BLS</i>	<i>QRS</i>			
Oxygen Equipment (any combination) Cylinder Demand Valve w/Hose and Mask Regulator (combination or constant flow) Case	5 years	Y	Y	Y	Y	500	250	300
Capnography Equipment	3 years	Y	Y	N	N	3,000	1,500	1,800
CPAP Ventilation Portable Equipment	5 years	Y	Y	N	N	1,500	750	900
Pulse Oximeter	5 years	Y	Y	Y	N	700	350	420
Nitrous Oxide Delivery System	5 years	Y	Y	N	N	2,000	1,000	1,200
Intravenous Infusion Pumps	5 years	Y	Y	N	N	2,000	1,000	1,000
Adult/Pediatric Intubation Kits	5 years	Y <sup>8</sup>	Y <sup>8</sup>	N	N	600	300	360
Transtracheal Jet Insufflators (TTJ)	5 years	Y	Y	N	N	200	100	120
Splinting/Immobilization Devices (any combination) Backboard Cervical Immobilization Device Splints (rigid, traction, etc.)	3 years	Y	Y	Y	Y	500	250	300
Stairchair 300 lb capacity	3 years	Y	N	Y	N	2,000	1,000	1,200
Stairchair 500 lb capacity	5 years	Y	N	Y	N	2,650	1,325	1,590
Stretcher 300 lb capacity	5 years	Y	N	Y	N	4,000	2,000	2,400
Stretcher 700 lb capacity	5 years	Y	N	Y	N	11,500	5,750	6,900
Stretcher/Chair Combination	5 years	Y	N	Y	N	700	350	420
Suction (portable, battery operated)	3 years	Y	Y	Y	Y	900	450	540
Ventilator, Automatic (per Department of Health guidelines)	5 years	Y <sup>4</sup>	Y <sup>4</sup>	Y <sup>5</sup>	Y <sup>5</sup>	3,000	1,500	1,800
Ambulance with chevron marking on back of unit	—	Y	N	Y	N	—	15,000	20,000
Chevron	—	Y	Y	Y	Y	1,500	750	900
Squad/Response Vehicle with chevron marking on back of unit	—	N	Y	N	Y	—	7,500	9,000
Data Collection Software/technology <sup>6</sup>	—	Y	Y	Y	Y	1,700	850	1,020
Data Collection Hardware <sup>7</sup>	3 years	Y	Y	Y	Y	2,000	1,000	1,200
Radio, Mobile (two per vehicle)	5 years	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	5,000	2,500	3,000
Radio, Portable (one per vehicle per year)	5 years	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	5,000	2,500	3,000
Triage Vest with reflection stripes meeting ANSI national standards	5 years	Y	Y	Y	Y	150	75	90
Triage System	5 years	Y	Y	Y	Y	750	375	450
Alerting Equipment (5 per service @ \$400 each)	5 years	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	Y <sup>9</sup>	2,000	1,000	1,200
Vehicle Safety Monitoring Systems	5 years	Y	Y	Y	Y	3,500	1,750	2,100



EQUIPMENT DESCRIPTION	LIFE EXPECTANCY	ELIGIBLE PURCHASE FOR:				ALLOWABLE COSTS <sup>1</sup>	NON	RURAL
		ALS	ALS/SQ	BLS	QRS		(50%)	(60%)
Personal Protective Equipment/Turnout Gear: Helmet, Coat, Pants, Boots, Protection Vest meeting ANSI national standards (one set per provider) Respiratory Protection from communicable diseases	5 years	Y	Y	Y	Y	1,200	600	720
Protective Ballistic Vest	5 years	Y	Y	Y	Y	1,000	500	600
Global Positioning System Receiver 1 per licensed Ambulance or recognized QRS vehicle	5 years	Y	Y	Y	Y	500	250	275
Traffic Safety Equipment	5 years	Y	Y	Y	Y	2,500	1,250	1,500
Large Patient Moving/Carrying Device	10 years	Y	Y	Y	Y	3,000	1,500	1,800
Self Contained Breathing Apparatus (2 per licensed vehicle)	10 years	Y	Y	Y	Y	3,000	1,500	1,800
EMT-P Testing (Written)	—	Y	Y	N	N	300	300	300

<sup>1</sup> All figures are dollar amounts for each item of equipment.

<sup>2</sup> Amount includes \$1,000 for communications package. Receiving facility must have appropriate communications capabilities.

<sup>3</sup> Must be an approved AED service or part of regional planning, and AED medical director required.

<sup>4</sup> Completion of approved training program required.

<sup>5</sup> Completion of approved training program required and BLS service medical director approval required.

<sup>6</sup> Must be a Department-approved software program, version and vendor.

<sup>7</sup> Data collection hardware may include computer, modem, printer, backup device and battery system.

<sup>8</sup> Must be durable equipment, not disposable equipment.

<sup>9</sup> Must be compatible with regional and State EMS communications plan.

Questions regarding the Eligible Provider Equipment List or other matters addressed in this notice should be directed to Joseph W. Schmider, Director, Bureau of Emergency Medical Services, Department of Health, Room 606, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 787-8740.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotope, Braille) should contact Joseph W. Schmider at the previously listed address or telephone numbers or for speech or hearing impaired persons VTT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-1120. Filed for public inspection June 19, 2009, 9:00 a.m.]

