

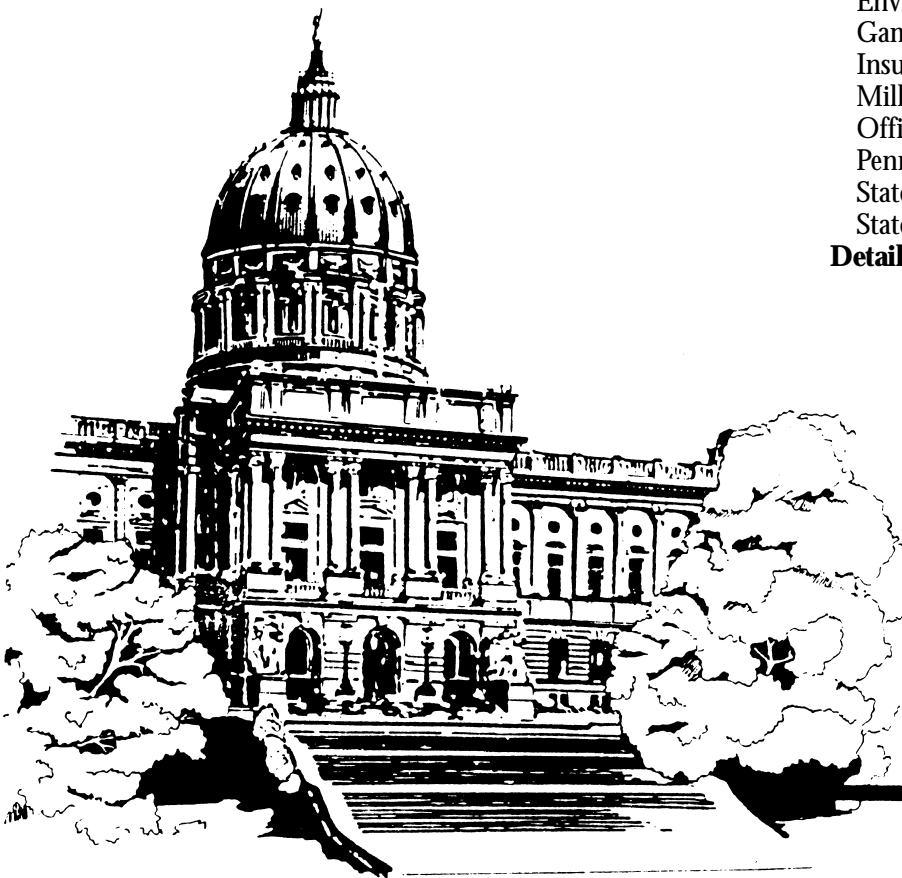
PENNSYLVANIA BULLETIN

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Agencies in this issue

Department of Banking
Department of Education
Department of Environmental Protection
Department of Health
Department of Revenue
Department of Transportation
Environmental Hearing Board
Environmental Quality Board
Game Commission
Insurance Department
Milk Marketing Board
Office of Attorney General
Pennsylvania Public Utility Commission
State Board of Education
State Ethics Commission

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No. 394, September 2007

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READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

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Printing Format

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

Fiscal Notes

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

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

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RULES AND REGULATIONS

Title 22—EDUCATION

STATE BOARD OF EDUCATION

[22 PA. CODE CH. 49]

Certification of Professional Personnel

The State Board of Education (Board) amends Chapter 49 (relating to certification of professional personnel) to read as set forth in Annex A. Notice of proposed rule-making was published at 36 Pa.B. 7141 (November 25, 2006).

Statutory Authority

The Board acts under the authority of section 2603-B of the Public School Code of 1949 (code) (24 P. S. § 26-2603-B) and other sections of the code.

Background

Significant numbers of children are not experiencing academic success in schools in this Commonwealth. Nearly 1/3 of students do not meet State proficiency standards in reading and math. Student achievement declines as students move from the elementary to middle level grades. Fewer than 1/2 the students from low-income families, students with disabilities, African-American students, Latino students and English language learners meet State proficiency standards.

As classrooms are becoming increasingly diverse and the level of academic achievement expected of every student at each level of schooling is far greater than ever, the Commonwealth continues to prepare new teachers and structure teaching certificates much the same as we have for the past 50 years. The long-standing K—6 and 7—12 certificates remain in place despite decades of educational research and experience that documents that students instructed by early childhood and middle level teachers provide improved academic success when compared with traditionally certified elementary and secondary teachers.

Meanwhile, schools Statewide, especially those with many students from low-income families, are instituting reforms targeted to improve student achievement in the early elementary grades by using State Accountability Block Grant funding to establish prekindergarten programs, full-day kindergartens, reduced class size and targeted reading programs. Reforms that would greatly benefit from the specialized knowledge and skills provided by teachers with early childhood certificates.

Providing adequate preparation in literacy instruction in prekindergarten through the primary grades is a proven strategy to reduce the need for remediation in the intermediate grades. Because of the limited knowledge in literacy instruction of regular elementary teachers, over the past decade the Commonwealth has invested millions in State and Federal funds, including the \$100 million Read to Succeed Program, to ensure that children can read at grade level by grade 3. Preparing teachers with solid preparation in literacy skills will help to reduce the need for targeted initiatives like these in the future.

Each year 95 college and university teacher preparation programs in this Commonwealth grant degrees to over 12,000 new teachers, 6,000 of whom are awarded elementary certificates. On average, school districts hire fewer than 3,000 elementary teachers each year. Meanwhile,

school districts continue to face chronic shortages of secondary math and science, world language and secondary special education teachers. There is an obvious mismatch between the needs of schools in this Commonwealth and the types of teachers colleges and universities are preparing to lead its classrooms.

Nationwide more than 1/3 of new teachers leave the profession within 3 years and 1/2 within 5 years. It is believed that new teachers in this Commonwealth have a similar experience. Research reveals that their dissatisfaction is largely due to many not having knowledge and skills that are essential for them to be successful during their first years in the classroom.

State and National studies and reports call for dramatic changes to the way teachers are prepared for the profession. Among these are *Investing In Great Teachers For All Students*, The Final Report of the Governor's Commission on Training America's Teachers (July 2006); *Teachers of Tomorrow: Recommendations for the Preparation of Highly Effective Elementary Teachers*, Special Task Force on Elementary Education, State System of Higher Education (April 2005); *Educating School Teachers*, Arthur Levine, The Education Schools Project (September 2006); *What Makes A Teacher Effective?*, National Council for Accreditation of Teacher Education (2006); and *Tough Choices, Tough Times*, Report of the New Commission on the Skills of the American Workforce (2007).

Nothing is more important in helping students achieve at high levels than the quality of their teachers. Research shows that teacher quality is more important than having rigorous academic standards and curriculum, aligned assessments, advanced technology or high quality facilities. Teachers must have solid content knowledge of the subjects they teach, a thorough knowledge of instructional strategies and skills necessary to successfully help their students learn, the ability to teach and manage in classrooms filled with increasingly diverse learners, and the commitment and caring necessary to help children learn, grow and succeed.

These factors prompted the Department of Education (Department) to develop a proposal to restructure teaching certificates that it presented to the Board in September 2006. With the Department's original proposal as the starting point, the Board undertook one of its most extensive public outreach and consultation efforts in recent memory. This effort resulted in a dramatically different final regulation from that originally proposed by the Department.

Summary of the Final-Form Rulemaking

The final-form rulemaking makes four major changes to the current grade and age level limitations on teaching certificates. The final-form rulemaking "grandfathers" teachers awarded certificates before January 1, 2013. Teachers certified before January 1, 2013, may continue to be given classroom assignments as provided under the current grade and age level limitations. For example, elementary teachers may continue to teach grades kindergarten through six for the valid term of their certificate. The final-form rulemaking also focuses existing continuing professional education requirements to improve the knowledge and skills of all educators to work with diverse learners. Major amendments include the following:

1. *Requiring all teacher preparation programs to provide instruction to teacher education students in providing instruction to students with disabilities and English language learners in inclusive classroom settings.*

Beginning in January 2011, teacher education programs will be required to provide 9 credits or 270 hours, or an equivalent combination thereof, on accommodations and adaptations for students with disabilities in an inclusive setting. In addition, preparation programs must also provide 3 credits or 90 hours of instruction in providing instruction to English language learners. Preparation programs are provided significant flexibility to meet this requirement. They may infuse all or a portion of these requirements into existing courses or add additional courses as appropriate.

Currently, most regular education teacher education students receive one 3 credit course or none in working with diverse learners. In classrooms in this Commonwealth, 3 of every 20 students have a disability or are an English language learner. Ninety-six percent of students with a disability have some portion of their education provided in an inclusive classroom setting by a regular education teacher. Over 40% of students enrolled in vocational education programs have a disability.

The Individuals with Disabilities Education Improvement Act of 2004 (IDEA) (Pub. L. No. 108-446) and the settlement approved in *Gaskin v. Pennsylvania Department of Education* will result in increased numbers and portion of the school day that students with disabilities spend in regular classroom settings with appropriate supports.

2. *Splitting the elementary certificate (K–6) into an early childhood (PK–4) and elementary/middle certificate (4–8).*

A 1-year overlap at grade 4 is added to provide additional flexibility to school administrators to assign teachers where needed without sacrificing the benefits for greater specialization and depth of preparation of new teachers.

Educational research documents that teachers trained to work with young children who know how to provide effective, developmentally appropriate classroom environments have students who demonstrate improved educational outcomes. In kindergarten classrooms assessed in one study, children had higher social competence, on-task behavior and literacy and mathematics competence. Many studies have shown that rigidly paced, curriculum-driven and scripted instruction that is not developmentally appropriate can undermine young children's motivation to learn.

The elementary/middle certificate, which covers a 5-year age-span, is designed to better prepare teachers to work with the challenging developmental needs of preadolescents and adolescents, while also providing more focused and rigorous academic content in grades 4 through 6 and in one core academic subject area in grades 7 and 8. Currently, middle schools are generally staffed with a combination of elementary certified teachers, whose preparation generally did not address either adolescent development or the academic content provided at the middle school level, and secondary teachers, whose preparation generally focused on teaching academic content at the high school level. The highly qualified teacher requirements in the No Child Left Behind Act of 2001 (NCLB) (Pub. L. No. 107-110, 115 Stat. 1425) no longer permit elementary certified teachers to teach core academic subjects in grade 7 or above without obtaining a

secondary certificate. The elementary/middle school certificate provides additional employment opportunities for the holders of these certificates over the traditional elementary certificates since it permits elementary/middle certificate holders to teach in both elementary and middle school buildings.

A Department survey of the certification structures used in other states revealed that 26 states have early childhood certificates that end in grade 3, three states end with grade 2 and four states end with grade 4. Thirty-one states offer either an elementary or middle level certificate with a scope similar to the elementary/middle certificate. Since there are no National standards for the grade level configurations of teaching certificates, many states generally provide a level of flexibility with respect to grade levels on certificates.

In addition, the Department discussed the proposed rulemaking with the chief teacher certification officers in other states where teachers trained in this Commonwealth have traditionally pursued employment. Nearly all indicated they would continue to accept teachers with the new grade level configurations with little or no additional testing or coursework. This is in contrast to the Commonwealth's own policy regarding out-of-State teachers that requires veteran teachers certified in other states to take PRAXIS tests and sometimes take additional coursework.

3. *Requiring dual certification for special education teachers.*

Dual certification is required to provide highly qualified status to special education teachers who teach one of the core academic subjects as required by IDEA and the NCLB. Students pursuing certification in special education will need to choose either PK–8 or 7–12 certification in special education. This certification will permit special education teachers to provide supports and assist other teachers in regular classroom settings. Students pursuing a PK–8 special education certificate shall obtain a second certificate in early childhood, elementary/middle or as a reading specialist. Students pursuing a 7–12 special education certificate shall obtain a second certificate in a secondary level subject or as a reading specialist. This requirement will ensure that special education teachers certified after January 2013 will comply with Federal requirements upon receiving their teaching certificates. Since the new Federal requirements were established, special education teachers in this Commonwealth have needed to use cumbersome and burdensome procedures called the NCLB Bridge Certificate and HOUSS to earn highly qualified status as defined by the Federal government. Entry into the NCLB Bridge Certificate ended in 2006 and the HOUSS process is ending June 30, 2007.

4. *Continuing professional education.*

Existing continuing professional education requirements are focused to provide a continuum of professional education to the 140,000 classroom teachers, student services staff and administrators to improve their skills to assist diverse learners in inclusive classroom settings. The long-standing requirements for induction programs for new teachers, up to 6 credits of the 24 credits required for teachers to earn a Level II instructional certificate, school entity professional education activities and continuing professional education under the act of November 23, 1999 (P. L. 529, No. 48) each are to include activities regarding teaching diverse learners in inclusive settings. This will address the challenge that other than teachers with special education certification, few have the knowl-

edge and skills to address the needs students with disabilities already sitting in their classrooms. By targeting existing professional education activities, there will not be any additional cost associated with this requirement.

Summary of Public Comments and Responses to Proposed Rulemaking

The proposed rulemaking was published at 36 Pa.B. 7141 and was available on the Department's website at www.pde.state.pa.us. The Board accepted formal written comments during a 30-day public comment period that began upon publication of the proposed rulemaking. The Senate Education Committee held a hearing on February 3, 2007, and the House Education Committee held a hearing on March 28, 2007. The Board also discussed the proposed rulemaking with numerous individuals, education groups and individual members of the General Assembly.

The Board received written comments directly from 155 individuals and organizations. Rather than provide a lengthy listing of the organizations and comments and responses in the preamble, the Board prepared a separate document that outlines the comments and the Board's response. This document was sent to each commentator and is posted on the Board's page on the Department website.

In summary, the comments focus primarily on 13 issues. They include the following.

Commentators expressed concerns about the time frame for implementation. Many commentators associated with teacher preparation institutions expressed concerns about the requirements in § 49.13(b) (relating to policies) that require teacher education programs to meet the new requirements on or before January 1, 2010, and the effective date of the new certification requirements outlined in § 49.85 (relating to limitations) effective January 1, 2012.

Most commentators expressed support or opposition to the split of the K–6 elementary certificate into two new certificates, the PK–3 early childhood and 4–8 elementary/middle certificates. Those who expressed concerns say the new grade level configurations will limit the flexibility of administrators to assign teachers where needed, reduce the ability of teachers to be employed by schools in other states and require teacher preparation programs to restructure by rewriting programs of study and course content.

Commentators expressed concerns about splitting the special education certificate into two distinct grade and age level certificates. Special education certificates would be established for grades PK–8 and 7–12. This certificate will permit teachers to provide special education services to students with disabilities in either grade PK–8 or 7–12. A commentator expressed concern that the Council for Exceptional Children Standards does not group special needs children into grade levels. A commentator also noted that special needs students are not always functioning at the grade level in which they are currently placed.

Commentators also expressed concerns about the requirement that new special education teachers hold a second certificate in early childhood, elementary/middle or in a secondary content area. They believe this requirement will discourage students from pursuing special education certification and worsen the existing shortage of special education teachers. Some commentators also

expressed concerns that dual certification requirements could not be completed in the traditional 4-year time frame.

Commentators expressed numerous concerns about the requirement that teacher education programs provide at least 9 credits or 270 hours of instruction regarding accommodations and adaptations for students with disabilities in inclusive settings and at least 3 credits or 90 hours must address the instructional needs of diverse learners. Their primary concern is over how to fit these extra credits or hours of instruction into their existing program requirements. Some commentators expressed concerns that adding extra courses would extend teacher preparation programs beyond the traditional 4-year degree. Others suggest the requirement will displace other essential elements of teacher preparation, most likely courses in the academic subjects they plan to teach. Some expressed concern that the new requirements could interfere with National accreditations or take time away from core studies. Some commentators do not believe there will be enough special education faculty available to meet the requirements.

A few commentators expressed concerns about the requirement that induction programs include activities that focus teaching diverse learners in inclusive settings.

A few commentators expressed concerns about the requirement that the Department publish a "Certification and Staffing Policy Guideline" that establishes up to the equivalent of six specific course credit requirements as part of the 24 credit hours required to obtain an Instructional II certificate.

A commentator expressed concerns about the requirement in § 49.17 (relating to continuing professional education) that professional education plans outline how the school entity will ensure that all professional employees participate in continuing professional education focused on teaching diverse learners in inclusive settings.

Regarding the requirement in § 49.143 (relating to Vocational Instructional II) that establishes that 6 credits or 180 hours of instruction regarding accommodations and adaptations for students with disabilities and 3 credits or 90 hours in teaching English language learners as part of the 60 credit hours required for Vocational Instructional I certificate holders to obtain their Vocational Instructional II certificate, commentators asked if the courses are readily available to meet these new subject requirements.

Commentators expressed concern that an overlap in grade levels is provided between the elementary/middle and secondary certificates but not between the early childhood and elementary/middle certificates.

Commentators expressed concerns that the dual certification requirement for special education teachers is not achievable in 120 credits or the traditional 4-year college experience.

A few commentators expressed concerns that exceptions to the certification requirements are limited to Statewide exceptions, but exceptions are not authorized on a regional or local level. Concerns were also expressed as to whether exceptions can be renewed, the criteria for granting exceptions, and the like. Concerns were also expressed about what criteria will the Secretary use in granting exceptions.

The Independent Regulatory Review Commission (IRRC) expressed concerns about several provisions in the rulemaking that direct the Secretary to establish stan-

dards, guidelines and criteria but which do not provide opportunities for the public to be involved or comment on the standards, guidelines and criteria, as would be the case for policies established through regulations. Proposed § 49.86(a) (relating to accelerated program for Early Childhood and Elementary/Middle level certificateholders) stated that "The Department will establish standards for an accelerated program. . . ." However, this subsection does not provide the details on how those standards will be developed. IRRC inquired as to what process the Department will use to "establish standards" and if the public will have input.

In response to comments received during the public comment period and subsequent discussions with stakeholders, the Board made the following changes to the proposed rulemaking.

The definition of "prekindergarten" in § 49.1 (relating to definitions) was amended to include programs operated by early intervention agencies to ensure that staffing in those programs continues to adhere to the certification requirements in Chapter 49.

The implementation date has been delayed by 1 year for college and university teacher preparation programs to include 9 credits or 270 hours of instruction regarding accommodations and adaptations for students with disabilities and 3 credits or 90 hours of instruction in meeting the instructional needs of English language learners as outlined in § 49.13.

The requirement that school entities ensure that professional employees participate in professional development focused on teaching diverse learners in inclusive settings has been revised to a require that school entities offer opportunities for professional employees to participate in the training.

The effective date has been revised for teachers pursuing an Instructional II certificate to complete up to six specific course credit requirements established by the Department to those certificates issues after the effective date of the final-form rulemaking as described in § 49.83 (relating to Instructional II).

Language was added to § 49.85 to make clear that certificates issued prior to January 1, 2013, remain valid for the term of the certificate for the grade spans and age levels in place prior to the effective date of the new certification requirements.

In § 49.85 and other sections of the final-form rulemaking, the effective date for the new certification structure has been revised to provide 1 additional year for colleges and universities, schools and the Department to revise and update their policies and practices that will be necessary to implement the new requirements.

In § 49.85, the requirements for special education certificates have been rewritten to improve clarity. In addition, a provision has been added to permit special education certification candidates to obtain a reading specialist certificate to meet the dual certification requirement.

In § 49.85(f), language has been added for the Secretary to provide written certification that a Statewide shortage exists and provides that the Board must disapprove the exception within 90 days of receipt of the certification or the exception will stand approved.

In § 49.86, language has been added to require the Department to establish standards to be consistent with the criteria in subsection (d).

Effective Date

The final-form rulemaking is effective upon publication in the *Pennsylvania Bulletin*.

Sunset Date

In accordance with its policy and practice regarding regulations, the Board will review the effectiveness of these regulations after 4 years. Therefore, no sunset date is necessary.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 2, 2006, the Board submitted a copy of the notice of proposed rulemaking, published at 36 Pa.B. 7141, to IRRC and the Chairpersons of the House and Senate Committees on Education for review and comment.

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

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on August 15, 2007, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on August 16, 2007, and approved the final-form rulemaking.

Contact Person

The official responsible for information on this final-form rulemaking is Jim Buckheit, Executive Director, State Board of Education, 333 Market Street, Harrisburg, PA 17126-0333, (717) 787-3787, TDD (717) 787-7367.

Affected Parties

The final-form rulemaking will affect the students and professional employees of public schools in this Commonwealth.

Fiscal Impact and Paperwork Requirements

It is estimated that costs for implementation and compliance with the final-form rulemaking would total \$3.23 million. These costs would be incurred by the 95 colleges and universities that offer Department-approved teacher education programs. The bulk of these represent staffing costs to programs currently without instructional resources with content expertise in providing instruction to diverse learners. The remaining costs would be for review and revision of degree course requirements and for the rewriting of certain course curricula.

Over 60% of new teachers certified by the Department each year attended 1 of the 14 universities of the State System of Higher Education or 4 State-related universities (Pennsylvania State University, Temple University, Lincoln University and the University of Pittsburgh). These State-funded and State-related institutions receive more than \$1.1 billion in direct institutional support from the Commonwealth each year and have total annual expenditures that exceed \$4.27 billion.

The Board believes the long term benefits to the quality of its teachers and resulting improvement in student academic achievement far exceed the financial, administrative and program costs to teacher preparation institutions and schools, which costs are relatively insignificant

in the context of overall expenditures and gross oversupply of teachers continuing to be produced by the teacher preparation institutions.

Effective Date

The final-form rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

Findings

The Board finds that:

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

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

(3) The final-form rulemaking is necessary and appropriate for the administration of the code.

Order

The Board, acting under authorizing statute, orders that:

(a) The regulations of the Board, 22 Pa. Code Chapter 49, are amended by amending §§ 49.14, 49.16, 49.18, 49.62b, 49.131 and 49.143 to read as set forth at 36 Pa.B. 7141, by amending §§ 49.1, 49.13, 49.17, 49.83, 49.85 and 49.142 and by adding § 49.86 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Executive Director will submit this order, 36 Pa.B. 7141 and Annex A to the Office of General Counsel and the Office of Attorney General for review and approval as to legality and form as required by law.

(c) The Executive Director of the Board shall certify this order, 36 Pa.B. 7141 and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order is effective upon publication in the *Pennsylvania Bulletin*.

JIM BUCKHEIT,
Executive Director

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission, relating to this document, see 37 Pa.B. 4847 (September 1, 2007).)

Fiscal Note: Fiscal Note 6-303 remains valid for the final adoption of the subject regulations.

Annex A

TITLE 22. EDUCATION

PART I. STATE BOARD OF EDUCATION

Subpart C. HIGHER EDUCATION

CHAPTER 49. CERTIFICATION OF PROFESSIONAL PERSONNEL

Subchapter A. GENERAL PROVISIONS

THE PROGRAM

§ 49.1. Definitions.

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

* * * * *

Community provider—A not-for-profit or for-profit organization that operates prekindergarten programs.

* * * * *

Core academic subject—Includes reading, language arts, mathematics, science, foreign languages, social studies and the arts.

* * * * *

Diverse learner—A student who because of limited English language proficiency or disabilities may have academic needs that require varied instructional strategies to help the student learn.

Educational specialist—Professional certified personnel whose primary responsibility is to render professional service other than classroom teaching, such as dental hygienist, home and school visitor, instructional technology specialist, social restoration specialist, nutrition service specialist, elementary counselor, secondary counselor, school nurse and school psychologist.

* * * * *

Inclusive setting—The placement of a diverse learner in a regular classroom setting.

* * * * *

Prekindergarten—A program operated by an early intervention agency as defined in § 14.101 (relating to definitions), school district or under contract from a school district that is open to children who are 3 years of age and who have completed the program prior to the school district's entry age for kindergarten.

* * * * *

§ 49.13. Policies.

(a) The Board, through the Secretary, will provide standards for the guidance of the preparing institutions in educating professional personnel for the schools of this Commonwealth, all of which are to include accommodations and adaptations for diverse learners.

(b) The Department will have the following responsibilities with respect to certification and permitting of professional personnel in the schools of this Commonwealth:

(1) Provision of advisory services to college and school personnel in matters pertaining to teacher education and certification.

(2) Designation of professional titles for personnel.

(3) Prescription of procedures for issuance of certificates and permits.

(4) Evaluation and approval of teacher education programs leading to the certification and permitting of professional personnel.

