

# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Commission Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, July 19, 2006. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the Commission's office building, located at 25 State Police Drive, West Trenton, NJ.

The conference among the Commissioners and staff will begin at 10:15 a.m. Topics of discussion will include: a presentation by a representative of the Philadelphia District of the United States Army Corps of Engineers on the work plan for a \$1 million grant to the District by the Assistant Secretary of the Army to enhance multijurisdictional use and management of the water resources of the Delaware Basin; a presentation by Dr. Anthony J. Broccoli of Rutgers University on climate change and sea level rise; a presentation by Robert Molzahn of the Water Resources Association of the Delaware River Basin and David Sayers of the Commission on a recommended policy for water transfers; and a presentation on the report and recommendations of the Commission's TMDL Implementation Advisory Committee on reducing loadings of PCBs to the Delaware Estuary.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the dockets listed:

1. *City of Harrington D-88-27 CP-3*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 21 mg/30 days to supply the applicant's public water supply distribution system from existing Wells Nos. 1—4 in the Frederica Aquifer. The project is located in the Browns Branch Watershed in the City of Harrington, Kent County, DE.

2. *Joseph Jackewicz, Sr. D-91-53-2*. An application for the renewal of a ground and surface water withdrawal project to continue withdrawal of 219.8 mg/30 days to supply the applicant's agricultural irrigation system from replacement Well No. Townsend 3, eight existing wells and one existing surface water intake. The project is located in the Tidbury Creek, Cypress Branch and Double Run watersheds in the Town of Magnolia, Kent County, DE.

3. *Borough of Richland D-92-1 CP-2*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 5.2 mg/30 days to supply the applicant's public water supply distribution system from existing Wells Nos. 1—5 and new Well No. 6 in the Stonehenge, Millbach, Hardyston and Crystalline Rock formations. The project is located in the Mill Creek Watershed in Richland Borough, Lebanon County, PA.

4. *Evesham Municipal Utilities Authority D-98-15 CP-1*. An application for approval of a groundwater withdrawal project to continue to supply up to 149 mg/30 days of water to the applicant's distribution system through new Aquifer-Storage-Recovery Well No. 14 and existing wells Nos. 4—13 without an increase in existing allocation. The project is located in the Rancocas Creek

Watershed in Evesham Township, Burlington County, NJ. (*This was NAR'd as D-98-15 CP.*)

5. *Pennsylvania-American Water Company D-2003-32 CP*. An application for approval of a groundwater withdrawal project to supply up to 4.32 mg/30 days of water to the applicant's public water supply distribution system from new Well No. DG-13 in the Brunswick Formation and to retain the existing withdrawal from all wells to 29.14 mg/30 days. The project is located in the Schuylkill River watershed in Amity Township, Berks County, PA.

6. *Horsehead Corporation D-67-196-2*. An application for a change of ownership and a docket modification for the discharge of noncontact cooling water. The discharges of approximately 0.15 mgd from Outfall 004 and 0.31 mgd from Outfall 005 are associated with recycling electric arc furnace dust and the production of metal powders. The discharges from Outfall 004 and Outfall 005 are to the Aquashicola Creek, a tributary to the Lehigh River. The facility is located in Palmerton Borough, Carbon County, PA.

7. *Delaware Department of Natural Resources and Environmental Control (DNREC) D-84-10 CP-4*. An application to amend the Commission's Comprehensive Plan and to revise Docket No. D-84-10 CP (Supplement No. 1), Water Supply Plan for northern New Castle County, DE. The applicant proposes to delete Churchman's Marsh and Thompson Station Reservoirs and the development of additional groundwater supplies at the Delaplane Manor well site from the Comprehensive Plan and incorporate into the Comprehensive Plan the projects identified in Tables 5.2 and 5.4 in the Eighth Progress Report of the Delaware Water Supply Coordinating Council, dated March 8, 2006.

8. *Bart Golf Club, Inc. D-92-24-2*. An application for renewal of a surface water withdrawal project to supply up to 11.0 mg/30 days of water for supplemental irrigation of the applicant's Hickory Valley Golf Club from an existing surface water intake located on Swamp Creek at the confluence of Schlegel Run. The allocation is a reduction from the previous allocation of 15 mg/30 days. The project is located in the Swamp Creek Watershed in New Hanover Township, Montgomery County, PA and is located in the Southeastern Pennsylvania Ground Water Protected Area.

9. *Bridgeport Disposal, LLC D-93-63-2*. An application to update and renew an existing industrial wastewater treatment plant (IWTP) discharge docket. The former commercial hazardous waste treatment facility still includes an onsite biological treatment system and a groundwater and leachate treatment system. The docket renewal will reflect changes in operations since the facility ceased in 2001 to serve as a commercial hazardous waste treatment facility. The IWTP discharges approximately 0.47 mgd of treated wastewater through a subsurface diffuser to Raccoon Creek, a tributary to Water Quality Zone 4 of the Delaware River. The facility is located in Bridgeport, Gloucester County, NJ.

10. *Town of Smyrna D-93-72 CP-2*. An application to replace the withdrawal of water from Well No. 1A in the applicant's water supply system because it has become an unreliable source of supply. The applicant requests that the withdrawal from replacement Well No. 3 and existing Wells Nos. 1 and 2A be increased from 33.99 mg/30 days to 40 mg/30 days to meet projected increases in service area demand. The project is located in the Columbia/

Cheswold Formation in the Smyrna River Watershed in the Town of Smyrna, Kent County, DE.

11. *North Coventry Municipal Authority D-97-1 CP-2*. An application to expand the docket holder's existing wastewater treatment plant (WWTP) from 1.5 mgd to 2.01 mgd. The project includes the addition of new screening facilities, increased aeration, an additional clarifier and two new aerobic digesters. The WWTP discharges approximately 0.7 mgd to the Schuylkill River. The facility is located in North Coventry Township, Chester County, PA.

12. *Green-Waltz Water Company/Nestle Waters North America Inc. D-98-55-3*. An application for approval of a groundwater withdrawal project to supply up to 4.8 mg/30 days of water for bulk water supply to the applicant's bottling plant from new Spring Water Borehole B-2, in the Martinsburg Formation. The applicant has requested an increase in total allocation from 11.7 mg/30 days to 16.5 mg/30 days. The project is located in the Waltz Creek Watershed in Washington Township, Northampton County, PA.

13. *Ricci Bros. Sand Co., Inc., D-2005-10-1*. An application for approval of a surface water withdrawal project to supply up to 182.0 mg/30 days from four existing and one proposed surface water intakes for sand and gravel processing. The surface water intakes are located on a former mining pond which is in connection with and fed by groundwater. The intakes provide water to process the sand and gravel in a loop system which recycles approximately 90% of the water back to the pond. The allocation will be limited to 182.0 mg/30 days. The project is located in the Dividing Creek Watershed in Commercial and Downe Townships, Cumberland County, NJ.

14. *Green Walk Trout Hatchery D-2006-8-1*. An application for approval of a groundwater withdrawal project to supply up to 12.96 mg/30 days of water to the applicant's commercial trout hatchery from existing Wells Nos. W-2, W-5 and W-6. The total allocation will be limited to 12.96 mg/30 days. Groundwater withdrawals will be used to augment the flow of Greenwalk Creek and provide cold, oxygenated water to the applicant's trout stocking facility. The project is located in the Waltz Creek Watershed in Washington Township, Northampton County, PA.

15. *Bedminster Municipal Authority D-2006-10 CP-1*. An application for the construction of a new .06 mgd WWTP, a new sewer collection system and sewage pumping station and a force main to service a proposed 217-unit single family home subdivision. The Pennland Farm WWTP will discharge to an unnamed tributary of Deep Run Creek, which is a tributary to the Tohickon Creek, tributary to the Lower Delaware River Special Protection Waters. The facility will be located in Bedminster Township, Bucks County, PA.

16. *Tidewater Utilities, Inc. D-2006-12 CP-1*. An application for approval of a groundwater withdrawal project to supply up to 5.99 mg/30 days of water to meet the demands of the applicant's East District public water supply distribution system from new Wells MV-01, MV-02, VM-01 and VM-02R. The project is located in the Mt. Laurel Formation in the C & D Canal East Watershed in the Town of Middletown-Odessa, New Castle County, DE.

17. *Skytop Lodge Corporation D-2006-13-1*. An application for approval of an existing wastewater treatment plant located at Skytop Lodge. The existing WWTP is designed to discharge 0.075 mgd to the Brodhead Creek, which converges with the Delaware River at River Mile

213, within a reach classified as Outstanding Basin Waters. The facility is located in Barrett Township, Monroe County, PA.

18. *Blue Ridge Country Club D-2006-18-1*. An application for approval of a ground and surface water withdrawal project to supply up to 10.59 mg/30 days of water to the applicant's golf course irrigation system from existing Wells Nos. 1, 2, 4 and 5 and a constructed pond. The project is located in the Walcksville Member of the Catskill Formation in the Fireline Creek Watershed in Lower Towamensing Township, Carbon County, PA.

19. *Coolbaugh Township D-2006-23 CP-1*. An application for approval to upgrade and rerate an existing WWTP to add advanced secondary treatment and allow an increase from 0.049 mgd to 0.052 mgd. The plant discharges to the Tobyhanna Creek in the Lehigh River Watershed. The project is located in the drainage area of the Lower Delaware River Management Plan in Coolbaugh Township, Monroe County, PA. The WWTP will continue to serve a portion of Coolbaugh Township only and will discharge through the existing outfall, which is upstream from F. E. Walter Dam and Pocono Lake.

In addition to the public hearing on the dockets listed previously, the Commission's 1:30 p.m. business meeting will include a public hearing on a proposed resolution to ratify a Decree Party agreement for banking the 2006-2007 excess release quantity. The Commission also will consider action on: a resolution authorizing the Executive Director to enter into a contract for analysis of benthic macroinvertebrate samples from the Delaware River utilizing Clean Water Act Section 106 funds; a resolution authorizing the Executive Director to accept funds from the Federal Emergency Management Agency for the development of multijurisdictional flood mitigation plans in four New Jersey counties; a resolution to approve a Commission's records retention schedule; and a resolution authorizing the Executive Director to enter into a contract for landscape architectural services to develop the Ruth Patrick River Garden, utilizing funds provided by the William Penn Foundation.

The meeting will also include: adoption of the Minutes of the Commission's May 10, 2006, business meeting; announcements; a report on basin hydrologic conditions; a report by the Executive Director; a report by the Commission's General Counsel; and an opportunity for public dialogue.

In addition, supplemental notice is hereby provided for Doc. No. D-2002-34 CP, issued on September 3, 2003, by which the Commission approved a groundwater allocation for the New Castle County distribution system of the Artesian Water Company, Inc. (Artesian). The docket was reissued on May 18, 2005, as Doc. D-2002-34 CP-2 to accommodate a modification unrelated to this supplemental notice. Both the 2003 and 2005 dockets provided for multiple groundwater withdrawals from approximately 40 wells in the more than 1 dozen wellfields comprising Artesian's New Castle County distribution system. The purpose of this supplemental notice is to highlight the inclusion in Doc. D-2002-34 CP and continuation in Doc. D-2002-34 CP-2 of New Well No. 4 to supply up to 6.48 mg/30 days of water to the applicant's Artisan's Village public water supply distribution system. The addition of New Well No. 4 entailed no increase in the maximum combined withdrawal from the Artisan's Village wellfield, which remained unchanged by Doc. D-2002-34 CP, at 90.72 mg/30 days. Although a notice of application received (NAR) was published for the proposed new well on

September 11, 2002, the public notice issued in advance of the September 3, 2003, hearing did not highlight approval of the well. The modified docket issued by the Commission to Artesian Water Company in 2005 included no change associated with the Artisan's Village distribution system. Any person seeking a hearing to review the Commission's action in approving New Well No. 4 in the Artisan's Village wellfield may request a hearing in accordance with Article 6 of the Commission's Rules of Practice and Procedure, provided that the request is received by the Commission within 30 days of the date this notice appears in either the *Federal Register* or the *Pennsylvania Bulletin*, whichever date is later.

Draft dockets, the resolutions scheduled for public hearing on July 19, 2006, and the dockets associated with the supplemental notice provided previously will be posted on the Commission's website, [www.drbc.net](http://www.drbc.net) where they can be accessed through the Notice of Commission

Meeting and Public Hearing. Additional documents relating to the dockets and other items may be examined at the Commission's offices. Please contact William Muszynski at (609) 883-9500, extension 221, with any docket-related questions.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act who wish to attend the informational meeting, conference session or hearings should contact the Commission Secretary directly at (609) 883-9500, extension 203 or through the Telecommunications Relay Services (TRS) at 711 to discuss how the Commission can accommodate their needs.

PAMELA M. BUSH  
Secretary

[Pa.B. Doc. No. 06-1273. Filed for public inspection July 7, 2006, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action 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 27, 2006.

### BANKING INSTITUTIONS

#### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-23-06	Omega Bank, N. A. State College Centre County <i>To:</i> Omega Bank State College Centre County	State College	Approved
Application represents a conversion from a National banking association to a State-chartered bank and trust company.			

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
6-8-06	Allegheny Valley Bank of Pittsburgh Pittsburgh Allegheny County	4314 Penn Avenue Pittsburgh Allegheny County	Opened
6-19-06	Community First Bank Reynoldsville Jefferson County	120 Indiana Street Punxsutawney Jefferson County	Filed
6-21-06	Keystone Nazareth Bank & Trust Co. Bethlehem Northampton County	2400 Schoenersville Road Bethlehem Northampton County	Filed

### SAVINGS INSTITUTIONS

No Activity.

### CREDIT UNIONS

No Activity.

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

A. WILLIAM SCHENCK, III,  
*Secretary*

[Pa.B. Doc. No. 06-1274. Filed for public inspection July 7, 2006, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Nominations for the Pennsylvania Recreational Trails Advisory Board

The Department of Conservation and Natural Resources (Department) is accepting nominations through August 18, 2006, for three new appointments to the Pennsylvania Recreational Trails Advisory Board (Board). The Board was created on October 29, 1992, in accordance with the provisions of the Transportation Equity Act for the 21st Century and reauthorized under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) in 2005.

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

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

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

Nominations must be submitted to the Department by August 18, 2006. Appointments will be made by the Secretary. Appointees will serve for 3 consecutive years.

To obtain a nomination form, contact the Pennsylvania Recreational Trails Program, P. O. Box 8475, Harrisburg, PA 17105-8475, (717) 787-2316, [vtierney@state.pa.us](mailto:vtierney@state.pa.us).

For more information, visit the Department's website: [www.dcnr.state.pa.us](http://www.dcnr.state.pa.us).

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

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 06-1275. Filed for public inspection July 7, 2006, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

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

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

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

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

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

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

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

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

### **I. NPDES Renewal Applications**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0055174 Minor Industrial	Buckeye Pipe Line Company, LP P. O. Box 368 Emmaus, PA 18049	Lehigh County Lower Macungie Township	UNT to Swabia Creek in Watershed 2C	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>
PA0039144 (Industrial Wastewater)	Fish and Boat Commission Oswayo State Fish Hatchery 96 SR 244 East Coudersport, PA 16915-9646	Oswayo Township Potter County	Oswayo Creek 16C	Y
PA0044032 (Industrial Wastewater)	Fish and Boat Commission Upper Springs State Fish Hatchery 1735 Shiloh Road State College, PA 16801-8495	Benner Township Centre County	Spring Creek 9C	Y

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

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

**PA0060241**, Industrial Waste, **Laird Technologies**, P. O. Box 650, Delaware Water Gap, PA 18327-0650. This proposed facility is located in Delaware Water Gap Borough, **Monroe County**.

Description of Proposed Activity: Treated wastewater discharge from a metal stamping and finishing operation.

The receiving stream, Cherry Creek is in the State Water Plan Watershed 1E and is classified for CWF. The nearest downstream public water supply intake for City of Easton is located on Delaware River over 30 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.108 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Oil and Grease			7.9	15.9	
Total Dissolved Solids			2,000	2,500	
pH			6 to 9 standard units		

The proposed effluent limits for Outfall 101 based on a design flow of 0.045 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Cadmium			0.10	0.20	
Total Chromium			0.50	1.0	
Copper			0.50	1.0	
Lead			0.27	0.54	
Nickel			1.0	2.0	
Silver			0.24	0.43	
Zinc			1.48	2.61	
Total Cyanide			0.65	1.0	
Amenable Cyanide			0.32	0.86	
Total Toxic Organics				2.13	
Total Suspended Solids			30.0	60.0	
pH			6 to 9 standard units		

Outfalls 002—004 stormwater only. No effluent limitations.

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

**Application No. PA 0248321**, Sewage, **Hurley/Morrison**, 50 Frytown Road, Newville, PA 17241. This facility is located in Upper Frankford Township, **Cumberland County**.

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

The receiving stream, a UNT to Conodoguinet Creek 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 18 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:

Parameter	Average Monthly (mg/l)	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Total Residual Chlorine		
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)	26,000/100 ml as a geometric average	

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

The EPA waiver is not in effect.

**Application No. PA 0247588**, Concentrated Animal Feeding Operation (CAFO), **Wenger's Feed Mill, Inc. (Dutch Country Egg Farm)**, 101 West Harrisburg Avenue, Rheems, PA 17570.

Wenger's Feed Mill, Inc. has submitted an application for issuance of an Individual NPDES permit for an existing CAFO known as Dutch Country Egg Farm, located in Bethel Township, **Lebanon County**.

The CAFO is situated near Oil Creek, which is classified as a WWF. The CAFO is designed to maintain a maximum animal population of approximately 1,729 animal equivalent units consisting of 496,872 laying hens. Dry poultry manure is stored at the end of two layer houses and in pits below three layer houses. Manure is exported off the farm. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. Persons may make an appointment to review the files by calling the file review coordinator at (717) 705-4732.

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

Following the 30-day comment period, the Watershed Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time the determination may be appealed to the Environmental Hearing Board.

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

**Application No. PA 0248240**, Sewage, **Matt D. Madden**, 20 South Hanover Street, Carlisle, PA 17013. This facility is located in North Middleton Township, **Cumberland County**.

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

The receiving stream, Conodoguinet Creek 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 2.9 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>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25		
Total Suspended Solids	30		
Total Residual Chlorine	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)		100,000/100 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 0247863**, Concentrated Animal Feeding Operation (CAFO), **Brubaker Farms Partnership**, 493 Musser Road, Mount Joy, PA 17552.

Brubaker Farms Partnership has submitted an application for reissuance of an Individual NPDES permit for its dairy and poultry farm located in East Donegal Township, **Lancaster County**.

The CAFO is situated near a UNT of Donegal Creek, which is classified as a CWF. The CAFO is designed to maintain an animal population of approximately 1,208 animal equivalent units consisting of 605 adult milking and dry cows, 465 heifers and calves, 2 bulls, and 50,000 broilers on the home farm and two satellite farms. Poultry manure is stored in the broiler houses and liquid dairy manure is stored in two circular concrete manure storage facilities and one HDPE-lined manure impoundment with a combined storage capacity of approximately 6.5 million gallons. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

The permit application and draft permit are on file at the Southcentral Regional Office of the Department. Persons may make an appointment to review the files by calling the file review coordinator at (717) 705-4732.

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. Comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the basis of the comment and the relevant facts upon which it is based.

Following the 30-day comment period, the Watershed Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time the determination may be appealed to the Environmental Hearing Board.

The Environmental Protection Agency permit waiver provision under 40 CFR 123.24(e) does not apply to this NPDES permit.

*Northcentral Regional Office: Water Management Program Manager; 208 West Third Street, Williamsport, PA 17701, (570) 327-0530.*

**NPDES Permit No. PA0010561**, Industrial Wastewater (SIC Code 0921), **Fish and Boat Commission**, 1735 Shiloh Road, State College, PA 16801-8495. This facility is the Pleasant Gap State Fish Hatchery located in Benner Township, Centre County.

Description of Proposed Action/Activity: The applicant wishes to renew an NPDES permit (PA0010561) for two discharge points (Outfalls 001 and 002) of treated industrial wastewater generated at the Pleasant Gap State Fish Hatchery. Outfall 002 is an alternate discharge point to Outfall 001 and is only used when the existing settling lagoons are being cleaned. Outfalls 001 and 1002 are not to be operated simultaneously.

The receiving stream, Spring Creek is in the State Water Plan watershed 9C and is classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is located on the West Branch Susquehanna River near Milton, PA. The discharge is not expected to affect the water supply.

The proposed effluent limits for Discharge 001, based on a design flow of 5.0010 mgd are:

Parameter	Mass (lbs)		Mass (lb/day)		Concentration (mg/l)		
	Total Annual	Total Monthly	Average Monthly Report	Maximum Daily Report	Average Monthly	Maximum Daily	Instantaneous Maximum (mg/l)
Flow (mgd)							
pH (S.U.)					within range 6.0 to 9.0		
D.O.					Report	Report	
CBOD <sub>5</sub>			208.5	417.0	5.0	10.0	12.5
TSS	Report	Report	250.3	500.5	6.0	12.0	15.0
Dissolved P			12.5	25.0	0.3	0.6	0.75
Total P	Report	Report			Report		
NH <sub>3</sub> -N		Report	41.7	83.4	1.0	2.0	2.5
Formaldehyde			41.7	83.4	1.0	2.0	2.5
Total N	Report	Report			Report		
Kjeldahl N		Report			Report		
NO <sub>2</sub> /NO <sub>3</sub> -N		Report			Report		
Particulate	Report	Report	Report		Report		
Organic Carbon							

The proposed effluent limits for Discharge 002, based on a design flow of 5.0010 mgd are:

Parameter	Mass (lbs)		Mass (lb/day)		Concentration (mg/l)		
	Total Annual	Total Monthly	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum (mg/l)
Flow (mgd)							
pH (S.U.)					within range 6.0 to 9.0		
D.O.					Report	Report	
CBOD <sub>5</sub>			208.5	417.0	5.0	10.0	12.5
TSS	Report	Report	250.3	500.5	6.0	12.0	15.0
Dissolved P			12.5	25.0	0.3	0.6	0.75
Total P	Report	Report			Report		
NH <sub>3</sub> -N		Report	41.7	83.4	1.0	2.0	2.5
Formaldehyde			41.7	83.4	1.0	2.0	2.5
Total N	Report	Report			Report		
Kjeldahl N		Report			Report		
NO <sub>2</sub> /NO <sub>3</sub> -N		Report			Report		
Particulate Org Carbon	Report	Report	Report		Report		



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

Part C I. Solids Management.

Part C II. Affirmative Defense Provisions.

Part C III. Therapeutic Chemical Use Requirements.

Part C IV. BMP Implementation to maintain liner and baffles in existing polishing pond and install high capacity microscreen or microfilter units.

Part C V. Schedule of Compliance and limits on biomass production if schedules are not maintained.

Part C VI. Allowable Annual TSS Effluent Loading—17,600 pounds per year.

Part C VII. Fish Biomass Quarterly Reporting.

Part C VIII. Outfalls 001 and 002 are not to be operated simultaneously.

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (570) 327-3693.

The EPA waiver is in effect.

**NPDES Permit No. PA0010553**, Industrial Wastewater (SIC code 0921), **Fish and Boat Commission, Benner Springs State Fish Hatchery**, 1735 Shiloh Road, State College, PA 16801-8495. This facility is located in Benner Township, **Centre County**.

Description of Proposed Action/Activity: The applicant wishes to renew a NPDES permit (PA0010553) for two discharges (Outfalls 001 and 002) of treated industrial wastewater generated at the Benner Springs State Fish Hatchery.