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

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

Main Line Nursing and Rehabilitation Center  
283 East Lancaster Avenue  
Malvern, PA 19355  
FAC ID 137702

The following long-term care nursing facility is seeking an exception to 28 Pa. Code §§ 205.6(a) and 205.67(j)(k) (relating to function of building; and electric requirements for exiting and new construction).

Provident Point Healthcare Residence  
200 Adams Avenue  
Pittsburgh, PA 15243-1028

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

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

Comments received by the Department within 15 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

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

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-1121. Filed for public inspection June 19, 2009, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Bids for the Demolition and Removal of Properties

The Department of Transportation, 715 Jordan Avenue, P. O. Box 218, Montoursville, PA 17745-0218, will be accepting sealed bids for the demolition and removal of the following properties:

*Property 1.* Claim Number 5400012000, Parcel 1, 6 Colonial Drive, Selinsgrove, PA 17870, two story frame house with attached garage. There is no asbestos present. Directions: Route 15 South to Park Road (Papa John's Pizza) turn right, go approximately 1 mile and turn right onto Fisher Road, first left is Colonial Drive first house on left.

*Property 2.* Claim Number 4900156000, Parcel 32, 331 Ridge Road, Northumberland, PA 17857, white ranch frame house with detached garage and lean to. There is asbestos present. Directions: Route 147 South from Route 405 Intersection 1.6 miles, turn left onto Ridge Road, go approximately 4/10 of a mile, house is on left side.

*Property 3.* Claim Number 4900181000, Parcel 81, 324 Ridge Road, Northumberland, PA 17857, red brick ranch home with attached garage. There is asbestos present. Directions: Route 147 South from Route 405 intersection 1.6 miles, turn left onto Ridge Road, go approximately 4/10 of a mile, house is on right side

Bids will be accepted until Thursday, July 16, 2009, at 10 a.m. at which time they will be opened in Conference Room A. An inspection of the properties will be held on July 1, 2009, between 11 a.m. and 1 p.m. Inquires should be directed to Thomas E. Hall, Real Estate Specialist, (570) 368-4336. Prequalification of bidders is not required on bids under \$25,000.

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

[Pa.B. Doc. No. 09-1122. Filed for public inspection June 19, 2009, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Blue Mountain Preservation Association, Inc. v. DEP and Alpine Rose Resorts, Inc., Permittee; EHB Doc. No. 2009-080-MG; 5-6-09—Issuance of NPDES Permit No. PAS10S119

The Blue Mountain Preservation Association has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Alpine Rose Resorts, Inc. for a facility in Eldred Township, Monroe County.

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

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

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

THOMAS W. RENWAND,  
*Acting Chairperson*

[Pa.B. Doc. No. 09-1123. Filed for public inspection June 19, 2009, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or you can obtain a copy from our web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

#### Final-Form

Reg. No.	Agency/Title	Received	Public Meeting
10-180	Department of Health Supplemental Nutrition Program for Women, Infants and Children (WIC Program)	6/4/09	7/9/09

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-5418	State Board of Pharmacy Sales of Hypodermic Needles and Syringes	6/5/09	7/9/09
31-6	State Employee's Retirement Board Special Rules of Administrative Practice and Procedure	6/8/09	7/9/09

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 09-1124. Filed for public inspection June 19, 2009, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Children's Health Insurance Program State Plan Amendment

The Insurance Department (Department) has drafted a Children's Health Insurance Program (CHIP) State Plan Amendment to address new mandates and to implement other options in the Federal law authorizing the Federal share of the funding of the CHIP program. The Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA or Pub. L. No. 111-3) reauthorized the CHIP. CHIPRA included new mandates, verification of CHIP enrollee's citizenship, and new options, using an interface to the Social Security Administration to verify citizenship. The Commonwealth intends to meet the requirements in the Federal law and to implement several of the options permitted in the new law. Prior to implementing these changes, the State must submit a State Plan Amendment to the Centers for Medicare and Medicaid Services to address how the State intends to implement these CHIPRA mandates and options.

CHIPRA mandated changes:

- Verify citizenship of applicants—requires the Social Security Number of applicant children to be included on the application
- Increase the premium payment grace period from 10 days to 30 days
- Provide notice during the 30 day grace period that coverage will terminate at the end of the grace period if payment is not received
- Automatic enrollment of a newborn child for 1 year if the child is born to a targeted low-income woman who was receiving pregnancy-related assistance through CHIP on the date of the child's birth
- Provide mental health parity—places limit on physical health outpatient visits to match the outpatient limits for mental health at 50 visits per year. This requirement will exclude well-baby and well-child visits

CHIPRA options to be pursued by the State:

- Implement a match with the Social Security Administration for verification of citizenship status. This reduces the burden on applicants to provide original documentation

- Add low-income pregnant women to the targeted population (requires legislative authority and additional state matching funds)

- Implement Express Lane Eligibility to enroll children
- Implement administrative renewals to reduce the amount of enrollee verifications required at renewal

Other amendments:

- Modify some benefits by eliminating the lifetime maximums and adding hospice care to the benefit package
- Simplify the applicant and enrollee protection process
- Add verification of immigrant status through the Systematic Alien Verification for Entitlements program
- Add an exception to the 12-month continuous eligibility

A summary of CHIP State Plan Amendment will be presented at the Medical Assistance Advisory Committee meeting on June 25, 2009, at 10 a.m., to be held at Lecture Hall 246/248, Temple University Harrisburg, 234 Strawberry Square, Harrisburg, PA. The complete proposed CHIP State Plan Amendment is also available through the Department's web site at [http://www.chipcoverspakids.com/assets/media/pdf/state\\_plan\\_amendment\\_2009.pdf](http://www.chipcoverspakids.com/assets/media/pdf/state_plan_amendment_2009.pdf).