(i) The evaluation by the Department will provide assurance that, on or before January 1, 2011, teacher education programs will require at least 9 credits or 270 hours, or an equivalent combination thereof, regarding accommodations and adaptations for students with disabilities in an inclusive setting. Within the content of these 9 credits or 270 hours, instruction in literacy skills development and cognitive skill development for students with disabilities must be included, as determined by the institution. At least 3 credits or 90 additional hours, or an equivalent combination thereof, must address the instructional needs of English language learners. For purposes of this requirement, 1 credit equals 30 hours of coursework. Applicable hours are limited to a combination of seat hours of classroom instruction, field observation experiences, major research assignments, and development and

implementation of lesson plans with accommodations and adaptations for diverse learners in an inclusive setting.

(ii) Program approval reviews shall be conducted by professional educators from basic and higher education.

(5) Registration of certified and permitted persons.

(6) Maintenance of records of all certificates and permits.

(7) Assurance that each professional person is properly certified or permitted for the specific position in which the professional person is employed.

(8) Review and investigation of alleged violations of this chapter.

(9) Prescription of procedures approved by the Board for the appraisal and evaluation of education and experience of applicants for any type of professional certification issued by the Department when the applicant has been denied certification and is prepared by institutions outside this Commonwealth or has appealed in accordance with guidelines approved by the Board in § 49.66 (relating to appeal procedure), a decision pertaining to eligibility for certification rendered by a Commonwealth institution having an approved program. The appellant initially shall have appealed to the institution.

(10) The issuance of administrative agency interpretative policies and directives relating to professional certification and staffing in the schools of this Commonwealth as may be necessary to carry out the intent of this chapter.

(11) Identification and approval of assessment tools, instruments and procedures to measure basic skills and general knowledge; professional knowledge and practice; and subject matter knowledge.

(12) Assurance that individual scores or measurements achieved on assessments instituted under § 49.18 (relating to assessment) are not released without the permission of the candidate or pursuant to subpoena or court order. The Department will inform the candidate by means of the candidate's last known address when it has received a subpoena or court order.

(c) Except for applicants whose certification status is subject to subsection (b)(9) and § 49.171 (relating to general requirements), the Department will require that an applicant for a certificate shall have completed an approved teacher preparation program and shall be recommended by the preparing institution.

(d) The Department will have the right to review approved programs at any time. Major evaluations shall be conducted at 7-year intervals, by professional educators appointed by the Department in accordance with subsection (b)(4), to review process and content.

(e) The Department will accept the request of an institution to withdraw from an approved program. The Department will have the right to withdraw the approval of a program from an institution. New students may not be accepted in a program which has lost its approved status after the date of the action.

§ 49.17. Continuing professional education.

(a) A school entity shall submit to the Secretary for approval a 3-year professional education plan as part of its strategic plan in accordance with the professional education guidelines established by the Secretary and section 1205.1 of the act (24 P. S. § 12-1205.1).

(1) A school entity shall develop a continuing professional education plan, which includes options for professional development including, but not limited to, activities such as the following:

(i) Graduate level coursework.

(ii) Obtaining a professionally related master's degree.

(iii) Department-approved in-service courses.

(iv) Curriculum development work.

(v) Attendance at professional conferences.

(2) The continuing professional education plan must define terms used including, but not limited to, the following:

(i) Professionally related graduate level coursework.

(ii) Professionally related master's degree.

(iii) Curriculum development work.

(iv) Professional conferences.

(3) The continuing professional education plan shall be developed as specified in section 1205.1 of the act. The plan must describe the persons who developed the plan and how the persons were selected.

(4) The continuing professional education plan submitted to the Secretary shall be approved by both the professional education committee and the board of the school entity.

(5) The Secretary will promulgate guidelines which include a process for amending approved continuing professional education plans in accordance with the requirements for initial preparation of the plans. The guidelines will also outline allowable activities for credit earned under sections 1205.1 and 1205.2 of the act (24 P. S. §§ 12-1205.1 and 1205.2) after July 1, 2006.

(6) The continuing professional education plan must include a section which describes how the professional education needs of the school entity, including those of diverse learners, and its professional employees are to be met through implementation of the plan. The plan must describe how professional development activities will improve language and literacy acquisition for all students and contribute to closing achievement gaps among students.

(7) The continuing professional education plan must include a description of how the school entity will offer all professional employees opportunities to participate in continuing education focused on teaching diverse learners in inclusive settings.

(8) A school district that contracts with a community provider to operate a prekindergarten program shall address in the school district's professional education plan how the school district will offer professional education opportunities to teachers in the community provider's prekindergarten program.

(b) A commissioned officer who obtains a Letter of Eligibility for Superintendent shall present to the Secretary evidence of satisfactory completion of 6 credit hours of continuing professional education courses every 5 years. This subsection will be satisfied by taking collegiate studies or Department-approved in-service courses or a combination thereof.

(c) Professional personnel who fail to comply with the continuing professional education plan under subsection (a) or fail to complete the requirements of sections 1205.1 and 1205.2 of the act will have their certificates or

commissions rendered inactive by the Department until the requirement is met. Professional personnel whose certificate or commission is rendered inactive shall have a right to appeal the action to the Secretary.

(d) School districts that employ professional personnel or commissioned officers with inactive certificates or commissions are subject to penalties provided for under section 2518 of the act (24 P. S. § 25-2518).

(e) Certified personnel are responsible for monitoring their own progress toward completing the requirements prescribed by sections 1205.1 and 1205.2 of the act and for notifying the Department of any changes to their home mailing address.

**Subchapter B. CERTIFICATION OF GRADUATES
FROM COMMONWEALTH INSTITUTIONS
INSTRUCTIONAL CERTIFICATES**

§ 49.83. Instructional II.

The Instructional II Certificate will be issued to an applicant who has completed:

- (1) A Department-approved induction program.
- (2) Three years of satisfactory teaching on an Instructional I Certificate attested to by the chief school administrator of the approved public or nonpublic school entity in which the most recent service of the applicant was performed.
- (3) Twenty-four credit hours of collegiate study or its equivalent in credits from the Department, a Pennsylvania intermediate unit or any combination thereof. The Department will publish a "Certification and Staffing Policy Guideline" that establishes up to the equivalent of six specific course credit hour requirements for each new Instructional I Certificate issued by the Department after September 22, 2007.
- (4) Present evidence of satisfactory achievement in assessments prescribed by the Department under § 49.18(a) (relating to assessment).

§ 49.85. Limitations.

(a) Instructional certificates issued before January 1, 2013, remain valid for the term of the certificate for the grade spans and age levels outlined in items paragraphs (1)–(6). For instructional certificates issued before January 1, 2013, the grade level limitations shall be the following:

- (1) Early childhood (prekindergarten, kindergarten, grades one through three or ages 3 through 8).
- (2) Elementary (kindergarten, grades one through six or ages 4 through 11).
- (3) Middle level (grades six through nine or ages 11 through 15).
- (4) Secondary (grades seven through twelve or ages 11 through 21).
- (5) Specialized areas (prekindergarten through grade 12 or up to age 21).
- (6) Special education (prekindergarten through grade 12 or up to age 21).

(b) For instructional certificates issued on or after January 1, 2013, the grade level limitations shall be the following:

- (1) Early Childhood (prekindergarten, kindergarten, grades one through four or ages 3 through 9).

(2) Elementary/Middle (grades four through eight or ages 9 through 14). Elementary/Middle Certificates permit instruction in any subject in grades four, five and six and in a core academic subject or subjects in grades seven and eight.

(3) Secondary (grades seven through twelve or ages 11 through 21).

(4) Specialized Areas (prekindergarten through grade twelve or up through age 21).

(5) Special education-PK–8 (prekindergarten through grade eight (ages 3 through 14)). Applicants for this certificate shall also obtain certification in one of the following certificates:

- (i) Early Childhood—in accordance with paragraph (1).
- (ii) Elementary/Middle—in accordance with paragraph (2).
- (iii) Reading Specialist—in accordance with paragraph (4).

(6) Special Education-7–12 (grades seven through twelve (ages 11 through 21)). Applicants for this certificate shall also obtain certification in one of the following certificates:

- (i) Secondary—in accordance with paragraph (3).
- (ii) Reading Specialist—in accordance with paragraph (4).

(7) Special Education Hearing Impaired, Visually Impaired and Speech/Language Impaired Certificates (prekindergarten, kindergarten, grades one through twelve or ages 3 through 21).

(c) The decision about staffing based on age or grade level rests with the school entity.

(d) The Secretary may grant exceptions to the grade and age level limitations between Early Childhood (subsection (b)(1)), Elementary/Middle (subsection (b)(2)), Special Education-PK–8 (subsection (b)(5)) and Special Education-7–12 (subsection (b)(6)) for individual teachers on a case-by-case basis. The school entity shall submit a written request to the Secretary that provides justification for the exception. The Secretary will set a time limit for each individual exception granted. The Secretary will issue guidelines that outline the circumstances under which exceptions will be granted.

(e) When a school district contracts with a community provider for the provision of prekindergarten services, prekindergarten teachers providing the services shall possess a certificate in early childhood as provided in subsection (a)(1) or subsection (b)(1) within the following time frame:

- (1) For contracts in place prior to September 22, 2007, September 24, 2012.
- (2) For new contracts, 5 years from the start of services.

(f) The Secretary may grant exceptions in response to shortages of certified personnel that apply Statewide to specific provisions of this section when it is necessary to facilitate transition to the revised provisions scheduled to become effective on January 1, 2013. Exceptions may be granted under the following conditions:

- (1) The Secretary will provide a written certification to the Board that includes relevant information and justification of the need for the exception. If the Board does not disapprove the exception within 90 days of receipt of the certification, the exception will stand approved.

(2) The exception will be valid for a limited term not to exceed 3 years.

(3) The Secretary will report annually to the Board on the nature and status of exceptions made under this section.

§ 49.86. Accelerated program for Early Childhood and Elementary/Middle level certificateholders.

(a) The Department will establish standards consistent with the criteria outlined in subsection (d) for an accelerated program for Early Childhood and Elementary/Middle level certificateholders to be effective January 1, 2013.

(b) Early Childhood Instructional I or Instructional II certificateholders may add the Elementary/Middle Level I Certificate through the successful completion of a Department approved accelerated program of study offered by an approved Commonwealth institution.

(c) Elementary/Middle Level Instructional I or Instructional II certificateholders may add the Early Childhood Instructional I Certificate through the successful completion of a Department approved accelerated program of study offered by an approved Commonwealth institution.

(d) Accelerated programs must include appropriate level academic content aligned with State academic standards, child development and instructional practice appropriate for the developmental level covered by the certificate. Applicants shall demonstrate subject matter knowledge by passing the appropriate assessment under § 49.18 (relating to assessment).

Subchapter C. VOCATIONAL EDUCATION CERTIFICATION

VOCATIONAL INSTRUCTIONAL CERTIFICATES

§ 49.142. Vocational Instructional I.

(a) A single certificate will be issued and titled, "Vocational Instructional Certificate." Individuals qualifying for

this certificate shall be authorized to teach in the areas for which they also hold an occupational competency credential. The occupational competency credential will be issued by the Department or an institution of higher education approved by the Secretary. The applicant shall have:

(1) A minimum of 2 years wage-earning experience in addition to the learning period required to establish competency in the occupation to be taught.

(2) Successfully completed the occupational competency examination or evaluation of credentials for occupations where examinations do not exist or present evidence of satisfactory achievement on an assessment of subject matter under § 49.18 (relating to assessment).

(3) Completed 18 credit hours in an approved program of vocational teacher education. For Vocational I Certificates issued on or after January 1, 2013, the 18 credit hours must include at least 3 credits or 90 hours, or equivalent combination thereof, regarding accommodations and adaptations for diverse learners in an inclusive setting. For purposes of this requirement, 1 credit equals 30 hours of coursework. Applicable hours are limited to a combination of seat hours of classroom instruction, field observation experiences, major research assignments, and development and implementation of lesson plans with accommodations and adaptations for diverse learners in an inclusive setting.

(4) Presented evidence of satisfactory achievement on the assessment of basic skills under § 49.18.

(b) The Vocational Instructional I Certificate shall be valid for 6 years during which time the applicant shall complete the approved preparation program leading to the Vocational Instructional II Certificate.

[Pa.B. Doc. No. 07-1753. Filed for public inspection September 21, 2007, 9:00 a.m.]

PROPOSED RULEMAKING

ENVIRONMENTAL QUALITY BOARD

[25 PA. CODE CH. 109]

Safe Drinking Water; Public Notification Revisions

The Environmental Quality Board (Board) proposes to amend Chapter 109 (relating to safe drinking water). The proposed rulemaking will strengthen the public notice requirements for imminent threat violations and situations (also known as Tier 1). The proposed rulemaking will enhance the planning requirements of both the Operation and Maintenance Plan and the Emergency Response Plan sections that relate to public notification. The proposed rulemaking amends the delivery requirements for community water systems, as appropriate to the type and size of the water system. Finally, this proposed rulemaking provides a few more examples of situations that need to be reported to the Department of Environmental Protection (Department) within 1 hour of discovery.

This proposed rulemaking was adopted by the Board at its meeting on May 16, 2007.

A. Effective Date

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

B. Contact Persons

For further information, contact Lisa Daniels, Division of Operations Monitoring and Training, P. O. Box 8467, Rachel Carson State Office Building, Harrisburg, PA 17105-8467, (717) 772-2189; or Marylou Barton, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposed rulemaking appears in Section J of this preamble. Persons with a disability may use the AT&T Relay Service, (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). The proposed rulemaking is available on the Department's website: www.depweb.state.pa.us.

C. Statutory Authority

The proposed rulemaking is being made under the authority of section 4 of the Pennsylvania Safe Drinking Water Act (35 P. S. § 721.4), which grants the Board the authority to adopt rules and regulations governing the provision of drinking water to the public, and sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-17 and 510-20).

D. Background and Purpose

The purpose of the proposed rulemaking is to strengthen the public notice requirements for imminent threat violations and situations (also known as Tier 1). The proposed rulemaking will enhance the planning requirements of both the Operation and Maintenance Plan and the Emergency Response Plan sections that relate to public notification. The proposed rulemaking amends the delivery requirements for community water systems, as appropriate to the type and size of the water system. Finally, this proposed rulemaking provides a few more examples of situations that need to be reported to the Department within 1 hour of discovery.

Operation and Maintenance Plan

The Department will require water suppliers to maintain contaminant fact sheets as a resource to respond to questions from the consumers and media about health effects and available treatment options.

Emergency Response Plan

The Department specified the information that must be included in an emergency response plan.

The Department expanded the list of people suppliers need to communicate and coordinate with during an emergency to include: local emergency management agencies, government agencies and sensitive subpopulations.

The Department included a requirement for procedures for providing an approved alternative water source during an emergency situation.

Delivery methods for Tier 1 public notices

Currently, the public notification regulation allows water suppliers to choose one or more of the following types of delivery for a Tier 1 notice: broadcast media, posting in conspicuous locations throughout the area served, hand delivery to persons served or another delivery method approved by the Department.

The proposed rulemaking specifies the type of delivery method that must be used based on the system's population size and the type of consumers who are being contacted. To contact bill paying customers, the Department will require water suppliers to provide direct delivery of the Tier 1 public notice by hand delivery, e-mail or automatic telephone dialing systems. To reach people who are transient and nontransient users, the proposed rulemaking also requires suppliers to use broadcast media such as radio or TV.

"Problem corrected" notice

The proposed rulemaking requires water suppliers to issue a "problem corrected" notice that a Tier 1 violation or situation has been corrected.

Content of abbreviated public notices

The Department is defining the minimum content elements that must be included in a Tier 1 notice that is delivered by automatic telephone dialing systems, TV scrollers, bullhorn announcements or radio station news flashes.

It is impossible to record the entire Tier 1 public notice on an automatic telephone dialer or expect broadcast media to read the entire message. Furthermore, consumers would become quite annoyed at the length of the message.

Consequently, the Department is specifying the immediate and essential elements that need to be included and requiring suppliers to provide a telephone number, or a website where consumers can hear or read the entire notice if they wish.

One-hour reporting

The Department is including a few more examples of situations that require 1-hour reporting to the Department. These situations include: an overfeed of a drinking water treatment chemical; a situation that causes negative pressure in the distribution system; and a lack of resources that affect operations, such as staff shortages,

notification by the power utility of planned lengthy power outages or imminent depletion of treatment chemical inventories.

In summary, the Board proposes to incorporate these amendments into Chapter 109 to strengthen the public notice requirements for imminent threat violations and situations (also known as Tier 1).

The draft proposed rulemaking was submitted for review to the Small Water Systems Technical Assistance Center Advisory Board (TAC) for review and discussion on May 18, 2006, July 12, 2006, and November 16, 2006. Comments were received from the TAC on November 21, 2006.

E. Summary of Regulatory Requirements

The proposed rulemaking is more stringent than the current Federal requirements under 40 CFR Part 141, Subpart Q (relating to public notification of drinking water violations).

Section 109.407(a)(6) (relating to general public notification requirements), regarding violation categories and other situations requiring a public notice, is amended to replace "waterborne" with "probable emergency situation" to be consistent with the text under §§ 109.408(a)(7), 109.701(a)(3)(iii) and 109.707(a)(2) (relating to Tier 1 public notice—form, manner and frequency; reporting and recordkeeping; and emergency response plan). The waterborne disease outbreak citation in § 109.1 (relating to definitions) was added for clarity.

Section 109.407(c)(4), regarding additional recipients, is amended to expand the group of individuals notified of a Tier 1 situation from "key public officials" to "additional recipients." The additional recipients include a water system's sensitive subpopulations, such as hospitals, schools, daycare facilities, nursing homes, industrial and commercial users.

Section 109.407(d), regarding additional requirements, is amended to tell water systems that additional planning requirements are under § 109.702 (relating to operation and maintenance plan) and § 109.707.

The heading of § 109.408 is amended to change "form, manner, and frequency" to "categories, timing and delivery" to accurately reflect the true content of the subsections. This heading change occurs in §§ 109.409 and 109.410 (relating to Tier 2 public notice—form, manner and frequency of notice; and Tier 3 public notice—form, manner and frequency of notice) to maintain consistency within Chapter 109.

Section 109.408(a)(7), regarding probable emergency situation, is amended to include the 1-hour reporting cross-reference to § 109.701(a)(3)(iii). A phrase was added to qualify that the "probable emergency situation" also had to have a significant potential to have serious adverse effects on human health as a result of short-term exposure. The examples were deleted because of the reference to § 109.701(a)(3)(iii).

Section 109.408(b)(5), regarding "problem corrected" notice, is amended to require water suppliers to issue a "problem corrected" public notification for Tier 1 violations or situations.

Section 109.408(c), regarding delivery of a Tier 1 public notice, is amended to:

Specify the forms of direct delivery a water supplier must use for contacting each service connection.

For community water systems that also serve transient and nontransient service connections, require systems to use appropriate broadcast media such as radio or television.

For community water systems that deliver an abbreviated notice, require that the entire public notice be posted on a website or recorded on a dedicated telephone line.

The Department is seeking comment about whether the population size of 3,301 and more people is the appropriate population level to eliminate hand delivery as a direct delivery option. Is it physically possible for systems serving more than 3,301 people to hand deliver and e-mail public notices within the 24-hour time frame?

Section 109.411(b) (relating to content of a public notice), regarding minimum content elements of an abbreviated notice, is amended to specify the minimum content elements that must be included on an abbreviated public notice that is delivered by automatic dialing systems, TV scrollers, bullhorn announcements or radio station news flashes.

The heading of § 109.701(a)(3), regarding compliance report, is changed to "1-hour reporting requirements" to be descriptive of the requirements of this paragraph.

Section 109.701(a)(3)(iii), regarding 1-hour reporting examples, is amended to add "a probable emergency situation" to cross-reference this requirement to the emergency response section. Additionally, the Department included three more examples of situations that require 1-hour reporting which are as follows: an overfeed of a drinking water treatment chemical; a situation that causes negative water pressure in a portion of the distribution system; and a lack of resources that affect operations, such as staff shortages, notification by the power utility of planned lengthy power outages or imminent depletion of treatment chemical inventories.

The Department will be developing guidance to provide additional information about situations that require 1-hour reporting.

Section 109.702(a)(6), regarding operation and maintenance plan public notification elements, is amended to require water suppliers to store additional elements such as United States Environmental Protection Agency contaminant fact sheets and an explanation of their methods of delivery of public notice within their operation and maintenance plan.

Section 109.702(c), regarding operation and maintenance plan update and storage, is amended to clarify that the water supplier must update the operation and maintenance plan, place it in a secure location and make it available upon request to the Department.

Section 109.707(a) is amended to specify the information that must be included in an emergency response plan.

For each probable emergency situation, require water suppliers to list contact person names and phone numbers for local emergency management agencies, government agencies, sensitive subpopulations, media and equipment and chemical suppliers.

The subsection also requires water suppliers to develop procedures for providing an approved alternative water supply during an emergency.

Section 109.707(b) and (c), regarding emergency response plan implementation and storage, is amended to require a water supplier to implement the emergency

response plan when necessary, store the plan in a secure location and make it available upon request to the Department.

F. Benefits, Costs and Compliance

Benefits

The strengthened public notice requirements for imminent threat violations and situations (also known as Tier 1) will provide greater health protection for the public. Specifically, the amendments requiring direct delivery of Tier 1 notices and requiring systems that have transient and nontransient users to use broadcast media should improve the delivery notification rate during an imminent threat situation. In other words, more people will know what actions they need to take to avoid adverse health effects.

By requiring water suppliers to keep public notice templates and fact sheets onsite, they will be better prepared to handle an emergency situation when it occurs.

By providing more examples of “probable emergency situations” that require 1-hour reporting to the Department, the Department expects to consult more often with water suppliers at the beginning of an emergency situation. This consultation should provide greater assistance to both the water industry and the public.

Compliance costs

Compliance costs to implement the direct delivery requirements for Tier 1 notices will increase for many of the community water systems, except those very small systems who are currently hand delivering Tier 1 public notices. The greatest increase in cost will be incurred by systems serving more than 3,300 people and will be associated with costs for contracting services for or purchasing an automatic telephone dialing system. These costs will vary based on system size and the number of telephone lines the system has available.

The costs for community water systems serving less than 3,300 people will be based on the number of hours it takes to pay employees their hourly wage to hand deliver public notices to each service connection. For some very small community water systems (serving less than 500 people), the cost to implement the new delivery requirements may be negligible because these systems are currently delivering Tier 1 notices by hand. However, for a community system serving 3,300 people, the cost to deliver a Tier 1 public notice by hand delivery was estimated to be approximately \$1,100 for a single Tier 1 event.

The following cost estimates are based on the following assumptions:

Hand delivery using employees

For community water systems serving 3,300 or fewer people, the cost to deliver a Tier 1 public notice by hand delivery was calculated based on the following estimates made by the program:

- Deliver one notice to each service connection.
- 3,300 people = 1,650 service connections (2 people/connection).
- One person can deliver 1 notice every 2 minutes, so 30 notices can be delivered each hour.
- Average employee wage = \$10/hour.
- Delivery time for 1,650 connections = 55 hours (1,650 connections/30 notices per hour).

- Delivery cost = \$550 per public notice delivery event (55 hours × \$10/hour).

- Total cost to deliver initial notice and “problem corrected” notices = \$1,100.

To gather cost estimates for purchasing automatic dialing systems or service contracts with automatic dialing system providers, the Department surveyed 11 vendors and the cost ranges reported as follows represent the survey results that the Department received from 7 of the vendors.

The following cost estimates for purchasing or contracting an automatic dialing system are based on the following assumptions:

- Costs are based on one 60-second call (Tier 1 notice) and one 30-second call (problem corrected) per year.
- Costs do not include employee time to learn, maintain and administer the system or costs for additional phone lines.
- Water suppliers can negotiate different rates with individual vendors.

Purchasing an automatic dialing system (onsite system)—two vendor quotes

| <i>Water System Population Size</i> | <i>1st Year Costs (Purchase, installation and training)</i> | <i>Annual Costs (Maintenance)</i> |
|-------------------------------------|--|-----------------------------------|
| 3,301—10,000 | \$18,500—32,500 | \$3,700—4,350 |
| More than 10,000 population | Not feasible to meet the 24-hour delivery time frame if using only one phone line. | |

The first year cost estimate range was \$18,500—\$32,500 with an annual cost range of \$3,000—4,350 for systems serving between 3,300 and 10,000 people. To meet the 24-hour delivery time frame, water systems may have to install additional phone lines.