The receiving stream, Spring Creek is in the State Water Plan Watershed 9C and is classified for HQ-CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is located on the West Branch Susquehanna River near Milton, PA. The discharge is not expected to affect the water supply.

The proposed effluent limits for Discharge 001, based on a design flow of 7.7624 mgd are:

Parameter	Mass (lbs)		Mass (lb/day)		Concentration (mg/l)		
	Total Annual	Total Monthly	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum (mg/l)
Flow (mgd)			Report	Report			
pH (S.U.)					within range 6.0 to 9.0		
D.O.					Report		
CBOD <sub>5</sub>			323.7	647.4	5.0	10.0	12.5
TSS	Report	Report	388.4	776.9	6.0	12.0	15.0
Dissolved P			19.4	38.8	0.3	0.6	0.75
Total P	Report*	Report			Report		
NH <sub>3</sub> -N		Report	45.3	90.6	0.7	1.4	1.8
Formaldehyde			64.7	129.5	1.0	2.0	2.5
Total N	Report*	Report			Report		
Kjeldahl N		Report			Report		
NO <sub>2</sub> /NO <sub>3</sub> N		Report			Report		
Particulate	Report	Report	Report		Report		
Organic Carbon							

\*Limits to be established after 2 years of monitoring.

The proposed effluent limits for Discharge 002, based on a design flow of 0.7798 mgd are:

Parameter	Mass (lbs)		Mass (lb/day)		Concentration (mg/l)		
	Total Annual	Total Monthly	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum (mg/l)
Flow (mgd)			Report	Report			
PH (S.U.)					within range 6.0 to 9.0		
D.O.					Report	Report	
CBOD <sub>5</sub>			32.5	65.0	5.0	10.0	12.5
TSS	Report	Report	39.0	78.0	6.0	12.0	15.0
Dissolved P			2.0	4.0	0.3	0.6	0.75
Total P	Report*	Report			Report		
NH <sub>3</sub> -N		Report	4.6	9.1	0.7	1.4	1.8
Formaldehyde			6.5	13.0	1.0	2.0	2.5
Total N	Report*	Report			Report		
Kjeldahl N		Report			Report		
NO <sub>2</sub> /NO <sub>3</sub> -N		Report			Report		
Particulate Organic Carbon	Report	Report	Report		Report		

\*Limits to be established after 2 years of monitoring.

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

Part C I. Solids Management.

Part C II. Affirmative Defense Provisions.

Part C III. Therapeutic Chemical Use Requirements.

Part C IV. BMP Implementation to maintain liner and baffles in existing polishing pond and install high capacity microscreen or microfilter units.

Part C V. Schedule of Compliance and limits on biomass production if schedules are not maintained.

Part C VI. Allowable Annual TSS Effluent Loading—36,110 pounds per year.

Persons may make an appointment to review the Department of Environmental Protection's files on this case by calling the file review coordinator at (570) 327-3693.

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

**WQM Permit No. 4806404, Nazareth Borough Municipal Authority**, 872 Tatamy Road, P. O. Box A, Nazareth, PA 18064. This proposed facility is located in Lower Nazareth Township, **Northampton County**, PA.

Description of Proposed Action/Activity: This project consists of construction of a sewage pump station and sanitary sewer extension to serve Trio Farms, which is a 320 lot residential subdivision. Total sewage flow capacity will be 120,000 gpd.

**WQM Permit No. 5206403, The Municipal Authority of the Township of Westfall**, 1082 Delaware Drive, P. O. Box 235, Matamoras, PA 18336. This proposed facility is located in Westfall Township, **Pike County**, PA.

Description of Proposed Action/Activity: This project consists of construction of a 3,342 foot sewer extension along Mountain Ave. and construction of the Rosetown pump station.

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

**WQM Permit No. 0706402, Sewerage, Greenfield Township Municipal Authority**, P. O. Box 372, Claysburg, PA 16625. This proposed facility is located in Greenfield Township, **Blair County**.

Description of Proposed Action/Activity: Application for replacement of the Bedford Street Sewer Interceptor Replacement.

**WQM Permit No. 0106401, Sewerage, Little Washington Wastewater Company, Inc.**, 762 W. Lancaster Avenue, Bryn Mawr, PA 19010-3489. This proposed facility is located in Cumberland Township, **Adams County**.

Description of Proposed Action/Activity: Application for the construction/operation of a wastewater treatment plant to serve the Preserve at Plum Run residential development.

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

**WQM Permit No. 0306403, Sewerage, FirstEnergy Nuclear Operating Company**, SR 168, P. O. Box 4, Shippingport, PA 15077-0004. This proposed facility is located in Shippingport Borough, **Beaver County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewage conveyance system to Shippingport sewage treatment plant.

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

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

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

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

*Schuylkill County Conservation District: 1206 Ag. Ctr. Dr., R. R. 5, Box 5810, Pottsville, PA 17901, (570) 622-3742.*

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI025406003	MAG of Luzerne County Partnership Valley Park, Suite 5 5 South Main St. Sugarloaf, PA 18249	Schuylkill	Rush Township	Nesquehoning Creek HQ-CWF

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


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

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### PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

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

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

#### SAFE DRINKING WATER

#### Applications Received Under the Pennsylvania Safe Drinking Water Act

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

<b>Application No. 6606503</b> , Public Water Supply	
Applicant	<b>Aqua Pennsylvania Inc</b> Tunkhannock Township <b>Wyoming County</b>
Responsible Official	Karl Kyriss, President Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010
Type of Facility	PWS
Consulting Engineer	CET Engineering Services 1240 North Mountain Road Harrisburg, PA 17112

Application Received Date	June 15, 2006
Description of Action	The applicant proposes the replacement of Well No. 3 with a new well at the Rivercrest System.

<b>Application No. 5206502</b> , Public Water Supply	
Applicant	<b>Three Lane Utilities</b> Westfall Township <b>Pike County</b>
Responsible Official	Steven Giacona, President Three Lane Utilities c/o Roundtable Services 302 East Broad Street 2nd Floor West Field, NJ 07090
Type of Facility	PWS
Consulting Engineer	Michael Gable, P. E. RKR Hess Associates Inc 112 North Courtland Street P. O. Box 268 East Stroudsburg, PA 18301

Application Received Date	June 9, 2006
Description of Action	The applicant proposes the construction of a new well, Well No. 5 at an existing PWS system, PWS ID No. 2520085.

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

<b>Permit No. 6706508</b> , Public Water Supply.	
Applicant	<b>Don Haubert</b> Warrington Township <b>York County</b>
Responsible Official	Don E. Haubert Sr., President 15 Central Boulevard Camp Hill, PA 17011
Type of Facility	Public Water Supply
Consulting Engineer	Jerry T. Stahlman, P. E. Stahlman & Stahlman, Inc. 139 E Market Street York, PA 17401
Application Received:	4/24/2006
Description of Action	This PWS application is for a new water system for the Savannah Heights development, consisting of three wells, disinfection facilities, finished water storage and distribution facilities.

**Permit No. 5006501**, Public Water Supply.  
 Applicant **Department of General Services**  
 Municipality Tyrone Township  
 County **Perry**  
 Responsible Official Paul A Ebright, Department of General Services Project Coordinator  
 Bureau of Engineering & Architecture  
 18th and Herr Streets  
 Harrisburg, PA 17125  
 Type of Facility Public Water Supply  
 Consulting Engineer Yves E. Pollart, P. E.  
 RETTEW Associates, Inc.  
 3020 Columbia Avenue  
 Lancaster, PA 17603  
 Application Received: 4/28/2006  
 Description of Action This PWS application is for the addition of a microfiltration unit to the existing treatment system.

**Permit No. 2106503**, Public Water Supply.  
 Applicant **Shippensburg Borough Authority**  
 Municipality Southampton Township  
 County **Cumberland**  
 Responsible Official William W. Wolfe, Manager  
 111 North Fayette Street  
 P. O. Box 129  
 Shippensburg, PA 17257-0129  
 Type of Facility Public Water Supply  
 Consulting Engineer Peter Lusardi, P. E.  
 CET Engineering Services  
 1240 N. Mountain Rd.  
 Harrisburg, PA 17112

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

**Permit No. 1906501**, Construction Public Water Supply.  
 Applicant **Millville Borough Municipal Authority**  
 Township or Borough Millville Borough  
 County **Columbia**  
 Responsible Official Walter Stanek, Chairperson  
 P. O. Box 284  
 Millville, PA 17846  
 Type of Facility Public Water Supply-Construction  
 Consulting Engineer Shannon G. Williams, P. E.  
 Herbert, Rowland & Grubic, Inc.  
 369 East Park Drive  
 Harrisburg, PA 17111  
 Application Received Date June 20, 2006  
 Description of Action Construction of 0.160 mgd microfiltration water treatment facility and associated appurtenances.

## 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. 101634. Chapin Sewage Disposal, Inc.**, 114 Brittney Layne Road, Huntingdon Mills, PA 18622-1133. A modification and permit renewal application for the continued operation of this municipal waste (septage) transfer facility located in New Columbus Borough, **Luzerne County**. The permit modification includes reissuing the permit to Chapin Sewage Disposal, Inc. and proposed changes to the existing permit conditions. The application was received in the Regional Office on June 8, 2006, and was found to be administratively complete as of June 23, 2006.

## 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.**

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

**67-05004M: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362-0500) on June 1, 2006, to make new products on their paper machines in Spring Grove Borough, **York County**.

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

**17-305-051A: Parkwood Resources, Inc.** (511 Railroad Avenue, Homer City, PA 15748) for modification of a coal stockpiling and truck loading operation by increasing the throughput from 700,000 tons in any 12-consecutive month period to 1,200,000 tons in any 12-consecutive month period at their Cherry Tree Mine in Burnside Township, **Clearfield County**.

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

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

**09-0134C: Reed Minerals** (905 Steel Road South, Fairless Hills, PA 19030) for modification of their coal slag roofing granules plant, to replace a dust collector in Falls Township, **Bucks County**. This facility is a non-Title V facility. The proposed dust collector will control emissions from the rotary dryer and the dryer feed conveyor. The new dust collector will have the same capture efficiency of the old dust collector. Therefore, there will be no change in potential emissions at the facility. Emissions of PM will remain below 0.02 grain per dry standard cubic feet. The Plan Approval will contain monitoring, recordkeeping and operating conditions designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

**40-303-027: Pennsy Supply, Inc.** (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17104) for modification of a batch asphalt plant to utilize waste derived liquid fuel at the Slusser Brothers facility at 225 New Boston Road, Jenkins Township, **Luzerne County**. Particulate emissions from the plant are controlled by the existing baghouse. Expected particulate emission rate will be less than 0.02 grain/dscf. The company will operate the facility and maintain the equipment in accordance with the good engineering practices to assure proper operation of the system. The Plan Approval will be incorporated into the company's State-only Operating Permit when operational. The operating permit will contain additional recordkeeping and operating restrictions that are designed to keep the facility operating within all applicable air quality requirements.

**45-320-005: United Envelope** (P. O. Box 37, Mount Pocono, PA 18344) for construction and operation of flexographic printing presses in Colbaugh Township, **Monroe County**. The installation will consist of six flexographic printing presses to print envelope. As per Department's best available technology requirements for new sources to minimize emissions, these presses will use low VOC containing inks, which will minimize VOC emissions. Expected VOC emissions from these presses will be 1.3 tons per year including cleaning solvents emissions. The company will operate the facility and maintain the presses in accordance with the good engineering practices to assure proper operation. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**21-03072A: Hoffman-Roth Funeral Home** (219 North Hanover Street, Carlisle, PA 17013) for installation of a human crematory in the Carlisle Borough, **Cumberland County**. The plan approval will include monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**36-05145A: Craigg Manufacturing Corp.** (P. O. Box 901, Adamstown, PA 19501) for operation of the utility box manufacturing process in West Cocalico Township, **Lancaster County**. The facility has limitations to keep emissions less than 50 tpy of VOC, 25 tpy of combined HAPs and 10 tpy of a single HAP. The plan approval will include emission restrictions, work practice standards, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**67-05032D: Harley-Davidson Motor Company Operations, Inc.** (1425 Eden Road, York, PA 17402) for the venting to atmosphere of the exhaust from an existing cartridge filter at the York motorcycle assembly plant in Springettsbury Township, **York County**. Atmospheric emissions will not be measurably impacted by this action. The plan approval and operating permit will include emission restrictions, work practice standards, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality requirements.

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

**14-00014C: Glenn O. Hawbaker, Inc.** (711 East College Ave., Bellefonte, PA 16823) for construction of two aggregate storage bins and two associated conveyors in an existing asphalt plant, construction of a mineral filler storage silo, truck loadout spout and pug mill (mixer) in a secondary stone crushing operation, construction of a portable stone crushing and screening plant and associated 400 horsepower diesel engine, construction of a portable stone screening plant and associated 101 horsepower diesel engine, construction of a railcar stone unloading operation and construction of a liquid asphalt and reprocessed/recycled oil storage and distribution operation at the Pleasant Gap facility on SR 64 in Spring Township, **Centre County**.

The railcar stone unloading operation will involve the unloading of stone from railcars and will consist of two hoppers and four associated conveyors. The conveyors will be equipped with a water spray dust suppression system for fugitive dust control. This operation is not expected to emit more than 10.81 tons of PM and 3.97 tons of PM10 per year.

The liquid asphalt and reprocessed/recycled oil storage and distribution operation will consist of a 4,200,000 gallon capacity liquid asphalt storage tank, a 1,512,000 gallon capacity liquid asphalt storage tank, a 1,512,000 gallon capacity reprocessed/recycled oil storage tank, a two bay tank truck loading rack, a six station railcar unloading rack and two 8.4 million Btu per hour natural gas-fired hot oil heaters. The air contaminant emissions from this operation are not expected to exceed 6.57 tons of NOx, 2.72 tons of CO, .31 ton of VOCs and .37 ton of PM10 per year.

The portable stone crushing and screening plant will be equipped with a water spray dust suppression system for fugitive dust control. The air contaminant emissions from this plant are not expected to exceed 3.6 tons of particulate matter, 2.35 tons of PM10, 4.72 tons of NOx, 1.18 tons of CO, 1.64 tons of SOx and .26 ton of nonmethane hydrocarbons per year.

The portable stone screening plant will not be equipped with any air cleaning device due to the moist nature of the material being processed. The air contaminant emissions from this plant are not expected to exceed 2.52 tons of NOx, 2.94 tons of PM, 1.19 tons of PM10, .24 ton of CO, .91 ton of SOx tons of hydrocarbons per year.

The mineral filler storage silo and associated truck loadout spout will be ducted to an existing fabric collector for PM control.

The asphalt plant aggregate bins and conveyors will not be equipped with any air cleaning device due to the low associated PM emission potential. The emission of PM and PM10 from the bins and conveyors is expected to be minimal.

Glenn O. Hawbaker, Inc. has also, in the respective application, proposed to accept more stringent air contamination emission limitations for a number of air contamination sources located at this site than those previously in force. This is being done to assure that the facility will not become a major (Title V) facility.

The Department of Environmental Protection's (Department) review of the information submitted by Glenn O. Hawbaker, Inc. indicates that the air contamination sources to be constructed will comply with all regulatory requirements pertaining to air contamination sources and the emission of air contaminants including the fugitive air contaminant emission requirements of 25 Pa. Code § 123.1 and 40 CFR 60.670–60.676 and the best avail-

able technology requirement of 25 Pa. Code §§ 127.1 and 127.12. Based on this finding, the Department proposes to issue plan approval for the proposed construction.

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

1. Conditions contained in State-only Operating Permit 14-00014 and Plan Approval 14-00014B remain in effect unless amended or superseded by a condition contained herein. If there is a conflict between a condition contained herein and a condition contained in State-only Operating Permit 14-00014 or Plan Approval 14-00014B, the permittee shall comply with the condition contained herein rather than with the conflicting condition contained in State-only Operating Permit 14-00014 or Plan Approval 14-00014B.

2. Open top trucks loaded with dust from the mineral filler storage silo truck loadout spout shall either be tarped, or otherwise covered, during loading or the loadout spout shall be monitored and adjusted as necessary during loading such that the bottom of the spout is as close to the top of the material in the truckbed at all times as is reasonably possible. Following the completion of loading, all open top trucks shall be tarped, or otherwise covered, before being moved from the silo area.

3. The portable stone crushing and screening plant shall be equipped with a water spray dust suppression system incorporating spray nozzles at the inlet and outlet of the crusher, the inlet of the screen and the discharge of the product conveyor. The water spray dust suppression system shall be connected to an on-demand water source capable of delivering an adequate supply of water at any time the respective plant is in use. The water spray dust suppression system shall also be equipped with strainers to prevent nozzle plugging. If the water source cannot deliver an adequate supply of water to properly operate the water spray dust suppression system or if the water spray dust suppression system is incapable of operation due to weather conditions or any other reason, the portable stone crushing and screening plant shall not be operated.

4. The diesel engine associated with the portable stone crushing and screening plant shall not operate more than 3,999 hours in any 12-consecutive month period nor shall it be fired on anything other than virgin diesel fuel with a maximum sulfur content of .3% (by weight) and to which no reprocessed/recycled oil or waste oil or other waste materials have been added nor shall it emit more than 3.6 grams of NOx per kilowatt-hour, .90 gram of CO per kilowatt-hour, 1.25 grams of SOx per kilowatt-hour, .10 gram of PM/PM10 per kilowatt-hour and .20 gram of nonmethane hydrocarbons per kilowatt-hour nor shall it emit more than 2.36 pounds of NOx per hour, .59 pound of CO per hour, .82 pound of SOx per hour, .07 pound of PM/PM10 per hour and .13 pound of nonmethane hydrocarbons per hour.

5. There shall be no visible fugitive emissions at any time from the portable stone screening plant.

6. The diesel engine associated with the portable stone screening plant shall not operate more than 4,800 hours in any 12-consecutive month period nor shall it be fired on anything other than virgin diesel fuel with a maximum sulfur content of .3% (by weight) and to which no reprocessed/recycled oil or waste oil or other waste materials have been added nor shall it emit more than 6.32 grams of NOx per kilowatt hour, .61 gram of CO per

kilowatt hour, 2.3 grams of SO<sub>x</sub> per kilowatt hour, .24 gram of PM/PM<sub>10</sub> per kilowatt-hour and .17 gram of hydrocarbons per kilowatt hour nor shall it emit more than 1.05 pounds of NO<sub>x</sub> per hour, .10 pound of CO per hour, .38 pound of SO<sub>x</sub> per hour, .04 pound of PM/PM<sub>10</sub> per hour and .03 pound of hydrocarbons per hour.

7. No more than 1,200,000 tons of stone shall be processed through the railcar stone unloading operation in any 12-consecutive month period.

8. The conveyors incorporated in the railcar stone unloading operation shall be equipped with a water spray dust suppression system incorporating a spray nozzle at the discharge of each conveyor. This water spray dust suppression system shall be connected to an on-demand water source capable of delivering an adequate supply of water at any time the railcar unloading operation is in use. The water spray dust suppression system shall also be equipped with strainers to prevent spray nozzle plugging. If the water source cannot deliver an adequate supply of water to properly operate the water spray dust suppression system or if the water spray dust suppression system is incapable of operation due to weather conditions or any other reason, the railcar stone unloading operation shall not be operated.

9. There shall be no visible fugitive emissions at any time from either the hoppers incorporated in the railcar unloading operation or from the rail cars while in the process of being unloaded.

10. The storage tanks incorporated in the liquid asphalt and reprocessed/recycled oil storage and distribution operation shall not be used to store anything other than liquid asphalt or reprocessed/recycled oil nor shall anything ever stored in any of the tanks have a vapor pressure in excess of 1.5 psia under actual storage conditions.

11. The two hot oil heaters incorporated in the liquid asphalt and reprocessed/recycled oil storage and distribution operation should only be fired on natural gas.

12. Records shall be maintained of the number of hours each of the diesel engines associated with the portable stone crushing and screening plant and portable stone screening plant is operated each month, the amount of stone processed through the railcar stone unloading operation each month, the identity of all materials stored in the liquid asphalt and reprocessed/recycled oil storage operation at all times.

13. The emission of NO<sub>x</sub>, CO and VOCs from the asphalt plant shall not exceed .0345, .0735 and .0420 pounds per ton of asphalt concrete produced, respectively, nor shall they exceed 17.25, 36.75 and 21.0 pounds per hour, respectively.

14. The emission of PM/PM<sub>10</sub> from the asphalt plant shall not exceed .0056 grain per dry standard cubic foot of effluent gas volume nor shall it exceed .93 pound per hour.

15. The PM/PM<sub>10</sub> emissions from the Astec model RBH-30-7-MOD fabric collector associated with the secondary stone crushing operation shall not exceed .0109 grain per dry standard cubic foot of effluent gas volume nor shall they exceed 1.33 pounds per hour. The PM/PM<sub>10</sub> emissions from the Amerex RP-12-429-D6 fabric collector associated with the secondary stone crushing operation shall not exceed .0091 grain per dry standard cubic foot of effluent gas volume nor shall they exceed 3.51 pounds per hour.

16. The secondary stone crushing operation shall not process more than 3,504,000 tons of stone in any 12-consecutive month period.

17. The permittee shall perform stack testing on the asphalt plant annually to determine its NO<sub>x</sub>, CO, VOC and PM emission rates. The permittee shall also perform stack testing on the Astec model RBH-30-7-MOD and Amerex RP-12-429-D6 fabric collectors associated with the secondary stone crushing operation annually to determine their particulate matter emission rate. The first such annual testing to be performed following the issuance of this plan approval shall be performed by no later than October 31, 2006, and the annual testing in all subsequent years shall be performed by no later than July 31 of each year.

18. Following the completion of the construction approved herein, the total combined emission of nitrogen oxides from all sources existing at this facility shall not exceed 31.80 tons in any 12-consecutive month period, the total combined emission of CO shall not exceed 40.88 tons in any 12-consecutive month period, the total combined emission of SO<sub>x</sub> shall not exceed 78.50 tons in any 12-consecutive month period, the total combined emission of VOCs shall not exceed 21.20 tons in any 12-consecutive month period, the total combined emission of PM<sub>10</sub> shall not exceed 68.70 tons in any 12-consecutive month period and the total combined emission of particulate matter shall not exceed 102.87 tons in any 12-consecutive month period.

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

**10-021L and 10-021M: Indspec Chemical Corp.** (133 Main Street P. O. Box 307, Petrolia, PA 16050) for modifications of plan approval 10-021J to remove the restriction on hours of operation for the resin hold tank (Source 191) and the resin scrubber (Source 163) in Petrolia Borough, **Butler County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue plan approvals to Indspec Chemical Corporation in Petrolia Borough, Butler County. The facility was issued a Title V permit No. TV-10-00021 on November 2, 2000. These plan approvals 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. 10-21L and 10-21M are for the modifications of plan approval 10-021J to remove the restriction on hours of operation for the resin hold tank (Source 191) and the resin scrubber (Source 163). The plan approval limits will increase from 8.06 tpy to 11.0 tpy. The plan approvals contain limitations of the resin production of 19,124,000 pounds per year (based on a 12-month rolling total). The Plan Approval and Operating Permit will contain additional monitoring, recordkeeping and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Copies of the applications, the Department's analysis and other documents used in the evaluation of the Applications are available for public review during normal business hours at the Northwest Regional DEP Office, 230 Chestnut St., Meadville, PA 16335.

Persons wishing to provide Department with additional information that they believe should be considered prior to the issuance of this permit may submit the information

to the address shown in the preceding paragraph. The Department will consider any written comments received within 30 days of the publication of this notice. Each written comment must contain the following:

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

Identification of the proposed permit [Permit No. 10-021L and 10-021M].