Comments on the State Plan Amendment will be accepted through June 27 and should be directed To Peter J. Adams, Deputy Commissioner for CHIP and adultBasic, Insurance Department, Office of CHIP and adultBasic, 333 Market Street, Lobby, Harrisburg, PA 17120, RA-PA-INS-Benefit-Pr@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1125. Filed for public inspection June 19, 2009, 9:00 a.m.]

### Per Diem Charges for Financial Examinations; Notice No. 2009-04

Under the authority contained in section 907 of The Insurance Department Act of 1921 (40 P. S. § 323.7) and under 31 Pa. Code § 12.4 (relating to per diem charges). An updated schedule of per diem charges for financial examinations conducted by the Insurance Department (Department) is adopted.

The new schedule of charges is as follows:

Examiner Trainee	\$305 per day
Actuarial Associate 1	\$407 per day
Actuary 2	\$721 per day
Examiner 1	\$390 per day
Examiner 2	\$494 per day
Examiner 3	\$597 per day
Examination Manager	\$661 per day

As prescribed in 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for financial examination costs in 1/2 hour units.

This schedule is effective July 1, 2009.

This document supersedes the notice published at 38 Pa.B. 3467 (June 21, 2008) and shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1126. Filed for public inspection June 19, 2009, 9:00 a.m.]

**Per Diem Charges for Market Conduct Examinations of Insurance Companies; Notice No. 2009-05**

Each year, the Insurance Department (Department) updates its schedule of per diem charges for market conduct examinations conducted by the Department. These charges are authorized by section 907 of The Insurance Department Act of 1921 (40 P. S. § 323.7) and under 31 Pa. Code § 12.4 (relating to per diem charges).

The new schedule of charges is as follows:

Examiner Trainee	\$277 per day
Examiner 1	\$396 per day
Examiner 2	\$467 per day
Examiner 3	\$477 per day
Examiner Manager	\$614 per day

As prescribed in 31 Pa. Code § 12.4(c), the Department will calculate and bill per diem charges for examination costs in 1/2-hour units.

This schedule is effective July 1, 2009.

This notice supersedes the schedule of per diem charges published at 38 Pa.B. 3468 (June 21, 2008), which prior notice is hereby repealed. These new charges shall remain in effect until a subsequent notice is published in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1127. Filed for public inspection June 19, 2009, 9:00 a.m.]

**Joseph S. Schwalm; Prehearing**

**Joseph S. Schwalm; Order to Show Cause; Doc. No. SC09-03-017**

A hearing is scheduled for July 9, 2009, at 10 a.m. in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. 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 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before July 2, 2009, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) names and address of witnesses along with the specialties of experts to be called; (2) a list

of documents to be used at the hearing; (3) special evidentiary or other legal issues; and (4) the estimated time for the party's case.

The Presiding Officer will consider a written request for continuance of the scheduled hearing, for good cause only. Prior to requesting a continuance, a party must contact the opposing party. All continuance requests must indicate whether the opposing party objects to a continuance.

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. 09-1128. Filed for public inspection June 19, 2009, 9:00 a.m.]

**George Umstead; Prehearing**

**George Umstead; Catastrophic Loss Benefits Continuation Fund; Doc. No. CF09-06-005**

A prehearing telephone conference initiated by this office is scheduled for July 22, 2009, at 10 a.m. Each party shall provide the Hearings Administrator a telephone number to be used for the telephone conference on or before July 20, 2009. A date for a hearing shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before July 7, 2009, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 21, 2009.

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. 09-1129. Filed for public inspection June 19, 2009, 9:00 a.m.]

**LEGISLATIVE  
REFERENCE BUREAU**

**Documents Filed But Not Published**

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For

questions concerning or copies of documents filed, but not published, call (717) 783-1530.

*Governor's Office*

Management Directive No. 205.4—Delegation of Authority to Sign and Delegation to Authorize SAP Payments, Amended May 11, 2009.

Management Directive No. 305.2—Standard Check Endorsement Procedure, Amended May 22, 2009.

Management Directive No. 305.5—Cash Management, Amended May 22, 2009.

Management Directive No. 305.7—Interest Penalties for Late Payments, Amended May 11, 2009.

Management Directive No. 310.23—Commonwealth Purchasing Card Program, Amended May 11, 2009.

Management Directive No. 310.30—Pennsylvania Electronic Payment Program (PEPP), Amended May 22, 2009.

Management Directive No. 310.31—Purchase Order Receiving, Invoice Processing and Invoice Reconciliation Processes, Amended May 11, 2009.

Management Directive No. 530.29—Commuter Benefits Program, Amended May 20, 2009.

Management Directive No. 580.33—Reproductions of Documents for Classified Service Personnel Actions, Amended April 30, 2009.

Management Directive No. 625.6—Leasehold Improvements, Amended May 1, 2009.

Administrative Circular No. 09-06—Commonwealth Contractor Responsibility File—Services and Supplies for \$5,000 or Less, Dated May 11, 2009.