Water systems serving more than 10,000 people could not purchase and use an onsite automatic dialing system because they could not meet the 24-hour delivery time frame for such a large population. For example, a system serving 20,000 people (10,000 service connections) would need 10,000 minutes to notify each service connection if using only 1 telephone line. Assuming that calls aren't placed between 12 a.m. and 6 a.m., the water supplier really only has 18 hours of time (1,080 minutes) to place the calls. In this example only 1,080 calls could be made of the 10,000 calls that are needed unless multiple phones lines are used.

Contracted service with an automatic dialing system provider—five vendor quotes

| <i>Water System Population Size</i> | <i>1st Year Costs (Purchase, installation and training)</i> | <i>Annual Costs (Maintenance, per call cost, database administration)</i> |
|-------------------------------------|---|---|
| 3,301—10,000 | \$4,000—29,000 | \$2,300—16,500 |
| 10,001—30,000 | \$4,000—29,000 | \$4,500—20,000 |
| 30,001—50,000 | \$4,000—29,000 | \$6,500—25,000 |
| 50,001—100,000 | \$4,000—29,000 | \$13,250—37,500 |
| More than 100,000 | \$4,000—29,000 | \$26,000—187,500+ |

The cost range for all population sizes for the first year cost of using a contracted service provider was \$4,000—\$29,000. The annual costs varied based on population size.

Compliance Assistance Plan

The proposed rulemaking addresses additional planning and delivery requirements. As a result, financial assistance should not be necessary.

Paperwork Requirements

The proposed rulemaking addresses additional planning and delivery requirements. As a result, some changes to forms, reports and other paperwork are expected.

G. Pollution Prevention

This proposed rulemaking contains no pollution prevention provisions.

H. Sunset Review

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

I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 11, 2007, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

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

J. Public Comments

Written comments. Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by November 21, 2007. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by November 21, 2007. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final regulation will be considered.

Electronic comments. Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by November 21, 2007. A subject heading of the proposal and a return name and address must be included in each transmission.

KATHLEEN A. MCGINTY,
Chairperson

Fiscal Note: 7-407. No fiscal impact; (8) recommends adoption.

Annex A

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

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE II. WATER RESOURCES

CHAPTER 109. SAFE DRINKING WATER

Subchapter D. PUBLIC NOTIFICATION

§ 109.407. General public notification requirements.

(a) Violation categories and other situations requiring a public notice. A public water supplier shall give public notice for the following circumstances:

* * * * *

(6) Occurrence of a waterborne disease outbreak, as defined in § 109.1 (relating to definitions), or other [waterborne] probable emergency situation as defined in § 109.701(a)(3)(iii) (relating to reporting and recordkeeping) that adversely affects the quality or quantity of finished water and has a significant potential to have serious adverse effects on human health as a result of short-term exposure.

* * * * *

(c) Public notice recipients.

* * * * *

(4) If a community water system has a Tier 1 violation, the water supplier shall also notify [key public officials] additional recipients as designated in the community water system's emergency response plan under § 109.707(a) (relating to emergency response plan).

* * * * *

(d) Additional requirements. Community water systems shall comply with the planning requirements specified under § 109.702(a)(6) (relating to operation and maintenance plan) and § 109.707.

§ 109.408. Tier 1 public notice—[form, manner and frequency] categories, timing and delivery of notice.

(a) General violation categories and other situations requiring a Tier 1 public notice. A public water supplier shall provide Tier 1 public notice for the following circumstances:

* * * * *

(7) Occurrence of a waterborne disease outbreak, as defined in § 109.1 (relating to definitions), or other [waterborne] probable emergency situation as defined in § 109.701(a)(3)(iii) (relating to reporting and recordkeeping) that adversely affects the quality or quantity of the finished water [including, but not limited to, the following:] and has a significant potential to have serious adverse effects on human health as a result of short-term exposure.

(i) Failure or significant interruption in key water treatment processes.

(ii) A natural disaster that disrupts the water supply or distribution system.

(iii) A chemical spill or unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination.]

* * * * *

(b) *Timing for a Tier 1 public notice.* A public water supplier shall do the following:

* * * * *

(5) Provide a public notice, as soon as possible, but no later than 24 hours after the notice is approved by the Department, that the Tier 1 violation or situation has been corrected.

(c) [*Form and manner*] *Delivery of a Tier 1 public notice.* The [*form and manner*] delivery methods used by a public water supplier shall fit the specific situation and shall be reasonably designed to reach residential, transient and nontransient users of the water system. To reach all persons served, a water supplier shall use, [*at a minimum, one or more of*] as appropriate to the type and size of the water system, the following forms of delivery:

(1) [*Appropriate broadcast media, such as radio or television.*] *Community water systems.*

(i) Systems serving 3,300 or fewer persons shall provide public notice to each service connection using one or more of the following forms of direct delivery:

- (A) Hand delivery.
- (B) Electronic mail.

(C) Another form of direct delivery approved in writing by the Department.

(ii) Systems serving 3,301 or more persons shall provide public notice to each service connection using one or more of the following forms of direct delivery:

- (A) Automatic telephone dialing systems or other best available technology.
- (B) Electronic mail.

(C) Another form of direct delivery approved in writing by the Department.

(iii) In addition to providing public notice to each service connection under subparagraph (i) or (ii), public water systems that also serve transient and nontransient service connections shall provide notice using appropriate broadcast media, such as radio and television.

(iv) If a public water supplier delivers an abbreviated notice in accordance with § 109.411(b)(relating to content of a public notice), the public water supplier shall also provide the entire public notice under this section in one of the following ways:

- (A) Posted on a website.
- (B) Recorded on a dedicated phone line.
- (C) Another method approved in writing by the Department.

(2) [*Posting of the notice in conspicuous locations throughout the area served by the water system.*] *Noncommunity water systems.* Noncommunity water systems shall provide notice to tran-

sient and nontransient consumers using one or more of the following forms of delivery:

(i) Posting the notice in conspicuous locations throughout the area served by the water system.

(ii) Another form of delivery approved in writing by the Department.

[(3) Hand delivery of the notice to persons served by the water system.

(4) Another delivery method approved in writing by the Department.]

§ 109.409. Tier 2 public notice—[*form, manner and frequency*] categories, timing and delivery of notice.

* * * * *

(c) [*Form and manner*] *Delivery of a Tier 2 public notice.* A public water supplier shall provide the initial public notice and any repeat notices in a form and manner that is reasonably designed to reach all persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but the public water supplier shall at a minimum meet the following requirements:

* * * * *

§ 109.410. Tier 3 public notice—[*form, manner and frequency*] categories, timing and delivery of notice.

* * * * *

(c) [*Form and manner*] *Delivery of a Tier 3 public notice.* A public water supplier shall provide the initial notice and any repeat notices in a form and manner that is reasonably designed to reach all persons served in the required time period. The form and manner of the public notice may vary based on the specific situation and type of water system, but the public water supplier shall, at a minimum, meet the following requirements:

* * * * *

§ 109.411. Content of a public notice.

(a) *Elements of a public notice.* When a public water system is required to give public notice under this subchapter, each public notice [**shall**] **must** include the following elements:

* * * * *

(3) Any potential adverse health effects from the violation or situation, including the standard language under subsection [(d)] (e)(1) or (2), whichever is applicable.

* * * * *

(10) A statement to encourage the notice recipient to distribute the public notice to other persons served, using the standard language under subsection [(d)](e)(3), [**where**] **when** applicable.

(b) *Abbreviated notice.* If automatic telephone dialing systems, TV scrollers, bullhorn announcements or radio station news flashes are used to deliver an abbreviated notice in accordance with § 109.408(c)(1) (ii) or (iii) (relating to tier 1 public notice—categories, timing and delivery of notice), the abbreviated notice must include, at a minimum, the following elements:

(1) A description of the violation or situation, including the contaminants of concern, and (as applicable) the contaminant levels.

(2) Whether alternative water supplies should be used.

(3) What actions consumer should take, including when they should seek medical help, if known.

(4) A telephone number or website address, or both, where consumers can obtain the entire notice.

[(b)] (c) * * *
* * * * *

[(c)] (d) * * *
* * * * *

[(d)] (e) * * *
* * * * *

Subchapter G. SYSTEM MANAGEMENT RESPONSIBILITIES

§ 109.701. Reporting and recordkeeping.

(a) *Reporting requirements for public water systems.* Public water systems shall comply with the following requirements:

* * * * *

(3) [*Compliance report*] *One-hour reporting requirements.* A public water supplier shall report the circumstances to the Department within 1 hour of discovery for the following violations or situations:

* * * * *

(iii) [**Circumstances exist**] **A probable emergency situation** which may adversely affect the quality or quantity of drinking water including, but not limited to [, **the**]:

(A) **The** occurrence of a waterborne disease outbreak [, **a**].

(B) A failure or significant interruption in key water treatment processes [, **a**].

(C) A natural disaster that disrupts the water supply or distribution system [, **or a**].

(D) A chemical spill [**or**].

(E) An unexpected loading of possible pathogens into the source water that significantly increases the potential for drinking water contamination.

(F) An overfeed of a drinking water treatment chemical.

(G) A situation that causes a negative water pressure in any portion of the distribution system.

(H) A lack of resources that affect operations, such as staff shortages, notification by the power utility of planned lengthy power outages or imminent depletion of treatment chemical inventories.

* * * * *

§ 109.702. Operation and maintenance plan.

(a) A community water supplier shall develop an operation and maintenance plan for the community water system. The operation and maintenance plan [**shall**] **must generally** conform to the guidelines contained in

the Department's *Public Water Supply Manual* and [**shall**] contain at least the following information:

* * * * *

(6) [**A public**] **Public** notification [**program including appropriate advance preparations, such as public**] elements in accordance with Subchapter D (relating to public notification) that include:

(i) **Public** notice templates [, **an**].

(ii) **EPA** contaminant fact sheets, when available.

(iii) An explanation of appropriate methods of delivery [**and a designation of public notice recipients for each tier type**] of public notice in accordance with Subchapter D).

* * * * *

(13) **Date of last update.**

* * * * *

(c) The **community water supplier** shall **review and update** the operation and maintenance plan [**shall be reviewed and updated**] as necessary to reflect changes in the operation or maintenance of the water system. The plan shall be [**bound and placed**]:

(1) **Placed** in **secure** locations which are readily accessible to the water system's personnel [, **and shall be presented**].

(2) **Presented** upon request to the Department.

* * * * *

§ 109.707. Emergency response plan.

(a) A community water supplier shall develop a plan for the provision of safe and adequate drinking water under emergency circumstances [, **and submit the plan to the Department for approval by December 8, 1985**]. The emergency response plan [**shall**] **must generally** conform to the guidelines contained in the Department's *Public Water Supply Manual*, as applicable, and [**shall**] contain at least the following [**information**]:

(1) [**Identification of probable emergency situations, including, but not limited to, those specified in § 109.701(a)(3)(iii) (relating to reporting and recordkeeping), and alternative solutions to respond to situations including how the system will maintain its ability to provide service in the event of contamination or an outage of one or more of its sources of supply. Consideration shall be given to providing reserve capacity according to § 109.609 (relating to reserve capacity and finished water storage).**] *Organization table.* An organization table that includes a prioritized list of names and contact numbers of persons in charge of the water system during an emergency.

(2) [**Procedures for communications and coordination with the local emergency management organization.**] *Communication procedures and contact information.* For each probable emergency situation, including, but not limited to, those specified in § 109.701(a)(3)(iii) (relating to reporting and recordkeeping), a list contact persons and phone numbers for the following groups of people:

(i) Local emergency management agencies within a water system's jurisdiction.

(ii) Government agencies including, but not limited to the Department, Public Utility Commission, Department of Health, Department of Energy, Department of Public Welfare and Pennsylvania Department of Agriculture.

(iii) Sensitive subpopulations including, but not limited to hospitals, schools, day-care facilities, nursing homes, industrial and commercial users.

(iv) Media.

(v) Equipment and chemical suppliers.

(3) *Means of communication.* A list containing the following:

(i) Types of communication equipment.

(ii) Types of communication for public notification.

(4) *Summary description of the system.* A list containing the following:

(i) Location of pertinent operational information.

(ii) Source information.

(iii) Treatment information.

(iv) Finished water storage.

(5) *Assessment of available resources.* A list containing the following:

(i) Mutual aid agreements.

(ii) Emergency water supply equipment that includes procedures for providing reserve capacity according to § 109.609 (relating to reserved capacity and finished water storage) or an approved alternative water supply.

(iii) Power supply equipment.

(iv) Repair equipment.

(v) Vehicles and construction equipment.

(vi) Spare equipment.

(6) *Corrective actions for probable emergency situations.* A list containing the following:

(i) Probable emergency situations including, but not limited to, those specified in § 109.701(a)(3)(iii).

(ii) Corrective actions for each probable emergency situation.

(b) The [plan shall be kept on file in a readily accessible location by the public water supplier] community water supplier shall implement the emergency response plan when necessary.

(c) The community water supplier shall review and update the plan [shall be reviewed and updated] at least annually. The plan must be:

(1) Placed in secure locations which are readily accessible to the water system's personnel.

(2) Presented upon request to the Department.

[Pa.B. Doc. No. 07-1754. Filed for public inspection September 21, 2007, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CH. 133]

Wildlife Classification

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission), at its June 26, 2007 meeting, proposed to amend § 133.41 (relating to classification of mammals).

The proposed rulemaking will have no adverse impact on the wildlife resources of this Commonwealth.

The authority for the proposed rulemaking is 34 Pa.C.S. (relating to Game and Wildlife Code) (code).

The proposed rulemaking was made public at the June 26, 2007, meeting of the Commission. Comments can be sent to, until September 28, 2007, the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797.

1. Purpose and Authority

To effectively protect and manage the wildlife resources of this Commonwealth, section 2167 of the code (relating to endangered or threatened species) empowers the Commission to make changes to the Pennsylvania list of native endangered and threatened species. Chapter 133 (relating to wildlife classifications) lists native birds and mammals determined by the Commission to be endangered or threatened. This chapter was last amended in October 2005. Commission staff has met with and received recommendations from the scientific technical committees of the Pennsylvania Biological Survey on species classification changes. Classifications were not proposed for birds. However, the Mammal Technical Committee recommended one change to the list of threatened and endangered mammals. The Commission is proposing to amend § 133.41 to add the northern flying squirrel to the endangered species list.

The northern flying squirrel is not a game species, and it is the larger and rarest of the two flying squirrel species in this Commonwealth. Surveys by both Game Commission personnel and independent researchers demonstrate population declines in this species. Historical records indicate this species once was distributed across northern Pennsylvania; however, recent surveys suggest it is now found only in small island populations in the northeast Pocono region and at one site in Warren County. The primary cause for the decline of this species is the loss and fragmentation of older-growth coniferous forests in this Commonwealth.

Section 322(c)(8) of the code (relating to powers and duties of commission) specifically empowers the Commission to "Add to or change the classification of any wild bird or wild animal." Section 2102(a) of the code (relating to regulations) provides that "The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations relating to the protection, preservation and management of game or wildlife and game or wildlife habitat...in this Commonwealth." The amendment to § 133.41 was proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend § 133.40 to update Pennsylvania's list of native endangered and threatened species with current recommendations provided by scientific technical committees of the Pennsylvania Biological Survey.

3. *Persons Affected*

Persons wishing to hunt, trap or otherwise affect certain wildlife (or their habitat) within this Commonwealth will be affected by the proposed rulemaking.

4. *Cost and Paperwork Requirements*

The proposed rulemaking should not result in additional cost or paperwork.

5. *Effective Date*

The proposed rulemaking will be effective upon final publication in the *Pennsylvania Bulletin* and will remain in effect until changed by the Commission.

6. *Contact Person*

For further information regarding the proposed rulemaking, contact Richard R. Palmer, Director, Bureau of Wildlife Protection, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, (717) 783-6526.

CARL G. ROE,
Executive Director

Fiscal Note: 48-255. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 133. WILDLIFE CLASSIFICATION

Subchapter C. MAMMALS

§ 133.41. Classification of mammals.

The following mammals are classified:

(1) *Endangered.*

* * * * *

(iv) Northern flying squirrel (*Glaucomys sabrinus macrotis*)

* * * * *

[Pa.B. Doc. No. 07-1755. Filed for public inspection September 21, 2007, 9:00 a.m.]

STATEMENTS OF POLICY

Title 52—PUBLIC UTILITIES

PENNSYLVANIA PUBLIC UTILITY COMMISSION

[52 PA. CODE CH. 69]

[M-00072009]

Default Service and Retail Electric Markets

[Correction]

An error occurred in the document which appeared at 37 Pa.B. 5019, 5023 (September 15, 2007). The fiscal note information should have appeared as follows:

Fiscal Note: Fiscal Note 57-237 remains valid for the final adoption of the subject regulations.

[Pa.B. Doc. No. 07-1699. Filed for public inspection September 14, 2007, 9:00 a.m.]

NOTICES

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 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 September 11, 2007.

BANKING INSTITUTIONS

Section 112 Application

| <i>Date</i> | <i>Name of Corporation</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 8-28-07 | The PNC Financial Services Group, Inc., Pittsburgh, to acquire up to 19.9% of Bucks County Bank, Doylestown, in conjunction with the acquisition of Yardville National Bancorp, Hamilton, NJ, which currently owns 19.9% of the common shares of Bucks County Bank. | Pittsburgh | Filed |

Branch Applications

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|---|---------------|
| 8-31-07 | Republic First Bank Philadelphia Philadelphia County | 8764 Frankford Avenue Philadelphia Philadelphia County | Filed |
| 9-6-07 | Farmers and Merchants Trust Company of Chambersburg Chambersburg Franklin County | 870 Norland Avenue Chambersburg Franklin County | Approved |
| 9-6-07 | First Savings Bank of Perkasie Perkasie Bucks County | 380 West Butler Avenue New Britain Bucks County | Approved |
| 9-6-07 | First Savings Bank of Perkasie Perkasie Bucks County | 3969 Durham Road Buckingham Township Bucks County | Approved |
| 9-6-07 | Citizens Bank of Pennsylvania Philadelphia Philadelphia County | 1777 Sentry Parkway West Blue Bell Montgomery County | Approved |
| 9-6-07 | Citizens Bank of Pennsylvania Philadelphia Philadelphia County | 1701 John F. Kennedy Boulevard Philadelphia Philadelphia County | Approved |

Branch Discontinuances

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|---|---------------|
| 8-16-07 | Susquehanna Bank PA Lititz Lancaster County | 2228 State Hill Road Wyomissing Berks County | Filed |
| 8-16-07 | Susquehanna Bank PA Lititz Lancaster County | 10 South Main Street Spring Grove York County | Filed |
| 8-16-07 | Susquehanna Bank PA Lititz Lancaster County | 2894 North Susquehanna Trail Shamokin Dam Snyder County | Filed |
| 8-16-07 | Susquehanna Bank PA Lititz Lancaster County | 128 Toddy Drive East Earl Lancaster County | Filed |
| 8-16-07 | Susquehanna Bank PA Lititz Lancaster County | 55 Wetzel Drive Hanover York County | Filed |

| <i>Date</i> | <i>Name of Bank</i> | <i>Location</i> | <i>Action</i> |
|-------------|---|--|---------------|
| 8-16-07 | Susquehanna Bank PA Lititz Lancaster County | 1 East Harrisburg Street Dillsburg York County | Filed |

Articles of Amendment

| <i>Date</i> | <i>Name of Bank</i> | <i>Purpose</i> | <i>Action</i> |
|-------------|--|--|------------------------|
| 9-11-07 | North Penn Bank Scranton Lackawanna County | Amendment to Article V of the Articles of Incorporation provides for an increase in the amount of authorized shares. | Approved and Effective |

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

The Department's website at www.banking.state.pa.us includes public notices for more recently filed applications.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 07-1756. Filed for public inspection September 21, 2007, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Reassignment of High School Students

Under section 1607.1(c) of the Pennsylvania Public School Code (code) added by section 14 of the July 20, 2007 (P. L. 278, No. 45) (act), Secretary of Education Gerald L. Zahorchak reports that, in accordance with section 1607.1(a)(1) of the code, has designated two school districts to accept high school students from the Duquesne City School District on a tuition basis. The two designated school districts are the East Allegheny School District and the West Mifflin Area School District. In accordance with section 1607.1(a)(3) of the code, each designated district will receive tuition in the amount of its 2006—2007 high school tuition charge for each student that it receives under section 1607.1(a)(1) of the code. The per-pupil tuition rates that the designated districts shall receive are \$8,811.22 for East Allegheny and \$9,060.25 for West Mifflin Area.

Under section 1607.1(a)(2) of the code, the Secretary of Education established a process for the reassignment of students. The question and answer document that follows was provided to Duquesne families to inform them about the reassignment process.

Duquesne City School District

Student Selection Process per Legislative Mandate (July 2007)

1. Which high schools are available?

Duquesne High School students (grades 9—12) will attend West Mifflin Area High School and East Allegheny High School beginning in the fall of 2007.

2. How many students will be assigned to each high school?

Students will be assigned so that 65% of the students will attend West Mifflin Area High School and 35% of the students will attend East Allegheny High School. The 65%/35% split will be applied to each grade level.

3. Who is eligible to attend either of these high schools?

All Duquesne residents who want to continue in public school for the 2007—08 school year are eligible to participate in the selection process—this includes 8th grade students who will be entering 9th grade in the fall of 2007. Private, religious or charter school students need to first register as Duquesne students in the elementary school office to be eligible and to take part in the selection process.

4. How will the selection process work?

Each student will receive a selection card in the following manner:

- Currently enrolled Duquesne students will receive a selection card in the mail.

- All students may pick up a selection card and information about the academic programs/extracurricular activities offered at each high school during the following times:

- Wednesday, July 25, 2007, 7 p.m.—8 p.m. (Duquesne School Cafeteria)

- Thursday, July 26, 2007, 9 a.m.—3 p.m. (Duquesne High School Office)

- Friday, July 27, 2007, 9 a.m.—3 p.m. (Duquesne High School Office)

After reviewing the information provided about each school, students must select either West Mifflin Area High School or East Allegheny High School as their school choice.

Each student must complete a selection card and return it to the Duquesne High School Office during the following times:

- Thursday, July 26, 2007, 9 a.m.—3 p.m.;

- Friday, July 27, 2007, 9 a.m.—3 p.m.;

- Monday, July 30, 2007, 9 a.m.—3 p.m. and 6 p.m.—8 p.m.;

—Tuesday, July 31, 2007, 9 a.m.—3 p.m. and 6 p.m.—8 p.m.

Students in grade 12 will be assigned first, followed in order by grades, 11, 10 and 9. This will ensure that younger siblings who wish to attend the same high school as their older siblings will be able to do so.

If the number of students selecting a school exceeds the determined enrollment number for that grade level, then all interested students within that grade level selecting that school will be placed in a lottery.

5. Selecting a high school will not be determined on a first come first serve basis.

Every student who completes and returns the school selection card during the selection process has an equal chance of getting his or her first choice school. A student who completes and returns the selection card on the first day of the selection process does not have an advantage over a student who completes and returns the selection card on the last day of the selection process.

6. How will the lottery work?

If necessary, the lottery drawing will take place on Friday, August 3, 2007, at a public meeting with community members in attendance. The lottery process will be explained before the lottery takes place.

The lottery will be conducted as follows:

1) A name will be drawn and posted immediately on Duquesne's lottery board, which will be visible to the public view.

2) During the week of August 6, 2007, letters will be mailed to inform parents/guardians of their student's new high school, and if applicable, the number on the waiting list for the first choice high school, after the lottery takes place.

For example, if the enrollment number for West Mifflin Area is 25 12th graders and 30 students select West Mifflin Area, then all 30 students will be placed into the lottery system. The first 25 names drawn will be assigned to West Mifflin Area High School and the remaining 5 students will be assigned to East Allegheny High School.

7. How does selection work for siblings?

Siblings in grades 9, 10 and 11 will attend the same high school that their older brother or sister has chosen unless a parent or guardian specifies otherwise. For this purpose, in order to be considered for sibling status, applicants must meet one of the following criteria:

a. Brothers or sisters of the same parent(s) or legal guardian(s).

b. Children that reside in the same household and have the same legal guardian.

*Legal proof of guardianship and residence is required for both instances.

8. What happens if a student does not receive his or her "first choice" school?

If a student is involved in the lottery drawing and does not receive the school he or she selected, then that student may choose to be put on a waiting list for their first choice school. A student's number on the waiting list will be determined by the number he or she draws in the lottery.