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, when the Department determines telephone notification is sufficient. Written comments or requests for a public hearing should be directed to Matthew Williams, New Source Review, Air Quality Program, 230 Chestnut Street, Meadville, PA 16335, (814) 332-6940.

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

If a plan approval has not undergone the public notice process the change to an operating permit must be treated as a significant modification. In these situations, the Department should follow the procedures described in 25 Pa. Code §§ 127.421—127.431 for State-only operating permits or 25 Pa. Code §§ 127.521—127.524 for Title V operating permits.

#### OPERATING PERMITS

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

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

**67-05004: P. H. Glatfelter Co.** (228 South Main Street, Spring Grove, PA 17362-0500) for operation of their sulfite kraft paper mill in Spring Grove Borough, **York County**. This is a renewal of the Title V Operating Permit issued in 2000.

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

**65-00788: Sony Electronics, Inc.** (1001 Technology Drive, Mt. Pleasant, PA 15666) for assembly and manufacturing operations for televisions at their Sony Technology Center in East Huntingdon Township located in **Westmoreland County**. This is a Title V Operating Permit Renewal.

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

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

**44-05016: Lewistown Cabinet Center, Inc.** (P. O. Box 507, Reedsville, PA 17084) for operation of their cabinet finishing system in Armagh Township, **Mifflin County**. The State-only operating permit will include monitoring, recordkeeping, reporting requirements, emission restrictions and work practice standards to ensure the facility complies with the applicable air quality requirements.

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

**56-00302: Lincoln Contracting and Equipment** (2478 Lincoln Highway, Boswell, PA 15563) for painting operation at Boswell facility in Jenner Township, **Somerset County**.

**56-00303: Lincoln Contracting and Equipment** (2478 Lincoln Highway, Boswell, PA 15563) for painting and operating at Somerset facility in Somerset City, **Somerset County**.

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

**33-00160: Reynoldsville Casket Co., Inc.** (South 5th Street Extension, Reynoldsville, PA 15851) for manufacturing burial caskets outside the Borough of Reynoldsville, **Jefferson County**.

**62-00174: Warren County Humane Society** (212 Elm Street, Warren, PA 16365-2868) for operation of an animal crematorium outside the City of Warren, **Warren County**.

**10-00346: Scrap Salvage and Surplus, Inc.** (690A Glenwood Way, Butler, PA 16001) for operation of a scrap cutting and salvage company outside the City of Butler, Center Township, **Butler County**.

#### 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 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). Mining activity permits issued in response to 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 an application is available for inspection at the district mining office indicated before an 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 certification.

Written comments, objections or requests for informal conferences on applications 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 district mining office indicated before an 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.

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a

30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the 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 must contain the name, address and telephone number of 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 wishes to have the conference conducted in the locality of the proposed mining activities.

#### *Coal Applications Received*

*Effluent Limits*—The following coal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Iron (total)	3.0 mg/l	6.0 mg/l	7.0 mg/l
Manganese (total)	2.0 mg/l	4.0 mg/l	5.0 mg/l
Suspended solids	35 mg/l	70 mg/l	90 mg/l
pH*		greater than 6.0; less than 9.0	
Alkalinity greater than acidity*			

\* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) 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 (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

**03991301 and NPDES Permit No. PA0235407. Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201), to renew the permit for the Logansport Mine in Bethel, Burrell, Gilpin and Parks Townships, **Armstrong County** and related NPDES permit. No additional discharges. Application received May 10, 2006.

**33971301 and NPDES Permit No. PA0215031. AMFIRE Mining Company, LLC** (One Energy Place, Suite 2800, Latrobe, PA 15650), to revise the permit and related NPDES permit for the Dora No. 8 Mine in Perry Township, **Jefferson County** to mine the Middle Kittanning coal seam and add surface acreage to install the new MK Portal. Surface acres proposed 6.3. Receiving stream: Mahoning Creek, classified for the following use: CWF. Application received April 28, 2006.

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

**26060104 and NPDES Permit No. PA0250929. Amerikohl Mining, Inc.** (1384 SR 711, Stahlstown, PA 15687). Application for commencement, operation and reclamation of a bituminous surface mine located in Luzerne and German Township, **Fayette County**, affecting 90 acres. Receiving streams: Antram Run and the

Monongahela River, classified for the following use: WWF. The potable water supply intakes within 10 miles downstream from the point of discharge: Southwestern PA Water Authority and Tri-County Joint Municipal Authority. Application received on June 13, 2006.

**30940102 and NPDES Permit No. PA0200930. Shafer Brothers Construction, Inc.** (668 Lower Hildebrand Road, Morgantown, WV 26501). Renewal application for reclamation only of an existing bituminous surface mine, located in Greene Township, **Greene County**, affecting 25.5 acres. Receiving stream: UNT to Whiteley Creek, classified for the following use: WWF. There is not potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: May 26, 2006.

**30960101 and NPDES Permit No. PA0201626. C. J. & L. Coal** (P. O. Box 133, Jefferson, PA 15344). Renewal application for continued operation and reclamation of an existing bituminous surface mine, located in Morgan Township, **Greene County**, affecting 136 acres. Receiving stream: UNT to South Fork of Ten Mile Creek, classified for the following use: WWF. Renewal application received: June 21, 2006.

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

**16-06-08 and NPDES Permit No. PA0258148. Neiswonger Construction, Inc.** (17592 Route 322, Strattanville, PA 16258). Proposal to enter into a Government Financed Reclamation Construction Contract on a 13.4 acre site in Clarion Township, **Clarion County**. The proposal includes total reclamation of 5.8 acres of abandoned mine lands as well as 7.6 acres of coal removal incidental and necessary to the reclamation activities.

Receiving streams: UNT A to Little Piney Creek, UNT B to Little Mill Creek and UNT C to Douglass Run to Mill Creek, classified for the following use: CWF. There are no potable surface water intakes within 10 miles downstream. Application received: June 19, 2006.

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

**17960101 and NPDES No. PA0220256. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849), permit renewal for the continued operation and restoration of a bituminous surface mine in Morris Township, **Clearfield County**, affecting 184.8 acres. Receiving streams: Hawk Run and two UNTs. There are no potable water supply intakes within 10 miles downstream. Application received: June 15, 2006.

**14940101 and NPDES No. PA0219932. Junior Coal Contracting, Inc.** (2330 Six Mile Road, Philipsburg, PA 16866), permit renewal for the continued operation and restoration of a bituminous surface mine in Rush Township, **Centre County**, affecting 522.0 acres. Receiving

streams: UNT to Moshannon Creek to the West Branch of the Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received: June 16, 2006.

**17060106 and NPDES No. PA0256386. King Coal Sales, Inc.** (P. O. Box 712, Philipsburg, PA 16866), commencement, operation and restoration of a bituminous surface mine in Morris Township, **Clearfield County**, affecting 29.0 acres. Receiving stream: Flat Run; UNT to Sulphur Run; UNT to Moshannon Creek; classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received: June 1, 2006.

#### *Noncoal Applications Received*

#### *Effluent Limits*

The following noncoal mining applications that include an NPDES permit application will be subject to, at a minimum, the following technology-based effluent limitations for discharges of wastewater to streams:

<i>Parameter</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity <sup>1</sup>		greater than 6.0; less than 9.0	

<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. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**3076SM7. Terra Resources, LLC** (222 South Main Street, Butler, PA 16001. Transfer of an existing sand and gravel operation in Jefferson Township, **Mercer County** affecting 61.0 acres. Receiving streams: Lackawannock Creek, classified for the following uses: TSF and UNT to Shenango River, classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. Transfer from J. Taylor Sand & Gravel. Application received: June 20, 2006.

**43060302. Terra Resources, LLC** (222 South Main Street, Butler, PA 16001. Commencement, operation and restoration of a sand and gravel operation in Jefferson Township, **Mercer County** affecting 61.0 acres. Receiving streams: Lackawannock Creek, classified for the following use: TSF and UNT to Shenango River, classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 20, 2006.

**18119-43060302-E-1. Terra Resources, LLC** (222 South Main Street, Butler, PA 16001. Application for a stream encroachment beginning at the intersection of Lackawannock Creek and SR 3039 Valley Road, the variance is requested for the northeast side of Lackawannock Creek for approximately 1,600 feet southeast of the forementioned intersection. A 50-foot variance is re-

quested for aggregate stockyard area and truck traffic. Receiving streams: Lackawannock Creek, classified for the following uses: TSF and UNT to Shenango River, classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 20, 2006.

**18119-43060302-E-2. 43060302. Terra Resources, LLC** (222 South Main Street, Butler, PA 16001. Application for a stream encroachment for UNT 1 to Lackawannock Creek which runs along the north side of a portion of the permit area and then extends east through the north central portion of the permit area. Beginning at a point approximately 300 feet east of the intersection for the UNT 1 and SR 3039 Valley Road, a 50 foot stream variance is requested for the south side of the UNT 1 to Lackawannock Creek for approximately 750 feet extending eastward. At this point, a 50-foot variance is requested for both the north and south side of the UNT for an additional 700 feet extending in a northeast direction to the permit area. A 50 foot variance is requested for this segment of stream channel to conduct mining activities within 100 feet of the stream but no closer than 50 feet in Jefferson Township, **Mercer County**. Receiving streams: Lackawannock Creek, classified for the following use: TSF and UNT to Shenango River, classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. Application received: June 20, 2006.

## **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.

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

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**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E09-898. Bristol Township**, 2501 Bath Road, Bristol, PA 19007, Bristol Township, **Bucks County**, ACOE Philadelphia District.

To perform the following activities associated with the flood control measures at the existing Minot Avenue subdivision:

1. To construct and maintain an approximately 535 linear feet of earth fill levee in the floodplain of west bank of Delaware River (WWF-MF) impacting 0.01 acre of adjacent wetlands (PFO).
2. To install and maintain a pump station and associated 16-inch dip outfall pipe in the floodplain of Delaware River associated with the interior drainage of the proposed levee.
3. To install and maintain a tide gate at the existing 24-inch outfall pipe to Delaware River.

The site is located approximately 1,800 feet southeast of the intersection of 2nd Street and River Road, (Beverly, NJ-PA USGS Quadrangle N: 13.7 inches; W: 3.5 inches).

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

**E67-797: James Merritts**, 33 Deardorff Road, Dillsburg, PA 17019 in Washington Township, **York County**, ACOE Baltimore District.

To construct and maintain a 21-foot by 3-foot by 14-foot open bottom concrete box culvert with endwalls and two 36-inch by 35-inch smoothed-lined plastic pipe culverts which will impact 0.03 acre of palustrine emergent wetlands all in a UNT to the North Branch Bermudian Creek (WWF) (Dillsburg, PA Quadrangle N: 11.7 inches W: 1.4 inches Latitude: 40° 3' 52" Longitude: 77° 0' 36") in Washington Township, York County. The wetland impact is considered de minimis and mitigation is not required.

**E07-403: M.M.F.R.E., LP**, 210 E. Plank Road, Altoona, PA 16603-1252 in Logan Township, **Blair County**, ACOE Baltimore District.

To fill in 0.372 acre of wetland to construct the proposed Hilton Garden Inn hotel and associated improvements located along Amelia Avenue about 400 feet from its intersection with Frankstown Road (Holidaysburg, PA Quadrangle N: 18.7 inches; W: 2.2 inches; Latitude: 40° 28' 41"; Longitude: 78° 23' 27") in Logan Township, Blair County. The applicant will provide a replacement wetland of 0.375 acre.

**E06-610: City of Reading**, 503 North 6th Street, Reading, PA 19601-3690 in the City of Reading, **Berks County**, ACOE Philadelphia District.

To restore approximately 1,600 LF of Angelica Creek, including a 400-foot realignment, riparian buffer, 2 acres of new wetlands, creation of a recreational fishing pond, restoration of meadow habitat, a new 58-foot span pedestrian bridge, extend a stormwater outfall from an adjacent ballpark and various enhancements to the environmental park located west of Route 10 in the City of Reading at the former site of Angelica Lake (Reading, PA Quadrangle: Latitude: 40° 18' 44", Longitude: 75° 55' 34").

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

**E25-665A, Milt and Jean Ganger Property**. Retaining wall support structures, in Springfield Township, **Erie County**, ACOE Pittsburgh District (East Springfield, PA Quadrangle N: 22.2 inches; W: 10.2 inches).

The applicant proposes to construct and maintain two short retaining wall supports, at elevation below (lakeward of) the ordinary high water mark, at the Ganger residence, located at 12996 Old Lake Road, East Springfield. The supports would be comprised of 2-foot by 2-foot by 6-foot (2' by 2' by 6') concrete blocks, would extend into Lake Erie less than 20 feet from the Ordinary High Water Mark, and be 12 feet and 6 feet wide, respectively. The supports will act as groins, and are proposed to be no taller than eighteen inches above the beach profile elevation. Lake Erie is a body of water classified as a CWF. This project proposes to impact less than 0.1 acre of Lake Erie.

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**ACTIONS**


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

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

<i>Location</i>	<i>Permit Authority</i>	<i>Application Type or Category</i>
Section I	NPDES	Renewals
Section II	NPDES	New or amendment
Section III	WQM	Industrial, sewage or animal 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 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.

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**I. NPDES Renewal Permit Actions**


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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0060623	Silver Lake Township Municipal Authority P. O. Box 1975 Brackney, PA 18812	Silver Lake Township Susquehanna County	Little Rhiney Creek CWF Watershed 4E	Y

In accordance with the Chesapeake Bay Tributary Nutrient Reduction Strategy nutrient monitoring for Ammonia-N, Kjeldahl-N, Nitrite/Nitrate-N, Total Phosphorus and Total Nitrogen were added to Outfall 001 of this permit.

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0218464 Industrial Waste	Allegheny Energy Supply Company, LLC 800 Cabin Hill Drive Greensburg, PA 15601-1689	Fayette County Springhill Township	UNT to Grassy Run	Y
PA0204234 Sewage	M. J. Redden 350 Water Dam Road McDonald, PA 15057	Washington County Robinson Township	UNT to Robinson Run	Y

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

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

**WQG Permit No. WQG 01550601**, Sewerage, **Keith E. Meese**, 3009 Green Mount, Orlando, FL 32806. This proposed facility is located in Penn Township, **Snyder County**.

Description of Proposed Action/Activity: Permit issuance for a small flow single residence system consisting of a seepage tank, dosing tank, sand filter, chlorination and stream discharge.

**WQM Permit No. 1705410**, Sewerage 4952, **Clearfield Borough**, 6 South Front Street, Clearfield, PA 16830. This proposed facility is located in Clearfield Borough, **Clearfield County**.

Description of Proposed Action/Activity: Replacement of approximately 42,400 lineal feet of sanitary sewers, manholes and appurtenances throughout Clearfield Borough, Wards 2 and 4.

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## IV. NPDES Stormwater Discharges from MS4 Permit Actions

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## V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10F106-2	Penn State East Campus Ian Salada Office of Physical Plant 101P Physical Plant Bldg. University Park, PA 16802	Centre	State College Borough	Thompson Run HQ-CWF

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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 Single Residence Sewage Treatment Plants
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
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	CAFOs
PAG-13	Stormwater Discharges from 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>
Pine Grove Borough Schuylkill County	PAG2005406010	Pine Grove School District 103 School St. Pine Grove, PA 17963	Upper Little Swatara Creek to Swatara Creek CWF	Schuylkill County Cons. Dist. (570) 622-3742
Monroe Township Cumberland County	PAG2002105057	Eastern Communities, Ltd. The Meadows of Ashcombe John A. Kerschner 7300 Derry Street Harrisburg, PA 17111	Yellow Breeches Creek CWF	Cumberland County Conservation District 43 Brookwood Ave. Carlisle, PA 17013 (717) 240-7812
West Donegal Township Lancaster County	PAG2003605074	Robert L. Gruber 48 S. Market St. Elizabethtown, PA 17022	Conoy Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
Conoy Township Lancaster County	PAG2003605110	Sylvester Walters 105 Southside Circle Downington, PA 19335	Conoy Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster PA 17601 (717) 299-5361, Ext. 5
East Donegal Township Lancaster County	PAG2003605122	Frey-Hoffer Joint Venture 419 Coffee Goss Rd. Marietta, PA17547	UNT Susquehanna River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
East Hempfield Township Lancaster County	PAG2003606021	Millfield Construction Co. 2130 Marietta Pike Lancaster, PA 17603	Millers Run CWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
West Cocalico Township Lancaster County	PAG2003606034	Hurst Brothers Development Co. 154 Farmersville Rd. Ephrata, PA 17522	Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Millersville Borough Lancaster County	PAG2003606036	Millersville Borough 10 Colonial Dr. Millersville, PA 17551	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Elizabethtown Borough Lancaster County	PAG2003606037	Conoy Crossing LLP 777 Newville Rd. Elizabethtown, PA 17022	Conoy Crossing TSF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Mount Joy Township Lancaster County	PAG2003606044	John Snowden/Kenneth Kreider P. O. Box 394 Elizabethtown, PA 17022	UNT Donegal Creek CWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Penn Township Lancaster County	PAG2003606046	Doug Harris 1002 Lititz Pike, No. 126 Lititz, PA 17543	Little Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Manheim Township Lancaster County	PAG2003606048	Donmoyer Development Group 135 Northview Dr. Lancaster, PA 17601	Conestoga Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
East Hempfield Township Lancaster County	PAG2003606051	Hempfield School District 200 Church St. Landisville, PA 17538	Swarr Run TSF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
West Earl Township Lancaster County	PAG2003606067	Esther Hoover 186 West Metzler Rd. Ephrata, PA 17522	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
East Cocalico Township Lancaster County	PAG2003606069	Jeffrey Mitchell 80 Martin Dr. Reinholds, PA 17569	UNT Little Cocalico Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Ephrata Township Lancaster County	PAG2003606080	The Belovich Group 600 N. Noble St. Kutztown, PA 19530	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 6 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Derry Township Dauphin County	PAG2002206027	The Hershey Trust Co. 100 Mansion Rd. East Hershey, PA 17033	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018
Lower Paxton Township Dauphin County	PAR10I269R	Eastern Development & Planning, Inc. 7300 Derry St. Harrisburg, PA 17111	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018
Lower Paxton Township Dauphin County	PAG2002206029	Central Dauphin School District 600 Rutherford Rd. Harrisburg, PA 17109-5227	Spring Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Rd. Dauphin, PA 17018
Exeter Township Berks County	PAG2000606045	Jason Belovich The Belovich Group, Inc. 600 D Noble Street Kutztown, PA 19530	Trout Run WWF	Berks County Conservation District 1238 County Welfare Road P. O. Box 520 Leesport, PA 19533-0520 (610) 372-4657, Ext. 201

NOTICES

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*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water/Use*

*Contact Office &  
Phone No.*

West Reading  
Borough  
Berks County

PAG2000606050

Ken Pick  
Redevelop. Authority of  
Berks County  
Berks County Services  
Center  
Reading, PA 19601

Schuylkill River  
WWF

Berks County  
Conservation District  
1238 County Welfare  
Road  
P. O. Box 520  
Leesport, PA 19533-0520  
(610) 372-4657, Ext. 201

Caernarvon  
Township  
Berks County

PAG2000606030

Gary Green  
YMCA of the Brandywine  
Valley  
50 S. First Avenue  
Coatesville, PA 19320

UNT to Conestoga River  
WWF

Berks County  
Conservation District  
1238 County Welfare  
Road  
P. O. Box 520  
Leesport, PA 19533-0520  
(610) 372-4657, Ext. 201

Perry Township  
Berks County

PAG2000606052

Dennis Miller  
886 Laurel Road  
Hamburg, PA 19526

Pidgeon Creek  
WWF

Berks County  
Conservation District  
1238 County Welfare  
Road  
P. O. Box 520  
Leesport, PA 19533-0520  
(610) 372-4657, Ext. 201

Heidelberg  
Township  
Berks County

PAG2000606024

Witold Michalak  
Erosion Control Services,  
Inc.  
841 N. Church Road  
Sinking Spring, PA 19608

Furnace Creek  
CWF

Berks County  
Conservation District  
1238 County Welfare  
Road  
P. O. Box 520  
Leesport, PA 19533-0520  
(610) 372-4657, Ext. 201

Hamburg Borough  
Berks County

PAG2000606053

Robert Bayuk  
Blue Ridge Construction,  
LLC  
7253 Airport Road  
Bath, PA 18014

UNT to Schuylkill River  
WWF

Berks County  
Conservation District  
1238 County Welfare  
Road  
P. O. Box 520  
Leesport, PA 19533-0520  
(610) 372-4657, Ext. 201

Columbia County  
Briar Creek  
Township  
and Briar Creek  
Borough

PAG2001906009

Berwick Area Joint  
Sewer Authority  
1108 Freas Ave.  
Berwick, PA 18603

Briar Creek and  
Susquehanna River  
CWF

Columbia County  
Conservation District  
702 Sawmill Road  
Suite 204  
Bloomsburg, PA 17815  
(570) 784-1310

Tioga County  
Middleburg  
Township

PAG2005906011

William Morral  
940 Long Mill Rd.  
Telford, PA 18969

North Run  
WWF

Tioga County  
Conservation District  
50 Plaza Lane  
Wellsboro, PA 16901  
(570) 724-1801 X101

Indiana County  
Center Township

PAG2003206009

Brian E. Stewart  
Evergreen Landfill, Inc.  
P. O. Box 195  
Coral, PA 15731

UNT to Laurel Run  
CWF

Indiana County CD  
(724) 463-8547

*General Permit Type—PAG-3*

*Facility Location &  
Municipality*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water/Use*

*Contact Office &  
Phone No.*

Lancaster Avenue  
Manor Township

PAR323509

Armstrong World  
Industries, Inc.  
P. O. Box 3001  
Lancaster, PA 17604

Little Conestoga Creek  
WWF

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

Cumberland County  
Lower Allen  
Township

PAR233530

Lower Allen Township  
1993 Hummel Avenue  
Camp Hill, PA 17011

Cedar Run  
CWF

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



<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Perry Township Snyder County	PAR224816	R. J. Hoffman & Sons, Inc. 1144 Buckwheat Valley Road Mount Pleasant Mills, PA 17853	UNT North Branch Mahantango Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
Wayne Township Greene County	PAR606168	Chissy's Truck Salvage 107 Chissy Lane P. O. Box 98 Brave, PA 15316	Dunkard Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Snyder County Penn Township	PAG045217	Keith E. Meese 3009 Green Mount Orlando, FL 32806	Penns Creek WWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

*General Permit Type—PAG-5*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Dauphin County Harrisburg City	PAG053589	Collotia Stores, Inc. 8 South Seasons Drive Dillsburg, PA 17019	Spring Creek WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

### SAFE DRINKING WATER

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

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

**Permit No. 2106502 MA, Minor Amendment, Public Water Supply.**

Applicant	<b>Carlisle Borough</b>
Municipality	Carlisle Borough
County	<b>Cumberland</b>
Type of Facility	Repainting of the backwash water tank.

Consulting Engineer Gerald R. McClune, P. E.  
ARRO Consulting Inc.  
270 Granite Run Drive  
Lancaster, PA 17601-6804

Permit to Construct 6/20/2006  
Issued:

**Permit No. 6706506 MA, Minor Amendment, Public Water Supply.**

Applicant **United Water Pennsylvania**  
Municipality Newberry Township  
County **York**  
Type of Facility Installation of chlorine contact piping at Reesers Wells Nos. 1 and 2 house.