Administrative Circular No. 09-07—Closing Instruction No. 2, 2008-09 Fiscal Year; Preclosing at May 15, 2009, Dated May 22, 2009.

Administrative Circular No. 09-08—Closing Instruction No. 3, Prior Fiscal Year Appropriations Subject to Act 146 Waivers; Encumbrances Carried Forward From Prior Fiscal Years (Including Contracted Repairs), Dated May 22, 2009.

Administrative Circular No. 09-09—Approval of FY 2009-10 Advancement Accounts and Completion of Online Form STD-133, Request for Approval of Advancement Account, Dated May 22, 2009.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 09-1130. Filed for public inspection June 19, 2009, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule for all Milk Marketing Areas; Adjustments to Butterfat Ranges of Price-Controlled Packaged Products

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302) the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on

August 5, 2009, at 11 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning adjustments to the butterfat ranges of price-controlled packaged products to provide for Board-mandated minimum prices for new products entering the market.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on July 9, 2009, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25; or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on July 9, 2009, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on July 16, 2009, the petitioner shall file with the Board, in person or by mail, one original and six copies and ensure receipt by all other parties of one copy of:

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

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

2. By 4 p.m. on July 23, 2009, responding parties shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on July 30, 2009, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

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

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on July 27, 2009.

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

KEITH BIERLY,  
Secretary

[Pa.B. Doc. No. 09-1131. Filed for public inspection June 19, 2009, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Implementation Order

#### **Implementation of the Alternative Energy Portfolio Standards Act of 2004: Standards for the Participation of Demand Side Management Resource—Technical Reference Manual Update; Doc. No. M-00051865**

In implementing the Alternative Energy Portfolio Standards Act (73 P. S. §§ 1648.1—1648.8), this Commission had previously adopted an *Energy-Efficiency and DSM Rules for Pennsylvania's Alternative Energy Portfolio Standard, Technical Reference Manual (TRM)*, entered October 3, 2005. In adopting the original version of the TRM, the Commission directed the Bureau of Conservation, Economics and Energy Planning to oversee the implementation, maintenance and periodic updating of the TRM.

Additionally, in the Energy Efficiency and Conservation Program Implementation Order, entered on January 16, 2009, at Docket No. M-2008-2069887, the Commission adopted the TRM as a component of the Energy Efficiency and Conservation (EE&C) Program evaluation process. In that Implementation Order, the Commission also noted that “as the TRM was initially created to fulfill requirements of the AEPS Act, it will need to be updated and expanded to fulfill the requirements of the EE&C provisions of Act 129.” Soon after the adoption of the EE&C Program Implementation Order, Commission staff initiated a collaborative process to review and update the TRM with the purpose of supporting both the AEPS Act and the Act 129 EE&C program.

Subsequently, the Commission adopted an Order, at its May 28, 2009, public meeting, that adopted the 2009 version of the TRM as contained in the Annex to the Order as of its entry date of June 1, 2009. A copy of the Order and Annex can be found on the Commission's web site at <http://www.puc.state.pa.us/pcdocs/104360.doc>.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 09-1132. Filed for public inspection June 19, 2009, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to

public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by July 6, 2009. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

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

**A-2009-2111332. Wheat Services, Inc.** (734 14th Avenue, Prospect Park, Delaware County, PA 19076)—in paratransit service, from points in the City and County of Philadelphia, and the County of Delaware, to points in Pennsylvania, and return. *Attorney:* David P. Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

**A-2009-2111537. Wendy Ann Wakeley, t/a Lancpa Personal Solutions** (1505 Rothsville Road, Lititz, Lancaster County, PA 17543)—begin right to transport, by motor vehicle, household goods in use, between points in the Counties of Lancaster, Dauphin, York, Lebanon, Berks, Delaware, Chester, Montgomery and Bucks.

**A-2009-2111942. Franklin Transportation Services, LLC, t/a Franklin Limousine** (448 Woodland Drive, Franklin, Venango County, PA 16323)—in limousine service, from points in Crawford and Venango Counties, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

**A-2009-2112162. L & M Connect, LLC** (27321 Route 220, Milan, Bradford County, PA 18834), a corporation of the Commonwealth—persons, in paratransit service between points in Bradford, Tioga, Susquehanna and Sullivan Counties, PA. *Attorney:* Gary E. French, Keefer, Wood, Allen & Rahal, LLP, 210 Walnut Street, P. O. Box 11963, Harrisburg, PA 17108-1963.

#### **Applications of the following for approval of the *beginning* of the exercise of the right and *privilege* of operating motor vehicles as *common carriers* for the transportation of *persons* by *transfer of rights* as described under each application.**

**A-2009-2111354. Premiere No. 1 Limousine Service, LLC** (5123 Ridge Road, Elizabethtown, Lancaster County, PA 17022), a corporation of the Commonwealth—persons in limousine service, between points in Pennsylvania, excluding service that is under the jurisdiction of the Philadelphia Parking Authority, which is to be a transfer of all the right authorized under the certificate issued at A-00117886, F. 1, to Premiere No. 1 Limousine Service, Inc., subject to the same limitations and conditions. *Attorney:* James D. Bogar, One West Main Street, Shiremanstown, PA 17011.