For example, to continue with the first example, once the 25 names are drawn for West Mifflin Area, the remaining names will be drawn for the waiting list. If your name is the 26th name drawn for West Mifflin Area, then you will be 1st on the waiting list, if your name was drawn as 27 for West Mifflin Area, then you will be 2nd on the waiting list, etc.

9. What about students who enroll in Duquesne after the selection process has taken place?

Students transferring to Duquesne City School District after the selection process has concluded will be given a choice between West Mifflin Area and East Allegheny. If a student's first choice school already has students assigned up to its determined enrollment level, then he or she will be assigned to the other school. If a student wants to be placed on the waiting list for his or her first choice school, then his or her name will be added to the bottom of the waiting list, below the students who took part in the selection process.

10. What happens if a student hands in a selection card after the scheduling period or does not return a selection card?

If a student does not complete and return the school selection card during the selection process, then the student will be assigned to his or her first choice only if space is available because the determined enrollment number has not been reached. If space is not available in the student's first choice school, then the student will be assigned to the other school.

GERALD L. ZAHORCHAK, D. Ed.,

Secretary

[Pa.B. Doc. No. 07-1757. Filed for public inspection September 21, 2007, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste,

discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

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

Unless indicated otherwise, the 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

| <i>Southeast Region: Water Management Program Manager, 2 East Main Street, Norristown, PA 19401.</i> | | | | |
|--|--|--|---|-----------------------------|
| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
| PA0030112 | Methacton School District 3000 Eagleview Road Norristown, PA 19403 | Montgomery County Worcester Township | UNT to Skippack Creek 3E Perkiomen | Y |
| PA0058572 | Penn Township 260 Lewis Road West Grove, PA 19390 | Chester County Penn Township | Tributary to East Branch of Big Elk Creek | Y |
| PA0032301 | Concord Industrial Park Applied Waste Management, Inc. 453 Boot Road Downingtown, PA 19335 | Delaware County Concord Township | West Branch of Chester Creek 3G | Y |
| <i>Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.</i> | | | | |
| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
| PA0034746 | Lil Wolf Mobile Home Park 3411 Lil Wolf Drive Orefield, PA 18069 | North Whitehall Township Lehigh County | UNT to Coplay Creek CWF 2C | Y |

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|---|--|---|-----------------------------|
| PA0062367 | Lakeview Estates Homeowners Association 1425 South Collegeville Road Collegeville, PA 19426 | Lehigh Township Wayne County | UNT to Lehigh River HQ-CWF 2A | Y |
| PAS802203 | Mack Trucks, Inc. 7000 Alburts Road Macungie, PA 18062 | Lower Macungie Township Lehigh County | Swabia Creek HQ-CWF Watershed 2C | Y |
| PA0051691 | Pharmachem Corp. 719 Stefko Boulevard P. O. Box 1035 Bethlehem, PA 18018 | Bethlehem City Northampton County | Unnamed Intermittent Tributary to Lehigh River Canal 2C WWF | Y |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|---|---------------------------------------|--------------------------------------|-----------------------------|
| PAS224801 IW | Patterson Lumber Co., Inc. P. O. Box 57 Wellsboro, PA 16901 | West Branch Township Potter County | West Branch Pine Creek 9A | Y |

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

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

PA0054704, Sewage, SIC 4952, **Qtown Properties, LLC**, 1620 Wrightstown Road, Newtown, PA 18940. This existing facility is located in East Rockhill Township, **Bucks County**.

Description of Proposed Activity: Renewal of NPDES Permit to discharge treated sewage effluent from the Success Rehabilitation Clinic WWTP located at 5666 Clymer Road, Quakertown, PA 18951.

The receiving stream, a UNT Tohickon Creek, is in the State Water Plan Watershed 2D and is classified for: TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for North Penn and North Wales Water Authority Forest Park System is located on the Delaware River and is approximately 13 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0077 million gpd.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|-----------------------------|----------------------------|--------------------------|-----------------------------|--------------------------|---|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum (mg/l)</i> |
| CBOD ₅ | | | 25 | | 50 |
| Total Suspended Solids | | | 30 | | 60 |
| Ammonia as N | | | | | |
| (5-1 to 10-31) | | | 2.0 | | 4.0 |
| (11-1 to 4-30) | | | 6.0 | | 12.0 |
| Total Phosphorus as P | 0.0321 | | 0.5 | | 1.0 |
| Fecal Coliform (col/100 ml) | | | 200 | | 1,000 |
| Dissolved Oxygen | | | 6.0, I-min. | | |
| pH (Standard Units) | | | 6.0, I-min. | | 9.0 |
| Total Residual Chlorine | | | 0.05 | | 0.12 |

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

1. Notification of Designation of Responsible Operator.
2. Abandon STP when Public Sewers Become Available.
3. Remedial Measures if Public Nuisance.
4. No Stormwater to Sewers.
5. Necessary Property Rights.
6. Small Stream Discharge.
7. Chlorine Minimization.
8. Proper Sludge Disposal.
9. Twice per Month Sampling.
10. TRC Limit Below Detection Level.
11. Change of Ownership.
12. Instantaneous Maximum Limits.
13. Operator Training.

14. Fecal Coliform Reporting.
15. Operations and Maintenance Plan.
16. Laboratory Certification.

The EPA waiver is not in effect.

PA0011444, Industrial Waste, SIC 3996, **Congoleum Corporation**, P. O. Box 3127, Mercerville, NJ 08619. This proposed facility is located in Trainer Borough, **Delaware County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge noncontact cooling water, stormwater and groundwater from Congoleum Corporation, Plant No. 3.

The receiving stream, Marcus Hook Creek, is in the State Water Plan Watershed 3G and is classified for: WWF, aquatic life, water supply and recreation. There is no public water supply intake below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.01 mgd:

| <i>Parameters</i> | <i>Instantaneous Maximum</i> |
|-------------------|--|
| Temperature | 110° F |
| pH | 6.0 to 9.0 Standard Units all the time |

The proposed monitoring for Outfalls 001 and 002 are based on an average stormwater flow:

| <i>Parameters</i> | <i>Instantaneous Maximum (mg/l)</i> |
|--------------------------|---|
| CBOD ₅ | Monitor and Report |
| COD | Monitor and Report |
| Oil and Grease | Monitor and Report |
| pH (Standard) | Monitor and Report |
| Total Suspended Solids | Monitor and Report |
| Total Kjeldahal Nitrogen | Monitor and Report |
| Total Phosphorus | Monitor and Report |
| Iron, Dissolved | Monitor and Report |

The proposed monitoring for Outfall 003 is based on 700 gpd of groundwater flow:

| <i>Parameters</i> | <i>Daily Maximum (mg/l)</i> |
|-------------------|---------------------------------|
| Barium, Total | Monitor and Report |

No monitoring is required for Outfall 004.

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

1. Right to Modify.
2. No Chemical Addition.
3. Change in Ownership.
4. Approval to Use MP101.
5. Stormwater Condition.
6. Laboratory Certification.

PA0036978, Amendment No. 1, Sewage, SIC 4952, **Telford Borough Authority**, 122 Penn Avenue, P. O. Box 209, Telford, PA 18969-0209. This facility is located in Franconia Township, **Montgomery County**.

Description of Proposed Activity: Discharge of treated sewage from Telford Borough Wastewater Treatment Plant. Amended permit reflects revision to Copper limitation as a result of approved Water Effect Ratio study performed by Telford Borough Authority.

The receiving stream, Indian Creek, is in the State Water Plan, Watershed 3E Perkiomen Creek Basin and is classified for: TSF. The nearest downstream public water supply intake for Philadelphia Suburban Water Company is located on Perkiomen Creek and is 20.99 miles below the point of discharge.

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

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|------------------------|-----------------------------------|----------------------------------|---------------------------------|---|
| CBOD ₅ | | | | |
| (5-1 to 10-31) | 15 | 23 | | 30 |
| (11-1 to 4-30) | 20 | 30 | | 40 |
| Total Suspended Solids | 20 | 30 | | 40 |
| NH ₃ -N | | | | |
| (5-1 to 10-31) | 1.5 | | | 3.0 |
| (11-1 to 4-30) | 3.0 | | | 6.0 |
| Phosphorous as P | 1.0 | | | 2.0 |
| Dissolved Oxygen | 6.0 minimum | | | |
| Fecal Coliform | 200 # Col/100 ml | | | |
| pH (Standard) | 6.0 minimum | | | 9.0 |

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Maximum Daily (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-------------------------------|------------------------------|-----------------------------|-------------------------------------|
| Total Dissolved Solids | Monitor | Monitor | | Monitor |
| Total Residual Chlorine | 0.01 | | | 0.03 |
| Copper, Total | 0.078 | | | 0.122 |
| Copper, Dissolved | Monitor | | | Monitor |
| Aluminum, Total | Monitor | Monitor | | Monitor |

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

1. Remedial Measures.
2. Sewage Sludge Disposal.
3. Whole Effluent Toxicity Tests at Renewal.
4. TMDL/WLA Analysis.
5. Operations and Maintenance Plan.
6. Laboratory Certification.
7. Effluent and Downstream Hardness Monitoring.
8. Stormwater Outfall.
9. High Flow Maintenance Plan.
10. Chlorine Minimization.
11. Infiltration/Inflow Abatement Program.
12. Stream Inspection For Presence of Solid.

PA0026867, Sewage, SIC 59, **Abington Township**, 1176 Old York Road, Abington, PA 19001-3713. This existing facility is located in Upper Dublin Township, **Montgomery County**.

Description of Proposed Activity: Amendment of an NPDES permit to discharge 3.91 mgd of treated sanitary sewage from a facility located at 1000 Fitzwatertown Road, Roslyn, PA 19001-4008. The receiving stream, Sandy Run, is in the State Water Plan Watershed 3F (Lower Schuylkill) and is classified for: TSF.

In accordance with Part C.12 of the NPDES permit, the requirement to conduct quarterly chronic whole effluent toxicity testing is removed for the remainder of the permit. On May 21, 2007, Abington Township submitted the results of four consecutive whole effluent toxicity (WET) tests. The Department concurs that the results of the submitted WET tests supports the removal of the requirement to conduct further quarterly WET testing. In lieu of this requirement, Abington Township will be required to submit the results of four additional quarterly WET tests conducted in the year preceding the next permit application. (40 CFR 121(j)(5)(iv)(A))

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

PA0060518, Sewage, **Hallstead Great Bend Joint Sewer Authority**, Spring Street, P. O. Box 747, Great Bend, PA 18821-0747. This proposed facility is located in Great Bend Borough, **Susquehanna County**.

Description of Proposed Activity: NPDES permit amendment to increase discharge flow from 0.350 mgd to 0.500 mgd.

The receiving stream, North Branch Susquehanna River, is in the State Water Plan Watershed No. 4E and is classified for: WWF. The nearest downstream public water supply intake assumed at PA/NY State boundary line is 3 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 0.350 mgd.

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|---|--|------------------------------|-------------------------------------|
| CBOD ₅ | 25.0 | 40.0 | 50.0 |
| Total Suspended Solids | 30.0 | 45.0 | 60.0 |
| Fecal Coliform (5-1 to 9-30) (10-1 to 4-30) | 200/100 ml as a Geometric Mean 2,000/100 ml as a Geometric Mean | | |
| pH | 6.0 to 9.0 Standard Units at all times. | | |
| Total Residual Chlorine | 1.0 | | 2.0 |

Chesapeake Bay Tributary Strategy Nutrient Requirements for outfall 001 based on a design flow 0.350 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | <i>Mass (lbs)</i> |
|----------------------|-----------------------------|---------------------|--------------------|
| | <i>Monthly Average</i> | <i>Monthly Load</i> | <i>Annual Load</i> |
| Ammonia-N | Report | Report | Report |
| Kjeldahl-N | Report | Report | |
| Nitrate-Nitrate as N | Report | Report | |
| Total Nitrogen | Report | Report | Report |
| Total Phosphorus | Report | Report | Report |
| Net Total Nitrogen | | Report | |
| Net Total Phosphorus | | Report | |

The proposed effluent limits for Outfall 001 based on a design flow of 0.500 mgd.

| <i>Parameter</i> | <i>Average</i> | <i>Average</i> | <i>Instantaneous</i> |
|---|--|----------------------|-----------------------|
| | <i>Monthly (mg/l)</i> | <i>Weekly (mg/l)</i> | <i>Maximum (mg/l)</i> |
| CBOD ₅ | 25.0 | 40.0 | 50.0 |
| Total Suspended Solids | 30.0 | 45.0 | 60.0 |
| Fecal Coliform (5-1 to 9-30) (10-1 to 4-30) | 200/100 ml as a Geometric Mean 2,000/100 ml as a Geometric Mean | | |
| PH | 6.0 to 9.0 Standard Units at all times. | | |
| Total Residual Chlorine | 1.0 | | 2.0 |

Chesapeake Bay Tributary Strategy Nutrient Requirements for outfall 001 based on a design flow of 0.500 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | <i>Mass (lbs)</i> |
|----------------------|-----------------------------|----------------|-------------------|
| | <i>Monthly</i> | <i>Monthly</i> | <i>Annual</i> |
| | <i>Average</i> | <i>Load</i> | <i>Load</i> |
| Ammonia-N | Report | Report | Report |
| Kjeldahl-N | Report | Report | |
| Nitrate-Nitrate as N | Report | Report | |
| Total Nitrogen | Report | Report | 9,741 lbs/yr. |
| Total Phosphorus | Report | Report | 1,218 lbs/yr. |
| Net Total Nitrogen | | Report | |
| Net Total Phosphorus | | Report | |

In addition to the effluent limits, the permit contains the following major special conditions: Revised Chesapeake Bay Nutrient Requirements.

PA0026921, Sewage, **Greater Hazleton Joint Sewer Authority**, P. O. Box 651, Valmont Industrial Park, West Hazleton, PA 18201-0651. This proposed facility is located in West Hazleton Borough, **Luzerne County**.

Description of Proposed Activity: Renewal permit to discharge 8.9 mgd of treated sewage.

The receiving stream, Black Creek, is in the State Water Plan Watershed No. 5D and is classified for: CWF. The nearest downstream public water supply intake for Danville is located on North Branch Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 8.9 mgd.

| <i>Parameter</i> | <i>Average</i> | <i>Average</i> | <i>Instantaneous</i> |
|---|---|----------------------|-----------------------|
| | <i>Monthly (mg/l)</i> | <i>Weekly (mg/l)</i> | <i>Maximum (mg/l)</i> |
| CBOD ₅ | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| Fecal Coliform (5-1 to 9-30) (10-1 to 4-30) | 200/100 ml 2,000/100 ml | | |
| pH | 6.0 to 9.0 Standard Units at all times. | | |
| Total Residual Chlorine | 0.5 | | 1.0 |

Chesapeake Bay Tributary Strategy Nutrient Requirements

| <i>Parameter</i> | <i>Concentration (mg/L)</i> | | <i>Mass (lbs)</i> |
|----------------------|-----------------------------|----------------|-------------------|
| | <i>Monthly</i> | <i>Monthly</i> | <i>Annual</i> |
| | <i>Average</i> | <i>Load</i> | <i>Load</i> |
| Ammonia-N | Report | Report | Report** |
| Kjeldahl-N | Report | Report | |
| Nitrite-N/Nitrate N | Report | Report | |
| Total Nitrogen | Report | Report | Report |
| Total Phosphorus | Report | Report | Report |
| Total Net Nitrogen | | Report | 216,739* |
| Total Net Phosphorus | | Report | 27,092* |

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

Outfalls 101—103 (Stormwater)*

| Parameter | Mass (lb/day) | | Concentration (mg/l) | |
|-------------------------------|-----------------|---------------|----------------------|---------------|
| | Average Monthly | Maximum Daily | Average Monthly | Maximum Daily |
| CBOD ₅ | | | | Report |
| Chemical Oxygen Demand | | | | Report |
| Oil and Grease | | | | Report |
| pH | | | | Report |
| Total Suspended Solids (TSS) | | | | Report |
| Total Kjeldahl Nitrogen (TKN) | | | | Report |
| Total Phosphorus | | | | Report |
| Iron (dissolved) | | | | Report |

* Permittee has the option to perform annual inspection of facility in lieu of annual monitoring.

Point Sources 002—016 (except 007) serve as combined sewer reliefs necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant. In accordance with the Department of Environmental Protection's the Environmental Protection Agency approved CSO strategy, a special permit requirements is included in Part C of this permit.

In addition to the effluent limits, the permit contains the following special conditions: Sludge disposal, pretreatment operations and reporting requirements, combined sewer overflows, Chesapeake Bay Nutrient requirements and stormwater.

The EPA waiver is not in effect.

PA0045985, Sewage, **Mountaintop Area Joint Sanitary Authority**, 290 Morio Drive, Mountaintop, PA 18707. This proposed facility is located in Dorrance Township, **Luzerne County**.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, Big Wapwallopen Creek, is in the State Water Plan Watershed No. 5B and is classified for: CWF. The nearest downstream public water supply intake for Danville Borough Water Company is located on Susquehanna River over 30 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 4.16 mgd.

| Parameter | Average Monthly (mg/l) | Average Weekly (mg/l) | Instantaneous Maximum (mg/l) |
|-------------------------|---|-----------------------|------------------------------|
| CBOD ₅ | 25.0 | 40.0 | 50.0 |
| Total Suspended Solids | 30.0 | 45.0 | 60.0 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 2.5 | | 5.0 |
| (11-1 to 4-30) | 7.5 | | 15.0 |
| Dissolved Oxygen | A minimum of 6.0 mg/l at all times. | | |
| Fecal Coliform | | | |
| (5-1 to 9-30) | 200/100 ml as a Geometric Mean | | |
| (10-1 to 4-30) | 2,000/100 ml as a Geometric Mean | | |
| pH | 6.0 to 9.0 Standard Units at all times. | | |
| Total Residual Chlorine | 0.06 | | 0.21 |
| Chlorodibromomethane | Monitor and Report | | |
| Dichlorobromomethane | Monitor and Report | | |
| Whole Effluent Toxicity | 1.19 Chronic Toxicity Units | | |

Chesapeake Bay Tributary Strategy Nutrient Requirements

| Parameter | Concentration (mg/l) | | Mass (lbs) | |
|----------------------|----------------------|--------------|--------------|-------------|
| | Monthly Average | Monthly Load | Monthly Load | Annual Load |
| Ammonia-N | Report | Report | Report | Report** |
| Kjeldahl-N | Report | Report | Report | Report |
| Nitrate-Nitrate as N | Report | Report | Report | Report |
| Total Nitrogen | Report | Report | Report | Report |
| Total Phosphorus | Report | Report | Report | Report |
| Net Total Nitrogen | | Report | Report | 75,981* |
| Net Total Phosphorus | | Report | Report | 10,131* |

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports submitted to the Department.

PA0027090, Sewage, **Lackawanna River Basin Sewer Authority**, P. O. Box 9068, Dickson City, PA 18515. This proposed facility is located in Throop Borough, **Lackawanna County**.

Description of Proposed Activity: Renewal of NPDES Permit.

The receiving stream, Lackawanna River, is in the State Water Plan Watershed No. 5A and is classified for: CWF. The nearest downstream public water supply intake for Danville Borough Water Company is located on the Susquehanna River over 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 7.0 mgd.

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|---|------------------------------|-------------------------------------|
| CBOD ₅ | 19 | 28 | 38 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 4.5 | | 9.0 |
| (11-1 to 4-30) | 13.5 | | 27.0 |
| Dissolved Oxygen | A minimum of 5.0 mg/l at all times. | | |
| Fecal Coliform | | | |
| (5-1 to 9-30) | 200/100 ml as a Geometric Mean | | |
| (10-1 to 4-30) | 2,000/100 ml as a Geometric Mean | | |
| pH | 6.0 to 9.0 Standard Units at all times. | | |
| Total Residual Chlorine | 0.09 | | 0.31 |

Chesapeake Bay Tributary Strategy Nutrient Requirements

| <i>Parameter</i> | <i>Concentration (mg/L)</i> | | <i>Mass (lbs)</i> |
|----------------------|-----------------------------|---------------------|--------------------|
| | <i>Monthly Average</i> | <i>Monthly Load</i> | <i>Annual Load</i> |
| Ammonia-N | Report | Report | Report** |
| Kjeldahl-N | Report | Report | |
| Nitrate-Nitrate as N | Report | Report | |
| Total Nitrogen | Report | Report | Report |
| Total Phosphorus | Report | Report | Report |
| Net Total Nitrogen | | Report | 127,852* |
| Net Total Phosphorus | | Report | 17,047* |

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department of Environmental Protection's (Department) Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document No. 392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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

1. Industrial pretreatment, combined sewer overflows, whole effluent toxicity testing, site stormwater and Chesapeake Bay Nutrient Requirements.

* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2010. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

In addition to the effluent limits, the permit contains the following major special condition: Chronic Whole Effluent Toxicity Testing.

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

Application No. PA0021890, Sewage, **New Holland Borough**, 436 East Main Street, New Holland, PA 17557. This facility is located in Earl Township, **Lancaster County**.

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

The receiving stream, Mill Creek, is in Watershed 7-J, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Holtwood Power Plant is located on the Susquehanna River, approximately 60 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.34 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-------------------------------------|----------------------------------|---|
| CBOD ₅ | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 1.8 | | 3.6 |
| (11-1 to 4-30) | 5.4 | | 10.8 |
| Total Residual Chlorine | 0.5 | | 1.1 |
| Total Phosphorus | 2.0 | | 4.0 |
| Dissolved Oxygen | Minimum of 5.0 at all times | | |
| pH | From 6.0 to 9.0 inclusive | | |
| Fecal Coliform | | | |
| (5-1 to 9-30) | 200/100 ml as a Geometric Average | | |
| (10-1 to 4-30) | 2,000/100 ml as a Geometric Average | | |

Chesapeake Bay Requirements

| | <i>Concentration (mg/L)</i> | <i>Mass (lbs)</i> | |
|----------------------|-----------------------------|-------------------|---------------|
| | <i>Monthly Average</i> | <i>Monthly</i> | <i>Annual</i> |
| Ammonia-N | Report | Report | Report** |
| Kjeldahl-N | Report | Report | XXX |
| Nitrate-Nitrite as N | Report | Report | XXX |
| Total Nitrogen | Report | Report | Report |
| Total Phosphorus | Report | Report | Report |
| Net Total Nitrogen | XXX | Report | 24,475* |
| Net Total Phosphorus | XXX | Report | 3,263* |

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

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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 0247367, CAFO, Noah Martin, 289 Maxwell Drive, Quarryville, PA 17566-9784.

Noah Martin has submitted an NPDES permit application for Valley M Pork Farm, an existing swine operation in East Drumore Township, **Lancaster County**. The CAFO is situated near a UNT of Conowingo Creek, which is classified as an HQ-CWF. The CAFO has a target animal population of approximately 503 animal equivalent units consisting of 3,700 finishing swine. There are also 20 heifers and 10 horses on pasture, owned by a separate farmer.

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

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

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

Application No. PA 0026191, Sewage, **Borough of Huntingdon**, 530 Washington Street, Huntingdon, PA 16652. This facility is located in Smithfield Township, **Huntingdon County**.

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

The receiving stream, Juniata River, is in Watershed 11-B, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Dauphin Consolidated Water Company is located on the Susquehanna River, approximately 103 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 4.0 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-------------------------------------|----------------------------------|---|
| CBOD ₅ | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| Total Residual Chlorine | 0.5 | | 1.6 |
| Total Phosphorus | 2.0 | | 4.0 |
| Dissolved Oxygen | Minimum of 5.0 at all times | | |
| pH | From 6.0 to 9.0 inclusive | | |
| Fecal Coliform | | | |
| (5-1 to 9-30) | 200/100 ml as a Geometric Average | | |
| (10-1 to 4-30) | 2,000/100 ml as a Geometric Average | | |

Chesapeake Bay Requirements

| | <i>Concentration (mg/L) Monthly Average</i> | <i>Monthly</i> | <i>Mass (lbs)</i> | <i>Annual</i> |
|----------------------|---|----------------|-------------------|---------------|
| Ammonia-N | Report | Report | | Report** |
| Kjeldahl-N | Report | Report | | XXX |
| Nitrate-Nitrite as N | Report | Report | | XXX |
| Total Nitrogen | Report | Report | | Report |
| Total Phosphorus | Report | Report | | Report |
| Net Total Nitrogen | XXX | Report | | 73,058* |
| Net Total Phosphorus | XXX | Report | | 9,741* |

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

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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 0026077, Sewage, **Borough of Carlisle**, 53 West South Street, Carlisle, PA 17013. This facility is located in Middlesex Township, **Cumberland County**.