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

Permit to Construct 5/2/2006  
Issued:

**Permit No. 0106506 MA, Public Water Supply.**

Applicant **The York Water Company**  
Municipality Berwick Township  
County **Adams**  
Type of Facility Construction of the Race Track Road standpipe.

Consulting Engineer Ryan M. Ural, P. E.  
The York Water Company  
130 East Market Street  
P. O. Box 15089  
York, PA 17405-7089

Permit to Construct 6/20/2006  
Issued:

**Permit No. 3606506 MA, Minor Amendment, Public Water Supply.**

Applicant **Marietta Gravity Water Company**  
Municipality Hallam Borough  
County **York**  
Type of Facility Relining of a 12-inch water main in the Susquehanna River.

Consulting Engineer David T. Lewis, P. E.  
Marietta Gravity Water Company  
1195 River Road  
P. O. Box 302  
Marietta, PA 17547-0302

Permit to Construct 6/13/2006  
Issued:

**Permit No. 3806503 MA, Minor Amendment, Public Water Supply.**

Applicant **Elco School District**  
Municipality Jackson Township  
County **Lebanon**  
Type of Facility Installation of booster chlorination facilities.

Consulting Engineer John T. Boyer, Sr., P. E.  
The Boyer Partnership, Inc.  
1435 11th Avenue  
Altoona, PA 16601

Permit to Construct 6/20/2006  
Issued:

**Permit No. 0106510 MA, Minor Amendment, Public Water Supply.**

Applicant **Borough of Bonneauville**  
Municipality Bonneauville Borough  
County **Adams**  
Type of Facility Repainting of the 100,000-gallon Elm Avenue elevated storage tank.

Consulting Engineer Kirt L. Ervin  
US Engineering, LLC  
4 Sunrise Court  
Highland, IL 62249

Permit to Construct 6/20/2006  
Issued:

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

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

Applicant **Mifflinburg Borough Water System**  
Township or Borough Mifflinburg Borough  
County **Union**  
Responsible Official Steve B. Benner  
Project Manager  
Mifflinburg Borough Water System  
333 Chestnut Street  
Mifflinburg, PA 17844

Type of Facility Public Water Supply—Operation  
Consulting Engineer N/A  
Permit Issued Date 6/23/06  
Description of Action Chambers Spring and Finished Water Storage Tank No. 1 covers.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted under the Pennsylvania Sewage Facilities Act (35 P. S. §§ 750.1—750.20a)**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Cambridge Springs Borough	161 Carringer Street Cambridge Springs, PA 16403	Crawford

*Plan Description:* The approved plan provides for the construction of a new 1.3 mgd WWTP with a 2.5 mg equalization tank to address hydraulic overload conditions at the existing Cambridge Area Joint Authority POTW.

The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## 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 AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

**Cotton Mill Store**, Shillington Borough, **Berks County**. Liberty Environmental, Inc., 10 N. Fifth Street, Suite 800, Reading, PA 19601, on behalf of Janet Potter, Cotton Mill Store, Inc., 8425 Navajo Street, Philadelphia, PA 19118, 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 the residential Statewide Health Standard.

**Suburban Heating Oil Partners**, West Manchester Township, **York County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Suburban PA Property Acquisitions, LLC, 5793 Widewaters Parkway, Suite 100, Syracuse, NY, 13214-2811, submitted a Final Report concerning remediation of site soil and groundwater contaminated with fuel related SVOCs. The report is intended to document remediation of the site to the Statewide Health Standard.

**Gibble's Quarry**, Manheim Borough, **Lancaster County**. Schuylkill Valley Engineering, Inc., 4338 Pottsville Pike, Reading, PA 19605, on behalf of TCS Family Enterprises, 2238 Robert Fulton Highway, Peach Bottom, PA 17563, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with asbestos, sludge, oily wastes, flood debris and other waste products. The report is intended to document remediation of the site to the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

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**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).**

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Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan,

is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

**Commerce Bank**, Ridley Township, **Delaware County**. Michelle Flowers, React Env. Professional Svc. Group, 6901 Kingessing Ave., 2nd Floor, Philadelphia, PA 19142 on behalf of Steven Smith, Commerce Bank, N. A., 1700 Atrium Way, Mt. Laurel, NJ 08054 has submitted a Final Report concerning the remediation of site soil contaminated with chlorinated solvents, leaded/unleaded gasoline and used motor oil. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 14, 2006.

**2804 West Township Rd.**, Upper Darby Township, **Delaware County**. Samuel Kucia, Env. Consulting, Inc., 50 W. Washington St., Norristown, PA 19401 on behalf of Bruce Greenfield, Agnew Assoc., LLC, c/o Dr. Bruce Greenfield, 2800 Township Line Rd., Havertown, PA 19083 has submitted a Final Report concerning the remediation of site soil contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 12, 2006.

**Woolslager-James Res.** Plumstead Township **Bucks County**. Richard Trimpi, Trimpi Assoc., Inc., 1635 Old Plains Rd., Pennsburg, PA 18073 on behalf of Kimberly Charlton Valley View, Danboro Mobil Home Park, 1081 N. Eaton Rd., P. O. Box 336, Danboro, PA 18916 has submitted a 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 on May 9, 2006.

**Chichester School Dist. Site**, Upper Chichester Township, **Delaware County**. Douglas Newton, MACTEC Engineering & Consulting, Inc., 5205 Militia Hill Road Plymouth Meeting, PA 19462 on behalf of Michael Golde, Chichester School Dist., has submitted a Remedial Investigation and Cleanup Plan Report concerning the remediation of site groundwater contaminated with organochlorine pesticides. The Remedial Investigation Report/Cleanup Plan Report demonstrated attainment of the Site-Specific Standard and Statewide Health Standard and was approved by the Department on May 17, 2006.

**145 N. Narberth Ave.**, Narberth Borough, **Montgomery County**. Samuel Kucia, Env. Consulting, Inc. 500 E. Washington St., Suite 375, Norristown, PA 19401 on behalf of Brendan Johnson, 145 N. Narberth Ave., 7 Outlook Dr., Darien, CT 06820 has submitted a Final Report concerning the remediation of site soil contaminated with No. 2 fuel. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 7, 2006.

**Roser Prop.**, Solebury Township, **Bucks County**. Edward Prout, American Resources Consultants, Inc., P. O. Box 579, Quakertown, PA 18951 on behalf of Allan Roeser, HGR Investors, LP, 140 E. Butler Ave., Chalfont, PA 18914 has submitted a Final Report concerning the remediation of site soil contaminated with unleaded gasoline, ethylbenzene and toluene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 7, 2006.

**Schoenfellinger Res.** New Britain Township, **Bucks County**. Richard Trimpi, Trimpi Assoc., Inc, 1635 Old Plains Rd., Pennsburg, PA 18073 on behalf of Jen Konefal, 782 Township Line Rd., Chalfont, PA 18914 has submitted a 90-day report concerning the remediation of site soil contaminated with No. 2 fuel oil. The report was submitted within 90 days of the release-demonstrated attainment of the Statewide Health Standard and was approved by the Department on June 19, 2006.

**Schmidt Brewery**, City of Philadelphia, **Philadelphia County**. Charlene Drake, React Env. Professional Svc., Group, 6901 Kingessing Ave., 2nd Floor, Philadelphia, PA 19142 on behalf of Wayne Dunlop, Northern Liberties Dev., LP, 969 N. 2nd St., Philadelphia, PA 19123 has submitted a Baseline Env Report concerning the remediation of site soil and groundwater contaminated with lead. The Baseline Env Report and Final Report were deficiency by the Department on June 15, 2006.

**Domus Apt 34th and Chestnut St.**, City of Philadelphia, **Philadelphia County**. Jamey Stynchula, Pennoni Assoc, Inc. 3001 Market St., Philadelphia, PA 19104 on behalf of Ira Kauderer, University of Pennsylvania, 133 S. 36th St. Philadelphia, PA 19104 has submitted a Remedial Investigation Report and Cleanup Plan and Final Report concerning the remediation of site soil contaminated with PAHs. The Remedial Investigation Report and Cleanup Plan and Final Report demonstrated attainment of the Site Specific Standard and was approved by the Department on June 20, 2006.

**Acker Res.**, Lower Gwynedd Township, **Montgomery County**. Richard D. Trimpi, Trimpi Assoc., Inc., 1635 Old Plains Rd., Pennsburg, PA 18703 on behalf of Robert Acker, 1431 Meetinghouse Rd., Lower Gwynedd, PA 19002 has submitted a 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 on May 18, 2006.

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

**NGK Metals Corporation**, Muhlenberg Township, **Berks County**. MECX, LLC, Mid Atlantic OPS, 4901 Mill Road, Coopersburg, PA 18036, on behalf of NGK Metals Corporation, 917 US 11 South, Sweetwater, TN 37874, submitted a Final Report concerning the remediation of site soils contaminated with beryllium. The Final

Report demonstrated attainment of the residential Statewide Health Standard, and was approved by the Department on June 16, 2006.

**Nell's Shurfine Market**, Dover Township, **York County**. Liberty Environmental, Inc., 10 N Fifth Street, Suite 800, Reading, PA 19601, on behalf of Associated Wholesalers, Inc., 336 East Penn Avenue, Robesonia, PA 19551-0067 submitted a Final Report concerning the remediation of site soils contaminated with leaded gasoline from an underground storage tank. The Final Report demonstrated attainment of the residential Statewide Health Standard, and was approved by the Department on June 16, 2006.

**Charles Ness Estate**, Manchester Township, **York County**. GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011, on behalf of Charles Ness Estate, Cathy Ness-Anderson, Executor, P. O. Box 144, Felton, PA 17322 and Johnston Construction, P. O. Box 97, Dover, PA 17315-0097, submitted a Final Report concerning remediation of site soil and groundwater contaminated with No. 2 fuel oil. The site was determined to qualify for the Department's low-risk sites program, and the findings of the Final Report were based upon the judgment of Joseph McNally, P. G., who is the Pennsylvania licensed professional under whose seal the report was submitted. A thorough technical review was not performed by Department staff on this report. The site was afforded liability protection as outlined in Chapter 5 of Act 2 in a letter dated June 20, 2006.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permits issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and regulations to operate solid waste processing or disposal area or site.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit ID No. 101683. Boyd Roll-Off Services, Inc.**, 1200 Railroad Place, McKees Rocks, PA 15136. Operation of a Municipal Waste (construction and demolition waste) transfer station in Stowe Township, **Allegheny County**. Permit issued in the Regional Office on June 20, 2006.

**Permit ID. No. 301097. Horsehead Corp. Landfill**, 300 Frankfort Road, Monaca, PA 15061. Operation of a captive residual waste landfill in Potter Township, **Beaver County**. Permit renewal issued in the Regional Office on June 21, 2006.

#### 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; Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**46-310-060GP: Caddick Construction Co., Inc.** (P. O. Box 179, Ambler, PA 19002) on June 22, 2006, to operate a portable nonmetallic mineral plant in Ambler Borough, **Montgomery County**.

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

**GP3-06-03138: H. B. Mellott Estates, Inc.** (P. O. Box 100, Mellott Drive, Suite 100, Warfordsburg, PA 17267) on June 22, 2006, for Portable Nonmetallic Mineral Processing Plants under GP3 at the Kempville Quarry in Richmond Township, **Berks County**.

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

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

**46-0025J: Lonza, Inc.** (900 River Road, Conshohocken, PA 19428) on June 16, 2006, to operate eight new tanks in Upper Merion Township, **Montgomery County**.

**09-0087E: Air Products and Chemicals, Inc.** (351 Phila Avenue, Morrisville, PA 19067) on June 13, 2006, to operate a silicon tetrofluoride in Falls Township, **Bucks County**.

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

**67-05016E: R. H. Sheppard Co., Inc.** (101 Philadelphia Street, P. O. Box 877, Harrisburg, PA 17331-0877) on June 19, 2006, to construct a blast cabinet controlled by an existing fabric collector at their iron foundry in Hanover Borough, **York 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; Thomas McGinley, New Source Review Chief, (484) 250-5920.*

**09-0156: Jolly Gardener Products, Inc.** (500 East Pumping Station Road, Quakertown, PA 18951) on June 13, 2006, to operate two diesel engines and wood processing in Richland Township, **Bucks County**.

**09-0156A: Jolly Gardener Products, Inc.** (500 East Pumping Station Road, Quakertown, PA 18951) on June 13, 2006, to operate three diesel fired engines in Richland Township, **Bucks County**.

**15-0094: Metallurgical Products Co.** (P. O. Box 598, West Chester, PA 19381-0598) on June 13, 2006, to operate a bag filter dust collector in West Goshen Township, **Chester County**.

**46-0005V: Merck and Co., Inc.** (Sumneytown Pike, P. O. Box WP20, West Point, PA 19486) on June 13, 2006, to operate a biological manufacturing building in Upper Gwynedd Township, **Montgomery County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; William Charlton, New Source Review Chief, (412) 442-4174.*

**63-00014F: Reliant Resources, Inc.—Orion Power MidWest, LP** (121 Champion Way, Suite 200, Canonsburg, PA 15317) on May 16, 2006, modified Plan Approval PA-63-00014F to change allowable ammonia emission rate resulting from the operation of selective noncatalytic reduction on unit No. 4 from 3.0 ppmv to 10.0 ppmv at Elrama Power Plant in Union Township, **Washington County**. This is a Title V facility.

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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; Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**23-00059: Lyondell Chemical Co.** (3801 West Chester Pike, Newtown Square, PA 19073) on June 20, 2006, to operate a research and development center that manufactures industrial organic chemicals to the facility Synthetic Minor Operating Permit in Newtown Township, **Delaware County**.

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

**36-05135: StyleCraft Corp.** (P. O. Box 740, Terre Hill, PA 17581-0740) on June 19, 2006, to operate their wood furniture manufacturing facility in Terre Hill Borough, **Lancaster County**.

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

**11-00062: Quaker Sales Corp.** (P. O. Box 1128, 336 Shawna Road, North Cambria, PA 15714) on June 20, 2006, to operate a Hot Mix Asphalt Concrete plant at their North Cambria facility located in Susquehanna Township, **Cambria County**.

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

**63-00014F: Reliant Resources, Inc.—Orion Power MidWest, LP** (121 Champion Way, Suite 200, Canonsburg, PA 15317) on May 16, 2006, modified Plan Approval PA-63-00014F to change allowable ammonia emission rate resulting from the operation of selective noncatalytic reduction on unit No. 4 from 3.0 ppmv to 10.0 ppmv at Elrama Power Plant in Union Township, **Washington County**. This is a Title V 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).**

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### Coal Permits Actions

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

**56771301 and PG12-32011302-R12. RoxCOAL, Inc.** (P. O. Box 149, 1576 Stoystown Road, Friedens, PA 15541), to revise the permit for the Geronimo Mine in Jenner Township, **Somerset County** to establish an emission inventory for coal processing and transfer facility based on peak production of 750,000 tons of raw coal per year. No additional discharges. Permit issued: June 15, 2006.

**30861601 and NPDES Permit No. PA0214256. Cobra Mining, LLC** (P. O. Box 40, 178 Chess Mine Road, Dilliner, PA 15327), to renew and transfer the permit for the Dunkard Preparation Plant in Monongahela Township, **Greene County** from Dunkard Mining Company. No additional discharges. Application received September 8, 2003. Permit issued: June 16, 2006.

**32841302 and NPDES Permit No. PA0007803. Pennsylvania Mines, LLC** (P. O. Box 367, Ebensburg, PA 15931), to renew the permit for the Greenswich North No. 1/South No. 2 Mine in Green Township, **Indiana County** and Susquehanna Township, **Cambria County** and related NPDES permit for reclamation only. No additional discharges. Application received January 24, 2006. Permit issued: June 19, 2006.

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

**40940205R2 and NPDES Permit No. PA0223441. Northampton Fuel Supply Co., Inc.** (1 Horwith Drive, Northampton, PA 18064), renewal of an existing coal refuse reprocessing operation and NPDES Permit for discharge of treated mine drainage in Hanover Township, **Luzerne County** affecting 124.0 acres. Receiving stream: Nanticoke Creek. Application received May 16, 2005. Renewal issued: June 19, 2006.

**49663004R4. Reading Anthracite Company** (P. O. Box 1200, Pottsville, PA 17901), renewal of an existing coal refuse reprocessing operation in Zerbe and West Cameron Townships, **Northumberland County** affecting 2222.0 acres. Receiving stream: none. Application received October 31, 2005. Renewal issued: June 20, 2006.

**54040201. Reading Anthracite Company** (P. O. Box 1200, Pottsville, PA 17901), commencement, operation and restoration of an anthracite coal refuse reprocessing, disposal and preparation plant operation in Butler, West Mahanoy and Union Townships, **Schuylkill County** affecting 1104.0 acres. Receiving stream: none. Application received June 16, 2004. Permit issued: June 20, 2006.

**54840106R4. City of Philadelphia, Trustee, for Girard Estate** (21 South 12th Street, Philadelphia, PA 19107), renewal of an existing anthracite surface mine, coal refuse reprocessing and coal refuse disposal operation in West Mahanoy and Butler Townships, **Schuylkill County** affecting 447.6 acres. Receiving stream: none. Application received June 28, 2004. Renewal issued: June 20, 2006.

**54960202C6. City of Philadelphia, Trustee, for Girard Estate** (21 South 12th Street, Philadelphia, PA 19107), correction to an existing anthracite coal refuse reprocess, coal refuse disposal and preparation plant operation in Butler, West Mahanoy and Union Townships, **Schuylkill County** affecting 1,071.0 acres. Receiving stream: none. Application received July 25, 2005. Correction issued: June 20, 2006.

#### GOVERNMENT-FINANCED CONSTRUCTION CONTRACT

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

**Whitetail Contracting, GFCC No. 17-05-10**, Karthaus Township, **Clearfield County** (UNT to WB Susquehanna—Upper West Branch Watershed): A Government Financed Construction Contract has been awarded to Whitetail Contracting that will result in the reclamation of over 1,850 feet of slumped highwall/ steep spoil areas as well as approximately 18.5 acres of abandoned mine lands in Karthaus Township, Clearfield County. The reclamation of the abandoned mine lands will also reduce the amount of sediment entering a UNT to the West Branch of the Susquehanna River from the site. Alkaline addition will be added to the mining area at a rate of 175 tons/acre. The value of this reclamation is estimated at \$45,000. (Contact: John Varner; (814) 342-8200, Moshannon).

#### Noncoal Permits Actions

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

**10960304. Quality Aggregates, Inc.** (200 Neville Road, Neville Island, PA 15225). Revision to an existing limestone operation to add blasting in Washington Township, **Butler County** affecting 186.0 acres. Receiving streams: UNT to South Branch Slippery Rock Creek. Application received: May 2, 2006. Permit Issued: June 21, 2006.

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

**14050302 and NPDES No. PA0256285. Raducz Stone Corporation** (284 Rockdale Road, Butler, PA 16002), commencement, operation and restoration of a large, noncoal surface mine in Howard Township, **Centre County**, affecting 117.5 acres. Receiving waters: Bald

Eagle Creek, classified for the following use: WWF. Application received: September 14, 2005. Permit issued: June 21, 2006.

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

**4875SM2A2C5 and NPDES Permit No. PA0119563. Glen-Gery Corp.** (P. O. Box 7001, Wyomissing, PA 19610), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Dover Township, **York County**. Receiving stream: Fox Run. Application received May 8, 2006. Renewal issued: June 22, 2006.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (73 P.S. §§ 151–161) and 25 Pa. Code § 211.124. 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.**

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

**63064006. Atlas Services** (1024 Rte. 519, Suite 500, Eighty Four, PA 15330). Blasting activity permit for the Allegheny Power 138 KV relocation project, located in South Strabane Township, **Washington County**, with an expected duration of 1 year. Permit issued: June 20, 2006.

**63064007. Alex E. Paris Contracting, Inc.** (1595 Smith Township Road, Rt. 18, P. O. Box 369, Atlasburg, PA 15004). Blasting activity permit for the construction of South Point II Commercial Development, located in Cecil Township, **Washington County**, with an expected duration of 1 year. Permit issued: June 20, 2006.

**63064008. J.N.D. Properties** (3625 Washington Pike, Bridgeville, PA 15017). Blasting activity permit for trench blasting to install sewage lines, located in Cecil Township, **Washington County**, with an expected duration of 1 year. Permit issued: June 20, 2006.

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

**01064113. Hall Explosives, Inc.** (2981 Elizabethtown Road, Hershey, PA 17033), construction blasting for Lincoln Commons in Straban Township, **Adams County** with an expiration date of June 30, 2007. Permit issued: June 19, 2006.

**01064114. Gerlach's Drilling & Blasting** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for Joboe Holstein Farm in Mt. Pleasant Township, **Adams County** with an expiration date of June 15, 2007. Permit issued: June 19, 2006.

**06064117. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507), construction blasting for Brookfield Manor in Sinking Spring Borough, **Berks County** with an expiration date of June 30, 2007. Permit issued: June 19, 2006.

**06064118. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507), construction blasting for The Hills at Woodgate in Exeter Township, **Berks County** with an expiration date of June 30, 2007. Permit issued: June 19, 2006.

**15064118. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507), construction blasting for Schuylkill Township Elementary School in Schuylkill Township, **Chester County** with an expiration date of June 30, 2007. Permit issued: June 19, 2006.

**28064158. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507), construction blasting for Forest Ridge Acres in Southampton Township, **Franklin County** with an expiration date of June 30, 2007. Permit issued: June 19, 2006.

**36064163. Gerlach's Drilling & Blasting** (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for Brethren Village in Manheim Township, **Lancaster County** with an expiration date of June 15, 2007. Permit issued: June 19, 2006.

**36064164. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in East Earl Township, **Lancaster County** with an expiration date of August 30, 2006. Permit issued: June 19, 2006.

**36064165. Keystone Blasting Service** (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a warehouse in West Earl Township, **Lancaster County** with an expiration date of August 30, 2006. Permit issued: June 19, 2006.

**38064116. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507), construction blasting for Hilltop Estates in Cornwall Borough, **Lebanon County** with an expiration date of June 15, 2007. Permit issued: June 19, 2006.

**40064115. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting for Willow View Estates in Plymouth Township, **Luzerne County** with an expiration date of July 31, 2007. Permit issued: June 19, 2006.

**40064116. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting for Mill Creek Estates in Plains Township, **Luzerne County** with an expiration date of July 31, 2007. Permit issued: June 19, 2006.

**67064125. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507), construction blasting for Winter Ridge Development in Lower Windsor Township, **York County** with an expiration date of June 30, 2007. Permit issued: June 19, 2006.

**67065126. Warren's Excavating & Drilling, Inc.** (P. O. Box 189, Bowmansville, PA 17507), construction blasting for The Orchards in Hellam Township, **York County** with an expiration date of June 30, 2007. Permit issued: June 19, 2006.

**46064123. American Rock Mechanics, Inc.** (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Real Pro Enterprises in Towamencin Township, **Montgomery County** with an expiration date of December 30, 2007. Permit issued: June 20, 2006.

**46064124. Allan A. Myers, Inc. d/b/a Independence Construction Materials** (P. O. Box 98, Worcester, PA 19490), construction blasting for Meter Pit No. 6 in Skippack Township, **Montgomery County** with an expiration date of December 31, 2007. Permit issued: June 20, 2006.

**21064148. Hayduk Enterprises** (P. O. Box 554, Dalton, PA 18414), construction blasting for Logistic Center in North Middleton Township, **Cumberland County** with an expiration date of July 31, 2007. Permit issued: June 21, 2006.