**A-2009-2111402. Premiere No. 1 Limousine Service, LLC** (5123 Ridge Road, Elizabethtown, Lancaster County, PA 17022), a corporation of the Commonwealth—persons in group and party service, in vehicles seating 11—15 passengers, including the driver, between points in the Counties of Dauphin, Cumberland, York and Lancaster, and from points in said counties, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority, which is to be a transfer of all the right authorized under the certificate issued at A-00117886, F. 2, to Premiere No. 1 Limousine Service, Inc., subject to the same limitations

and conditions. *Attorney:* James D. Bogar, One West Main Street, Shiremanstown, PA 17011.

**Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.**

**A-2009-211185. Jetway Transport, Inc., t/a Jetway Limousine** (908 Dekalb Street, Bridgeport, Montgomery County, PA 19405), a corporation of the Commonwealth—persons, in group and party service, in vehicles seating 11—15 passengers, including the driver, from points in the Counties of Berks, Bucks, Carbon, Chester, Delaware, Lehigh, Luzerne, Monroe, Montgomery, Northampton and Schuylkill, and the City and County of Philadelphia, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2009-2111343. Butler Medical Transport, Inc.** (27 Walker Avenue, Baltimore, MD 21208)—in paratransit service, from points in Adams and York Counties, to points in Pennsylvania, and return.

**Application of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.**

**A-2009-2111233. Rolo Shuttle Service, Inc.** (11739 Statesville Boulevard, Cleveland, Rowan County, NC)—a corporation of the State of North Carolina, for the right to begin to transport, as a contract carrier, by motor vehicle, persons in paratransit service, between points in Pennsylvania, and return, for Iron Tiger Logistics. *Attorney:* Edward L. Ciemniecki, Archer & Grainer, P. C., One Liberty Place, 1650 Market Street, 32nd Floor, Philadelphia, PA 19103-7393.

**Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.**

**A-2009-2111945. McIlwain Charters, Inc.** (1551 Ferndale Avenue, Johnstown, Cambria County, PA 15905), a corporation of the Commonwealth—for the discontinuance of service and cancellation of its Certificate as a common carrier, by motor vehicle, authorizing the transportation of persons in airport transfer service, from points in the Counties of Bedford, Blair, Cambria, Indiana, Somerset and Westmoreland, to the Greater Pittsburgh International Airport located in the Townships of Moon and Findlay, Allegheny County. *Attorney:* Rex McQuaide, 334 Bloomfield Street, Johnstown, PA 15904.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Charles Bethea;  
Doc. No. C-2009-2080991*

**COMPLAINT**

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

1. That Charles Bethea, respondent, maintains his principal place of business at 837 Loyal Way, Pittsburgh, PA 15210.

2. That on the date of the violation alleged in this complaint, respondent did NOT hold a certificate of public convenience issued by this Commission.

3. That Charles Bethea, on December 20, 2008, at approximately 8:02 p.m., at the Pittsburgh Greyhound Bus Station, 55 Liberty Avenue, Pittsburgh, Allegheny County, PA, permitted a certain 2005 Dodge Neon bearing Pennsylvania License No. GCL4166, Vehicle Identification No. 1B3ES56C95D103188, to be operated. At that time, Mr. Bethea did solicit Enforcement Officer James R. Murray, to provide transportation for compensation. The Respondent was warned previously to cease and desist from providing transportation for compensation between points in the Commonwealth verbally by former Manager Denise Cohen beginning in July 2002, February 2005, June 17, 2005, and by letter dated July 21, 2006, which was mailed and received by certified mail.

4. That respondent, in performing the act described in Paragraph 3 of this Complaint, violated the Public Utility Code, 66 Pa.C.S. § 1101, in that Respondent offered to transport persons for compensation between points in the Commonwealth of Pennsylvania while not then holding a Certificate of Public Convenience issued by this Commission. The penalty is \$1,000. Future violations may result in possible criminal prosecution with penalties up to \$10,000 and 1 year in prison.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Charles Bethea the sum of one thousand dollars (\$1,000) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

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

**VERIFICATION**

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

Date: \_\_\_\_\_

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

**NOTICE**

A. You must file an answer within twenty (20) days of the date of service of this complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this complaint and notice, 52 Pa. Code

§ 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

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

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

C. You may elect not to contest this complaint by paying the fine proposed in this complaint by certified check or money order. Payment must be made to the Commonwealth of Pennsylvania and should be forwarded to:

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

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed. In such case, to prevent the suspension of your vehicle registration(s), you must file an Affidavit with the PA Public Utility Commission, Bureau of Transportation and Safety, P. O. Box 3265, Harrisburg, PA 17105-3265, stating that you understand the rules and regulations of the Commission and that you will no longer provide transportation between points in the Commonwealth of Pennsylvania without filing a new application together with the appropriate filing fee to obtain a Certificate of Public Convenience issued by this Commission. If no affidavit is received within the twenty (20) day time period, the Bureau of Transportation will proceed with the request for suspension of your vehicle registration(s). Your response should be directed to the PA Public Utility Commission, Compliance Office, Bureau of Transportation and Safety, P. O. Box 3265, Harrisburg, PA 17105-3265.

D. If you file an answer which admits or fails to deny the allegations of the complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision. The judge is not bound by the optional fine.