Description of activity: The application is for renewal of an NPDES permit for an existing 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 Pennsylvania American Water Company is located on the Conodoguinet Creek, approximately 12.8 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 7.0 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-------------------------------------|----------------------------------|---|
| CBOD ₅ | 25 | 40 | 70 |
| Total Suspended Solids | 30 | 45 | 85 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 3.2 | | 8.9 |
| (11-1 to 4-30) | 9.6 | | 26 |
| Total Residual Chlorine | 0.5 | | 1.6 |
| Total Phosphorus | 1.0 | | 2.8 |
| Dissolved Oxygen | Minimum of 5.0 at all times | | |
| pH | From 6.0 to 9.0 inclusive | | |
| Fecal Coliform | | | |
| (5-1 to 9-30) | 200/100 ml as a Geometric Average | | |
| (10-1 to 4-30) | 2,000/100 ml as a Geometric Average | | |

| <i>Chesapeake Bay Requirements</i> | | | |
|------------------------------------|-----------------------------|----------------|-------------------|
| | <i>Concentration (mg/l)</i> | | <i>Mass (lbs)</i> |
| | <i>Monthly Average</i> | <i>Monthly</i> | <i>Annual</i> |
| Ammonia-N | Report | Report | Report** |
| Kjeldahl-N | Report | Report | XXX |
| Nitrate-Nitrite as N | Report | Report | XXX |
| Total Nitrogen | Report | Report | Report |
| Total Phosphorus | Report | Report | Report |
| Net Total Nitrogen | XXX | Report | 127,852* |
| Net Total Phosphorus | XXX | Report | 17,047* |

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

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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 0030643, Sewage, **Borough of Shippensburg**, 111 North Fayette Street, Shippensburg, PA 17257-0129. This facility is located in Southampton Township, **Franklin County**.

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

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

The proposed effluent limits for Outfall 001 for a design flow of 3.3 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------|-------------------------------|-------------------------------------|-------------------------------------|
| CBOD ₅ | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N | | | |
| (5-1 to 10-31) | 2.5 | | 5.0 |
| (11-1 to 4-30) | 7.5 | | 15 |
| Total Residual Chlorine | 0.26 | | 0.87 |
| Total Phosphorus | 0.50 | | 1.0 |
| Total Aluminum | | | |
| (PED to 7-31-09) | Report | | |
| (8-1-09 to PED) | 0.782 | | 1.95 |
| Dissolved Oxygen | | Minimum of 5.0 at all times | |
| pH | | From 6.0 to 9.0 inclusive | |
| Fecal Coliform | | | |
| (5-1 to 9-30) | | 200/100 ml as a Geometric Average | |
| (10-1 to 4-30) | | 2,000/100 ml as a Geometric Average | |

| <i>Chesapeake Bay Requirements</i> | | | |
|------------------------------------|-----------------------------|----------------|-------------------|
| | <i>Concentration (mg/l)</i> | | <i>Mass (lbs)</i> |
| | <i>Monthly Average</i> | <i>Monthly</i> | <i>Annual</i> |
| Ammonia-N | Report | Report | Report** |
| Kjeldahl-N | Report | Report | XXX |
| Nitrate-Nitrite as N | Report | Report | XXX |
| Total Nitrogen | Report | Report | Report |
| Total Phosphorus | Report | Report | Report |
| Net Total Nitrogen | XXX | Report | 60,273* |
| Net Total Phosphorus | XXX | Report | 8,036* |

* The permit contains conditions which authorize the permittee to apply nutrient reduction credits, to meet the Net Total Nitrogen and Net Total Phosphorus effluent limits, under the Department of Environmental Protection's

(Department) Trading of Nutrient and Sediment Reduction Credits Policy and Guidelines (392-0900-001, December 30, 2006). The conditions include the requirement to report application of these credits in Supplemental Discharge Monitoring Report (DMRs) submitted to the Department.

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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 0037150, Sewage, **Penn Township Board of Commissioners**, 20 Wayne Avenue, Hanover, PA 17331. This facility is located in Penn Township, **York County**.

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

The receiving stream, Oil Creek, is in Watershed 7-H, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Water Company is located on the Susquehanna River, approximately 40.5 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 4.2 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|--|-----------------------------------|-------------------------------------|---|
| CBOD ₅ | | | |
| (5-1 to 10-31) | 10 | 15 | 20 |
| (11-1 to 4-30) | 20 | 30 | 40 |
| Total Suspended Solids | 30 | 45 | 60 |
| Ammonia-N | | | |
| (5-1 to 10-31) | 1.2 | | 2.4 |
| (11-1 to 4-30) | 3.6 | | 7.2 |
| Total Residual Chlorine | 0.14 | | 0.45 |
| Total Phosphorus | 2.0 | | 4.0 |
| Free Cyanide (Interim) ⁽¹⁾ | | | Monitor and Report |
| Free Cyanide (Final) ⁽¹⁾ | 0.0056 | | 0.014 |
| BEHP (Interim) ⁽¹⁾ | | | Monitor and Report |
| BEHP (Final) ⁽¹⁾ | 0.003 | | 0.0075 |
| Chlorodibromo-methane (Interim) ⁽¹⁾ | | | Monitor and Report |
| Chlorodibromo-methane (Final) ⁽¹⁾ | 0.0007 | | 0.0018 |
| Dichlorobromo-methane (Interim) ⁽¹⁾ | | | Monitor and Report |
| Dichlorobromo-methane (Final) ⁽¹⁾ | 0.0009 | | 0.0023 |
| Dissolved Oxygen | | Minimum of 5.0 at all times | |
| pH | | From 6.0 to 9.0 inclusive | |
| Fecal Coliform | | | |
| (5-1 to 9-30) | | 200/100 ml as a Geometric Average | |
| (10-1 to 4-30) | | 2,000/100 ml as a Geometric Average | |

⁽¹⁾ The Final limits will be in effect 3 years after permit issuance. The Interim requirement will be to Monitor and Report.

| | <i>Chesapeake Bay Requirements</i> | | |
|----------------------|---|----------------|------------------------------|
| | <i>Concentration (mg/l) Monthly Average</i> | <i>Monthly</i> | <i>Mass (lbs) Annual</i> |
| Ammonia-N | Report | Report | Report** |
| Kjeldahl-N | Report | Report | XXX |
| Nitrate-Nitrite as N | Report | Report | XXX |
| Total Nitrogen | Report | Report | Report |
| Total Phosphorus | Report | Report | Report |
| Net Total Nitrogen | XXX | Report | 76,711* |
| Net Total Phosphorus | XXX | Report | 10,228* |

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

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the

Supplemental Discharge Monitoring Report—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

Outfall 002—Stormwater—Best Management Practices

In addition to the effluent limits and Best Management Practices, the permit contains the following major permit conditions:

1. Operation and Implementation of a Pretreatment Program.
2. Requirements Applicable to Stormwater Outfalls.
3. Toxicity Reduction Evaluation Requirements.

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 0023744, Sewage, **Northeastern York County Sewer Authority**, 175 Chestnut Street, Mount Wolf, PA 17347. This facility is located in East Manchester Township, **York County**.

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

The receiving stream, Susquehanna River, is in Watershed 7-H, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Wrightsville Water Company is located on the Susquehanna River, approximately 9.8 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 1.7 mgd are:

| <i>Parameter</i> | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
|--|-------------------------------|--|-------------------------------------|
| CBOD ₅ | 25 | 40 | 50 |
| Total Suspended Solids | 30 | 45 | 60 |
| NH ₃ -N (5-1 to 10-31) (11-1 to 4-30) | 12 | | 24 |
| | Monitor and Report | | |
| Total Residual Chlorine | 0.40 | | 1.30 |
| Total Phosphorus | 2.0 | | 4.0 |
| Dissolved Oxygen | | Minimum of 5.0 at all times | |
| pH | | From 6.0 to 9.0 inclusive | |
| Fecal Coliform (5-1 to 9-30) (10-1 to 4-30) | | 200/100 ml as a Geometric Average 2,000/100 ml as a Geometric Average | |
| Total Copper | | Report | |
| Total Aluminum | | Report | |
| Oil and Grease | | Report | |
| Total Mercury | | Report | |
| Acute Toxicity | | | 1.0 |

Chesapeake Bay Requirements

| | <i>Concentration (mg/l)</i> | | <i>Mass (lbs)</i> | |
|----------------------|-----------------------------|----------------|-------------------|---------------|
| | <i>Monthly Average</i> | <i>Monthly</i> | | <i>Annual</i> |
| Ammonia-N | Report | Report | | Report** |
| Kjeldahl-N | Report | Report | | XXX |
| Nitrate-Nitrite as N | Report | Report | | XXX |
| Total Nitrogen | Report | Report | | Report |
| Total Phosphorus | Report | Report | | Report |
| Net Total Nitrogen | XXX | Report | | 31,050* |
| Net Total Phosphorus | XXX | Report | | 4,140* |

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

* Net Total Nitrogen and Net Total Phosphorus limits compliance date will begin on October 1, 2010. Since these reporting requirements are annual loads, reporting on compliance with the annual limitations will be required on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011. The facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until October 1, 2010.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2011.

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.

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

PA0229202, CAFO, SIC 0213 and 0241, **Robert Kucharski**, R. R. 1, Box 76K, Liberty, PA 16930. This existing facility is located in Liberty Township, **Tioga County**.

Description of Proposed Activity: Kucharski Farm is an existing finishing hog and dairy farm, totaling 651.75 animal equivalent units.

The water body nearest the finishing hog operation and dairy farm is a UNT to Blockhouse Creek in the Pine Creek Watershed (SWP-09A) with a designated use of CWF.

Except for the chronic or catastrophic rainfall events defined as over 25 year/24 hour rain storms, the CAFO permit is a nondischarge NPDES permit. Where applicable compliance with 40 CFR Federal effluent limitation guidelines is required. The permit requires no other numeric effluent limitations. Compliance with the Pennsylvania Nutrient Management Act and The Clean Streams Law constitutes compliance with State narrative water quality standards.

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

1. Compliance with the farm's Nutrient Management Plan.
2. Compliance with the farm's Preparedness, Prevention and Contingency Plan.
3. Compliance with the Farm's Erosion and Sedimentation Control Plan for plowing and tilling.
4. Erosion and Sedimentation Control Plan requirements for stormwater during construction activities.
5. Animal mortality handling and disposing requirements.
6. Certification requirements for manure storage facilities.
7. Requirements for storage of feed and other raw materials.
8. Best Management Practices requirements.

The EPA waiver will not be in effect.

PA0228974, CAFO, SIC 0213, 0251 and 0211, **George C. Richard**, R. D. 1, Box 621, Elysburg, PA 17824. This existing facility is located in Locust and Cleveland Townships, **Columbia County**.

Description of Proposed Activity: Scattered Acres Farm is an existing finishing hog, broiler chicken and beef steer feedlot farm, totaling 748.4 animal equivalent units.

The water bodies nearest to both the finishing hog facility and the broiler chicken and beef steer feedlot facility are two UNTs to Roaring Creek in the Roaring Creek Watershed (SWP-5E) and both have a designated use of CWF.

Except for the chronic or catastrophic rainfall events defined as over 25 year/24 hour rain storms, the CAFO permit is a nondischarge NPDES permit. Where applicable compliance with 40 CFR Federal effluent limitation guidelines is required. The permit requires no other numeric effluent limitations. Compliance with the Pennsylvania Nutrient Management Act and the Clean Streams Law constitutes compliance with state narrative water quality standards.

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

1. Compliance with the farm's Nutrient Management Plan.
2. Compliance with the farm's Preparedness, Prevention and Contingency Plan.
3. Compliance with the Farm's Erosion & Sedimentation Control Plan for plowing and tilling.
4. Erosion and Sedimentation Control Plan requirements for stormwater during construction activities.
5. Animal mortality handling and disposing requirements.
6. Certification requirements for manure storage facilities.
7. Requirements for storage of feed and other raw materials.
8. Best Management Practices requirements.

The EPA waiver will not be in effect.

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

PA0001201, Industrial Waste, SIC 3674, **Powerex, Inc.**, 173 Pavilion Lane, Youngwood, PA 15697-1800. This application is for renewal of an NPDES permit to discharge treated process water and sewage from the Youngwood Plant in Hempfield Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, Sewickley Creek, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Westmoreland County Municipal Water Authority-McKeesport, located at McKeesport, 29.4 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.198 mgd.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|-------------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | Monitor and Report | | | | |
| CBOD ₅ | | | | | |
| (5-1 to 10-30) | | | 10 | 20 | |
| (11-1 to 4-30) | | | 20 | 40 | |
| Ammonia-Nitrogen | | | | | |
| (5-1 to 10-31) | | | 3 | 6 | |
| (11-1 to 4-30) | | | 9 | 18 | |
| Fecal Coliform | | | | | |
| (5-1 to 9-30) | | | 200/100 ml | | 1,000/100 ml |
| (10-1 to 4-30) | | | 2,000/100 ml | | 10,000/100 ml |
| Total Suspended Solids | | | 30 | 60 | |
| Total Residual Chlorine | | | 0.5 | | 1.25 |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

Other Conditions: Part C conditions concerning sludge disposal, floating materials, stormwater discharges, TRC minimization, BOD and TSS effluent values and chemical additives.

Outfall 101: existing discharge to Outfall 001. (0.175 mgd)

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|------------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd) | Monitor and Report | | | | |
| Total Suspended Solids | | | 31 | 60 | |
| Chromium | | | 1.59 | 3.18 | |
| Oil and Grease | | | 15 | 30 | |
| Cadmium | | | 0.0063 | 0.013 | |
| Copper | | | 0.175 | 0.35 | |
| Lead | | | 0.022 | 0.044 | |
| Zinc | | | 0.277 | 0.544 | |
| Silver | | | 0.0015 | 0.003 | |
| Nickel | | | 0.55 | 1.1 | |
| Fluoride | | | 16.6 | 33.2 | |
| Trichloroethylene | | | 0.162 | 0.324 | |
| Cyanide Total | | | 0.65 | 1.2 | |
| TTO | | | | 1.37 | |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

The EPA waiver is not in effect.

PA0094226, Industrial Waste, SIC, 4941, **Wilkinsburg-Penn Joint Water Authority Water Treatment Plant**, 2200 Robinson Boulevard, Wilkinsburg, PA 15221. This application is for issuance of an NPDES permit to discharge filter backwash water from Wilkinsburg Water Treatment Plant in Penn Hills Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Allegheny River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is City of Pittsburgh Water Treatment Plant, located at Allegheny River, 1.0 miles below the discharge point.

Outfall 001: existing discharge, design flow of 1.6 mgd.

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

The EPA waiver is in effect.

PA0205991, Industrial Waste, SIC, 4941, **Moon Township Municipal Authority**, 1700 Beaver Grade Road, Suite 200, Coraopolis, PA 15108. This application is for renewal of an NPDES permit to discharge treated process and untreated storm water from the Moon Township Water Filtration Plant in Moon Township, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, the Ohio River, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Midland Borough Water Authority, located at 25 miles below the discharge point.

Outfall 101: existing discharge, design flow of 0.065 mgd.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|-------------------------|--|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Suspended Solids | | | 30 | | 60 |
| Iron | | | 2 | | 4 |
| Aluminum | | | 4 | | 8 |
| Manganese | | | 1 | | 2 |
| Total Residual Chlorine | | | 0.5 | | 1.0 |
| pH | not less than 6.0 nor greater than 9.0 | | | | |

The EPA waiver is in effect.

Outfall 001: existing discharge

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|--|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| This discharge shall consist solely of those sources previously monitored at IMP 101 and uncontaminated stormwater runoff from roof drains and parking lot drains. | | | | | |

Outfalls 002—004: existing discharge, design flow of varied mgd.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | | |
|---|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| The discharge from these outfalls shall consist of uncontaminated stormwater runoff only. | | | | | |

PA0026417, Sewage, **Municipality of Penn Hills**, 12245 Frankstown Road, Pittsburgh, PA 15235. This application is for renewal of an NPDES permit to discharge treated sewage from Plum Creek Sewage Treatment Plant in Municipality of Penn Hills, **Allegheny County**.

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

Outfall 001: existing discharge, design flow of 3.9 mgd.

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

The EPA waiver is not in effect.

PA0043435, Sewage, **L & S Wastewater Treatment Company, Inc.**, P. O. Box 254, Cecil, PA 15321. This application is for renewal of an NPDES permit to discharge treated sewage from Monaco Manor Sewage Treatment Plant in Cecil Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Drainage Swale Tributary to a UNT of Coal Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the: West View Municipal Authority located on the Ohio River.

Outfall 001: existing discharge, design flow of 0.03 mgd.

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

The EPA waiver is in effect.

PA0091243, Sewage, **Allegheny Trails Council**, Flag Plaza, 1275 Bedford Avenue, Pittsburgh, PA 15219. This application is for renewal of an NPDES permit to discharge treated sewage from Heritage Reservation STP in Wharton Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Pine Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Point Marion Water Authority located on the Cheat River.

Outfall 001: existing discharge, design flow of 0.017 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|-------------------------|--|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | 10 | | | 20 |
| Suspended Solids | 10 | | | 20 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 2.0 | | | 4.0 |
| (11-1 to 4-30) | 3.5 | | | 7.0 |
| Nitrite and Nitrate | 10 | | | 20 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a Geometric Mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a Geometric Mean | | | |
| Total Residual Chlorine | 1.4 | | | 3.3 |
| Dissolved Oxygen | not less than 3.0 mg/l | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA0094455, Sewage, **Derry Township Municipal Authority**, P. O. Box 250, New Derry, PA 15671. This application is for renewal of an NPDES permit to discharge treated sewage from Dogwood Acres MHP STP in Derry Township, **Westmoreland County**.

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

Outfall 001: existing discharge, design flow of 0.035 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|-------------------|----------------------------------|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | 25 | | | 50 |
| Suspended Solids | 30 | | | 60 |
| Ammonia Nitrogen | | | | |
| (5-1 to 10-31) | 11.0 | | | 22.0 |
| Fecal Coliform | | | | |
| (5-1 to 9-30) | 200/100 ml as a Geometric Mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a Geometric Mean | | | |

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|-------------------------|--|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Total Residual Chlorine | 1.4 | | | 3.3 |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA0098094, Sewage, **Stonewood Family Partnership, LP**, 116 East Pittsburgh Street, Greensburg, PA 15601. This application is for renewal of an NPDES permit to discharge treated sewage from Pittsburgh Airport Park STP in Independence Township, **Beaver County**.

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

Outfall 001: existing discharge, design flow of 0.0125 mgd.

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

The EPA waiver is in effect.

PA0217786, Sewage, **New Eagle Borough Municipal Sewer Authority**, 157 Main Street, New Eagle, PA 15067. This application is for renewal of an NPDES permit to discharge treated sewage from Borough of New Eagle STP in New Eagle Borough, **Washington County**.

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

Outfall 001: existing discharge, design flow of 0.8 mgd.

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|-------------------------|--|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | 25 | 38 | | 50 |
| Suspended Solids | 30 | 45 | | 60 |
| Fecal Coliform | 200/100 ml as a Geometric Mean | | | |
| (5-1 to 9-30) | 2,000/100 ml as a Geometric Mean | | | |
| (10-1 to 4-30) | | | | |
| Total Residual Chlorine | 0.5 | | | 1.6 |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA0218197, Sewage, **Michael P. Baycura**, 131 Cardinal Drive, New Brighton, PA 15066. This application is for renewal of an NPDES permit to discharge treated sewage from Steven's Trail Small Flow Sewage Treatment Plant in Daugherty Township, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Swale tributary to a UNT of Blockhouse Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Arco Chemical Company Beaver Valley Plant on the Ohio River.

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

| <i>Parameter</i> | <i>Concentration (mg/l)</i> | | | |
|-------------------|-----------------------------|-----------------------|----------------------|------------------------------|
| | <i>Average Monthly</i> | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD ₅ | 10 | | | 20 |
| Suspended Solids | 10 | | | 20 |

| Parameter | Concentration (mg/l) | | | |
|------------------------------------|--|----------------|---------------|-----------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| Ammonia Nitrogen (5-1 to 10-31) | 3.0 | | | 6.0 |
| (11-1 to 4-30) | 9.0 | | | 18.0 |
| Fecal Coliform (5-1 to 9-30) | 200/100 ml as a Geometric Mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a Geometric Mean | | | |
| Total Residual Chlorine | Monitor and Report | | | |
| Dissolved Oxygen | not less than 3 mg/l | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA0219347, Sewage, **Patricia L. Iams**, 4124 Finleyville-Elrama Road, Finleyville, PA 15332. This application is for renewal of an NPDES permit to discharge treated sewage from Iams SR STP in Union Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Lobbs Run, which are classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the PA American Water Company—Pittsburgh District.

Outfall 001: existing discharge, design flow of 0.0008 mgd.

| Parameter | Concentration (mg/l) | | | |
|---------------------------------|--|----------------|---------------|-----------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD ₅ | 10 | | | 20 |
| Suspended Solids | 20 | | | 40 |
| Ammonia Nitrogen | 3.0 | | | 6.0 |
| Fecal Coliform (5-1 to 9-30) | 200/100 ml as a Geometric Mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a Geometric Mean | | | |
| Total Residual Chlorine | Monitor and Report | | | |
| Dissolved Oxygen | not less than 3.0 mg/l | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

PA0253499, Sewage, **Janice Polito**, 256 Park Lane, Darlington, PA 16115. This application is for issuance of an NPDES permit to discharge treated sewage from Polito Property SRSTP in Big Beaver Borough, **Beaver County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT to Clarks Run, which are classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the East Liverpool, OH.

Outfall 001: new discharge, design flow of 0.0005 mgd.

| Parameter | Concentration (mg/l) | | | |
|------------------------------------|--|----------------|---------------|-----------------------|
| | Average Monthly | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD ₅ | 10 | | | 20 |
| Suspended Solids | 20 | | | 40 |
| Ammonia Nitrogen (5-1 to 10-31) | 5.0 | | | 10.0 |
| Fecal Coliform (5-1 to 9-30) | 200/100 ml as a Geometric Mean | | | |
| (10-1 to 4-30) | 2,000/100 ml as a Geometric Mean | | | |
| Dissolved Oxygen | not less than 5 mg/l | | | |
| pH | not less than 6.0 nor greater than 9.0 | | | |

The EPA waiver is in effect.

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

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

WQM Permit No. 2107407, Sewerage, **Richard and Carrie Roush**, 125 Frytown Road, Carlisle, PA 17015. This proposed facility is located in Upper Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a small flow sewage treatment system to serve their single-family residence on the South side of Frytown Road.

WQM Permit No. 6707409, Sewerage, **Tom and Judith McShane**, 5785 Anderson Road, Stewartstown, PA 17363. This proposed facility is located in Peach Bottom Township, **York County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of small flow sewage treatment system to serve their single-family residence on Gemmill Road in Delta.

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

WQM Permit No. 6085403-A1, Sewerage 4952, **Kelly Township Municipal Authority**, 405 Winter Farm Road, Lewisburg, PA 17837. This proposed facility is located in Kelly Township, **Union County**.

Description of Proposed Action/Activity: The applicant proposes upgrading the existing waste water treatment plant by replacing the current aeration system on the aerobic digester with a diffused aeration system. The upgrade will include removal of current air supply configuration and replacement with fine bubble membrane diffusers, positive displacement blowers and piping.

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

WQM Permit No. 0307201, Industrial Waste, **Reliant Energy Northeast Management Company**, 121 Champion Way, Suite 200, Canonsburg, PA 15317. This proposed facility is located in Plum Creek Township, **Armstrong County**.

Description of Proposed Action/Activity: Application for the installation and operation of FGD system.

WQM Permit No. 0207404, Sewerage, **West Elizabeth Sanitary Authority**, 125 Lower First Street, West Elizabeth, PA 15088. This existing facility is located in West Elizabeth Borough, **Allegheny County**.

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

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

WQM Permit No. 6507402, Sewerage, **Kiski Valley Water Pollution Control Authority**, 1361 School Road, Leechburg, PA 15656. This existing facility is located in Bell Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the installation and operation of electrical equipment, raw sewage pumps and emergency generator.