**21064149. Douglas Explosives, Inc.** (P. O. Box 77, Philipsburg, PA 16866), construction blasting for Logistic Center Warehouse in North Middleton Township, **Cumberland County** with an expiration date of July 1, 2007. Permit issued: 21, 2006.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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



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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E06-586: Cabela's Ventures Inc.**, One Cabela's Drive, Sydney, NE 69160 in Tilden Township, **Berks County**, ACOE Philadelphia Region.

To construct and maintain: 1) 417 lineal feet of 48-inch CMP within a UNT to the Schuylkill River (WWF), an activity waived per 25 Pa. Code § 105.12(a)(2); and 2) fill within 0.17 acre of PEM wetland associated with a UNT to the Schuylkill River for the purpose of outparcel development within Cabela's Inc. retail property located at the intersection of SR 78 and SR 61 (Auburn, N: 10.5 inches; W: 0.4 inch; Latitude: 40° 33' 28"; Longitude: 76° 0' 10") in Tilden Township, Berks County.

**E31-203: Henderson Township**, P. O. Box 356, Huntingdon, PA 16652 in Henderson Township, **Huntingdon County**, ACOE Baltimore District.

To operate and maintain a 95-inch by 67-inch elliptical metal pipe measuring 60 feet in length skewed from the original crossing location to allow for better hydraulic capacity, to install and maintain 66 feet of riprap protection on the left bank below the crossing and 58 feet of riprap protection on both left and right banks above the crossing at a point where Numers Hollow Road crosses Numers Hollow Run (WWF) (Mount Union, PA Quadrangle; N: 22.35; W: 12.63; Latitude: 40° 29' 53"; Longitude: 77° 57' 57") in Henderson Township, Huntingdon County.

**E22-500: Cameron Management, Inc.**, 3000 Canby Street, Harrisburg, PA 17103 in the city of Harrisburg, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a multistory building and associated parking, including the placement and maintenance of 58,000 cubic yards of fill and the excavation of 22,500 cubic yards of fill in and along the floodway of Paxton Creek (WWF). This permit also authorizes the installation and maintenance of three 18-inch CMP outfalls along Paxton Creek (WWF). The project site is bounded by Herr Street, Cameron Street, State Street, and Paxton Creek (Harrisburg West, PA Quadrangle N: 3.5 inches; W: 0.3 inch; Latitude: 40° 16' 13"; Longitude: 76° 52' 38") in the City of Harrisburg, Dauphin County.

**E01-259: Samuel E. Green**, 399 Montclair Road, Gettysburg, PA 17325-7712 in Straban Township, **Adams County**, ACOE Baltimore District.

To relocate approximately 160 linear feet of a UNT to Rock Creek (WWF). The new channel will include three rock weirs, create aquatic habitat and establish native

tree and shrub plantings. The project is located at the corner of Hanover Road (SR 116) and Montclair Road (T. R. 534) (Gettysburg, PA Quadrangle N: 13.32 inches; W: 9.71 inches; Latitude: 39° 49' 24"; Longitude: 77° 11' 39") in Straban Township, Adams County.

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

**E10-417, Larry Colonello**, 131 Meredith Drive, Mars, PA 16046. Colonello Driveway Across Tributary to Glade Run, in Middlesex Township, **Butler County**, ACOE Pittsburgh District (Valencia, PA Quadrangle N: 40° 42' 08"; W: 79° 55' 40").

To construct and maintain a steel I-beam bridge having a clear, normal span of 22 feet and an underclearance of 6 feet across a tributary to Glade Run and impacting a total of 0.14 acre of adjoining wetland associated with the roadway approach to the bridge for a private driveway extending south from Overbrook Road approximately 0.5 mile east of SR 8. Project proposes contribution to the Pennsylvania Wetland Replacement Fund for compensation for the 0.14 acre of wetland impact.

**E37-170, Mohawk Trails Golf Course**, 5117 Erie Street, New Castle, PA 16102-9101. Mohawk Trails Golf Course Pond Maintenance and Construction, in Mahoning Township, **Lawrence County**, ACOE Pittsburgh District (Edinburg, PA Quadrangle N: 41° 00' 10"; W: 80° 26' 24").

To conduct the following activities at Mohawk Trails Golf Course west of SR 551 approximately 0.5 mile south of Edinburg:

1. To extend and maintain an existing stream enclosure by an additional 30 feet on the downstream end and associated 0.63 acre of fill (dredged material) in a tributary to Mahoning River.

2. To conduct maintenance dredging activities at five existing impoundments having a total surface area of 3.815 acres in tributaries to Mahoning River within the golf course, including the impoundment associated with D37-053. Anticipated total volume of dredged material is 14,800 cubic yards.

3. To construct a new nonjurisdictional on-stream dam on a tributary to Mahoning River having a contributory drainage area less than 100 acres, less than 15 feet maximum depth and less than 50 acre-feet of storage. Total length of stream impacted by the embankment and impoundment is indicated to be 169 feet.

**ENVIRONMENTAL ASSESSMENTS**

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

**EA28-03: Bear Valley Franklin County PA Joint Water Authority**, 218 Schoolhouse Road, P. O. Box 308, St. Thomas, PA 17252-0308 in St. Thomas Township, **Franklin County**, ACOE Baltimore District.

To construct and maintain an 18-inch ductile iron outfall pipe, with an endwall, and 12.5 feet of riprap apron extending out to 9-feet from the water line, the outfall discharges to Broad Run (HQ-CWF). The project is located off of Bear Valley Road at the Water Treatment Plant (St. Thomas, PA Quadrangle N: 10.5 inches; W: 0.5 inches; Latitude: 39° 55' 55"; Longitude: 77° 52' 17") in St. Thomas Township, Franklin County.

**STORAGE TANKS  
SITE-SPECIFIC INSTALLATION PERMITS**

**The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504 and 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Land Recycling and Waste Management, Director, P. O. Box 8763, Harrisburg, PA 17105-8763.**

<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
0633001	Mahoning Distribution 12475 Route 119 Hwy. South Rochester Mills, PA 15771 Attn: Dan Hauger	Jefferson	Corsica Borough	One AST storing diesel fuel	500,000 gallons

**SPECIAL NOTICES**

**Certified Emission Reduction Credits in the Commonwealth's ERC Registry**

Emission reduction credits (ERCs) are surplus, permanent, quantified and Federally enforceable emission reductions used to offset emission increases of oxides of nitrogen (NO<sub>x</sub>), volatile organic compounds (VOCs) and the following criteria pollutants: carbon monoxide (CO), lead (Pb), oxides of sulfur (SO<sub>x</sub>), particulate matter (PM), PM-10 and PM-10 precursors.

The Department of Environmental Protection (Department) maintains an ERC registry in accordance with the requirements of 25 Pa. Code § 127.209. The ERC registry system provides for the tracking of the creation, transfer and use of ERCs. Prior to registration of the credits, ERC Registry applications are reviewed and approved by the Department to confirm that the ERCs meet the requirements of 25 Pa. Code §§ 127.206—127.208. Registration of the credits in the ERC registry system constitutes certification that the ERCs satisfy applicable requirements and that the credits are available for use. The following registered, and certified ERCs in the ERC Registry are currently available for use as follows:

- (1) To satisfy new source review (NSR) emission offset ratio requirements;
- (2) To "net-out" of NSR at ERC-generating facilities;
- (3) To sell or trade the ERCs for use as emission offsets at new or modified facilities.

The following certified ERCs, expressed in tons per year (tpy), satisfy the applicable ERC requirements in 25 Pa. Code §§ 127.206—208. ERCs created from the curtailment or shutdown of a source or facility expires for use as offsets 10 years after the emission reduction occurs. ERCs generated by the over control of emissions by an existing facility do not expire for use as offsets. However, credits in the registry that are not used in a plan approval will be discounted if new air quality requirements are adopted by the Department or the United States Environmental Protection Agency (EPA).

For additional information concerning this listing of certified ERCs, contact the Bureau of Air Quality, Division of Permits, Department of Environmental Protection, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. The Commonwealth's ERC Registry report, the ERC Registry application and instructions are located at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (select Air Topics, Air Quality Home, Permits, Emission Reduction Credits).

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
R. R. Donnelley & Sons Co. County: Lancaster Contact Person: Frederick Shaak, Jr.	VOCs	16.00		Internal Use
Kurz Hastings Inc. County: Philadelphia Contact Person: George Gornick (215) 632-2300	VOCs	137.45		Trading
Kurz Hastings Inc. County: Philadelphia Contact Person: George Gornick (215) 632-2300	NO <sub>x</sub> VOCs	8.01 64.55	Varies from 3/28/2013 to 1/9/2014	Trading
Metallized Paper Corporation of America Recipient/Holder: Truck Accessories Group. d/b/a Leer East. Source Location: McKeesport County: Allegheny Contact Person: Bruce Freeman (574) 296-8201	VOCs	41.70	6/30/2006	Trading

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
PPG Industries, Inc. Source Location: Springdale Complex County: Allegheny Contact Person: Lori Burgess (412) 274-3884	VOCs	171.82		Trading
Recipient/Holder of ERC: Coastal Aluminum Rolling Mills Inc. ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating facility location: Quakertown, Bucks Contact Person: Jesse Hackenberg (570) 323-4430	VOCs	3.62		Internal Use/ Trading
Recipient/Holder of ERC: PG & E Energy Trading-Power, LP ERC Generating Facility: Fasson Div. of Avery Dennison Corp. ERC-generating facility location: Quakertown, Bucks Contact Person: Mark Sheppard (301) 280-6607	VOCs	39.84	8/1/2006	Trading
Congoleum Corporation Source Location: Marcus Hook County: Delaware Contact Person: Theresa C. Garrod (609) 584-3000	NOx	5.20		Trading
International Steel Group, Inc. Bethlehem Structural Products Corp. Source Location: Bethlehem County: Northampton Contact Person: Keith Nagel (330) 659-9165	VOCs	473.80	Varies from 3/28/2008 to 6/19/2008	Trading
Recipient/Holder of ERC: Lehigh Valley Industrial Park, Inc. ERC Generating Facility: International Steel Group, Inc. Source Location: Bethlehem County: Northampton Contact Person: Justin Ryan (610) 866-4600	NOx	1,054.00	Varies from 3/28/2008 to 6/19/2008	Trading
Morgan Adhesives Company (MACTac) Source Location: Scranton County: Lackawanna Contact Person: Tim Owens (330) 688-1111	VOCs	75.00	6/30/2008	Trading
National Fuel Gas Supply Corporation Sources: Generators 1 and 2, Dehydrator 1 Source Location: Ellisburg Station County: Potter Contact Person: Gary A. Young (814) 871-8657	NOx VOCs	16.14 1.80	2/1/2009	Internal Use
General Electric Company Source Location: Lawrence Park County: Erie Contact Person: Scott Gowdy (814) 875-2427	VOCs	1.80	12/31/2006	Internal Use/ Trading
TYK America, Inc. Source Location: Irvona Facility County: Clearfield Contact Person: David B. Orr (412) 384-4259	NOx VOCs	0.30 0.02	11/6/2008	Trading

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Smithkline Beechman Pharmaceuticals Sources: Two boilers and oxidizer Source Location: Spring Garden Street Facility County: Philadelphia Contact Person: Eileen Ackler (610) 239-5239	NOx VOCs	5.72 0.10	12/31/2008	Trading
Recipient/Holder of ERC: PG & E Energy Trading-Power, LP ERC Generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Contact Person: Sarah M. Barpoulis (301) 280-6607	VOCs	7.70	9/1/2006	Trading
Recipient/Holder of ERC: PG & E Energy Trading-Power, LP ERC Generating Facility: Global Packaging, Inc. ERC-generating facility location: Oaks Plant, Montgomery County Contact Person: Sarah M. Barpoulis (301) 280-6607	VOCs	43.50		Trading
The Procter & Gamble Paper Products Company Source Location: Mehoopany Plant County: Wyoming Contact Person: John Romero (570) 833-3285	NOx VOCs PM	136.00 237.67 99.62	5/3/2009	Internal Use/ Trading
Caparo Steel Company Source: EAF Furnace 2 and Ladle Preheater 2 Source Location: Farrell Plant County: Mercer County Contact Person: Richard A. Herman (724) 983-6464	NOx VOCs	36.73 12.07	8/18/2007	Trading
LTV Steel Company, Inc. Source Location: Pittsburgh Coke Plant County: Allegheny Contact: Person: William L. West (216) 642-7178	NOx VOCs PM-10 SOx CO	1,663.00 373.00 406.00 1,238.00 671.00	2/28/2008	Trading
Newcomer Products Inc. Source Location: Latrobe County: Westmoreland Contact Person: Edward M. Nemeth (724) 694-8100	VOCs	16.00	7/14/2010	Trading
Scranton-Altoona Terminals Corporation Source Location: Monroe Township County: Cumberland County Contact Person: Thomas M. Carper (717) 939-0466	VOCs	4.84	9/30/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Contact Person: David W. Dunn (713) 546-6941	NOx VOCs CO	15.47 0.68 14.86	2/26/2010	Trading
Pennzoil Wax Partner Company Source Location: Rouseville County: Venango Contact Person: David W. Dunn (713) 546-6941	NOx VOCs CO	2.82 44.34 0.57	4/1/2010	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
INDSPEC Chemical Corp. Source: Boiler 8 Source Location: Petrolia County: Butler Contact Person: Terry Melis (412) 756-2376	NOx SOx	158.68 1,217.95		Trading
Sun Company, Inc. Source: Wastewater Conveyance System Source Location: Marcus Hook Borough County: Delaware Contact Person: Steve Martini (610) 859-1000	VOCs	426.59		Trading/ Internal Use
Columbia Gas Transmission Corporation Source Location: Kent Station County: Indiana Contact Person: Gregory Lago (304) 357-2079	NOx VOCs	44.36 2.66	5/31/2011	Trading
Columbia Gas Transmission Corporation Source Location: Homer Station County: Indiana Contact Person: Gregory Lago (304) 357-2079	NOx VOCs	45.89 3.79	5/31/2011	Trading
ISG Steelton, Inc. Source: Rail Heat Treating and Quenching Source Location: Steelton Plant County: Dauphin Contact Person: James R. Hernjak (717) 986-2042	NOx VOCs	7.00 43.00	11/9/2009	Trading
General Electric Transportation System Source: Boiler 2 Source Location: E. Lake Road County: Erie Contact Person: Mark D. Restifo (814) 875-5406	NOx VOCs PM SOx CO	280.90 1.70 29.50 2,006.70 111.90	12/31/2010	Trading
3M Minnesota Mining & Manufacturing Source Location: Bristol Plant County: Bucks Contact Person: Jeff Muffat (651)-778-4450	VOCs VOCs	502.00 279.00	11/30/2011 12/17/2011	Trading
Kosmos Cement Company, Cemex, Inc. Source Location: Neville Road, Pittsburgh County: Allegheny Contact Person: Amarjit Gill (713) 653-8554	NOx VOCs PM10 SOx CO	910.00 26.00 61.00 442.00 44.00	4/24/2011	Trading
Edgewater Steel Ltd. Source Location: College Avenue, Oakmont County: Allegheny Contact Person: Peter M. Guzanick (412) 517-7217	NOx VOCs PM10 SOx CO	17.05 1.87 5.44 32.29 17.93	8/6/2008	Trading
JG Furniture Group, Inc. Source Location: Quakertown, Bucks County: Bucks Contact Person: Donald Boisselle (336) 410-7263	VOCs	24.40	9/1/2007	Trading
Recipient/Holder of ERC: Maple North America Development Company, LLC ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Contact Person: John Cooper (703) 734-0844	NOx VOCs	104.00 45.00	11/29/2011	Trading

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Recipient/Holder of ERC: Natsource Emissions Brokers ERC Generating Facility: Laclede Steel Corporation Source Location: Fairless County: Bucks Contact Person: David Oppenheimer (212) 232-5305	NOx VOCs	0.27 1.50	11/29/2011	Trading
Trinity Industries, Inc. Source Location: Greenville County: Mercer County Contact Person: Dennis Lencioni (214) 589-8141	VOCs	61.65	10/31/2010	Trading
Rohm and Haas Company Source Location: Bristol Township County: Bucks Contact Person: Lloyd Davis (215) 785-8871	VOCs VOCs	1.15 0.32	10/30/2010 1/30/2011	Trading
Recipient/Holder of ERC: Waste Management Disposal Services of Pennsylvania ERC Generating Facility: The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Contact Person: Eli Brill (215) 269-2111	VOCs	43.00	1/31/2012	Traded
Recipient/Holder of ERC: Waste Management of Pennsylvania, Inc. ERC Generating Facility: The Worthington Steel Company Source Location: Malvern, East Whiteland County: Chester Contact Person: Eli Brill (215) 269-2111	VOCs	70.00	1/31/2012	Traded
PPL Inc. Source Location: Holtwood Station County: Lancaster Contact Person: Linda A. Boyer (610)-774-5410	NOx VOCs PM10 SOx	3,521.09 9.70 105.50 13,241.30	4/29/2009	Trading
North American Refractories Company Source Location: Womelsdorf County: Lebanon Contact Person: Rhonda Vete (412) 469-6122	NOx NOx VOCs PM10 SOx CO	5.11 62.57 0.25 15.60 24.85 19.45	12/15/2010 9/30/2008 9/30/2008	Trading
The Quaker Oats Company Source Location: Shiremanstown Plant County: Cumberland Contact Person: Richard C. Pitzer (717) 731-3334	NOx VOCs PM	4.00 1.68 60.49	Varies from 4/3/2010 to 7/15/2011	Trading
Glasgow, Inc. Source Location: Plymouth Meeting County: Montgomery Contact Person: Brian Chabak (215) 884-8800	NOx VOCs NOx VOCs	2.72 0.21 6.54 0.52	12/31/2010 12/31/2010 6/1/2010 6/1/2010	Trading
Scranton-Altoona Terminals Corporation Source Location: East Freedom Terminal County: Cumberland County Contact Person: Thomas M. Carper (717) 939-0466	VOCs	9.19	4/1/2009	Trading

<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
SLI Lighting Inc. Source Location: Ellwood City County: Lawrence Contact Person: Tim Haubach (724) 752-6493	VOCs	5.70	6/3/2010	Trading
National Fuel Gas Supply Corp. Source Location: Van Compressor St., Cranberry Town County: Venango Contact Person: Gary A. Young (814) 871-8657	NOx VOCs	80.90 0.65	7/19/2006	Trading
Harvard Industries, Inc. Plant name: Pottstown Precision Casting Inc. Source Location: West Pottsgrove Township County: Montgomery Contact Person: Allan B. Currie, Jr. (517) 740-2991 or (517) 592-3706	NOx VOCs	28.25 8.70	11/12/2011	Trading
Recipient/Holder of ERC: Morgan Stanley Capital Group Inc. ERC Generating Facility: Occidental Chemical Corp. ERC Generating Source Location: Pottsgrove Township County: Montgomery Contact Person: Trevor Woods (212) 761-8895	NOx	71.40	2/28/2007	Trading
Recipient/Holder of ERC: Kvaerner Philadelphia Shipyard, Inc. ERC Generating Facility: Occidental Chemical Corp. ERC Generating Source Location: Pottsgrove Township County: Montgomery County Contact Person: Michael Masington (215) 875-2649	NOx	50.00	2/28/2007	Trading
Alcoa, Inc. Source Location: Lebanon Township County: Lebanon Contact Person: Kevin S. Barnett (412) 553-2094	VOCs	507.43	Varies from 9/29/2010 to 5/1/2012	Trading
American Color Graphics, Inc. Formerly Flexi-Tech Graphics, Inc. Source Location: Barnhart Drive, Hanover County: York Contact Person: Glenn Shaffer (717) 792-8104	VOCs	9.60	1/15/2012	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Contact Person: Wendy Cooper (610) 286-7434	VOCs	42.61	3/29/2012	Trading
Williams Generation Company Source Location: Hazleton Co-Gen Facility County: Luzerne Contact Person: Terrie Blackburn (918) 573-9766	NOx PM10 SOx CO	794.60 50.40 308.40 89.50	1/31/2007	Trading
Calumet Lubricants Company Source Location: Rouseville Plant County: Venango Contact Person: Daniel R. Chapman (814) 678-4602	NOx VOCs SOx	89.80 2.38 87.70	5/21/2012	Trading

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Avery Dennison Corporation Source Location: Dungan Road County: Philadelphia Contact Person: Frank J. Brandauer (626) 398-2773	VOCs	3.13	6/30/2012	Trading
Henry Miller Spring & Manufacturing Company Source Location: Sharpsburg County: Allegheny Contact Person: David J. Jablonowski (412) 782-7300	NOx VOCs	10.96 36.47	1/22/2010	Trading
Penco Products, Inc. Source Location: Lower Providence Township County: Montgomery Contact Person: Allan J. Goss (610) 666-0500	NOx VOCs	3.11 29.48	10/1/2011	Trading
Norfolk Southern Railway Co. Source Location: Hollidaysburg Car Shop County: Blair Contact Person: Carl Russo (814) 949-1479	NOx VOCs	4.35 69.80	7/19/2012	Trading
World Kitchen Inc. Source Location: Charleroi Plant County: Washington Contact Person: James Rowlett (724) 489-2288	NOx	251.43		Trading
PPG Industries, Inc. Source Location: Greenwood Township County: Crawford Contact Person: David J. Neal (412) 492-5507	NOx	1,118.50		Trading
Sentry Paint Technologies, Inc. Source Location: Mill Street, Darby County: Delaware Contact Person: Benjamin Breskman (610) 522-1900	VOCs	3.56	4/30/2013	Trading
R. H. Sheppard Company, Inc. Source Location: Coremaking operation in Hanover County: York Contact Person: Julie L. Smith (717) 637-3751	VOCs	14.43	4/15/2013	Trading
International Paper Source: Bleach Plant, Erie Mill County: Erie Contact Person: Gary Morrow (814) 870-6782	VOCs	72.06		Trading
International Paper Source Location: Erie Mill County: Erie Contact Person: Gary Morrow (814) 870-6782	NOx VOCs	1,235.00 943.00	9/30/2012	Trading
Corning Incorporated Source Location: College Township County: Centre Contact Person: Douglas A. Wolf (607) 974-4267	NOx	1,400.01	6/23/2013	Trading



<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Sea Gull Lighting Products, Inc. Source Location: 25th & Wharton St. County: Philadelphia Contact Person: Mark Gardiner (215) 468-7255	VOCs	12.50	3/1/2013	Trading
Allegro Microsystems, Inc. Source Location: Upper Moreland Township County: Montgomery Contact Person: Wendy Cooper (610) 286-7434	NOx CO	2.90 1.30	10/20/2013	Trading
Recipient/Holder of ERC: First Quality Tissue, LLC ERC Generating Facility: PPL Holtwood, LLC ERC Generation Source Location: Martic Township County: Lancaster Contact Person: Mark Zeffiro (814) 231-5267	NOx	74.98	4/29/2009	Internal Use
Recipient/Holder of ERC: First Quality Tissue, LLC ERC Generating Facility: Alcoa Inc. ERC Generation Source Location: South Lebanon County: Lebanon Contact Person: Mark Zeffiro (814) 231-5267	VOCs	43.72	4/5/2012	Internal Use
Lancaster Malleable Castings Company Source Location: Manheim Township County: Lancaster Contact Person: Jeffrey L. Ressler (717) 295-8200	VOCs CO	11.71 1.30	3/31/2013	Internal use/ Trading
International Paper Source: Lock Haven Mill Source Location: Castanea Township County: Clinton Contact Person: Thomas M. Sauer (570) 740-1211	NOx VOC SOx	1,287.00 27.90 6,606.00	3/22/2012	Offsets/Trading
CMS Gilbreth Packaging Systems Source: Label and Packaging Network County: Bucks Contact Person: Patricia M Henry Unrath (610) 789-2277	VOC	17.40	5/31/2008	Trading
Brodart Company Source Location: Montgomery Facility County: Lycoming Contact Person: Robyn J. Dincher (570) 326-2461 Ext 6408	VOCs	24.91	4/18/2013	Trading
Pennsylvania House White Deer Furniture Plant Source: Conveyor and Monorail lines Source Location: White Deer Plant County: Union Contact Person: Robert J. Varney (570) 523-2356	VOCs	82.90	3/15/2012	Trading
Exelon Power Source: Delaware Generating Station Source Location: Philadelphia County: Philadelphia Contact Person: Kimberly Scarborough (610) 765-5883	NOx	286.5	12/16/2014	Trading