F. If you have questions regarding this complaint or if you would like an alternative format of this complaint (for persons with disabilities) contact the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-1133. Filed for public inspection June 19, 2009, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 09-060.4, Installation of Shore Power at Packer Avenue Marine Terminal (PAMT) until 2 p.m., Thursday, July 23, 2009. The bid documents can be obtained from the PRPA web site [www.philaport.com](http://www.philaport.com) under Procurement and, available June 30, 2009. PRPA is an Equal Opportunity Employer. Contractor must comply with all applicable EOE laws. Mandatory prebid job site meeting will be held July 9, 2009, 10 a.m. at Columbus Boulevard and Packer Avenue (Pier Entrance South Gate on Service Road, Philadelphia, PA). Bidders must provide to the Procurement Department in writing (24 hours prior to the meeting), the names of individuals that will be attending, fax to (215) 426-6800, Attn: Procurement Department.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 09-1134. Filed for public inspection June 19, 2009, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

August 5, 2009	Daniel Damweber (Multiple Service)	1 p.m.
	Richard L. Vita (CLASS T-D)	2:30 p.m.
August 19, 2009	Richard C. McNany (Premium Assistance)	1 p.m.
	Sandra Donn (Multiple Service)	2:30 p.m.

Persons with a disability, wishing to attend the previously-listed hearings, and require an auxiliary aid, service or other accommodation to participate in the proceedings contact Barbara Fluire, Assistant to the Executive Director, at (717) 720-4921 to discuss how the System may best accommodate their needs.



Parties 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 22 Pa. Code § 201.1 (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.

JEFFREY B. CLAY,  
*Executive Director*

[Pa.B. Doc. No. 09-1135. Filed for public inspection June 19, 2009, 9:00 a.m.]

## STATE CONSERVATION COMMISSION

### Action on Odor Management Plans for Concentrated Animal Operations, and Concentrated Animal Feeding Operations and Volunteers Complying with Pennsylvania’s Facility Odor Management Program

The State Conservation Commission has taken the following actions on previously received applications for

Odor Management Plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management) (act).

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

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

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

#### Odor Management Plan—Public Notice Spreadsheet—Actions

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Star Rock Dairy, Inc. 175 Chestnut Grove Road Conestoga, PA 17516	Manor Township Lancaster County	357.5	Cattle	New	6/8/09
Five Springs Farm Ltd. & Coops, LLC 465 Long Lane Lancaster, PA 17603	Pequea Township Lancaster County	74.9	Broilers	New	6/8/09
Randy Runk 17229 Hill Valley Road Shirleysburg, PA 17260	Cromwell Township Huntingdon County	290.1	Swine	New	6/4/2009
Amos Beiler 2719 West Valley Road Loganton, PA 17747	Logan Township Clinton County	80.7	Veal Calves	New	6/3/2009
Hillandale—Gettysburg, LP 370 Spicer Road Gettysburg, PA 17325	Tyrone Township Adams County	5,698.5	Layers	New	6/2/2009

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-1136. Filed for public inspection June 19, 2009, 9:00 a.m.]

# SUSQUEHANNA RIVER BASIN COMMISSION

## Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved the following list of projects, during the period of May 1, 2009, through May 31, 2009.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, srichardson@srbc.net. Regular mail inquiries may be sent to 1721 North Front Street, Harrisburg PA 17102-2391.

### *Supplementary Information*

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process set forth in 18 CFR 806.22(f) for the time period specified previously:

### *Approvals By Rule Issued*

1. EOG Resources, Inc., Pad ID: PHC 4H, ABR-20090501, Lawrence Township, Clearfield County, PA, PA, Consumptive Use of Up to 0.999 mgd, Approval Date: May 7, 2009.
2. EOG Resources, Inc., Pad ID: PHC 5H, ABR-20090502, Lawrence Township, Clearfield County, PA, Consumptive Use of Up to 0.999 mgd, Approval Date: May 7, 2009.
3. EOG Resources, Inc., Pad ID: PHC 9H, ABR-20090503, Lawrence Township, Clearfield County, PA, Consumptive Use of Up to 0.999 mgd, Approval Date: May 7, 2009.
4. Seneca Resources Corporation, Pad ID: Signor Pad A, ABR-20090504, Charleston Township, Tioga County, PA, Consumptive Use of Up to 2.000 mgd, Approval Date: May 11, 2009.
5. Seneca Resources Corporation, Pad ID: Wilcox Pad F, ABR-20090505, Covington Township, Tioga County, PA, Consumptive Use of Up to 2.000 mgd, Approval Date: May 11, 2009.
6. Fortuna Energy, Inc., Cease, Pad ID: ABR-20090506, Troy Township, Bradford County, PA, Consumptive Use of Up to 3.000 mgd, Approval Date: May 13, 2009.
7. Fortuna Energy, Inc., Pad ID: Shedden D 26/27, ABR-20090507, Troy Township, Bradford County, PA, Consumptive Use of up to 3.000 mgd, Approval Date: May 13, 2009.
8. Fortuna Energy, Inc., Pad ID: Harris M, ABR-20090508, Armenia Township, Bradford County, PA, Consumptive use of up to 3.000 mgd, Approval Date: May 13, 2009.
9. Fortuna Energy, Inc., Pad ID: Bense, ABR-20090509, Troy Township, Bradford County, PA, Consumptive Use of Up to 3.000 mgd, Approval Date: May 13, 2009.
10. Fortuna Energy, Inc., Pad ID: Phinney, ABR-20090510, Troy Township, Bradford County, PA, Consumptive Use of Up to 3.000 mgd, Approval Date: May 13, 2009.
11. Alta Operating Company, LLC, Pad ID: Powers Pad Site, ABR-20090511, Forest Lake Township, Susquehanna River, PA, Consumptive Use of Up to 3.000 mgd, Approval Date: May 14, 2009.
12. Anadarko E&P Company, LP, Pad ID: COP Tract 259 No. 1000H, ABR-20090513, Burnside Township, Centre County, PA, Consumptive Use of Up to 5.000 mgd, Approval Date: May 14, 2009.
13. Chief Oil & Gas, LLC, Pad ID: Barto Unit No. 1H, ABR-20090514, Penn Township, Lycoming County, PA, Consumptive Use of Up to 5.000 mgd, Approval Date: May 14, 2009.
14. Chief Oil & Gas, LLC, Pad ID: Harper Unit No. 1H, ABR-20090515, West Burlington Township, Bradford County, PA, Consumptive Use of Up to 5.000 mgd, Approval Date: May 14, 2009.
15. Chief Oil & Gas, LLC, Pad ID: Jennings Unit No. 1H, ABR-20090516, West Burlington Township, Bradford County, PA, Consumptive Use of Up to 5.000 mgd, Approval Date: May 14, 2009.
16. Chief Oil & Gas, LLC, Pad ID: Black Unit No. 1, ABR-20090517, Burlington Township, Bradford County, PA, Consumptive Use of Up to 5.000 mgd, Approval Date: May 14, 2009.
17. EXCO-North Coast Energy, Inc., Pad ID: Lopatofsky, ABR-20090512, Clifford Township, Susquehanna County, PA, Consumptive Use of Up to 1.000 mgd, Approval Date: May 14, 2009.
18. Chief Oil & Gas, LLC, Pad ID: Hutton Unit No. 1H, ABR-20090518, Chest Township, Clearfield County, PA, Consumptive Use of Up to 5.000 mgd, Approval Date: May 18, 2009.
19. Chesapeake Appalachia, LLC, Pad ID: Ward, ABR-20090519, Burlington Township, Bradford County, PA, Consumptive Use of Up to 7.500 mgd, Approval Date: May 19, 2009.
20. Chesapeake Appalachia, LLC, Pad ID: Hannan, ABR-20090520, Troy Township, Bradford County, PA, Consumptive Use of Up to 7.500 mgd, Approval Date: May 19, 2009.
21. Chesapeake Appalachia, LLC, Pad ID: Isbell, ABR-20090521, Burlington Township, Bradford County, PA, Consumptive Use of Up to 7.500 mgd, Approval Date: May 19, 2009.
22. Fortuna Energy, Inc., Pad ID: Knights, ABR-20090522, Troy Township, Bradford County, PA, Consumptive Use of Up to 3.000 mgd, Approval Date: May 19, 2009.
23. Fortuna Energy, Inc., Pad ID: Harris A, ABR-20090523, Troy Township, Bradford County, PA, Consumptive Use of Up to 3.000 mgd, Approval Date: May 19, 2009.
24. Chesapeake Appalachia, LLC, Pad ID: White, ABR-20090525, Auburn Township, Susquehanna County, PA, Consumptive Use of Up to 7.500 mgd, Approval Date: May 21, 2009.
25. Fortuna Energy, Inc., Pad ID: Thomas F 38, ABR-20090524, Troy Borough, Bradford County, PA, Consumptive Use of Up to 3.000 mgd, Approval Date: May 21, 2009.
26. Chesapeake Appalachia, LLC, Pad ID: Otten, ABR-20090526, Asylum Township, Bradford County, PA, Consumptive Use of Up to 7.500 mgd, Approval Date: May 22, 2009.

27. Chesapeake Appalachia, LLC, Pad ID: Mowry, ABR-20090527, Tuscarora Township, Bradford County, PA, Consumptive Use of Up to 7.500 mgd, Approval Date: May 22, 2009.

28. Chesapeake Appalachia, LLC, Pad ID: May, ABR-20090528, Granville Township, Bradford County, PA, Consumptive Use of Up to 7.500 mgd, Approval Date: May 22, 2009.

29. Chesapeake Appalachia, LLC, Pad ID: John Barrett, ABR-20090529, Asylum Township, Bradford County, PA, Consumptive Use of Up to 7.500 mgd, Approval Date: May 22, 2009.

30. Chesapeake Appalachia, LLC, Pad ID: James Barrett, ABR-20090530, Asylum Township, Bradford County, PA, Consumptive Use of Up to 7.500 mgd, Approval Date: May 22, 2009.

31. Chesapeake Appalachia, LLC, Pad ID: Redling, ABR-20090531, Thompson Township, Susquehanna County, PA, Consumptive Use of Up to 7.500 mgd, Approval Date: May 22, 2009.

32. Chesapeake Appalachia, LLC, Pad ID: Chancellor, ABR-20090532, Asylum Township, Bradford County, PA, Consumptive Use of Up to 7.500 mgd, Approval Date: May 22, 2009.

33. Chesapeake Appalachia, LLC, Pad ID: Clapper, ABR-20090533, Auburn Township, Susquehanna County, PA, Consumptive Use of Up to 7.500 mgd, Approval Date: May 22, 2009.

34. Chesapeake Appalachia, LLC, Pad ID: Judd, ABR-20090534, Monroe Township, Bradford County, PA, Consumptive Use of Up to 7.500 mgd, Approval Date: May 22, 2009.