WQM Permit No. 1106404, Sewerage, **Jackson/East Taylor Township Sewer Authority**, 2603 William Penn Avenue, Johnstown, PA 15905. This proposed facility is located in Jackson and East Taylor Townships, **Cambria County**.

Description of Proposed Action/Activity: Application for the construction and operation of sewer collection system.

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

WQM Permit No. 0407402, Sewerage, **Township of Hopewell**, 1700 Clark Boulevard, Aliquippa, PA 15001. This existing facility is located in Hopewell Township, **Beaver County**.

Description of Proposed Action/Activity: Application for upgrade to wastewater pump station and associated force main.

WQM Permit No. 0207405, Sewerage, **Elizabeth Township Sanitary Authority**, 2420 Greenock Buena Vista Road, McKeesport, PA 15135. This proposed facility is located in Elizabeth Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of new gravity sewer.

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

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

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|-----------------------------|---------------------------------|
| PAI015107003 | PECO Energy Company 400 Park Avenue Warminster, PA 18974 | Philadelphia | City of Philadelphia | Schuylkill River WWF |
| PAI011507037 | Horseshoe Village Associates 1518 Meadowbrook Lane West Chester, PA 19380 | Chester | West Brandywine Township | UNT Culbertson Run HQ-TSF-MF |

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|--------------------------|------------------------------|
| PAI011507038 | Pelet Family Limited Partnership P. O. Box 56 Atglen, PA 19310 | Chester | West Caln Township | Birch Run HQ-CWF |
| PAI011507040 | GenTerra Corporation 65 Dowlin Forge Road Exton, PA 19341-1548 | Chester | Wallace Township | UNT Marsh Creek HQ-TSF-MF |
| PAI011507041 | The Harlan Corporation 214 Pond View Drive Chadds Ford, PA 19317 | Chester | West Brandywine Township | UNT Indian Run HQ-CWF |

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

Lehigh County Conservation District: Lehigh Agriculture Center, Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|-------------------------------|
| PAI023904003(1) | Lehigh—Northampton Airport Authority Attn: Brian Sinnwell 3311 Airport Road Allentown, PA 18109 | Lehigh | City of Allentown | Little Lehigh Creek HQ-CWF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|----------------------------|
| PAI032807007 | Jeff Robinson Maxon Dixon Trucks & Carriers P. O. Box 250 Greencastle, PA 17225 | Franklin | Antrim Township | UNT to Muddy Run HQ-CWF |

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

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

CAFO Notices of Intent Received

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

PAG124829, CAFO (SIC 0252), **Jonathon Stauffer**, 6430 Route 225, Elizabethville, PA 17023. This existing facility is located in Upper Mahanoy Township, **Northumberland County**.

Description of Size and Scope of Proposed Operation/Activity: The applicant proposes the issuance of a CAFO General Permit for his poultry-layer farm, a newly regulated facility according to the revised CAFO regulations. The facility is comprised of a single high rise barn with no external manure storage. Animals onsite include 87,800 chickens, for a total of 289.74 animal equivalent units.

The receiving stream, UNT to Schwaben Creek is in Watershed 6B (Mahanoy Creek) and is classified for TSF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 25-year/24-hour rain storms, the CAFO general permit is a nondischarge NPDES permit. Where applicable, compliance with 40 CFR Federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the State narrative water quality standards.

PUBLIC WATER SUPPLY (PWS) PERMIT

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

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

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

The permit application and any related documents are on file at the office listed before the application and are

available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 4607506, Public Water Supply.

Applicant **Red Hill Water Authority, PA**
 Township Red Hill Borough
 County **Montgomery**
 Responsible Official Phillip Palencar
 56 West 4th Street
 Red Hill, PA 18076

Type of Facility PWS
 Consulting Engineer U.S. Engineering, LLC
 13742 Mary Lane
 Aviston, IL 62216

Application Received August 31, 2007
 Date

Description of Action Recoating of the wet interior of the 250kg elevated tank.

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

Application No. 5207501, Public Water Supply.

Applicant **Delaware Valley School District**
 Dingham Township
Pike County

Responsible Official Candis Finan
 Delaware Valley School District
 236 Route 6 and 209
 Milford, PA 18337

Type of Facility PWS
 Consulting Engineer Michael Weeks, P. E.
 McGoey, Hauser and Edsall
 Consulting Engineers, PC
 111 Wheatfield Drive
 Suite 1
 Milford, PA 18337

Application Received August 2, 2007
 Date

Description of Action The applicant has proposed the consolidation of existing sources of supply to serve school complex with treatment facilities for disinfection and corrosion control, distribution storage, pump station and transmission main installation with all necessary appurtenances.

Permit No. 2107508, Public Water Supply.

Applicant **Sandy Point Properties, LTD**
 Municipality North Middleton Township
 County **Cumberland**
 Responsible Official Sandy Point Properties, LTD
 President
 283 Echo Road
 Carlisle, PA 17015

Type of Facility Public Water Supply
 Consulting Engineer Charles A. Kehew II, P. E.
 James A. Holley & Associates,
 Inc.
 18 South George Street
 York, PA 17401

Application Received: August 20, 2007
 Description of Action Hillside MHP—Manganese removal w/greensand filtration.

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

Permit No. 1192504-A1, Public Water Supply.

Applicant **Greater Johnstown Water Authority**
 640 Franklin Street
 Johnstown, PA 15901

Township or Borough East Taylor Township
 Responsible Official Edward Cernic, Chairperson
 Greater Johnstown Water
 Authority
 640 Franklin Street
 Johnstown, PA 15901

Type of Facility Red Run Well
 Consulting Engineer Gibson-Thomas Engineering Co.,
 Inc.
 1004 Ligonier Street
 P. O. Box 853
 Latrobe, PA 15650

Application Received August 30, 2007
 Date

Description of Action Change the method of disinfection from gaseous chlorine to the liquid chlorination by means of a tablet chlorinator.

MINOR AMENDMENT

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 0407508MA, Minor Amendment.

Applicant **Beaver Falls Municipal Authority**
 1425 8th Avenue
 P. O. Box 400
 Beaver Falls, PA 15010

Township or Borough Eastvale Borough

| | |
|------------------------------|--|
| Responsible Official | James Riggio, General Manager Beaver Falls Municipal Authority 1425 8th Avenue P. O. Box 400 Beaver Falls, PA 15010 |
| Type of Facility | Eastvale WTP |
| Consulting Engineer | Michael Baker Jr., Inc. 4301 Dutch Ridge Road Beaver, PA 15009 |
| Application Received Date | August 30, 2007 |
| Description of Action | Raising the elevation of troughs in filters Nos. 3 and 6 and replacement of filter media (dual media). |

WATER ALLOCATIONS

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

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

WA30-587E, Water Allocations. **(Revised) Southwest-
ern Pennsylvania Water Authority**, P. O. Box 187,
1442 Jefferson Road, Jefferson, PA 15344, Greene County.
The applicant is requesting a service area expansion into
Perry Township, **Greene County** which will extend to
the Village of Mount Morris; and a service area expansion
into Wayne Township, Greene County for an emergency
interconnection with Clay Battelle Public Service District.
In addition, this application is being made for a small
water line extension within Greene Township, Greene
County that serves two customers.

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

WA10-1008A, Water Allocations. **Borough of
Zelienople**, 111 West New Castle Street, Zelienople, PA
16063, Zelienople Borough, **Butler County**. The permit-
tee has requested to continue to utilize the emergency
interconnect with Marion Township as per the Emergency
Water Service Agreement dated November 8, 2004. Water
Allocation Permit WA10-1008 authorized the right to
purchase 500,000 gpd based on a 30-day average. WA
10-1008 expired August 31, 2007.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION UNDER ACT 2, 1995

PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environ-
mental Remediation Standards Act (act) require the
Department of Environmental Protection (Department) to
publish in the *Pennsylvania Bulletin* an acknowledgment
noting receipt of Notices of Intent to Remediate. An
acknowledgment of the receipt of a Notice of Intent to
Remediate is used to identify a site where a person

proposes to, or has been required to, respond to a release
of a regulated substance at a site. Persons intending to
use the Background Standard, Statewide Health Stan-
dard, the Site-Specific Standard or who intend to remedi-
ate a site as a special industrial area must file a Notice of
Intent to Remediate with the Department. A Notice of
Intent to Remediate filed with the Department provides a
brief description of the location of the site, a list of known
or suspected contaminants at the site, the proposed
remediation measures for the site and a description of the
intended future use of the site. A person who demon-
strates attainment of one, a combination of the cleanup
standards or who receives approval of a special industrial
area remediation identified under the act will be relieved
of further liability for the remediation of the site for any
contamination identified in reports submitted to and
approved by the Department. Furthermore, the person
shall not be subject to citizen suits or other contribution
actions brought by responsible persons not participating
in the remediation.

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

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

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

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

Liberty Property Trust/7277 William Avenue, Allen-
town City, **Lehigh County**. Vincent Carbone, HDR Engi-
neering, Inc., 609 Hamilton Mall, Allentown, PA 18101
has submitted a Notice of Intent to Remediate (on behalf
of his client, Jodi Hoffman, Liberty Property Trust,
Lehigh Valley Corporate Center, 1510 Valley Center Park-
way, Suite 240, Bethlehem, PA 18017), concerning the
remediation soils found to have been impacted by motor
oil as a result oil containers being damaged. The appli-
cant proposes to remediate the site to meet the Statewide
Health Standard. The proposed future use of the property
will be nonresidential, for commercial and/or light indus-
trial use. A summary of the Notice of Intent to Remediate
is expected to be published in a local newspaper serving
the general area sometime in the near future.

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

Hopeland Post Office/Cloister Flooring, Inc., Clay Township, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Marcus Kline, Cloister Flooring, Inc., 749 Rothsville Road, Lititz, PA 17543, submitted a Notice of Intent to Remediate soils contaminated with leaded and unleaded gasoline from a removed underground storage tank. The property is and will remain to be used commercially and residentially. The applicant is seeking to remediate to the Statewide Health Standard.

Interstate Container Facility, City of Reading, **Berks County**. Alternative Environmental Solutions, 930 Pointview Avenue, Ephrata, PA 17522, on behalf of Interstate Container, LLC, 100 Grace Street, Reading, PA 19611-1977, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with Nos. 4 and 6 fuel oil from underground storage tanks. The facility is and will remain a nonresidential property. The applicant seeks to remediate to the Site-Specific Standard.

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

Riteway Express, Inc. Route 15 Truck Accident, Cogan House Township, **Lycoming County**, Northridge Group, 1172 Ridge Road, Northumberland, PA 17857 on behalf of Riteway Express, Inc., P. O. Box 1806, Etowah, NC 28729 has submitted a Notice of Intent to Remediate soil contaminated with diesel fuel. The applicant proposes to remediate the site to meet the Statewide Health Standard. The site will remain a highway right-of-way.

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

Keller Residence, Pine Creek Township, **Jefferson County**. Blazosky Associates, Inc., 2525 Green Tech Drive, Suite D, State College, PA 16803 on behalf of Shortway Service, Inc., 311 Jackson Street, Reynoldsville, PA 15851 has submitted a Notice of Intent to Remediate. Approximately 250 gallons of heating oil was discharged into the basement of the Keller residence. The oil migrated through the floor drains and discharged into the undeveloped wetland south of the home. The contaminants that will be addressed are the VOCs and SVOCs associated with heating oil (BTEX, Fluorene, Phenanthrene). The Notice of Intent was published in *The Courier-Express* on March 5, 2007.

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.

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

54-399-042: Green Renewable Energy Ethanol & Nutrition Holding, LLC (850-2 Broad Street, Emmaus, PA 18049) for construction of a new ethanol manufacturing facility with air cleaning devices at their facility in Frailey and Porter Townships, **Schuylkill County**.

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

01-05016K: ISP Minerals, Inc. (P. O. Box O, Blue Ridge Summit, PA 17214) to replace and upgrade screening and conveying equipment in the coloring dedusting system at their Charmian Plant in Hamiltonban Township, **Adams County**.

38-03039B: Martin's Wood Products, LLC (650 Houtztown Road, Myerstown, PA 17067) to install a paint spray booth for furniture finishing at their plant in Jackson Township, **Lebanon County**.

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

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

54-316-006: JELD-WEN, Inc. (1162 Keystone Boulevard, Pottsville, PA 17901) for construction of a new door manufacturing facility and associated air cleaning devices (baghouses/cyclone/truck bin) at their facility in Cass Township, **Schuylkill County**. The door manufacturing facility is a non-Title V facility. The plan approval will include emissions restrictions, monitoring, work practices, reporting and recordkeeping requirements designed to keep the sources operating within all applicable air quality requirements.

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

25-0066F: Accuride Erie, LP (1015 East 12th Street, Erie, PA 16503) for construction of a new heat treat line at their aluminum truck wheel forging plant in Erie, **Erie County**.

In accordance with 25 Pa. Code §§ 127.44(d) and 127.424(d), the Department of Environmental Protection (Department) intends to issue a plan approval to construct a new Heat Treat Line at their Aluminum truck wheel forging plant in Erie, Erie County. This plan approval will restrict the emissions of NO_x to 6.0 tpy and CO emissions to 9.0 tpy. The source will also produce trivial amounts of VOC, PM, PM₁₀ and SO_x from the burners. The emissions are based on a 12-month rolling total. The facility will be required to inspect the burners on a monthly basis and tune the burners on an annual basis. The permittee will be required to monitor the quantity of natural gas consumed by the burners. The plan approval will also include additional monitoring, reporting and recordkeeping conditions and other requirements to ensure the source is operated in compliance with the Department's regulations contained in 25 Pa. Code Chapters 121—143 and the requirements of the Federal Clean Air Act. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into a State-only Operating Permit through an administrative amendment at a later date. Issuance of the plan approval is recommended with the appropriate conditions in the plan approval.

37-317A: Ellwood Mill Products (712 Moravia Street, New Castle, PA 16101) for construction of a forge shop consisting of 12 natural gas-fired forge furnaces with a combined heat input of 207 mmBtu/hr and for the construction of a solvent parts washer in New Castle City, **Lawrence County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate Best Available Technology for the source:

- The facility NO_x emissions shall not exceed 99 tpy based on a consecutive 12-month period.
 - The facility shall maintain the following records to show compliance with the facility NO_x emission limitation:
 - Daily natural gas usage for each furnace
 - Monthly NO_x emissions for each furnace
 - NO_x emission factor for each furnace
 - The Forge Shop shall comply with the following:
 - Subject to 25 Pa. Code §§ 123.13 and 123.21 for PM and Sulfur Emissions.
 - The permittee shall maintain a record of all preventative maintenance inspections of the control device. These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problem or defects, and any routine maintenance performed.
 - The permittee shall maintain a record of the following from the operational inspections:
 - Operational checks were performed
 - The permittee shall perform a daily operational inspection of the source when it is operating.
 - The permittee shall perform an annual adjustment or tune-up on the combustion process with rated heat input greater than 10 mmBtu/hr. This adjustment shall include, at a minimum, the following:
 - Inspection, adjustment, cleaning or replacement of fuel-burning equipment, including the burners and moving parts necessary for proper operation as specified by the manufacturer.
 - Inspection of the flame pattern or characteristics and adjustments necessary to minimize total emissions of NO_x, and to the extent practicable minimize emissions of CO.
 - Inspection of the air-to-fuel ratio control system and adjustments necessary to ensure proper calibration and operation as specified by the manufacturer.
 - Records of each adjustment conducted, the records shall contain, at a minimum, the following:
 1. The date of the tuning procedure.
 2. The name of the service company and technicians.
 3. The final operating rate or load.
 4. The final CO and NO_x emission rates.
 5. The final excess oxygen rate.
 - The source shall be maintained and operated in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
 - The permittee shall perform portable analyzer testing to determine NO_x and CO emission rates.
 - The Solvent Parts Washer (Source 103) shall comply with the following:
 - Subject to 25 Pa. Code § 129.63 for Degreasing Operations.
- 37-290D: Ferrotech Corp.** (526 South Jefferson Street, New Castle, PA 16101) to install a new Torit Model DF-04 102,000 ACFM fabric filter to be used in conjunction with their existing JPC Model 100 fabric

filter for controlling particulate matter emissions associated with their torch cutting operation in the City of New Castle, **Lawrence County**.

Under 25 Pa. Code §§ 127.44(a) and 127.424, the Department of Environmental Protection (Department) intends to issue a Plan Approval, No. 37-290D, for their plant in the City of New Castle, Lawrence County. This plan approval will authorize the applicant to install a new Torit Model DF-04 102,000 ACFM fabric filter to be used in conjunction with their existing JPC Model 100 fabric filter for controlling PM emissions associated with their torch cutting operation, as described in the applicant's application of July 31, 2007, with addendum dated August 8, 2007. The Plan Approval will subsequently be incorporated into the company's State-only Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Based on the information provided by the applicant and Department's own analysis, natural gas usage will be limited to 55,300 cubic feet per year, and PM will be controlled and limited to 1.61 tpy. SOx are being controlled through the usage of pipeline quality natural gas. The facility will be required to monitor and keep record of natural gas usage through the torch and pressure drop across the fabric filter.

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

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

1. Name, address and telephone number of the person submitting comments.
2. Identification of the proposed Plan Approval; No. 37-290D.
3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

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

OPERATING PERMITS

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

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

25-00326: Foamex LP—Corry Plant (466 Shady Avenue, Corry, PA 16407) for a Title V Operating Permit Re-issuance to operate a Flexible Polyurethane Foam Manufacturing Facility, in Corry Borough, **Erie County**.

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

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.

15-00073: United States Veterans Administration Medical Center (1400 Blackhorse Hill Road, Coatesville, PA 19320) for a renewal of a State-only, Synthetic Minor Operating Permit in Caln Township, **Chester County**. The facility operates boilers and generators having the potential to emit greater than 25 tpy of NOx. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

23-00073: Alan McIlvain Co. (501 Market Street, Marcus Hook, PA 19061) for renewal of State-only (Natural Minor) Operating Permit No. 23-00073 originally issued on July 1, 2002 for operation of a waste wood and No. 2 fuel oil-fired boiler, various woodworking machinery and a cold parts cleaner, along with their associated air pollution control devices, in Marcus Hook Borough, **Delaware County**. The main pollutant emitted from the facility is PM. The maximum potential emissions of PM from the facility figure to be approximately 74 tpy. The renewed SOOP will include monitoring, recordkeeping, reporting and work practice requirements 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.

22-03036: Alfa Laval Thermal, Inc. (300 Chestnut Street, Lykens, PA 17048) for operation of a fabricated metal products plant in Lykens Borough, **Dauphin County**. This is a renewal of the facility's State-only operating permit issued in 2002.

36-05123: Corixa Corp.—d/b/a GlaxoSmithKline Biologicals (325 North Bridge Street, Marietta, PA 17547-0304) for operation of boilers and emergency generators at their biological manufacturing facility in East Donegal Township, **Lancaster County**. This is a renewal of the previously issued State-only operating permit.

36-05151: Superior Finishing, LLC (78 West Main Street, Reinholds, PA 17569) for operation of two wood furniture surface coating booths at their facility in West Cocalico Township, Lancaster County. This is a non-Title V (State-only) facility. The permit will limit emissions to less than 100 tpy of CO, SOx, NOx and PM10. The permit will limit VOC and combined HAP emissions from the two coating booths to 13 tons and 3.7 tpy, respectively. The operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

38-03038: Brentwood Industries, Inc. (2101 Lehman Street, Lebanon, PA 17046-2757) for operation of extrusion lines controlled by carbon adsorption units in West Lebanon Township, **Lebanon County**. The annual emissions of the VOC and PM from the operation are less than 3 and 1 ton respectively. The natural minor operat-

ing permit will contain recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

67-03103: Gerhardt USA (400 East Locust Street, Dallastown, PA 17313) for operation of a chrome plating facility in Dallastown Borough, **York County**. This is a renewal of the facility's State-only operating permit issued in 2002.

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

49-00058: Central Builders Supply Co. (P. O. Box 152, Sunbury, PA 17801) for operation of a sand and gravel processing facility in West Chillisquaque Township, **Northumberland County**. The facility incorporates a wet sand and gravel processing plant, a solvent parts washer, two small diesel fuel-fired generators (15 horsepower and 25 horsepower) and a 1,000 gallon diesel fuel storage tank.

The NO_x, CO, SO_x, VOC and HAPs emissions from the facility are not expected to exceed 5.43, 1.17, .36, .48 and .09 tpy, respectively. The PM and PM₁₀ emission rates are unknown but are believed by the Department of Environmental Protection (Department) to be well below the level which would make the facility a major (Title V) facility.

The Department proposes to incorporate into the operating permit to be issued conditions requiring compliance with all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants as well as conditions previously contained in Operating Permit 49-310-007, issued on October 1, 2002.

The conditions previously contained in Operating Permit 49-310-007 include:

1. A condition allowing any of the equipment incorporated in the wet sand and gravel processing plant to be replaced without obtaining Department plan approval provided that the replacement equipment is of equal or smaller size and equivalent design and function.
2. A condition requiring an operable water truck equipped with a pressurized water spray mechanism to be kept onsite and used, as needed, to prevent and control the emission of fugitive dust from plant roadways, stockpiles, truck loading activities, and the like.
3. A condition requiring at least 250 feet of the main facility entrance/exit road to be paved.
4. A condition prohibiting fuel-fired generators, engines or engines/generator sets from being used to operate any of the equipment incorporated in the wet sand and gravel processing plant.

The Department additionally proposes to incorporate several new conditions into the operating permit to be issued, including:

5. A condition requiring that the Department be notified prior to the replacement of any equipment incorporated in the wet sand and gravel processing plant.
6. A condition prohibiting the use in the solvent parts washer of halogenated solvents or solvents to which a volatile HAP has intentionally been added.
7. A condition requiring records to be maintained of the amount of solvent added to the solvent parts washer each month.

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

25-00924: Erie Forge & Steel, Inc. (1341 West 16th Street, Erie, PA 16512-1522) for issuance of a Natural Minor Permit to operate an iron and steel forging manufacturing facility in City of Erie, **Erie County**. The facility's significant sources include six heat treat furnaces. Previously, the facility was major for Title V due to its' potential to emit of NO_x and CO. At present, the facility is natural minor because the emission level of pollutants is below Title V threshold limit after removal of several sources.

62-00151: CB&I Water Fabrication Facility (1420 Lexington Avenue, Warren, PA 16365-2850) to issue a Synthetic Minor Operating Permit to the Facility. The Facility conducts fabrication of steel plate work. This facility was previously a Title V Facility but will take elective emission restrictions and elective recordkeeping requirements for VOCs and HAPs. The permittee shall maintain the emission of VOC not more than 39.9 tpy based on a 12-month rolling total, maintain the emissions of each individual HAP not more than 9.9 tpy based on a 12-month rolling total, and maintain the emissions of total HAPs from the Facility not more than 24.9 tpy based on a 12-month rolling total. The Operating Permit requires recordkeeping of the monthly VOC and HAP records. The remaining sources at the facility (heaters, fabrication, abrasive blasting, degreasing and facility road emissions) must comply with particulate and SO_x emissions from 25 Pa. Code Chapter 123. The permittee shall burn only natural gas in the combustion units. The permittee is required to operate and maintain the sources in accordance with manufacturer's specifications and in accordance with good air pollution control practices. The facility must also comply with fugitive, fugitive particulate, malodor and visible emissions requirements from 25 Pa. Code § 123. Deviations of these requirements must be recorded and the permittee must report the deviations to the Department within 7 days with the corrective actions taken.

10-00345: Allegheny Mineral Corp. (102 Van Dyke Road, Harrisville, PA 16038-2524) for issuance of a Natural Minor Operating Permit to operate a limestone processing facility in Marion Township, **Butler County**. The facility's primary emission sources include a primary crushing station, a scalping screen station, a secondary crushing station, a tertiary crusher station, a dry dust screen station, a wash screen station, storage piles, paved roadways, unpaved roadways and truck loading.

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 Envi-

ronmental 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.

Permit Number 11071701 and NPDES Permit No. NA, Department of Environmental Protection, Bureau Abandoned Mine Reclamation, Cambria District Mining Office, 286 Industrial Park Road Ebensburg, PA 15931, to operate the Lancashire Treatment Plant in Barr Township, **Cambria County** a new treatment plant and related NPDES permit for post-mining water treatment and for sludge disposal into Lancashire 15 Mine Complex. Surface Acres Proposed 10.0. Receiving stream: West Branch Susquehanna River, classified for the following use: WWF. Application received March 5, 2007.