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<i>Facility information</i>	<i>Criteria Pollutant or Precursor</i>	<i>Certified ERCs Available (tpy)</i>	<i>Expiration date</i>	<i>Intended use of ERCs</i>
Worthington Steel Company Source Location: East Whiteland Township County: Chester Contact Person: Matt Johnson (614) 438-7960	NOx	10.00	4/1/2013	Trading
Buckeye Pipe Line Company, LP Source Location: Reed Township County: Dauphin Contact Person: Jason Mengel (484) 232-4491	VOCs	12.00	2/28/2012	Trading
Bollman Hat Company Source Location: Willow St., Adamstown County: Lancaster Contact Person: David L. Wails (717) 484-4361	VOCs	14.34	10/3/2013	Trading
Property Investing Center (Goodville Industrial Center) Source Location: East Earl Township County: Lancaster Contact Person: Richard Stauffer (717) 738-3488	VOCs	84.09	9/13/2013	Trading
Armstrong World Industries, Inc. (Lancaster Flooring) Source Location: 1067 Dillerville Road County: Lancaster Contact Person: Gene Hartzell (717) 396-3668	VOC NOx	31.79 1.9	9/1/2013 to 8/20/2014 8/20/2014	Internal use/ Trading
RUTGERS Organics Corporation Source Location: 201 Struble Road, State College County: Centre Contact Person: Mary Jo Smith (814) 231-9277	NOx NOx VOC	5.27 3.35 2.17	8/15/2013 4/16/2014 3/26/2014	Internal use/ Trading
AK Steel Corporation Source Location: Butler County: Butler Contact Person: Robert J. Hocks (724) 284-2685	NOx NOx NOx	28.55 24.82 139.45	11/6/2011 01/30/2012	Trading/ Internal use
Cabinet Industries, Inc. Source Location: Danville Borough County: Montour Contact Person: Laura Lee Spatzer (570) 275-1400, Ext 1400	VOC	7.29	9/1/2015	Trading
Honeywell-International Source Location: Emlenton Plant County: Venango Contact Person: Shane Dunn (814) 887-4081	VOC	49.82	4/30/2010	Trading
Naval Surface Warfare Center, Carderock Division Source Location: Philadelphia Naval Shipyards County: Philadelphia Contact Person: Michael Santella (215) 897-1315; DSN 443	NOx	116.50 157.50	9/30/2007 9/30/2008	Internal use
Eljer Plumbingware, Inc. Source: Ford City Plant Source Location: Ford City County: Armstrong Contact Person: Bill Harasty (724) 763-6233	NOx VOC NOx VOC NOx VOC	85.68 3.22 73.06 2.64 55.48 1.40	3/15/2014 6/8/2014 10/4/2014	Trading

**Bureau of Air Quality  
Summary of ERC Transaction**

The following ERC transactions are approved by the Bureau of Air Quality, Department of Environmental Protection. The ERC transaction requirements are specified in 25 Pa. Code § 127.208.

**ERC Holder/Generating Facility Information**

ERC Generating Facility Name: Alcoa, Inc.  
Location of Source: Lebanon Township, Lebanon County, PA  
Certified ERCs (tpy): 570.43 tpy of VOCs and 48.86 tpy of NOx  
Amount of ERCs traded to Purchaser/Recipient: 48.86 tpy of NOx; 63 tpy of VOC  
Date of ERCs Transfer: 01/25/2006; 02/10/2006  
ERCs available for future use: 507.43 tpy of VOCs

**Purchaser/Recipient of ERCs**

Purchaser/Recipient of ERCs: Alcoa Extrusions, Inc.  
Location of Source: Cressona, Schuylkill County, PA  
Permit Number: NA  
NOx credits used: 0  
NOx credits available for future use: 48.86 tpy

**Purchaser/Recipient of ERCs**

Purchaser/Recipient of ERCs: R. R. Donnelley and Sons Company  
Location of Source: Lancaster, Lancaster County, PA  
Permit Number: 36-05027G  
VOC credits used: 0  
VOC credits available for future use: 63 tpy

**ERC Generating Facility Information**

ERC Generating Facility Name: 3M Company  
Location of Source: Bristol Township, Bucks County, PA  
Certified ERCs (tpy): 607 tpy of VOCs  
Amount of VOC ERCs traded to Purchaser/Recipient: 61 tpy; 44 tpy  
Date of ERCs Transfer: 7/20/2005; 5/9/2006  
ERCs available for future use: 502 tpy of VOCs

**Purchaser/Recipient of ERCs**

Purchaser/Recipient of ERCs: Sunoco Inc.  
Location of Source: Ten Penn Center, 1801 Market Street, Philadelphia, PA 19103  
Amount of ERCs received: 61 tpy of VOC  
Intended Use: Offsets  
VOC credits available for future use: 61

**Purchaser/Recipient of ERCs**

Purchaser/Recipient of ERCs: Dominion Cove Point LNG, LP  
Location of Source: Maryland  
Plan Approval Number: NA  
VOCs credits used: 0 tpy  
VOC credits available for future use: 44

**ERC Holder/Generating Facility Information**

ERC Generating Facility Name: Metallized Paper Corporation of America  
Recipient/ Holder: PNC Bank, National Association, assignee (by private lien foreclosure)  
Location of Source: McKeesport, Allegheny County, PA  
Certified ERCs (tpy): 41.70 tpy of VOCs  
Amount of ERCs traded to Purchaser/Recipient: 41.70 tpy of VOCs  
Date of ERCs Transfer: 05/24/2006  
ERCs available for future use: 0

**Purchaser/Recipient of ERCs**

Purchaser/Recipient of ERCs: Truck Accessories Group, Inc.  
Location of Source: Leer's East Milton Facility, PA  
Permit Number: NA  
VOC credits used: 0  
VOC credits available for future use: 41.70 tpy

**ERC Holder/Generating Facility Information**

ERC Generating Facility Name: PPL Holtwood, LLC  
Location of Source: Martic Township, Lancaster County, PA  
Certified ERCs (tpy): 4031 tpy of NOx, 9.7 tpy of VOCs, 13341.30 and 105.50 tpy of PM10.  
Amount of ERCs traded to Purchaser/Recipient: 262 tpy of NOx; 67 tpy of NOx; 181 tpy of NOx; 100 tpy of SOx  
Date of ERCs Transfer: 9/30/2003; 6/18/04; 10/19/2004; 06/15/2006  
ERCs available for future use: 3521.09 tpy of NOx, 9.7 tpy of VOCs, 13241.30 and 105.50 tpy of PM10

**Purchaser/Recipient of ERCs**

Purchaser/Recipient of ERCs: Sunoco, Inc.  
 Location of Source: Philadelphia  
 Permit Number: Nil  
 SOx credits used: 100 tpy  
 SOx credits available for future use: 0

**Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101**

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

The Department of Environmental Protection (Department) approved the Perry County Municipal Waste Management Plan Revision on June 22, 2006.

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 may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary 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 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.

The plan revision is a public document and may be viewed at the Department Regional Office previously noted.

Questions concerning this approval should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472 or to Mark Vottero, Regional Planning and Recycling Coordinator, Bureau of Waste Management at the Regional Office previously noted.

**Plan Revision Approval under the Municipal Waste Planning, Recycling and Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101**

*Northcentral Region: Waste Management Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701.*

The Department of Environmental Protection (Department) approved the Centre County Municipal Waste Management Non-Substantial Plan Revision on June 2, 2006.

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 may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary 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 decision law.

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The plan revision is a public document and may be viewed at the Department Regional Office previously noted.

Questions concerning this approval should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472 or to Michelle Ferguson, Regional Planning and Recycling Coordinator, Bureau of Waste Management at the Regional Office previously noted.

**Planning Grant Awards Under Section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101**

The Department of Environmental Protection (Department) announces the following grants to counties under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, Act 101, P. L. 556, Section 901 and Section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190 of 1996).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste

processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. All grant awards are predicated on the receipt of recycling fees required by Sections 701 and 702 of Act 101, and the availability of monies in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

#### Act 101, Section 901 Planning Grant

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Northwest	Crawford	Crawford County	Recycling Study	\$41,070

[Pa.B. Doc. No. 06-1276. Filed for public inspection July 7, 2006, 9:00 a.m.]

#### Proposed Revision to the State Implementation Plan for Ozone for the Lancaster Ozone Nonattainment Area; Public Hearing

Ground-level ozone concentrations above the Federal health-based standard are a serious human health threat and can also cause damage to crops, forests and wildlife. The Lancaster County ozone nonattainment area has met the health-based National ambient air quality standard for ozone based on 2003—2005 concentrations. Therefore, the Department of Environmental Protection (Department) plans to submit a request to the United States Environmental Protection Agency (EPA) to redesignate this area to attainment. The Department is seeking public comment on this request, the 2002 base year inventory and a State Implementation Plan revision setting forth a maintenance plan demonstrating that the area can maintain the standard for the next 10 years as required under section 175A(a) of the Federal Clean Air Act (42 U.S.C.A. § 7505a). The maintenance plan, once found adequate by the EPA, will also establish new motor vehicle emission budgets for purposes of transportation conformity.

This proposal is available on the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (choose Air Topics) or through the contact persons listed as follows.

The Department will hold a public hearing to receive comments on the proposal on Tuesday, August 8, 2006, at 1 p.m. at the Southern Market Center, Rooms 1 and 2, corner of South Queen and Vine Streets, Lancaster, PA. Use the Vine Street entrance. Parking is available at the King Street Garage.

Persons wishing to present testimony at the hearing should contact Cheryl Minnich, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-6548 or [chminnich@state.pa.us](mailto:chminnich@state.pa.us) to reserve a time. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact J. Wick Havens at (717) 787-6548. TDD users

may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

Comments must be received by the Department by August 11, 2006. Written comments should be sent to J. Wick Havens, Chief, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, [chminnich@state.pa.us](mailto:chminnich@state.pa.us). Use "Lancaster SIP" in the subject line.

KATHLEEN A. MCGINTY,  
Secretary

[Pa.B. Doc. No. 06-1277. Filed for public inspection July 7, 2006, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Win For Life® '06 Instant Lottery Game

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

1. *Name:* The name of the game is Pennsylvania Win For Life® '06.

2. *Price:* The price of a Pennsylvania Win For Life® '06 instant lottery game ticket is \$2.

3. *Play and Prize Play Symbols:*

(a) Each Pennsylvania Win For Life® '06 instant lottery game ticket will contain three play areas known as "Game 1," "Game 2" and "Game 3" respectively. Each game has a different game play method and is played separately. Each Pennsylvania Win For Life® '06 instant lottery game ticket will also contain a "Fast Cash Bonus" area.

(b) The prize play symbols and their captions located in the play area for "Game 1" are: \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$8<sup>00</sup> (EGT DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$150 (ONEHUNFTY) and LIFE (\$1,000/WEEK).

(c) The play symbols and their captions located in the play area for "Game 2" are: Keystone symbol (KYSTN) and an X Symbol (XXX).

(d) The play area for "Game 3" will contain a "YOUR NUMBERS" area and a "LUCKY NUMBERS" area. The play symbols and their captions located in the "YOUR NUMBERS" area and the "LUCKY NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT) and 9 (NINE).

(e) The prize play symbols and the play symbol and their captions located in the "Fast Cash Bonus" area are: \$4<sup>00</sup> (FOR DOL), \$8<sup>00</sup> (EGT DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY) and TRY AGAIN (NO BONUS).

4. *Prize Symbols:*

(a) The play area for "Game 2" will contain a "PRIZE" area. The prize symbols and their captions located in the "PRIZE" area for "Game 2" are: \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup>

(FOR DOL), \$8<sup>00</sup> (EGT DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$150 (ONEHUNFTY) and LIFE (\$1,000/WEEK).

(b) The play area for "Game 3" will contain six "Prize" areas. The prize symbols and their captions located in the six "Prize" areas for "Game 3" are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$4<sup>00</sup> (FOR DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$50\$ (FIFTY), \$150 (ONEHUNFTY) and LIFE (\$1,000/WEEK).

5. *Prizes:* The prizes that can be won in "Game 1" and "Game 2" are: \$2, \$4, \$8, \$20, \$25, \$50, \$150 and \$1,000 a week for life (\$1 million lifetime minimum). The prizes that can be won in "Game 3" are: \$1, \$2, \$4, \$20, \$25, \$50, \$150 and \$1,000 a week for life (\$1 million lifetime minimum). The prizes that can be won in the "Fast Cash Bonus" area are: \$4, \$8, \$20, \$25 and \$50. The player can win up to seven times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 19,200,000 tickets will be printed for the Pennsylvania Win For Life® '06 instant lottery game.

7. *Determination of Prize Winners:*

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets with three matching prize play symbols of LIFE (\$1,000/WEEK) in the play area, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1 million lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1 million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania Win For Life® '06 prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets with three matching prize play symbols of \$150 (ONEHUNFTY) in the play area, on a single ticket, shall be entitled to a prize of \$150.

(3) Holders of tickets with three matching prize play symbols of \$50\$ (FIFTY) in the play area, on a single ticket, shall be entitled to a prize of \$50.

(4) Holders of tickets with three matching prize play symbols of \$25\$ (TWY FIV) in the play area, on a single ticket, shall be entitled to a prize of \$25.

(5) Holders of tickets with three matching prize play symbols of \$20\$ (TWENTY) in the play area, on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets with three matching prize play symbols of \$8<sup>00</sup> (EGT DOL) in the play area, on a single ticket, shall be entitled to a prize of \$8.

(7) Holders of tickets with three matching prize play symbols of \$4<sup>00</sup> (FOR DOL) in the play area, on a single ticket, shall be entitled to a prize of \$4.

(8) Holders of tickets with three matching prize play symbols of \$2<sup>00</sup> (TWO DOL) in the play area, on a single ticket, shall be entitled to a prize of \$2.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets with three matching Keystone (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of LIFE (\$1,000/WEEK) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1

million lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1 million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania Win For Life® '06 prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets with three matching Keystone (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$150 (ONEHUNFTY) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$150.

(3) Holders of tickets with three matching Keystone (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$50\$ (FIFTY) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$50.

(4) Holders of tickets with three matching Keystone (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$25\$ (TWY FIV) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$25.

(5) Holders of tickets with three matching Keystone (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$20\$ (TWENTY) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets with three matching Keystone (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$8<sup>00</sup> (EGT DOL) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$8.

(7) Holders of tickets with three matching Keystone (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$4<sup>00</sup> (FOR DOL) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$4.

(8) Holders of tickets with three matching Keystone (KYSTN) play symbols in the same row, column or diagonal, and a prize play symbol of \$2<sup>00</sup> (TWO DOL) in the "PRIZE" area for that game, on a single ticket, shall be entitled to a prize of \$2.

(c) Determination of prize winners for "Game 3" are:

(1) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of LIFE (\$1,000/WEEK) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1 million lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner and continuing under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1 million minimum has been paid to the estate of the deceased. If the winner of the Pennsylvania Win For Life® '06 prize is younger than 18 years of age, the winner will not begin to receive the prize until the winner reaches 18 years of age. Only one claimant per ticket allowed.

(2) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$150 (ONEHUNFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$150.

(3) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$50\$ (FIFTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(4) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$25\$ (TWY FIV) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(5) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$20\$ (TWENTY) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(6) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(7) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY

NUMBERS" play symbols and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(8) Holders of tickets where any one of the "YOUR NUMBERS" play symbols matches either of the "LUCKY NUMBERS" play symbols and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears in the "Prize" area under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1.

(d) Determination of prize winners for the "Fast Cash Bonus" are:

(1) Holders of tickets with a prize play symbol of \$50\$ (FIFTY) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$50.

(2) Holders of tickets with a prize play symbol of \$25\$ (TWY FIV) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$25.

(3) Holders of tickets with a prize play symbol of \$20\$ (TWENTY) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$20.

(4) Holders of tickets with a prize play symbol of \$8<sup>00</sup> (EGT DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$8.

(5) Holders of tickets with a prize play symbol of \$4<sup>00</sup> (FOR DOL) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$4.

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

<i>Fast Cash Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 19,200,000 Tickets</i>
		\$2		\$2	20	960,000
	\$2		\$2	\$2	20	960,000
\$4		\$4		\$2	21.43	896,000
	\$4			\$4	750	25,600
		\$2	\$4	\$4	750	25,600
	\$2		\$4	\$4	750	25,600
		\$2	\$1 × 2	\$4	1,500	12,800
	\$2		\$1 × 2	\$4	150	128,000
		\$2	\$1 × 4	\$4	150	128,000
\$8	\$2	\$2		\$4	115.38	166,400
		\$8		\$4	150	128,000
	\$8		\$8	\$8	750	25,600
\$4		\$4		\$8	750	25,600
\$4			\$1 × 4	\$8	750	25,600
\$4	\$2	\$2		\$8	500	38,400
\$4		\$2	\$2	\$8	500	38,400
	\$2		\$1 × 6	\$8	500	38,400
\$20				\$20	1,500	12,800
	\$20			\$20	1,500	12,800
		\$20		\$20	1,500	12,800
			\$20	\$20	1,500	12,800
\$8	\$8		\$2 × 2	\$20	750	25,600
\$8			\$4 × 3	\$20	750	25,600
			\$4 × 5	\$20	750	25,600
\$25				\$25	375	51,200

<i>Fast Cash Bonus</i>	<i>Game 1</i>	<i>Game 2</i>	<i>Game 3</i>	<i>Win:</i>	<i>Approximate Odds of 1 In:</i>	<i>Approximate No. of Winners Per 19,200,000 Tickets</i>
	\$25			\$25	750	25,600
		\$25		\$25	750	25,600
			\$25	\$25	750	25,600
\$50				\$50	1,017	18,880
	\$50			\$50	1,200	16,000
		\$50		\$50	1,200	16,000
\$25			\$25	\$50	1,200	16,000
\$25	\$25			\$50	1,200	16,000
	\$25	\$25		\$50	1,200	16,000
\$20	\$20		\$2 × 5	\$50	1,200	16,000
	\$150			\$150	60,000	320
		\$150		\$150	60,000	320
			\$150	\$150	60,000	320
	\$50		\$50 × 2	\$150	60,000	320
\$50	\$50	\$50		\$150	60,000	320
\$50	\$50		\$50	\$150	60,000	320
	LIFE			\$1,000/WK/LIFE	19,200,000	1
		LIFE		\$1,000/WK/LIFE	19,200,000	1
			LIFE	\$1,000/WK/LIFE	9,600,000	2

FAST CASH BONUS—Reveal prize amount between \$4 and \$50, win that prize.  
 GAME 1—Get 3 like amounts, win that prize. Get three “LIFE” symbols, and win \$1,000 a week for life.  
 GAME 2—Get three “KEYSTONE” symbols in a row, column or diagonal, win prize shown. When the prize won is “LIFE,” you win \$1,000 a week for life.  
 GAME 3—When any of “YOUR NUMBERS” match either “LUCKY NUMBER,” win the prize shown under the matching number. When the prize under the matching number is “LIFE,” you win \$1,000 a week for life.

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

9. *Claiming of Prizes.* For purposes of claiming the \$1,000 a week for life prize under the Pennsylvania Win For Life® '06 game, “lifetime” for legal entities shall be defined as 20 years beginning the date the prize is claimed. Only one claimant per ticket is allowed for the \$1,000 a week for life prize.

10. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Win For Life® '06 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

11. *Unclaimed Prize Money.* For a period of 1 year from the announced close of Pennsylvania Win For Life® '06, prize money from winning Pennsylvania Win For Life® '06 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Win For Life® '06 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

12. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law, 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

13. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania Win For Life® '06 or through normal communications methods.

GREGORY C. FAJT,  
*Secretary*

[Pa.B. Doc. No. 06-1278. Filed for public inspection July 7, 2006, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Medical Advisory Board Meeting

The Medical Advisory Board, established under 75 Pa.C.S. § 1517 (relating to Medical Advisory Board), will meet on Thursday, July 27, 2006, at 10 a.m. in Transportation University Room 409, 4th Floor, Department of Transportation, Riverfront Office Center, 1101 S. Front Street, Harrisburg, PA 17106. The meeting is open to the public.

The meeting location is accessible to persons with disabilities. Persons with special needs or requiring special aids are requested to contact Tanja Staznik, Department of Transportation, Bureau of Driver Licensing at (717) 705-6799 prior to the meeting so that disability needs may be accommodated.

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

[Pa.B. Doc. No. 06-1279. Filed for public inspection July 7, 2006, 9:00 a.m.]



## ENVIRONMENTAL HEARING BOARD

**JDM Materials Company v. DEP; EHB Doc. No. 2006-157-MG**

JDM Materials Company has appealed the issuance by the Department of Environmental Protection of an NPDES permit to JDM Materials Company for a facility in Schuylkill Township, Chester 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 interested parties 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 AT&T Pennsylvania 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.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 06-1280. Filed for public inspection July 7, 2006, 9:00 a.m.]

**JDM Materials Company v. DEP; EHB Doc. No. 2006-158-MG**

JDM Materials Company has appealed the issuance by the Department of Environmental Protection of an NPDES permit to JDM Materials Company for a facility in Schuylkill Township, Chester 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 interested parties 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 AT&T Pennsylvania 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.

MICHAEL L. KRANCER,  
*Chairperson*

[Pa.B. Doc. No. 06-1281. Filed for public inspection July 7, 2006, 9:00 a.m.]

## ENVIRONMENTAL QUALITY BOARD

**Environmental Quality Board Meeting Cancellation**

The July 18, 2006, Environmental Quality Board (Board) meeting has been cancelled. The next meeting of the Board is scheduled for Tuesday, August 15, 2006, at 9 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. An agenda and meeting materials for the meeting will be available on the Department of Environmental Protection's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: EQB).

Questions concerning the Board's next scheduled meeting should be directed to Natalie Shepherd, (717) 783-8727, [nsherpherd@state.pa.us](mailto:nsherpherd@state.pa.us).

KATHLEEN A. MCGINTY,  
*Chairperson*

[Pa.B. Doc. No. 06-1282. Filed for public inspection July 7, 2006, 9:00 a.m.]

## HEALTH CARE COST CONTAINMENT COUNCIL

**Meetings Scheduled**

The Health Care Cost Containment Council has scheduled the following meetings: Wednesday, July 12, 2006, Data Systems Committee Meeting—10 a.m., Education Committee Meeting—1 p.m.; Thursday, July 13, 2006, Council Meeting—10 a.m. The meetings will be held in the Conference Room, Council Office, 225 Market Street, Suite 400, Harrisburg, PA 17101. The public is invited to attend. Persons who need accommodation due to a disability and want to attend the meetings should contact Cherie Elias, Health Care Cost Containment Council, 225 Market Street, Harrisburg, PA 17101 or call (717) 232-6787 at least 24 hours in advance so that arrangements can be made.