35. Chesapeake Appalachia, LLC, Pad ID: VanNoy, ABR-20090535, Granville Township, Bradford County, PA, Consumptive Use of Up to 7.500 mgd, Approval Date: May 22, 2009.

36. Cabot Oil and Gas Corporation, Pad ID: SevercoolB P1, ABR-20090536, Dimock Township, Susquehanna County, PA, Consumptive Use of Up to 3.575 mgd, Approval Date: May 27, 2009.

37. Cabot Oil and Gas Corporation, Pad ID: Heitsman P1, ABR-20090537, Dimock Township, Susquehanna County, PA, Consumptive Use of Up to 3.575 mgd, Approval Date: May 27, 2009.

38. Cabot Oil and Gas Corporation, Pad ID: Lathrop P1, ABR-20090538, Springville Township, Susquehanna County, PA, Consumptive Use of Up to 3.575 mgd, Approval Date: May 27, 2009.

39. Cabot Oil and Gas Corporation, Pad ID: Ratzel P1, ABR-20090539, Dimock Township, Susquehanna County, PA, Consumptive Use of Up to 3.575 mgd, Approval Date: May 27, 2009.

40. Cabot Oil and Gas Corporation, Pad ID: Smith P1, ABR-20090540, Springville Township, Susquehanna County, PA, Consumptive Use of Up to 3.575 mgd, Approval Date: May 27, 2009.

41. Cabot Oil and Gas Corporation, Pad ID: Teel P1, ABR-20090541, Springville Township, Susquehanna County, PA, Consumptive Use of Up to 3.575 mgd, Approval Date: May 27, 2009.

42. Cabot Oil and Gas Corporation, Pad ID: Teel P5, ABR-20090542, Springville Township, Susquehanna County, PA, Consumptive Use of Up to 3.575 mgd, Approval Date: May 27, 2009.

43. Cabot Oil and Gas Corporation, Pad ID: Teel P6, ABR-20090543, Springville Township, Susquehanna County, PA, Consumptive Use of Up to 3.575 mgd, Approval Date: May 27, 2009.

44. Cabot Oil and Gas Corporation, Pad ID: Hubbard P2, ABR-20090544, Dimock Township, Susquehanna County, PA, Consumptive Use of Up to 3.5750 mgd, Approval Date: May 27, 2009.

45. Cabot Oil and Gas Corporation, Pad ID: Hubbard P1, ABR-20090545, Dimock Township, Susquehanna County, PA, Consumptive Use of Up to 3.575 mgd, Approval Date: May 27, 2009.

46. Cabot Oil and Gas Corporation, Pad ID: Ely P1, ABR-20090546, Dimock Township, Susquehanna County, PA, Consumptive Use of Up to 3.575 mgd, Approval Date: May 27, 2009.

47. Cabot Oil and Gas Corporation, Pad ID: Gesford P1, ABR-20090547, Dimock Township, Susquehanna County, PA, Consumptive Use of Up to 3.575 mgd, Approval Date: May 27, 2009.

48. Cabot Oil and Gas Corporation, Pad ID: Greenwood P1, ABR-20090548, Dimock Township, Susquehanna County, PA, Consumptive Use of Up to 3.575 mgd, Approval Date: May 27, 2009.

49. Cabot Oil and Gas Corporation, Pad ID: Gesford P3, ABR-20090549, Dimock Township, Susquehanna County, PA, Consumptive Use of Up to 3.575 mgd, Approval Date: May 27, 2009.

50. Cabot Oil and Gas Corporation, Pad ID: Gesford P4, ABR-20090550, Dimock Township, Susquehanna County, PA, Consumptive Use of Up to 3.575 mgd, Approval Date: May 27, 2009.

51. Cabot Oil and Gas Corporation, Pad ID: LaRue P2, ABR-20090551, Dimock Township, Susquehanna County, PA, Consumptive Use of Up to 3.575 mgd, Approval Date: May 27, 2009.

52. Cabot Oil and Gas Corporation, Pad ID: HeitsmanA P2, ABR-20090552, Dimock Township, Susquehanna County, PA, Consumptive Use of Up to 3.575 mgd, Approval Date: May 27, 2009.

53. Cabot Oil and Gas Corporation, Pad ID: Rozanski P1, ABR-20090553, Dimock Township, Susquehanna County, PA, Consumptive Use of Up to 3.575 mgd, Approval Date: May 27, 2009.

54. Cabot Oil and Gas Corporation, Pad ID: Smith P3, ABR-20090554, Dimock Township, Susquehanna County, PA, Consumptive Use of Up to 3.575 mgd, Approval Date: May 27, 2009.

55. Chesapeake Appalachia, LLC, Pad ID: Przybyszewski, ABR-20090555, Auburn Township, Susquehanna County, PA, Consumptive Use of Up to 7.500 mgd, Approval Date: May 29, 2009.

56. Chief Oil & Gas, LLC, Pad ID: Harris No. 1H, ABR-20090556, Burlington Township, Bradford County, PA, Consumptive Use of Up to 5.000 mgd, Approval Date: May 29, 2009.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808. Dated: June 9, 2009.

THOMAS W. BEAUDUY,  
*Deputy Director*

[Pa.B. Doc. No. 09-1137. Filed for public inspection June 19, 2009, 9:00 a.m.]