Permit Number 32021301 and NPDES Permit No. PA0235458, TJS Mining, Inc., 2340 Smith Road, Shelocta, PA 15774, to renew the permit for the Rossmoyne No. 1 Deep Mine in South Mahoning Township, **Indiana County** and related NPDES permit. No additional discharges. Application received August 14, 2007.

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

56070109 and NPDES No. PA0262480. Marquise Mining Corporation, 3889 Menoher Boulevard, Johnstown, PA 15905, commencement, operation and restoration of a bituminous surface-auger and blasting mine in Shade Township, **Somerset County**, affecting 238.1 acres. Receiving streams: Dixie Run and Fallen Timber Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. This application includes a request for a variance to conduct mining activities within 100 feet of Fallen Timber Road beginning at a point 1,700 feet southeast of the intersection of Fallen Timber Road and SR 403 then continuing southeast along the north side of the road a distance of approximately 4,200 feet. Application received August 31, 2007.

32010109 and NPDES No. PA0249025. Amerikohl Mining, Inc., 202 Sunset Drive, Butler, PA 16001, permit renewal for the continued operation and restoration of a bituminous surface refuse reprocessing mine in Rayne, Washington and White Townships, **Indiana County**, affecting 28.5 acres. Receiving streams: McKee Run classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 4, 2007.

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

33030106 and NPDES Permit No. PA0242373. Falls Creek Energy Co., Inc., 568 Silvis Hollow Road, Kittanning, PA 16201. Renewal of an existing bituminous surface strip and auger operation in Porter Township, **Jefferson County** affecting 163.5 acres. Receiving streams: Pine Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received July 10, 2007.

33960109 and NPDES Permit No. PA0227331. TDK Coal Sales, Inc., P. O. Box 259, Brockway, PA 15824. Renewal of an existing bituminous surface strip and auger operation in Union Township, **Jefferson County** affecting 157.4 acres. Receiving streams: UNT to Little Mill Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received August 29, 2007.

24970103 and NPDES Permit No. PA0227510. Energy Resources, Inc., P. O. Box 259, Brockway, PA 15824. Renewal of an existing bituminous surface strip and auger operation in Fox and Horton Townships, **Elk County** affecting 312.0 acres. Receiving streams: UNT to Benninger Creek and Benninger Creek; a UNT to Boderocco Run and Boderocco Run, classified for the following use: CWF. There are no potable surface water

supply intakes within 10 miles downstream. Application for reclamation only. Application received August 31, 2007.

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

54070201. Whitey Wash Enterprises, P. O. Box 47, Ashland, PA 17921, commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Reilly Township, **Schuylkill County** affecting 56.2 acres, receiving stream: Muddy Branch, classified for the following use: CWF. Application received August 28, 2007.

49970203R2. Mid-Valley Coal Sales, Inc., 1380 Tioga Street, Coal Township, PA 17866, renewal of an existing anthracite coal refuse reprocessing operation in Coal Township, **Northumberland County** affecting 533.0 acres, receiving stream: none. Application received August 30, 2007.

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 ¹ | | greater than 6.0; less than 9.0 | |
| pH ¹ | | | |

¹ The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. 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.

37070301 and NPDES Permit No. PA0258407. Terra Resources, LLC, 267 Gilmore Road, Enon Valley, PA 16120. Commencement, operation and restoration of a limestone operation in Slippery Rock Township, **Lawrence County** affecting 74.0 acres. Receiving streams: UNT to Slippery Rock Creek (unclassified) and Slippery Rock Creek, classified for the following: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received August 27, 2007.

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

67070302 and NPDES Permit No. PA0224626. Glen-Gery Corporation, P. O. Box 7001, Wyomissing, PA 19610, commencement, operation and restoration of a quarry operation and NPDES Permit for discharge of treated mine drainage in Conewago Township, **York County** affecting 98.9, receiving streams: UNT to Conewago Creek and Conewago Creek, classified for the following use: WWF. Application received August 29, 2007.

8274SM1C and NPDES Permit No. PA0595705. ICM of Pennsylvania, Inc., 638 Lancaster Avenue,

Malvern, PA 19355, renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Manheim and Upper Leacock Townships, **Lancaster County**, receiving stream: Conestoga River, classified for the following use: WWF. Application received August 29, 2007.

8275SM2A3C5 and NPDES Permit No. PA0045381. Martin Limestone, Inc., P. O. Box 550, Blue Ball, PA 17506, renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Earl and Ephrata Townships, **Lancaster County**, receiving streams: Conestoga Creek and UNT of Conestoga Creek, classified for the following use: WWF. Application received August 31, 2007.

7775SM8C4 and NPDES Permit No. PA0595748. Dyer Quarry, Inc., (P. O. Box 188, Birdsboro, PA 19508), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Robeson Township, **Berks County**, receiving streams: Indian Corn and Seidel Creeks, classified for the following uses: CWF and WWF. Application received September 4, 2007.

7775SM9A2C8. and NPDES Permit No. PA0595659. Glen-Gery Corporation, P. O. Box 7001, Wyomissing, PA 19610, renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Perry Township, **Berks County**, receiving stream: UNT to Schuylkill River, classified for the following use: WWF. Application received September 4, 2007.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water

Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

Persons with a disability who wish to attend a hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E09-918. Department of Transportation, District 6-0, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Milford Township, **Bucks County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the widening of a section of Old Bethlehem Pike (SR 4063) related to Brookfield Village, a proposed residential development:

1. To encroach upon 0.108 acre of wetland (PEM) for roadway drainage and a stormwater management facility.
2. To construct and maintain a 52-foot long, 24-inch by 38-inch RCP culvert along a UNT to Unami Creek (HQ-TSF).

The applicant proposes to provide a minimum of 0.1 acre of replacement wetland. This project is located approximately at the beginning of the intersection of Brick Tavern Road and Old Bethlehem Pike (Milford Square, PA USGS Quadrangle N: 15.1 inches; W: 1.5 inches).

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E52-208. PPL Holtwood, LLC c/o PPL Generation, LLC, P. O. Box 122, Hawley, PA 18428, in Palmyra Township, **Pike County**, United States Army Corps of Engineers, Philadelphia District.

To place and maintain fill, supported by a concrete block retaining wall, in 0.04 acre of Lake Wallenpaupack (HQ-CWF) for the purpose of constructing handicapped-accessible parking and fishing access. The project is located at Ironwood Point at the end of Burns Hill Road approximately 0.6 mile northeast of its intersection with SR 0507 (Newfoundland, PA Quadrangle N: 22.0 inches; W: 3.8 inches).

E45-513. Mark and Flora Chotkowski, 47-34 188th Street, Flushing, NY 11358, in Tobyhanna Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a driveway crossing of a tributary to Tunkhannock Creek (HQ-CWF) and adjacent wetlands consisting of twin 60-inch diameter pipes depressed 12-inches below stream bed elevation, and to construct and maintain a house and associated fill in the floodway of the tributary. The project is located on Loft 37, Unit 1, Section 12 of the Lake Naomi Subdivision (Pocono Pines, PA Quadrangle N: 20.5 inches; W: 8.8 inches).

E64-272. PPL Holtwood, LLC c/o PPL Generation, LLC, P. O. Box 122, Hawley, PA 18428, in Paupack Township, **Wayne County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a handicap-accessible 11-foot by 25-foot floating fishing platform in Lake Wallenpaupack connected to a concrete abutment at the shoreline by means of a 4.5-foot wide by 48-foot long gangway. The project is located in Mangan Cove approximately 0.4 mile southeast of the intersection of SR 0590 and the Owego Turnpike (Hawley, PA Quadrangle N: 15.7 inches; W: 9.1 inches).

E54-329. Borough of Schuylkill Haven, 12 West Main Street, Schuylkill Haven, PA 17972, in Schuylkill Haven Borough, **Schuylkill County**, United States Army Corps of Engineers, Philadelphia District.

To remove two gravel bars having a total surface area of approximately 0.6 acre and lengths of 280 feet and 330 feet from the Schuylkill River (CWF). The depth of excavation is limited to 6 inches above the ordinary high water mark. The project is generally located along the east side of the channel between St. Charles and West Union Streets (Friedensburg, PA Quadrangle N: 22.6 inches; W: 6.9 inches).

E40-672. Aqua Pennsylvania, Inc., 700 West Sproul Road, Springfield, PA 19064, in Kingston Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain two utility line stream crossings as follows: 1) an 8-inch diameter pipe under a culvert carrying a tributary to Toby Creek (TSF); and 2) a 12-inch diameter pipe under a tributary to Toby Creek and under 250 LF of PSS wetlands. The stream crossings will be installed using directional drilling techniques and are associated with a water transmission main project that will serve the proposed Saddle Ridge planned residential development. The project is generally located west

of the intersection of Howell Road and Manor Drive (Kingston, PA Quadrangle N: 15.5 inches; W: 6.9 inches).

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

E31-212: Joseph H. and Phyllis Shearer, and R. Scott and Karen Shearer, 17 Arentzen Boulevard, Suite 206, Charleroi, PA 15022, Franklin Township, **Huntingdon County**, ACOE Baltimore District.

To remove the existing vacation home and then construct and maintain a 58-foot wide by 60-foot long home within the 100-year floodway and along the left bank of Spruce Creek (HQ-CWF). The project is located in Franklinville Village (Franklinville, PA Quadrangle N: 3.4 inches; W: 12.75 inches, Latitude: 40° 38' 37"; Longitude: 78° 05' 31") in Franklin Township, Huntingdon County.

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

E41-580. Wilfred Associates, P. O. box 308, Montoursville, PA 17754. Expansion of Fairfield Honda car dealership in Muncy Township, **Lycoming County**, Baltimore USACE District (Muncy, PA Quadrangle N: 20.46 inches; W: 8.50 inches).

As part of the business expansion, the permit applicant proposes to permanently impact 0.94 acre of palustrine emergent (PEM) wetlands. To meet the wetland replacement requirement, the applicant proposes to construct 0.94 acre of PEM wetlands in the vicinity of the impacted wetlands. The site is located in the Carpenters Run watershed, State Water Plan Subbasin 10D, approximately 0.6 mile east of the Lycoming Mall near exit 15 on Interstate 180.

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

E26-229-A1. Matt Canestrone Contracting, Inc., P. O. Box 243, Belle Vernon, PA 15012. To construct and maintain a barge dock in Luzerne Township, **Fayette County**, Pittsburgh ACOE District (California, PA Quadrangle N: 2.1 inches; W: 14.2 inches, Latitude: 40° 0' 45.5"; Longitude: 79° 58' 52.2"). The applicant proposes to construct and maintain a barge dock 175 feet long by 26 feet wide by placing a standard barge with an identical barge atop located at the downstream of the existing facilities in Monongahela River (WWF), right bank, Mile Post 62.65.

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

E10-436, Dale A. Hall, H & M Truck and Auto, 108 Harmony Road, Prospect, PA 16052. H & M Truck and Auto Repair Shop, in Franklin Township, **Butler County**, and ACOE Pittsburgh District (Prospect, PA Quadrangle N: 40° 54' 10"; W: 80° 00' 05").

To construct and maintain a 40-foot-long corrugated steel open bottom arch having a span of 15 feet and a rise of 4.6 feet in Mulligan Run and associated grading approximately 160 feet within the right assumed floodway of Mulligan Run for H & M Truck and Auto repair shop building and driveway access south of the intersection of West Old Route 422 (T-441) and Rieger Road.

E10-439, Weaver Master Builders, Inc., P. O. Box 449, Mars, PA 16046. Villages at Camp Trees, in Adams Township, **Butler County** and Pine Township, **Allegheny County**, ACOE Pittsburgh District (Mars, PA Quadrangle N: 40° 40' 28.3"; W: 80° 00' 38.6").

To conduct the following activities associated with construction of The Villages at Camp Trees residential development involving an approximately 120-acre parcel on Camp Trees Road approximately 0.7 mile west of Mars-Valencia Road:

1. To construct and maintain a 164.4-foot-long, 36-inch diameter stream enclosure (Crossing No. 1) on a tributary to Breakneck Creek having a drainage area less than 100 acres.

2. To construct and maintain a 150-foot-long, 15-inch-diameter stream enclosure (Crossing No. 2) on a tributary to Breakneck Creek having a drainage area less than 100 acres.

3. To construct and maintain a 115.7-foot-long, 8-foot-diameter concrete pipe stream enclosure (Crossing No. 3) in a tributary to Breakneck Creek and impacting a total of 0.1 acre of adjoining wetland immediately downstream of the existing Camp Trees Dam (DEP File No. D10-122).

4. To construct and maintain a 111-foot-long, 36-inch-diameter stream enclosure (Crossing No. 4) in a tributary to Breakneck Creek having a drainage area less than 100 acres.

5. To construct and maintain an 87.72-foot-long, 96-inch-diameter culvert (Crossing No. 5) in a tributary to Breakneck Creek upstream of the impoundment area of Camp Trees Dam (DEP File No. D10-122).

6. To construct and maintain driveway culverts (Crossings Nos. 6 and 7) in tributary to Breakneck Creek having a drainage area less than 100 acres for access residential building lots 376 and 372.

7. To construct and maintain a driveway culvert (Crossing No. 8) in a tributary to Breakneck Creek having a drainage area less than 100 acres for access to residential building lot 240.

Project proposes creation of a total of 0.2 acre of replacement wetland onsite.

E25-712, Michael J. Bray, 8223 Mill Street, Girard, PA 16417-9301. Michael Bray Bridge, in Washington Township, **Erie County**, ACOE Pittsburgh District (Cambridge Springs, PA Quadrangle N: New Bethlehem, PA Quadrangle N: 41° 00' 08"; W: 79° 20' 10").

The applicant proposes to construct a private residence including a 2,400-foot-long driveway approximately 1.5 miles NE of the intersection of Krietz Road and SR 1027 involving to construct and maintain: 1) a bridge over Little Conneauttee Creek having a clear span of approximately 35 feet and an underclearance of approximately 10 feet; 2) a 16-foot-long, 3-foot-diameter culvert pipe crossing a UNT to Little Conneauttee Creek; 3) five driveway wetland crossings having lengths of 118 feet, 490 feet, 15 feet, 20 feet and 580 feet respectively; and 4) 0.26 acre of mitigation wetland onsite. Little Conneauttee Creek and the tributary are perennial streams classified as CWF.

The project proposes to directly impact approximately 60 feet of stream and 0.26 acre of wetland.

E33-228, Department of Transportation, Engineering District 10-0, 2550 Oakland Avenue, P. O. Box 429, Indiana, PA 15701-0429. SR 0028 Sec 510 Game School Road 3R, in Warsaw Township, **Jefferson County**, ACOE Pittsburgh District (Hazen and Falls Creek, PA Quadrangle N: 41° 14' 10"; W: 78° 53' 45").

To place and maintain fill in 0.29 acre of PEM wetlands and to remove/replace and maintain five culverts having a combined existing length of 286 feet and a combined proposed length of 400' in UNTs to Mill Creek (CWF) as a part of a 3R roadway project located on SR 0028 Section 510.

The applicant is required to provide 0.29 acre of wetland banking as compensation for this project.

ACTIONS

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

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

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

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

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

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

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

I. NPDES Renewal Permit Actions

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N?</i> |
|--------------------------------------|---|--------------------------------------|--------------------------------------|----------------------------|
| PA0034070 Minor Sewage Renewal | Glencrest Realty 6000 Glencrest Road Slatington, PA 18080 | Washington Township Lehigh County | UNT to Coplay Creek 2C | Y |

NOTICES

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| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|--|--|--|--------------------------------------|-----------------------------|
| PA0062847 (Small Flow Treatment) | H.A. Berkheimer, Inc./ Creditech, Inc. 1883 Jory Road Pen Argyl, PA 18072 | Plainfield Township Northampton County | Waltz Creek 1F | Y |
| PA0060704 | Pleasant Valley Manor, Inc. 4227 Manor Drive Stroudsburg, PA 18360 | Monroe County Hamilton Township | McMichaels Creek 01E | Y |
| PA0062499 | Southern Lehigh School District Lower Milford Elementary School 7350 Elementary Road Coopersburg, PA 18036 | Lower Milford Township Lehigh County | Hosensack Creek Watershed 3E | Y |
| PA0020206 | Bath Borough Authority 160 Mill Street P. O. Box 87 Bath, PA 18014 | Northampton County Bath Borough | Monocacy Creek 2C | Y |
| PA0061875 (Minor Sewage) | Foster Township (Hickory Hills) 1000 Wyoming Avenue P. O. Box 465 Freeland, PA 18224 | Foster Township Luzerne County | Pond Creek 02A | Y |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N</i> |
|-------------------------------|--|---|--------------------------------------|---------------------------|
| PA0000558 Industrial Waste | Hertz Gateway Center, LP Two Gateway Center 603 Stanwix Street Suite 400 Pittsburgh, PA 15222-1402 | Allegheny County City of Pittsburgh | Allegheny River | Y |
| PA0090824 Sewage | New Plan of Laurel Mall, Inc. c/o New Plan Excel Realty Trust 420 Lexington Avenue New York, NY 10170 | Fayette County Dunbar Township | UNT of Gist Run | Y |
| PA0092037 Sewage | Roy Teague 5404 Pleasant Unity Road Latrobe, PA 15650 | Westmoreland County Unity Township | Little Crabtree Creek | Y |
| PA0096067 Sewage | Mount Pleasant Area School District 271 State Street Mount Pleasant, PA 15666 | Westmoreland County Mount Pleasant Township | Sewickley Creek | Y |
| PA0217565 | John and Lynae Williams 2212 Anthony Run Road Indiana, PA 15701 | Indiana County Armstrong Township | Anthony Run | Y |
| PA0217603 Sewage | Cumberland Coal Resources, LP P. O. Box 1020 158 Portal Road Waynesburg, PA 15370 | Greene County Whiteley Township | UNT to Patterson Run | Y |
| PA0219177 Sewage | Dana Mining Company of PA, Inc. P. O. Box 1170 Morgantown, WV 26507 | Greene County Dunkard Township | UNT of Dunkard Creek | Y |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|---|--------------------------------------|--------------------------------------|-----------------------------|
| PA0238759 | Nancy Jane Oseterling 454 Keck Road Butler, PA 16002-1098 | Summit Township Butler County | UNT to Bonnie Brook 20-C | Y |

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N ?</i> |
|-----------------------------|---|--|--------------------------------------|-----------------------------|
| PA0103381 | Merisol Antioxidants, LLC 292 SR 8 Oil City, PA 16301 | Cornplanter Township Venango County | Oil Creek 16-E | Y |
| PA0025291 | Southwest Warren County Municipal Authority 174 Main Street Tidioute, PA 16351 | Tidioute Borough Warren County | Allegheny River 16-F | Y |

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

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

PA0229164, Nonmunicipal NPDES, SIC 4952, **Judith A. Taylor**, 168 Hastings Road, Bellefonte, PA 16823. The proposed facility will be located in Union Township, **Centre County**.

Description of Proposed Activity: The applicant has applied for an NPDES permit to authorize the discharge from the proposed small flow treatment facility to serve the Taylor residence. The SFTF will consist of a septic tank, an effluent filter, a peat biofilter and an erosion chlorinator.

The receiving stream, a UNT to Dewitt Run, is in the State Water Plan Watershed 9C and is classified for: CWF. The nearest downstream public water supply intake, for the Pennsylvania-American Water Company in Milton, PA, is 89 river miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 mgd.

| <i>Parameter</i> | <i>Mass (lb/day)</i> | | <i>Concentration (mg/l)</i> | |
|--|--|--------------------------|-----------------------------|----------------------------------|
| | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i> | <i>Instantaneous Maximum</i> |
| pH | 6.0 to 9.0 Standard Units at all times | | | |
| Fecal Coliforms (5-1 to 9-30) (10-1 to 4-30) | 200 colonies per 100 ml as Geometric Mean (2,000 colonies per 100 ml as Geometric Mean) | | | |
| BOD ₅ | | | 25 | 50 |
| TSS | | | 30 | 60 |
| Total Residual Chlorine | | | Monitor | |

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

NPDES Permit No. PA0253391, Industrial Waste, **Danser's Auto Repair & Salvage**, 1655 Route 130, Greensburg, PA 15601. This proposed facility is located in Unity Township, **Westmoreland County**.

Description of Proposed Action/Activity: Permit issuance for discharge of stormwater from industrial activity.

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

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

WQM Permit No. WQG02440701, Sewage, **Granville Township**, 100 Helen Street, Lewistown, PA 17044. This proposed facility is located in Granville Township, **Dauphin County**.

Description of Proposed Action/Activity: Construction/Operation of Pumping Station No. 3 to serve the First Quality industrial land development.

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

WQM Permit No. 1407405, Sewerage, SIC 4952, **Judith A. Taylor**, 168 Hastings Road, Bellefonte, PA 16823. This proposed facility will be located in Union Township, **Centre County**.

Description of Proposed Action/Activity: Permit issued authorizing the design, construction and operation of a residential small flow treatment facility, consisting of a septic tank, effluent filter, effluent pump, peat biofilter and an erosion chlorinator. Discharge will be to Dewitt Run, a CWF.

WQM Permit No. 1407202, Industrial Waste, **Madisonburg Water Works**, Route 445 North, Maddisonburg, PA 16852. This proposed facility is located in Miles Township, **Centre County**.

Description of Proposed Action/Activity: Permit issuance for a 15 gpm pump station and a 722 square foot infiltration bed for treatment of backwash water from a membrane filter plant.

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

WQM Permit No. 0405403, Sewerage, **Michael P. Baycura**, 131 Cardinal Drive, New Brighton, PA 15066. This proposed facility is located in Daugherty Township, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of small flow sewage treatment facility to serve two homes.

WQM Permit No. 3274407-A3, Sewerage, **EME Homer City Generation, LP**, 1750 Power Plant Road, Homer City, PA 15748. This existing facility is located in Center Township, **Indiana County**.

Description of Proposed Action/Activity: Permit issuance for the modification to the chlorination and dechlorination facilities at the Units 1 and 2 and Unit 3 STP.

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

WQM Permit No. WQG018564, Sewerage, **David F. Hutner**, 112 Lone Pine Way, Slippery Rock, PA 16057. This proposed facility is located in Slippery Rock Township, **Butler County**.

Description of Proposed Action/Activity: A single residence Sewage Treatment Plant.

WQM Permit No. 4307401, Sewage, **Jefferson Township**, 7407 Lamor Road, Mercer, PA 16137. This proposed facility is located in Jefferson Township, **Mercer County**.