MARC P. VOLAVKA,  
*Executive Director*

[Pa.B. Doc. No. 06-1283. Filed for public inspection July 7, 2006, 9:00 a.m.]

## INSURANCE DEPARTMENT

**Armstrong County Memorial Hospital; Prehearing**

**Appeal of Armstrong County Memorial Hospital under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-06-017**

On or before July 12, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's May 24, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for August 2, 2006. Each party shall provide a telephone number to be used

for the telephone conference to the Hearings Administrator on or before July 28, 2006. A hearing date 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 19, 2006, 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 26, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1284. Filed for public inspection July 7, 2006, 9:00 a.m.]

### Butler Memorial Hospital; Prehearing

#### **Appeal of Butler Memorial Hospital under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-06-011**

A prehearing telephone conference initiated by this office is scheduled for July 19, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 14, 2006. A hearing date 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 5, 2006, 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 12, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1285. Filed for public inspection July 7, 2006, 9:00 a.m.]

### Scott M. Goldman, M. D.; Prehearing

#### **Appeal of Scott M. Goldman, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-06-012**

On or before July 12, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's May 5, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for August 2, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 28, 2006. A hearing date 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 19, 2006, 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 26, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1286. Filed for public inspection July 7, 2006, 9:00 a.m.]

### Howard M. Hammer, D. O.; Prehearing

#### **Appeal of Howard M. Hammer, D. O. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-06-013**

On or before July 12, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's May 19, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for August 3, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 28, 2006. A hearing date 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 19, 2006, 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 26, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1287. Filed for public inspection July 7, 2006, 9:00 a.m.]

### Hyung-Bae Kim, M. D.; Prehearing

#### **Appeal of Hyung-Bae Kim, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-06-018**

A prehearing telephone conference initiated by this office is scheduled for July 21, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 14, 2006. A hearing date 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, 2006, 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 14, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1288. Filed for public inspection July 7, 2006, 9:00 a.m.]

David A. Klees, D. O.; Prehearing

**Appeal of David A. Klees, D. O. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-05-053**

On or before July 6, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's April 24, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for July 27, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 21, 2006. A hearing date 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 13, 2006, 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 20, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1289. Filed for public inspection July 7, 2006, 9:00 a.m.]

John Keun-Sang Lee, M. D.; Prehearing

**Appeal of John Keun-Sang Lee, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-06-015**

On or before July 12, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's May 18, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for August 3, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 28, 2006. A hearing date 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 19, 2006, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Sev-

enth Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before July 26, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1290. Filed for public inspection July 7, 2006, 9:00 a.m.]

Lehigh Emergency Medical Associates, PC; Prehearing

**Appeal of Lehigh Emergency Medical Associates, PC under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-06-016**

A prehearing telephone conference initiated by this office is scheduled for July 21, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 17, 2006. A hearing date 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 4, 2006, 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 14, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1291. Filed for public inspection July 7, 2006, 9:00 a.m.]

Robert J. Pearlstein, D. O. and Suburban Geriatrics, Inc.; Prehearing

**Appeal of Robert J. Pearlstein, D. O. and Suburban Geriatrics, Inc. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-06-019**

On or before July 12, 2006, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's May 5, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for August 2, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 28, 2006. A hearing date 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 19, 2006, 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 26, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1292. Filed for public inspection July 7, 2006, 9:00 a.m.]

## Pocono Medical Center; Prehearing

### Appeal of Pocono Medical Center under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM06-06-014

A prehearing telephone conference initiated by this office is scheduled for July 21, 2006. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before July 17, 2006. A hearing date 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 4, 2006, 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 14, 2006.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1293. Filed for public inspection July 7, 2006, 9:00 a.m.]

## Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68, 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg, Philadelphia and Pittsburgh. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Kerem Baran; file no. 06-119-17433; Travelers Personal Insurance Co.; doc. no. P06-05-037; July 27, 2006, 10 a.m.

Appeal of Jennifer Rogers; file no. 06-130-19604; Erie Insurance Exchange; doc. no. P06-06-020; August 2, 2006, 10 a.m.

Appeal of Sharon L. Terek; file no. 06-119-18204; AIG Insurance Co.; doc. no. P06-05-038; July 25, 2006, 10 a.m.

The following hearing will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Wesley Dias, Jr.; file no. 06-265-19696; AIG National Insurance Co.; doc. no. PH06-06-005; August 17, 2006, 3 p.m.

The following hearing will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Gary and Dawn Hoffman; file no. 06-303-17752; Erie Insurance Exchange; doc. no. P06-05-056; July 13, 2006, 3 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator, (717) 705-4194.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 06-1294. Filed for public inspection July 7, 2006, 9:00 a.m.]

## Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearings will be held in the Insurance Department's regional office in Philadelphia, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Philadelphia Regional Office, Room 1701, State Office Building, 1400 Spring Garden Street, Philadelphia, PA 19130.

Appeal of Shane Magee; file no. 06-265-18329; Cumberland Mutual Insurance Co.; doc. no. P06-06-007; August 17, 2006, 4 p.m.

Appeal of Louis A. and Tamara Sanchez; file no. 06-266-17832; Erie Insurance Exchange; doc. no. P06-06-026; August 18, 2006, 9 a.m.

Appeal of Daniel Soloman and Sandra Greer; file no. 06-266-18892; Harleysville Mutual Insurance Co.; doc. no. P06-06-006; August 17, 2006, 2 p.m.

Each party may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending. Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend an administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

M. DIANE KOKEN,  
Insurance Commissioner

[Pa.B. Doc. No. 06-1295. Filed for public inspection July 7, 2006, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The following Liquor Control Board leases will expire:

Cumberland County, Wine & Spirits Shoppe #2101, 281 S. Spring Garden Street, Carlisle, PA 17013.

*Lease Expiration Date:* May 31, 2011

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space. The location must be on Spring Garden Street within 3/4 mile of its intersection with SR 641, Carlisle.

*Proposals due:* July 28, 2006, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Matthew L. Sweeney, (717) 657-4228

Dauphin County, Wine & Spirits Shoppe #2201, Kline Village Shopping Center, 29 Kline Village, Harrisburg, SR 17104.

*Lease Expiration Date:* May 31, 2007

Lease retail commercial space to the Commonwealth.

Proposals are invited to provide the Liquor Control Board with approximately 3,800 to 3,900 net useable square feet of new or existing retail commercial space. The location must be within 1/4 mile of South 25th Street and Market Street, Harrisburg.

*Proposals due:* July 28, 2006, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Matthew L. Sweeney, (717) 657-4228

Dauphin County, Wine & Spirits Shoppe #2212, 1569 W. Harrisburg Pike, Middletown, PA 17057.

*Lease Expiration Date:* 90-day status since 1/1/06.

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,300 to 4,000 net useable square feet of new or existing retail commercial space. The location must be within a 1/2 mile of intersection SR 230 and SR 283 (SR 3032), Middletown.

*Proposals due:* July 28, 2006, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Matthew L. Sweeney, (717) 657-4228

Franklin County, Wine & Spirits Shoppe #2802, 2105 East Main Street, Waynesboro, PA 17268.

*Lease Expiration Date:* June 30, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,400 to 3,500 net useable square feet of new or existing retail commercial space. The location must be on SR 16 between Clayton Avenue and Old Route 16 Street, Waynesboro.

*Proposals due:* July 28, 2006, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Matthew L. Sweeney, (717) 657-4228

Lehigh County, Wine & Spirits Shoppe #3916, Trexler Mall, 6900 Hamilton Boulevard, Trexlertown, PA 18087.

*Lease Expiration Date:* January 31, 2007

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 2,900 to 8,000 net useable square feet of new or existing retail commercial space. The location must be on US 22 within 1 1/4 miles of its intersection with SR 100 and Hamilton Boulevard, Trexlertown.

*Proposals due:* July 28, 2006, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Matthew L. Sweeney, (717) 657-4228

Susquehanna County, Wine & Spirits Shoppe #5804, 1016 Mountain View Plaza, Hallstead, PA 18822.

*Lease Expiration Date:* July 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,800 to 2,500 net useable square feet of new or existing retail commercial space. The location must be within 2 miles of its intersection with SR 171 and US 11, Hallstead.

*Proposals due:* July 28, 2006, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 2223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Matthew L. Sweeney, (717) 657-4228  
 JONATHAN H. NEWMAN,  
*Chairperson*

[Pa.B. Doc. No. 06-1296. Filed for public inspection July 7, 2006, 9:00 a.m.]

## PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY

### Meetings Scheduled and Application Cut-Off Dates

The Fiscal Year 2006-2007 regular meetings and application cut-off dates of the Pennsylvania Infrastructure Investment Authority (PENNVEST) have been scheduled. Meetings of the PENNVEST Board of Directors (Board) will begin at 10:30 a.m. on the following meeting dates.

<i>Application Cut-Off-Dates</i>	<i>Board Meeting Dates</i>	<i>Locations</i>
	Tuesday, July 18, 2006	Governor's Residence
August 29, 2006	Tuesday, October 24, 2006	Dixon University Center
November 14, 2006	Tuesday, January 23, 2007	Governor's Residence
February 20, 2007	Tuesday, April 17, 2007	Dixon University Center

Governor's Residence  
 2035 N. Front St.  
 Harrisburg, PA

Dixon University Center  
 Richards Hall Recital Room  
 2986 N. Second St.  
 Harrisburg, PA

Funding applications must be received by 5 p.m. on the stated cut-off dates following PENNVEST procedures.

Persons requiring ADA accommodations at the Board meetings should contact Elaine Keisling at (717) 783-4494 or akeisling@state.pa.us.

PAUL K. MARCHETTI,  
*Executive Director*

[Pa.B. Doc. No. 06-1297. Filed for public inspection July 7, 2006, 9:00 a.m.]

## PENNSYLVANIA INFRASTRUCTURE INVESTMENT AUTHORITY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Public Meetings Scheduled

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection (Department) have scheduled public meetings in the 15th Floor Conference Room A, Rachel Carson State Office Building, 400 Market Street, Harrisburg.

<i>Board Meeting Dates</i>	<i>Time</i>
July 18, 2006	1 p.m.—2 p.m.
October 24, 2006	1 p.m.—2 p.m.
January 23, 2007	1 p.m.—2 p.m.
April 17, 2007	1 p.m.—2 p.m.

The meetings are scheduled for the purpose of advising the public regarding revisions during Fiscal Year 2006-2007 to the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund Project Priority List and Intended Use Plan.

Persons requiring ADA accommodations should contact Tony Maisano at (717) 772-4055 or amaisano@state.pa.us.

KATHLEEN A. MCGINTY,  
*Secretary*  
 Department of Environmental Protection  
*Vice-Chairperson*  
 Pennsylvania Infrastructure Investment Authority  
 PAUL K. MARCHETTI,  
*Executive Director*  
 Pennsylvania Infrastructure Investment Authority

[Pa.B. Doc. No. 06-1298. Filed for public inspection July 7, 2006, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Order

Public Meeting held  
 June 22, 2006

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzigrilli; Terrance J. Fitzpatrick

*Pennsylvania Public Utility Commission v. MCImetro  
 Access Transmission Services, LLC d/b/a Verizon Access  
 Transmission Service Introducing Local Tariff  
 Termination Service for nonaccess minutes of use;  
 Doc. No. R-00050799*

### Order

*By the Commission:*

By an Interim Order (Interim Order) entered on December 2, 2005, this Commission suspended MCImetro

Access Transmission Services, LLC's (MCImetro herein after Verizon ATS<sup>1</sup>) Supplement No. 5 to Tariff-Telephone Pa. PUC No. 2, filed on August 2, 2005, to introduce Local Traffic Termination Service (LTTS) for non-access minutes of use, and invited comments from the industry. The proposed state tariff would have established local call terminating compensation rates between Verizon ATS and any Competitive Local Exchange Carrier (CLEC) that does not have an interconnection agreement with Verizon ATS. The Interim Order was published in the *Pennsylvania Bulletin* with comments due in 30 days following publication and reply comments due within 15 days after the comment due date.

In our Interim Order, we indicated our reluctance to approve the tariff based on the proposed interpretation of federal law<sup>2</sup> and FCC practices in the absence of comments and replies from other interested parties. Our reluctance to approve the tariff was underscored by the absence of similar provisions in other CLEC tariffs.

In addition, the proposed tariff seemed to substantially alter existing CLEC-to-CLEC intercarrier compensation practices in Pennsylvania by replacing the use of bill-and-keep compensation with a reciprocal compensation regime. There was minimal discussion in the pleadings addressing whether the CLECs that would be subject to this substantial change in compensation were aware of the proposal or the legal theory cited in support of the proposal. Finally, the proposed tariff also shifts the burden of interconnection agreements to carriers completing local calls on its network and would have done so while the tariff proponent was in the process of being acquired by an ILEC pursuant to a then-pending merger agreement.

Our Interim Order sought comments from interested members of the public on the following issues:

1. Whether the FCC's overall approach favoring interconnection arbitration and negotiation reflected in the *Core Order* and the *T-Mobile Order* is limited to ILEC-CLEC and ILEC-Wireless and/or agreements.

2. What, if any, role Commission ratification of this proposed tariff could have if, as proposed, where MCI Communications, Inc. may potentially become an affiliate of Verizon Pennsylvania Inc., given that this tariff may become a property right of an ILEC as opposed to a tariff proposal of a CLEC.

3. Whether a Commission-approved default compensation rate by tariff for a CLEC in CLEC-to-CLEC compensation matters continues where MCI may potentially become an affiliate of Verizon Pennsylvania Inc.

4. Whether Verizon ATS usage of the term "non-access minutes of use" is consistent with or contrasts with the general usage of the term in the industry. Typically, "non-access traffic" means telecommunications traffic that is not subject to access charges. It appears there might be a conflict in using such a term as "non-access traffic" for the proposed charge in an Access Tariff. Moreover, the use of the term "non-access" minutes varies even in the FCC Orders cited by [MCI] Verizon ATS.

<sup>1</sup> Upon Commission's approval of an Agreement and Merger of MCImetro Access Transmission Services, LLC's parent company, MCI with Verizon Communications Inc. by Order entered on January 11, 2006, at Docket No. A-310580F0009 et. al., MCImetro filed for a name change to Verizon Access Transmission Services.

<sup>2</sup> Verizon ATS quoted three Federal Communications Commission Orders 1) ISP Remand Order at FCC 01-1312 (released April 27, 2001); 2) the Core Order at FCC 04-2412 (released October 18, 2004), and the T-Mobile Order at FCC 05-422 (released February 24, 2005) in support of the proposed tariff. Verizon ATS avers that the three orders collectively allow Verizon ATS to charge other CLEC carriers compensation rates at state-approved rates when terminating non-access minutes of use below a 3:1 ratio of Terminating to Originating Non-Access Minutes of Use if the carrier has no interconnection agreement with Verizon ATS and the traffic is neither wireless nor ILEC.

5. Whether the proposed charge for local traffic transmitted between LECs in the form of "non-access charge" in just one carrier's tariff is in violation of Section 251(b)(5) of the 1996 Telecommunications Act, which obligates LECs to establish reciprocal compensation arrangements through an interconnection agreement for the transport and termination of local telecommunication traffic and also specifies that LECs and interconnecting local exchange carriers compensate each other for termination of local traffic on a reciprocal basis.

6. Whether the proposed charge is within the constraints of Section 3017 of Chapter 30 (66 Pa.C.S. § 3017), which prohibits a CLEC from charging access rates higher than those charged by an ILEC in the same service territory, absent a demonstration that costs justify a higher access rate.

We note that Verizon ATS agreed to remove the confidentiality treatment it requested earlier to its responses to Staff's questions that was filed on September 14, 2005. This was indicated in a Secretarial letter on January 31, 2006, that made it possible for interested parties to review and copy that information at the Commission's offices during normal hours.

The Commission, by way of a Secretarial letter addressed to counsel for Verizon Communications, Inc. and Broadband Cable Association of Pennsylvania, extended the deadline for filing a Comment from January 17, 2006, to January 31, 2006. Likewise, the deadline for Reply Comment was extended until February 15, 2006.

#### Comments and Reply Comments

The Commission received comments in response to the Interim Order. The entities submitting comments were CLEC Group of Companies (CGC comprised of Armstrong Telecommunications, Inc. D & E Systems, Inc. & Penn Telecom, Inc.), US LEC of Pennsylvania (US LEC), Broadband Cable Association of Pennsylvania (BCAP), PAETEC Communications, Inc. (PAETEC), and Verizon Access Transmission Services f/k/a MCImetro Access Transmission Services LLC (Verizon ATS).

The comments filed by CGC state that the Verizon ATS proposed tariff service offering is blatantly not a "reciprocal compensation arrangement" in accordance with the FCC's rules and regulations, but a unilateral compensation arrangement created for the sole benefit of Verizon ATS and thus be rejected. CGC cited the FCC's *T-Mobile Order* for the proposition that FCC is moving away from state-approved "tariff-based" compensation imposed on all carriers in favor of negotiated agreements between carriers. CGC emphasis in the FCC *T-Mobile Order* supports for negotiation-based rather than tariff-based compensation arrangement.

US LEC disagrees with Verizon ATS' charge for "non access traffic" in the absence of negotiations. US LEC believes that these traffic compensation arrangements cannot be determined without negotiating reciprocal arrangements and symmetrical rates through an agreement with the other LEC involved in the exchange of traffic. US LEC insists that Section 251(b)(5) of the Act imposes on all local exchange carriers a duty to establish reciprocal compensation arrangements for the transport and termination of telecommunications traffic. US LEC further states that FCC rule Section 711 also requires state commissions to establish symmetrical rates whether they are between incumbents or non-incumbents.

US LEC concludes that one CLEC may not file a tariff to unilaterally establish terms, conditions and rates for the transport and termination of local traffic. US LEC

requests that the Commission reject the Verizon ATS tariff revisions for implementation of LTTS.

BCAP submits that the Telecommunications Act of 1996 (TA-96) requires all local exchange carriers to enter into reciprocal compensation arrangements for the transport and termination of telecommunications. BCAP stresses that a tariff is not a negotiated reciprocal compensation arrangement. BCAP concludes that the FCC's rules stand for the proposition that negotiation, as opposed to state-approved tariffs, are preferred for these kinds of compensation arrangements. BCAP urges the Commission to reject this attempt to establish compensation by unilateral state-level tariff filings.

PAETEC is concerned that the Verizon ATS LTTS tariff will eliminate any incentive for Verizon ATS to negotiate interconnection and or tariff exchange agreements in the future. PAETEC notes that negotiations for almost a year with Verizon ATS for multi-state interconnection agreements have yet to result in any favorable resolution. PAETEC recommends that the Commission impose a condition in which Verizon ATS is precluded from applying the default compensation rates set forth in the tariff until Verizon ATS notifies all carriers of its intent to bill for such services and requests negotiations for interconnection agreements under Section 252 of the Communications Act, and follows statutory timelines for negotiation and arbitration. PAETEC urges the Commission to allow Verizon ATS to impose the default compensation rates set forth in the tariff only if a local exchange carrier refuses to negotiate or fails to respond to the notice. Finally, PAETEC urges the Commission to allow a local exchange carrier to seek negotiation under Section 252, even after the tariff goes into effect for a local exchange carrier.

PAETEC also has concerns regarding the Verizon ATS broad definition of "non-access minutes of use" that appears to capture the universe of all traffic that is not subject to access charge. However, as seen in the explanation and justification for the charge in the Interim Order, the LTTS tariff would only apply to local traffic. PAETEC wants the Commission to require Verizon ATS to clarify that this charge is limited to local traffic alone. PAETEC notes that if the Commission authorizes these tariff changes to go into effect, other carriers will be encouraged to file similar language that will result in more unilateral rates that ultimately undermine the current bill-and-keep regime.

PAETEC also points out that the Verizon ATS position in this pleading is directly opposite to the position advocated in other federal proceedings. The parent company of Verizon ATS advocates bill-and-keep arrangements in several federal proceedings. Finally, PAETEC states that the LTTS tariff also fails to acknowledge that the FCC's 3:1 ratio is a rebuttable presumption that allows carriers to avail themselves of the "converse rebuttal" that the FCC anticipated in the ISP Remand Order. PAETEC contends that in such situations, the traffic delivered to Verizon ATS should be subject to the ISP-bound rate of \$0.0007, which is less than half of the proposed LTTS rate of \$0.01501. As such, the Commission should allow affected carriers to demonstrate which traffic is ISP-bound and not subject to LTTS rates, even when it falls below the 3:1 ratio.

Verizon ATS maintains that this tariff is necessary and appropriate because there are hundreds of local exchange carriers, particularly CLECs, in Pennsylvania. Verizon ATS contends that an obligation to negotiate compensation arrangements for each and every carrier, as will happen if this tariff is not approved, will create unneces-

sary waste and delay. Verizon ATS is also concerned that negotiating and finalizing interconnection agreements is a lengthy process that does not always lead to mutual agreement. Delay, in this instance, also delays compensation.

Verizon ATS reiterates its legal conclusion that the FCC's interconnection, arbitration and negotiation rules set forth in the *T-Mobile Order* and its progeny do not extend to CLEC-to-CLEC compensation arrangements. Verizon ATS concludes that the FCC's decisions are limited to wire line ILEC-CLEC and ILEC-to-wireless compensation agreements. Verizon ATS relies on the absence of any express language in the FCC's orders specifically discussing CLEC-to-CLEC arrangements as considerations that support its legal theory.

In addition, the proponent maintains that the absence of any change in Verizon ATS' legal status as a result of the subsequent merger supports its conclusion that this is still a tariff proposed by a CLEC to govern CLEC-to-CLEC compensation arrangements.

Verizon ATS rejects the view that the subsequent merger makes this an ILEC tariff proposed for CLEC arrangements.

Verizon ATS maintains that it used the term "non-access minutes of use" in the tariff to convey that the traffic at issue is local traffic and not switched access minutes or ISP-bound. Verizon ATS states that its tariff does not violate Section 251(b)(5), since it does not establish a reciprocal compensation arrangement through an interconnection agreement. Verizon ATS further states that Section 251(b)(5) only imposes a duty on ILECs to establish reciprocal compensation arrangements for the transport and termination of telecommunications as opposed to any obligation to negotiate such arrangements. Moreover, Verizon ATS contends that its status as a CLEC following the merger does not require Verizon ATS to engage in interconnection agreement negotiations with other CLECs, since that obligation is an obligation imposed on ILECs, as opposed to CLECs.

Reply Comments were filed by CGC, BCAP, PAETEC, Choice One Communications of Pennsylvania Inc. (Choice One), and Verizon ATS.

CGC's Reply Comments state that the FCC's *T-Mobile Order* supports movement away from "tariff-based" compensation arrangements in favor of negotiation for compensation for all carriers. CGS claims the *T-Mobile Order* stands for the proposition that negotiated agreements for compensation are more consistent with the pro-competitive provisions and policies of the TA-96 than state-approved, and unilaterally determined, compensation rates by tariff. CGC disagrees with Verizon ATS' claim that TA-96 is limited to interconnection requirements for ILECs and that CLECs are not "legally required" to enter into interconnection agreement negotiations or arbitrations with other CLECs. CGS notes that Verizon ATS fails to cite to any specific provision of TA-96 in support of that interpretation.

CGC maintains that Verizon ATS' reliance on FCC's *T-Mobile Order* is inconsistent and legally unsound. The *T-Mobile Order* essentially closed a loophole where tariffs filed by an ILEC for terminating CMRS traffic were found to be unlawful under the existing rules. CGC contends that the FCC in its *T-Mobile Order* prospectively revised those rules for non-access CMRS traffic and required CMRS traffic arrangements be conducted through negotiated interconnections. CGC states the references in the *T-Mobile Order* that "it would have been permissible to



bill for call termination pursuant to state tariff” means that compensation arrangements are generally determined by negotiation, including CLEC-to-CLEC arrangements, consistent with the prospective change in compensation arrangements for CMRS traffic determined in the *T-Mobile Order*.

CGC states that the novel introduction of a rate relative to “non access” minutes in an Access Tariff is inappropriate because the service is not related to access. CGC also contends that Verizon ATS failed to address the appropriateness of including such a charge in its Access Tariff. CGC urges the Commission to reject the tariff because it is simply a unilateral, one-sided creation for the sole benefit of Verizon ATS and, as such, is not a reciprocal compensation arrangement arrived at through negotiation as required by the *T-Mobile Order* and TA-96.

BCAP challenges Verizon ATS’ basic premise that a uniform tariff is preferable to negotiating contracts notwithstanding TA-96 and the *T-Mobile Order*. BCAP views Verizon ATS’ claim as one not supported by any facts or evidence.

BCAP rejects Verizon ATS’ complaint that other entities will continue to terminate traffic on its network for free because, in BCAP’s view, the FCC’s preference for bill-and-keep compensation allows Verizon ATS to terminate without charge on the network of other CLECs as well. BCAP agrees with US LEC that the FCC’s intercarrier compensation rules expressly contemplate CLEC-to-CLEC agreement in 47 CFR § 51.711(a)(2) when neither party is an ILEC and that Section 211(a) of the Communications Act of 1934 has for decades contemplated contracts with other carriers regarding traffic exchange.

BCAP disagrees with Verizon ATS’ claim that the fact that it is now owned by Verizon Communications is of no importance in assessing its proposed traffic termination tariff. BCAP quotes D.C. Circuit Court observation that “to allow an ILEC to sideslip § 251(c)’s requirements by simply offering telecommunications services through a wholly owned affiliate seems to us a circumvention of the statutory scheme” *Association of Communications Enterprise v. FCC*, 235 F.3d 662 (D.C. Cir. 2001). BCAP opines that it would be troubling indeed for this Commission to countenance a regime in which an affiliate of an ILEC can avoid, with impunity, the ILECs’ obligations under TA-96.

BCAP also supports the US LEC view that the proposed Verizon ATS tariff supplement is little more than a blatant attempt to extract compensation for termination of traffic that is neither reciprocal nor symmetrical. This approach defies sound policy and direction in federal law. That, Verizon ATS’s filed tariff purported to govern terminating “non-access” minutes from CLECs lacks a negotiated traffic exchange or interconnection agreement. Accordingly, BCAP urges the Commission to reject Verizon ATS LTTS tariff.

Finally, BCAP urges that if the Commission is inclined to approve this tariff in some form, it should make two major modifications to the proposed tariff. First, since the overwhelming majority of the traffic Verizon ATS would receive will arrive by means of Verizon’s tandem switch, it should not include tandem functionality in its rate. As such, if the tariff is to take effect in any form, the rate must be reduced by eliminating the portion of the charge related to tandem functionality. Second, since Verizon ATS will not be providing the switching functionality and will be obtaining that functionality from an ILEC, presumably Verizon, it would cause severe risk of double-

counting for the same minutes. In order to avoid such double counting, it must be modified to eliminate any charge from Verizon ATS for traffic sent via wholesale switching obtained from an ILEC.

PAETEC takes issue with Verizon ATS’ legal view that, in the absence of this tariff, Verizon ATS must enter into negotiations and sign contracts with every single CLEC doing business in Pennsylvania, that such negotiations are a needless waste of resources, and that the delay denies Verizon ATS compensation for a number of years. PAETEC finds it “astonishing, self serving and tone deaf” that Verizon ATS, which is part of a multi-billion dollar enterprise with a pre-merger contingent of over 350 in-house lawyers, complains of “drain of resource” while expressing no consideration or sympathy for CLECs that would be required to negotiate with Verizon ATS. PAETEC again asks the Commission to condition approval of the Verizon ATS LTTS tariff with the provision that Verizon ATS may not apply the tariff to any carrier until it has notified the carrier that it intends to bill for service and requests negotiations for an interconnection agreement under Section 252 of the Communications Act.

Choice One states that the Verizon ATS tariff filing must be rejected because it is contrary to the requirements of federal law imposing on all local exchange carriers the duty to establish reciprocal compensation arrangements for the transport and termination of telecommunications. Choice One contends that FCC rules contemplate reciprocal compensation arrangements upon request from another carrier. Choice One also claims that in the *T-Mobile Order*, the FCC intended for compensation arrangements to be negotiated agreements and that negotiated agreement between carriers are more consistent with the pro-competitive process and policies reflected in the 1996 Act.

Choice One also challenges Verizon ATS’ contention that the *ISP Remand Order* allows Verizon ATS to assess termination charges on other LECs when there is no interconnection or reciprocal compensation arrangement. Choice One claims that the U.S. Court of Appeal for the D.C. Circuit found that the FCC provided no basis for determining that Section 251(g)(5) “carves out” ISP bound traffic from residential compensation. Choice One claims that the court invalidated the FCC’s use of Section 251(g) and remanded the case to the FCC for further consideration. Moreover, the FCC’s recent decision in its *Core Forbearance Order*<sup>3</sup> wherein the FCC forbears from enforcing certain aspects of its interim ISP-bound traffic compensation regime provides no basis for the imposition of unilateral termination charges by state-approved tariff.

Choice One agrees with CGC comments that the practical impact of allowing Verizon ATS to establish a LTTS charge will change the existing system of bill-and-keep. This would create a chaotic environment where the Commission would have to make numerous decisions on whether such tariffed rates were reasonable and the resulting confusion would be bad for competition in Pennsylvania.

Verizon ATS avers that the other CLEC arguments that the tariff violates federal law are because the carriers misinterpret the law and fail to acknowledge the FCC’s findings in the *T-Mobile Order*. Verizon ATS raises the legal conclusion that the Section 252 process is simply inapplicable to CLEC-to-CLEC agreements. Verizon ATS raises the point that the carriers could refuse to negotiate

<sup>3</sup> *Petition of Core Communications, Inc. for Forbearance Under 47 U.S.C. § 160(c) from application of the ISP Remand Order*, 19FCC Rcd 20179(2004).

with Verizon ATS and it would have no recourse, since mandatory arbitration process in section 252 applies to ILECs.

Verizon ATS claims that it is always open to negotiation with any carrier who is willing to discuss reasonable terms and conditions associated with reciprocal compensation. Verizon ATS notes that some CLECs loosened their views on cost issues only after Verizon ATS submitted the proposed tariff for Commission approval. Verizon ATS urges the Commission to recognize that this proposed tariff had the unintended effect of creating an incentive for other carriers to negotiate with Verizon ATS in the absence of any prior legal obligation to do so.

Verizon ATS claims that the FCC has rejected identical arguments made by CMRS providers that a tariff is not a permissible way to implement reciprocal compensation and conditions because a tariff is not reciprocal or symmetrical as required under Section 251(b)(5) of the Act. In Verizon ATS' view, the FCC requires CMRS providers and ILECs to negotiate reciprocal compensation arrangements, although that obligation was never expressly extended to require CLECs to negotiate and submit to arbitration pursuant to Section 252. Given this legal structure, Verizon ATS contends that without the ability to propose compensation rates by state-approved tariffs that operate in the absence of an interconnection agreement, CLECs like Verizon ATS have no means to recover the cost associated with terminating the local calls of other CLECs.

Verizon ATS counters the argument of BCAP by claiming that there is no longer a difference between ISP-bound traffic and non-ISP bound traffic and that FCC's 3:1 presumption is no longer used. Verizon ATS recognizes that the FCC's *Core Forbearance Order* removed two aspects of the FCC's determination regarding the treatment of ISP-bound traffic but goes on to note that neither of these provisions have any impact on the proposed Verizon ATS LTTS tariff. Verizon ATS contends that BCAP misinterpreted the mirroring rule for ISP-bound traffic. Verizon ATS claims mirroring is only intended to apply to ILECs, while Verizon ATS is a CLEC.

Verizon ATS responds to PAETEC's criticism that its LTTS tariff fails to acknowledge the FCC's 3:1 ratio as a rebuttable presumption. Verizon ATS states that if PAETEC or any other carrier believes that traffic exchanged with Verizon ATS is not local traffic, the carrier can bring the matter to Verizon ATS' attention, and that it does not preclude a carrier from seeking such relief.

Verizon ATS suggests that BCAP reliance on the *Global NAPs* decision as support for rejecting the Verizon ATS LTTS tariff is a misinterpretation of law. In Verizon ATS' view, the *Global NAPs* tariff sought to recover reciprocal compensation for ISP-bound traffic for which it received no compensation under the existing interconnection agreement. The Massachusetts State Commission was in the process of interpreting the parties' interconnection agreement to determine if intercarrier compensation applied to ISP-bound traffic and therefore the FCC deemed the tariff unclear and unlawful. However, Verizon ATS tariff does not present any of the same issues as the *Global NAPs* tariff and only applies when there is no interconnection agreement. In Verizon ATS' view, the *Global NAPs* decision addressed an interpretation of an existing interconnection agreement, whereas the proposed tariff governs in the absence of an interconnection agreement.

Verizon ATS disagrees with BCAP and CGC claims that the interconnection arbitration and negotiation process in Section 252 applied to CLEC-CLEC agreements with the counter argument that they did not provide citation for this presumption. Verizon ATS also claims that CGC misinterprets the FCC's *T-Mobile Order* when it states that the FCC confirmed its direction away from tariff-based compensation arrangement for all carriers. Verizon ATS states that the FCC only recognized that reciprocal compensation was appropriate for ILEC-CMRS negotiation and interconnection agreements.

#### ANALYSIS AND DISPOSITION

This matter involves a proposed tariff of Verizon ATS that establishes default compensation rates under state law for CLEC-to-CLEC arrangements if the parties have not negotiated a binding interconnection agreement.

The proposed tariff raises questions about whether federal law allows the Commission to reject or accept default compensation rates in state tariffs. The Comments and Reply Comments present significant differences on our legal authority.

The FCC currently preempts the states from establishing compensation rates in state-approved tariffs for ILEC-to-CLEC and ILEC-to-wireless arrangements under the Telecommunications Act of 1996 (TA-96). The FCC takes this action based on their legal conclusion that Section 251(c) of TA-96 requires the preemption of any state tariff that establishes compensation rates because TA-96 requires negotiations on compensation as opposed to establishing compensation rates by state tariff.

Upon consideration, we reject the proposed tariff as discussed in more detail below. The FCC decisions cited in support of, or in opposition to, our authority to approve default compensation rates by tariff are ambiguous and uncertain. Given this ambiguity and uncertainty, we conclude that denial without prejudice is warranted until there is further clarity from the FCC.

Three major FCC decisions illustrate the ambiguity that warrants rejection of the proposed tariff. These cases, discussed in considerable length in the Comments and Reply Comments, are the *ISP Remand Order*, the *Core Order*, and the *T-Mobile Order*.<sup>4</sup>

The first is the *ISP Remand Order*. That Order established interim federal reciprocal compensation rates for dial-up access to the Internet for Internet Service Providers (ISPs) on a Minute-of-Use (MOU) basis. The *ISP Remand Order* established these rates as part of an overall policy of moving Internet access compensation from a MOU basis to a Bill-and-Keep system. The *ISP Remand Order* also created a rebuttable presumption that traffic exceeding a 3:1 ratio of Originating Minutes to Terminating Minutes was ISP traffic subject to these interim compensation rates as well as the growth cap imposed in the *ISP Remand Order*.<sup>5</sup> Traffic below this 3:1 threshold is not considered ISP traffic, although the rate for this non-ISP traffic had to "mirror" the ISP rate.<sup>6</sup>

The second is the FCC's *Core Forbearance-Order*. The *Core Forbearance-Order* modified the *ISP Remand Order* by abandoning the growth cap and mirroring rate requirements of the *ISP Remand Order*.<sup>7</sup>

<sup>4</sup> CC Docket No. 01-92, Ex Parte Presentation of Global COM, Inc., January 27, 2006. The Ex Parte presentation, discussed in more detail below, further illustrates the considerable uncertainty and ambiguity about the scope and intent of the *T-Mobile Order*.

<sup>5</sup> *ISP Remand Order*, paragraph 8.

<sup>6</sup> *ISP Remand Order*, paragraphs 3 through 8, 66-95.

<sup>7</sup> *Core Forbearance-Order*, paragraph 24, last sentence. The growth cap and mirroring rules were part of a ruling aimed at developing a unified compensation regime

The third is the *T-Mobile Order*. In the *T-Mobile Order*, the FCC expressly addressed the issue of whether a local exchange carrier could obtain local call terminating compensation from a CMRS carrier using state-approved tariffs in the absence of any interconnection agreement. The *T-Mobile Order* preempts the states from establishing default compensation arrangements for ILEC-to-Wireless arrangements because those arrangements, like the ILEC-to-CLEC arrangements in TA-96, are to be established by negotiation and arbitration. The FCC reached this result after concluding that TA-96 requires negotiations, as opposed to state-approved compensation rates under tariff, as the legally acceptable means of determining wireless-to-wireline traffic compensation.<sup>8</sup>

The main issue here is whether the reasoning set forth in these three decisions includes CLEC-to-CLEC compensation arrangements addressed in the proposed tariff. The Commission could have authority to approve a default compensation rate for CLEC-to-CLEC arrangements, notwithstanding the preemption of that state authority for ILEC-to-CLEC and ILEC-to-wireless compensation in the *T-Mobile Order*, if those arrangements fall outside the general prohibition. This question arises because neither the *T-Mobile Order* nor the other orders contain express language addressing state commission authority to approve default compensation rates for CLEC-to-CLEC arrangements in the absence of a CLEC-to-CLEC interconnection agreement.

Verizon ATS interprets the FCC's silence to mean that states retain authority to establish compensation rates for CLEC-to-CLEC arrangements whenever CLEC-to-CLEC traffic falls outside the 3:1 ratio established in the ISP Remand Order. Verizon ATS apparently interprets the FCC's silence on CLEC-to-CLEC compensation in the *Core Forbearance Order* and the *T-Mobile Order* to allow the Commission to establish a default compensation rate for CLEC-to-CLEC arrangements. Verizon ATS limits the preemption holdings in the *T-Mobile* and *Core* orders to state-approved tariffs for ILEC-to-CLEC and ILEC-to-wireless compensation. Verizon ATS verbally clarified to staff that the proposed compensation rate applies only to CLEC-to-CLEC; that is, non-ISP (i.e., below the 3:1 ratio, and not wireless).

The opponents take an opposite view. In their opinion, the FCC's preemption of state authority to approve default compensation rates set forth in the *T-Mobile* and *Core* orders extends to CLEC-to-CLEC compensation arrangements. The opponents reason that the general language in the *T-Mobile Order* requires LECs to negotiate compensation under TA-96, and not rely on state-approved tariffs. The word "LECS" includes CLECs in their view.

The Commission concludes that these and other related issues should be examined in more detail only after state commissions have the benefit of clarity from the FCC. The ambiguity about the federal law set out in the comments warrant caution.

A cautious approach would avoid precipitous action on federal law and any other matters related to Verizon ATS' proposed tariff at this time. A cautious approach requires rejection of the proposed tariff without prejudice until the FCC provides greater clarity on the scope and intent of federal law; *Therefore*,

premised on Bill-and-Keep. *ISP Remand Order*, paragraphs 4, 6, 8 and 66-67. The *Core Forbearance-Order* grants limited forbearance. The FCC abandoned these requirements based on a view that the underlying compensation premise reflected in the *ISP Remand Order* e.g., that no cost differences between voice and ISP warrant are sufficient to justify different rates, is less important than unified intercarrier compensation.

<sup>8</sup> *T-Mobile Order*, paragraphs 9 and 14.

*It Is Ordered That:*

1. The proposed tariff Supplement No. 5 to Verizon Access Transmission Services, LLC Tariff-Telephone Pa. PUC No. 2, filed August 2, 2005, to introduce Local Traffic Termination Service for non-access minutes of use, suspended until September 2, 2006, is rejected without prejudice.

2. A copy of this Order shall be served on the Pennsylvania Telephone Association, COMPTTEL, in addition to all parties in this case.

3. A copy of this Order shall be published in the *Pennsylvania Bulletin* and posted on the Commission's website.

4. The file be marked closed.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 06-1299. Filed for public inspection July 7, 2006, 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 31, 2006. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

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

**A-00122741. Northeast EMS Corporation t/a Northeast EMS** (299 Industrial Park Road, Suite 2A, Nazareth, Northampton County, PA 18064)—a corporation of the Commonwealth—persons in paratransit service from points in the Counties of Lehigh, Northampton, Monroe and Carbon, to points in Pennsylvania, and return. *Attorney:* Christopher McLean, Zator Law Offices, American Heritage Building, 4400 Walbert Avenue, Allentown, PA 18104.

### Complaint

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Signature Van Lines, Inc.;*  
*Doc. No. C-20066222*

### 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 Signature Van Lines, Inc., respondent, operates its business from 10 Industrial Park Dr., Mount Pocono, Pennsylvania, 18466.

2. That respondent does not hold a certificate of public convenience issued by this Commission to conduct intrastate moves of household goods. Respondent was notified by this Commission on September 30, 2004 (IC-237) and then again on October 28, 2004 (IC-249), that insufficient authority existed to perform intrastate moves of household goods.

3. That respondent did make an intrastate household move for complainant Anthony Diaz from Tannersville, Pennsylvania to East Stroudsburg, Pennsylvania, on the dates of October 8-9, 2005.

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 transported household goods for compensation between points in the Commonwealth of Pennsylvania while not holding a certificate of public convenience issued by this Commission. The penalty is \$1,000.00. Future violations may result in possible criminal prosecution with penalties up to \$10,000.00 and one year in prison.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Signature Van Lines, Inc. the sum of one thousand dollars (\$1,000.00) 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, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_  
Wendy J. Keezel

#### 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 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.

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. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 783-5945.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 06-1300. Filed for public inspection July 7, 2006, 9:00 a.m.]

#### Telecommunications Service

**A-311373F0002AMA and A-311373F0002AMB.**  
**Salsgiver Telecom, Inc.** Application of Salsgiver Telecom, Inc. for approval to offer, render, furnish or supply telecommunications services to the public as a facilities based reseller of competitive local exchange in the service territories of Alltel Pennsylvania, Inc. and North Pittsburgh Telephone Company.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before July 24, 2006. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Salsgiver Telecom, Inc.

*Through and By Counsel:* Alan C. Kohler, Esquire,  
Wolf, Block, Schorr and Solis-Cohen, LLP, P. O. Box 865,  
Harrisburg, PA 17108-0865

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 06-1301. Filed for public inspection July 7, 2006, 9:00 a.m.]

### Tentative Order

Public Meeting held  
June 1, 2006

*Commissioners Present:* Wendell F. Holland, Chairperson; James H. Cawley, Vice Chairperson; Bill Shane; Kim Pizzingrilli; Terrance J. Fitzpatrick

Application of Local Line America, Inc. (2005.0257.00);  
Doc. No. A-311213

### Tentative Order

*By the Commission:*

Local Line America, Incorporated (Local Line) has failed to file its initial tariff with the Commission. Failure to file an initial tariff violates provisions of 66 Pa.C.S. § 1302. Specifically, 66 Pa.C.S. § 1302 provides that:

Under such regulations as the commission may prescribe, every public utility shall file with the commission, within such time and in such form as the commission may designate, tariffs showing all rates established by it and collected or enforced, or to be collected or enforced, within the jurisdiction of the commission.

Law Bureau Prosecutory Staff has unsuccessfully attempted telephone contact with Local Line and believes that the company is no longer in business.

The Commission puts the industry on notice that we will not hesitate to invoke our authority under the Public Utility Code to ensure timely compliance with our regulations and orders including the ordering of such other remedy as the Commission may deem appropriate. 66 Pa.C.S. §§ 504, 505, 506 and 3301.

Local Line was granted a certificate of public convenience by the Commission on June 20, 2004 at A-311213.<sup>1</sup> Based upon the findings of the Prosecutory Staff, we believe that it is appropriate to revoke Local Line's certificate without the necessity of first filing a complaint. Finally, we are not aware that Local Line has any current customers in Pennsylvania, and Local Line is not assigned any NXX codes.

For these reasons, we tentatively conclude that revocation of Local Line's certificate pursuant to 66 Pa.C.S. § 1102(a)(2) is in the public interest. Furthermore, the Commission may take other appropriate action, including the imposition of penalties under section 3301, in lieu of cancellation, if Local Line seeks relief from this Tentative Order; *Therefore,*

*It Is Ordered That:*

1. Local Line America, Inc.'s certificate of public convenience is hereby tentatively revoked. That a copy of this Tentative Order be published in the *Pennsylvania Bulletin* giving all persons having an interest in this proceeding 30 days from the date of publication to file a written response.

2. Absent the filing of adverse public comment 30 days after the publication in the *Pennsylvania Bulletin*, this Tentative Order shall become final without further order of this Commission.

<sup>1</sup> Consistent with our Implementation and Reconsideration Orders in M-00960799 (June 3, 1996 and September 9, 1996), and with Section 1302 of the Public Utility Code, Local Line is obligated to file and to maintain on file appropriate tariffs with this Commission. Local Line was reminded of its obligation to file its Initial Tariff by our June 24, 2005 Order approving the transfer of control of Local Line to Inflexion Communications Corp.; Local Line was given 60 days (or 120 days if an extension was requested) to comply and notice that its authority would be revoked without further Commission order for a failure to comply. Local Line was again reminded of the obligation by Secretarial Letter dated November 1, 2005; given 30 days to comply; and put on notice that failure to comply could result in prosecution, fines, and/or revocation of its certificate of public convenience. There has been no compliance.

3. Upon this Tentative Order becoming final and without further action by the Commission, the certificate of public convenience held by Local Line America, Inc. at A-311213 shall be revoked, and the company's name stricken from all active utility lists maintained by the Tariff and Annual Report Section of the Commission's Bureau of Fixed Utility Services and the Assessment Section of the Bureau of Administrative Services.

4. A copy of this Tentative Order be served upon the Office of Consumer Advocate, the Office of Small Business Advocate, the Office of Trial Staff, and the Attorney General's Bureau of Consumer Protection.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1302. Filed for public inspection July 7, 2006, 9:00 a.m.]

### Water Service

**A-210104F0075. Aqua Pennsylvania, Inc.** Application of Aqua Pennsylvania, Inc. for approval to begin to offer, render, furnish and supply water service to the public in an additional portion of Pennsbury Township, Chester County, PA, known as Johnson Farms Development.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before July 17, 2006. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Aqua Pennsylvania, Inc.

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas, Thomas, Armstrong and Niesen, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108-9500

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 06-1303. Filed for public inspection July 7, 2006, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearing Scheduled

A hearing has 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 (System) denial of claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

July 12, 2006 James J. Harris (D) 1 p.m.  
(Member's Benefit Paid to a Trust)

Persons with a disability who wish to attend the listed hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Marilyn Fuller-Smith, 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 hearing 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 the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

JEFFREY B. CLAY,  
*Executive Director*

[Pa.B. Doc. No. 06-1304. Filed for public inspection July 7, 2006, 9:00 a.m.]

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