Description of Proposed Action/Activity: This project is for the installation of 24,325 LF pressure main, pressure service sewers, 4,825 LF gravity sewers, manholes, 132 grinder pumps and incidental work to serve the establishments in a portion of Jefferson Township and to be conveyed to the Hermitage Municipal Authority sewage treatment facility.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|------------------------------|---|
| PAI010906020 | Heritage Building Group, Inc. 2500 York Road Jamison, PA 18929 | Bucks | Warrington Township | Neshaminy Creek WWF |
| PAI014607002 | Summit Realty Advisors, LLC 621 Delaware Street New Castle, DE 19720 | Montgomery | Ambler Borough | Wissahickon Creek TSF |
| PAI011504026 | TR Moser Builders 1171 Lancaster Avenue Suite 201 Berwyn, PA 19312 | Chester | East Fallowfield Township | UNT Brandywine Creek EV |
| PAI011506072 | Phillips Road Associates 202 Phillips Road Exton, PA 19341 | Chester | Uwchlan Township | Pine Creek HQ-TSF |
| PAI011507016 | Gary C. Wills 517 Larkins Bridge Drive Downingtown, PA 19335 | Chester | East Nantmeal Township | Beaver Run EV |
| PAI011507017 | Rotelle Development Co. 219 Niantic Road Barto, PA 19504 | Chester | Wallace Township | Indian Run HQ-CWF |
| PAI011507029 | Brian Forcine 2443 Yellow Springs Road Malvern, PA 19355 | Chester | Charlestown Township | Pickering Creek HQ-TSF |
| PAI011507033 | Joseph Chambers 369 Icedale Road Honey Brook, PA 19344 | Chester | Honey Brook Township | West Branch Brandywine Creek HQ-TSF, MF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------------|----------------------------|
| PAI024507003 | Pocono Community Church, Inc. 4 Fork Street Suite 2080 Mount Pocono, PA 18344 | Monroe | Coolbaugh Township | Red Run HQ-CWF |
| PAI023906029 | William Weber 5563 Acorn Drive Emmaus, PA 18049 | Lehigh | Upper Milford Township | Leibert Creek HQ-CWF |

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-----------------------------|--|---------------|---------------------|--------------------------------|
| PAI024006006 | MJB of Bayshore HC 1 Box 22 White Haven, PA 18611 | Luzerne | White Haven Borough | Linesville Creek HQ-CWF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-----------------------------|--|---------------|---------------------------|--|
| PAI032106011 | John Clinton Shippensburg University Foundation 1871 Old Main Drive Shippensburg, PA 17257 | Cumberland | Shippensburg Township | Burd Run, tributary to Middle Spring Creek CWF |
| PAI032207001 | Claude H. Weiss 160 Florence Drive Harrisburg, PA 17112 | Dauphin | Middle Paxton Township | Clark Creek HQ-CWF |

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|------------------------------------|--|---------------|---------------------|--------------------------------|
| PAI041406016 Phase III Approval | Jim Vance Traditions of America Liberty Hill 5000 Ritter Road Suite 202 Mechanicsburg, PA 17055 | Centre | Harris Township | Spring Creek HQ-CWF |

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

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

List of NPDES and/or Other General Permit Types

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

General Permit Type—PAG-02

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|---|---|
| Richland Township Bucks County | PAG20009061261 | WB Homes, Inc. 404 Sumneytown Pike Suite 200 North Wales, PA 19454 | UNT Tohickon Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| West Rockhill Township Bucks County | PAG2000903101R | First Venture Group, LLC 5296 Moyer Road Pipersville, PA 18947 | UNT East Branch Perkiomen Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Upper Makefield Township Bucks County | PAG2000905046 | Gerard DiPippo 148 Van Sant Road New Hope, PA 18938 | Pidcock Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Bensalem Township Bucks County | PAG2000906132 | 4800 Street Road, LLC 4800 Street Road Trevose, PA 19053 | Delaware River WWF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Warminster Township Bucks County | PAG2000904084 | County Line Storage 12121 Townsend Boulevard Philadelphia | Tributary Pennypack Creek WWF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Warwick Township Bucks County | PAG2000907058 | Warwick Meadows III, LLC 1840 County Line Road Building 5 Huntingdon Valley, PA 19006 | Delaware River/ Neshaminy Creek WWF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Bensalem Township Bucks County | PAG2000907070 | Emmes Asset Management Co., LLC 420 Lexington Avenue New York, NJ 10170 | Poquessing Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Bedminster Township Bucks County | PAG2000906008 | John Bejan P. O. Box 306 Bedminster, PA 18910 | Tributary Tohickon Creek CWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Bedminster Township Bucks County | PAG2000907068 | Stephen Kazmierczak 6 Marian Circle Chalfont, PA 18914 | Deep Run Creek CWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Plumstead Township Bucks County | PAR10D623R | Pamela Gundach 23 Morgan Hill Drive Doylestown, PA 18901 | Pine Run WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Doylestown Township Bucks County | PAG2000907066 | John and Suzanne Fillman 1290 Pebble Hill Road Doylestown, PA 18901 | Neshaminy Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Warrington Township Bucks County | PAG2000907029 | Archdiocese of Philadelphia 111 South 38th Street Philadelphia, PA 19104-3179 | Neshaminy Creek TSF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Warrington Township Bucks County | PAG20009031171 | Valley Square Associates 232 North 22nd Street Philadelphia, PA 19102 | Little Neshaminy Creek WWF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Wrightstown Township Bucks County | PAG2000906170 | Barley Homes 48 Barley Road Ivyland, PA 18974 | UNT Mill Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|--|--|---|
| West Goshen Township Chester County | PAR10G256RA1 | Goshen Luscri Development 211 Carter Drive West Chester, PA 19382 | Goose Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Easttown Township Chester County | PAG2001507043 | Theodore Babiry P. O. Box 805 Devon, PA 19333 | Darby Creek TSF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Penn Township Chester County | PAG2001507030 | Reliable Septic & Water Certification, LLC Harrison Builders, LLC 501 McKinney Farm Lane West Grove, PA 19390 | Tributary West Branch White Clay Creek TSF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Plymouth Township Montgomery County | PAG2004607075 | S. Paone, Inc. 1120 North Bethlehem Pike P. O. Box 280 Spring House, PA 19477 | Plymouth Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Whitpain Township Montgomery County | PAG2004607110 | Aetna, Inc. 151 Farmington Avenue Hartford, CT 06165 | Stoney Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Skippack Township Montgomery County | PAG2004607015 | Americo Moscariello 24 Donny Brook Way Collegetown, PA 19426 | Skippack Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Towamencin Township Montgomery County | PAG2004607119 | Towamencin Township 1090 Troxel Road P. O. Box 303 Kulpsville, PA 19443 | West Branch Towamencin Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Norristown Borough Montgomery County | PAG2004607020 | Borough of Norristown 235 East Airy Street Norristown, PA 19401 | Stony Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Lansdale Borough Montgomery County | PAG2004607090 | Lansdale Holding Group Assoc., LP P. O. Box 2696 Bala Cynwyd, PA 19004 | Towamencin Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Plymouth Township Montgomery County | PAG2004606188 | Brierdale Builders 8107 Ridge Avenue Philadelphia, PA 19128 | Plymouth Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Douglas Township Montgomery County | PAG2004607012 | Henry Schellenberger 890 Sweinhart Road Gilbertsville, PA 19525 | Swamp Creek TSF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Upper Moreland Township Montgomery County | PAG2004606144 | Sabia Development Corporation 1828 Roberts Avenue Abington, PA 19001 | Pennypack Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Plymouth Township Montgomery County | PAG2004607115 | Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406 | Schuylkill River WWF, MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Limerick Township Montgomery County | PAG2004606204 | John Gerling 123 Debaran Lane Rosemont, PA 19010 | Brook Evans Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |

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| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|---|---|
| Upper Dublin Township Montgomery County | PAG2004607132 | Upper Dublin Township 801 Loch Alsh Avenue Fort Washington, PA 19034 | Honey Run Tributary TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Lower Merion Township Montgomery County | PAG2004607114 | SL Gladwynne Acquisitions, LLC 4 Red Maple Drive Lafayette Hill, PA 19444 | Schuylkill River CWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| East Norriton Township Montgomery County | PAG2004607089 | Montgomery County Department of Parks and Recreation P. O. Box 311 1430 DeKalb Pike Norristown, PA 19401 | West Branch Stony Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Franconia Township Montgomery County | PAG2004607096 | US Stone Company P. O. Box 377 Lafayette Hill, PA 19444 | Skippack Creek TSF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| City of Philadelphia Philadelphia County | PAG2015106059 | Please Touch Museum 210 North 21st Street Philadelphia, PA 19103 | Schuylkill River WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| City of Philadelphia Philadelphia County | PAG2015106076 | Fox Chase Cancer Center 7701 Burholme Avenue Philadelphia, PA 19111-2497 | Burholme Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| City of Philadelphia Philadelphia County | PAG2015107029 | Switzenbaum & Associates, Inc. 200 South Broad Street 6th Floor Philadelphia, PA 19102 | Schuylkill River CWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| City of Philadelphia Philadelphia County | PAG2015107030 | Cintas Corporation 27 Whitney Drive Milford, OH 45150-9784 | Tidal Schuylkill A CWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900 |
| Dickson City Borough Lackawanna County | PAG2003507020 | Daniel Siniawa & Assoc., LTD 851 Commerce Boulevard Suite 207 Dickson City, PA 18519 | Tributary to Lackawanna River CWF | Lackawanna Co. Cons. Dist. (570) 281-9495 |
| South Abington Township Lackawanna County | PAG2003507013 | Richard Florey, Jr. 1170 Winola Road Clarks Summit, PA 18411 | South Branch of Tunkhannock Creek CWF | Lackawanna Co. Cons. Dist. (570) 281-9495 |
| Mahoning Township Carbon County | PAG2001307004 | Lowe's Home Center, Inc. P. O. Box 1111 North Wilkesboro, NC 28656 | Mahoning Creek CWF | Carbon Co. Cons. Dist. (610) 377-4894 |
| Upper Mt. Bethel Township Northampton County | PAG2004807021 | Aman Verma Penn Jersey Gas Station 232 Blue Valley Drive Bangor, PA 18013 | Tributary to Brushy Meadow Creek TSF, MF | Northampton Co. Cons. Dist. (610) 746-1971 |
| Moore Township Northampton County | PAG2004807020 | MJL Realty Company, Inc. Attn: Mark J. Leuthe 988 Lawrence Way Allentown, PA 18104 | Hokendauqua Creek CWF Lehigh River CWF | Northampton Co. Cons. Dist. (610) 746-1971 |

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|---------------------------------|---|
| Lafalin Borough Luzerne County | PAG2004007022 | Department of Transportation Dist. 4-0 Attn: Robert Doble 55 Keystone Ind. Park Dunmore, PA 18512 | Susquehanna River WWF | Luzerne Co. Cons. Dist. (570) 674-7991 |
| Whitehall Township Lehigh County | PAG2003907007 | Coplay—Whitehall Sewer Authority Attn: David Harleman 3213 Macarthur Road Whitehall, PA 18052 | Jordan Creek TSF-MF | Lehigh Co. Cons. Dist. (610) 391-9583 |
| Dallas Township Luzerne County | PAG2004007018 | John Risboskin College Misericordia 301 Lake Street Dallas, PA 18612 | Toby Creek CWF | Luzerne Co. Cons. Dist. (570) 674-7991 |
| Frankstown Township Blair County | PAG2000707011 | Bryce Saylor & Sons 4235 Sixth Avenue Altoona, PA 16602 | Frankstown Branch WWF | Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877 |
| North Woodbury Township Blair County | PAG2000707012 | Village at Morrison's Cove 429 South Market Street Martinsburg, PA 16662 | Plum Creek CWF | Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877 |
| Taylor Township Blair County | PAG2000707013 | New Enterprise Stone & Lime Co. P. O. Box 77 New Enterprise, PA 16664 | Plum Creek CWF | Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877 |
| Greenfield Township Blair County | PAG2000707016 | ABCD Corp. 3900 Industrial Park Drive Altoona, PA 16602 | | Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877 |
| Freedom Township Blair County | PAG2000707015 | Zane Helsel 255 Puzzeltown Road Duncansville, PA 16635 | Poplar Run CWF | Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877 |
| Bern Township Berks County | PAR10C442R | Harry J. O'Neil West Ridge Bern, LP 1420 Clarion Street Reading, PA 19601 | UNT to Tulpehocken Creek WWF | Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657 Ext. 201 |
| Windsor Township York County | PAG2006706123 | Jennifer Gunnet Windsor Township 1480 Windsor Road Red Lion, PA 17356 | UNT to Fishing Creek TSF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| City of York York County | PAG2006706068 | City of York 1 Marketway West York, PA 17401 | Willis Run WWF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |

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| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|--|---|
| Springettsbury Township York County | PAG2006707049 | York Container Company 138 Mt. Zion Road York, PA 17402 | Mill Creek WWF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| Smithfield Township Huntingdon County | PAG2003107003 | Dale Pears 3307 Trindle Road Camp Hill, PA 17011 | Crooked Creek WWF | Huntingdon County Conservation District 10605 Raystown Road Suite A Huntingdon, PA 16652-9603 (814) 627-1627 |
| Penn Township York County | PAG2006707010 | Tim Rutter CHR Corporation 2295 Susquehanna Trail Suite C York, PA 17404 | Oil Creek WWF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| Dover Township York County | PAG2006706008 | Francis McNaughton Faire Wynd Assoc. 4400 Deer Path Road Harrisburg, PA 17110 | UNT to Fox Run TSF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| City of Altoona Blair County | PAG2000707010 | Morris Management MMFRE, LLC 210 East Plank Road Altoona, PA 16602 | Brush Run WWF | Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877 |
| East Manchester Township York County | PAG20067030201 | Asbury Pines, LLC 952 Log Cabin Road Leola, PA 17540 | Codorus Creek—Oil Creek to Mouth WWF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| York Township York County | PAG2006707028 | Jeffrey Henry JHTP Holdings, LP 955 Summit Circle South York, PA 17403 | Mill Creek WWF | York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430 |
| Centre County Harris Township | PAG2001407009 | Brad Karch KBB & H Partnership Aikens Master Plan P. O. Box 4000 State College, PA 16801 | UNT to Spring Creek CWF | Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817 |
| Columbia County Town of Bloomsburg | PAG2001907001 | Carol Mas Town of Bloomsburg 301 East Second Street Bloomsburg, PA 17815 | Susquehanna River WWF | Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, Ext. 102 |
| Lycoming County Muncy Township | PAG2004107012 | William Manos P. O. Box 308 Montoursville, PA 17754 | Carpenters Run WWF | Lycoming County Conservation District 542 County Farm Road Suite 202 Montoursville, PA 17754 (570) 433-3003 |
| Potter County Genesee Township | PAG2005307002 | Verizon Wireless 175 Calkins Road Rochester, NY 14623 | Genesee River CWF | Potter County Conservation District 107 Market Street Coudersport, PA 16915 (814) 274-8411, Ext. 4 |

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|--|---|--|
| Cambria County Northern Cambria Borough | PAG2001107009 | Brian Soyka Sheetz, Inc. 5700 Sixth Avenue Altoona, PA 16602 | Walnut Run CWF | Cambria County CD (814) 472-2120 |
| <i>General Permit Type—PAG-3</i> | | | | |
| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
| Lancaster County Fulton Township | PAR703513 | Jeffrey G. Sweigert McMinn's Asphalt Co., Inc. P. O. Box 4688 Lancaster, PA 17604-4688 | Octoraro Creek WWF | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| Lancaster County Manheim Township | PAR703511 | Jeffrey G. Sweigert McMinn's Asphalt Co., Inc. P. O. Box 4688 Lancaster, PA 17604-4688 | UNT to Little Conestoga Creek WWF | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| Lancaster County East Hempfield Township | PAR703514 | Jeffrey G. Sweigert McMinn's Asphalt Co., Inc. P. O. Box 4688 Lancaster, PA 17604-4688 | UNT to Little Conestoga Creek TSF | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| Lancaster County | PAR703512 | Jeffrey G. Sweigert McMinn's Asphalt Co., Inc. P. O. Box 4688 Lancaster, PA 17604-4688 | Londonland Road CWF | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| Juniata County Fermanagh Township | PAR123563 | Valley Proteins, Inc. P. O. Box 3588 Winchester, VA 22604 | UNT to Lost Creek TSF | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| Lancaster County | PAR203601 | Alumax Mill Products, Inc. 1480 Manheim Pike Box 3167 Lancaster, PA 17601 | UNT Little Conestoga Creek WWF | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| Youngwood Borough Westmoreland County | PAR236119 | Firestone Building Products Company Building 102 Avenue A Buncher Commerce Park Youngwood, PA 15697 | Jacks Run | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |
| North Huntingdon Township Westmoreland County | PAR506107 | Waste Management of Pennsylvania, Inc. 310 Leger Road North Huntingdon Hauling Division North Huntingdon, PA 15642 | UNT to Brush Creek | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |
| Clearfield Township Cambria County | PAR606186 | Warefield Auto Wreckers 21 Warefield Lane Patton, PA 16668 | UNT to Burgoon Run | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |

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| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|----------------------------|---|
| South Pymatuning Township Mercer County | PAR128304 | Dean Dairy Products Company Dean Dairy Products 1858 Oneida Lane Sharpsville, PA 16150 | UNT to McCullough Run | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| Annin Township McKean County | PAR708307 | Glenn O. Hawbaker, Inc. 711 East College Avenue Bellefonte, PA 16823 | Allegheny River | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| Grove City Borough Mercer County | PAR808306 | General Electric Company Transportation General Electric Transportation Systems Grove City 1503 West Main Street Extension Grove City, PA 16127-2513 | Wolf Creek WWF | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |

General Permit Type—PAG-4

| <i>Facility Location & Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water/Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|-----------------------------------|---|
| Cumberland County Upper Frankford Township | PAG043866 | Richard and Carrie Roush 125 Frytown Road Carlisle, PA 17015 | UNT Conodoguinet Creek WWF | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707 |
| Slippery Rock Township Butler County | PAG049363 | David F. Hunter 112 Lone Pine Way Slippery Rock, PA 16057 | Slippery Rock 20-C | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |
| Greene Township Mercer County | PAG048879 | Deborah L. Smith 198 North Good Hope Road Jamestown, PA 16134 | UNT to the Shenango River 20-A | DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942 |

General Permit Type—PAG-8

| <i>Facility Location & County/Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Site Name & Location</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|---------------------------------|---|
| West Cocalico and Ephrata Townships Lancaster County | PAG083565 | Ephrata Borough Authority 405 South Reading Road | Reuben Weaver Farm | DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707 |

General Permit Type—PAG-8 (SSN)

| <i>Facility Location & County/Municipality</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Site Name & Location</i> | <i>Contact Office & Phone No.</i> |
|--|-------------------|--|---------------------------------|--|
| Young Township Indiana County | | Synagro 3239 Route 981 New Alexandria, PA 15670 | Henry Farm | Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000 |

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

Permit No. 3107503 MA, Minor Amendment, Public Water Supply.

| | |
|-----------------------------|--|
| Applicant | Grier School |
| Municipality | Warriors Mark Township |
| County | Huntingdon |
| Type of Facility | Installation of a geomembrane liner to an existing finished water reservoir. |
| Consulting Engineer | Daniel J. Carbaugh, P. E. Keller Engineers, Inc. 420 Allegheny Street Hollidaysburg, PA 16648 |
| Permit to Construct Issued: | August 31, 2007 |

Permit No. 3807506 MA, Minor Amendment, Public Water Supply.

| | |
|------------------|---|
| Applicant | Myerstown Water Authority |
| Municipality | Jackson Township |
| County | Lebanon |
| Type of Facility | Construction of a new 1 mg finished water storage tank. |

| | |
|---------------------|---|
| Consulting Engineer | Eric D. McCracken, P. E. Great Valley Consultants 75 Commerce Drive Wyomissing, PA 19610 |
|---------------------|---|

| | |
|-----------------------------|-----------------|
| Permit to Construct Issued: | August 27, 2007 |
|-----------------------------|-----------------|

Operations Permit issued to **United Water Pennsylvania, 7220015**, Susquehanna Township, **Dauphin County** on September 7, 2007, for the operation of facilities approved under Construction Permit No. 2204509.

Operations Permit issued to **Pennsylvania American Water Company, 3060088**, Exeter Township, **Berks County** on September 5, 2007, for the operation of facilities approved under Construction Permit No. 0606504.

Operations Permit issued to **United Water Pennsylvania, 7220015**, Susquehanna Township, **Dauphin County** on August 31, 2007, for the operation of facilities approved under Construction Permit No. 2207503.

Operations Permit issued to **Pennsylvania American Water Co., 7220017**, South Hanover Township, **Dauphin County** on August 31, 2007, for the operation of facilities approved under Construction Permit No. 2207512.

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

Permit No. 0807502—Construction, Public Water Supply.

| | |
|-------------------------|---|
| Applicant | Mobile Acres Mobile Home Park |
| Township or Borough | Ridgebury Township |
| County | Bradford |
| Responsible Official | Eugene Trent Mobile Acres Mobile Home Park P. O. Box 246 Wellsburg, NY 14894 |
| Type of Facility | Public Water Supply—Construction |
| Consulting Engineer | Gregory Cummings, P. E. Larson Design Group 34 Denison Parkway West Corning, NY 14830 |
| Permit Application Date | September 6, 2007 |
| Description of Action | Replacement of Well Nos. 1 and 2 pumps, installation of two 5,000 gallon finished water storage tanks and construction of a cartridge filtration plant. |

Permit No. 1406504—Operation, Public Water Supply.

| | |
|---------------------|---|
| Applicant | Trotter Farm Planned Community Association, Inc. |
| Township or Borough | Half Moon Township |
| County | Centre |

| | |
|----------------------------|--|
| Responsible Official | Rodney Frasier, President Trotter Farm Planned Community Association, Inc. 2121 Old Gatesburg Road State College, PA 16803 |
| Type of Facility | Public Water Supply—Operation |
| Consulting Engineer | N/A |
| Permit Application Date | September 6, 2007 |
| Description of Action | Operation of the Trotter Farm water system. |

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

| Borough or Township | Borough or Township Address | County |
|------------------------|--------------------------------------|--------------|
| District Township | 202 Weil Road Boyertown, PA 19512 | Berks County |

Plan Description: The approved plan of the Fredericksville Farms II subdivision (Department of Environmental Protection (Department) Code number A3-06929-062-2) provides for a 2 lot residential subdivision to generate a total of 800 gallons of sewage per day each to be served by onlot septic systems. The proposed development is located on Huffs Church Road, District Township, Berks County. 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

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

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

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

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

The Department has received the following plans and reports:

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

Robert Shenton Residence, Manor Township, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Robert Shenton, 612 Millersville Road, Lancaster, PA 17603-6026, submitted a Final Report concerning remediation of site soils contaminated with unleaded gasoline released during an automobile accident. The report is intended to document remediation of the site to the Residential Statewide Health Standard.

Chambersburg Mall—Parcel A-20, Greene Township, **Franklin County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Pennsylvania Real Estate Investment Trust, 200 South Broad Street, Philadelphia, PA 19120, submitted a Final Report concerning remediation of site groundwater contaminated with leaded and unleaded gasoline from an offsite gas station. The report is intended to document remediation of the site to the Statewide Health and Background Standards.

Woodland Retirement Center, Cromwell Township, **Huntingdon County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Presbyterian Homes in the Presbytery of Huntingdon, 1217 Slate Hill Road, Camp Hill, PA 17011, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of site soils, groundwater and surface water contaminated with No. 2 fuel oil from a removed underground storage tank. The report is intended to document remediation of the site to the Site-Specific Standard.

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

Riteway Express Inc. Rt. 15 Truck Accident, Cogan House Township, **Lycoming County**, Northridge Group, 1172 Ridge Road, Northumberland, PA 17857 on behalf of Riteway Express Inc., P. O. Box 1806, Etowah, NC 28729 has submitted a Final Report concerning remediation of site soil contaminated with diesel fuel. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the Statewide Health Standard.

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

Crossett Spill Site Allegheny Forest, Corydon Township, **McKean County**. Environmental Remediation & Recovery, Inc., 5719 Route 6N, Edinboro, PA 16412 on behalf of Crossett, Inc., P. O. Box 946, Warren, PA 16365 has submitted a Final Report concerning remediation of site soils contaminated with 1,3,4-trimethylbenzene (1,2,4-trimethylbenzene) and site groundwater contaminated with 1,3,4-trimethylbenzene (1,2,4-trimethylbenzene). The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

Central Pennsylvania Transportation, Inc., City of Lancaster, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Central Pennsylvania Transportation, Inc., 425 Steel Way, Lancaster, PA 17601 and WeeBee Audio, 1305A Manheim Pike, Lancaster, PA 17601-3123, submitted a Final Report concerning the remediation of site soils contaminated with diesel fuel and used motor oil from a truck fire. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on September 5, 2007.

Culbertson Agway Crop Center, Greene Township, **Franklin County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Agway Liquidating Trust, LLC, 5790 Widewaters Parkway, DeWitt, NY 13214, submitted a combined Remedial Investigation and Final Report concerning the remediation of site soils and groundwater contaminated from the manufacturing and distribution of herbicides, pesticides and fertilizers. The Final Report demonstrated attainment of the Residential Statewide Health and Site-Specific Standard and was approved by the Department of Environmental Protection on September 6, 2007.

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

Former Rockwell Plant No. 1, City of Dubois, **Clearfield County**. ARCADIS BBL, 500 North Gulph Road, Suite 401, King of Prussia, PA 19406 on behalf of Rockwell Automation, 1201 South Second Street, Milwaukee, WI 53204 has submitted a combined Remedial Investigation/Final Report concerning remediation of site soil contaminated with arsenic, iron, lead, polychlorinated biphenyls (aroclor) (PCBS) trichloroethylene (TCE) and groundwater contaminated with dichloroethylene, cis-1,2, trichloroethylene (TCE) and vinyl chloride. The combined Remedial Investigation/Final Report demonstrated attainment of the Background, Statewide Health and Site-Specific Standards and was approved by the Department of Environmental Protection on September 10, 2007.

Tampell/Wegmans, City of Williamsport, **Lycoming County**. Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110-9307 on behalf of Wegmans Foods Markets, Inc., 1500 Brooks Avenue, Rochester, NY 14692-6844 has submitted a combined Remedial Investigation /Final Report concerning remediation of site soil contaminated with chlorinated solvents, fuel oil No. 2, other organics and PAHs and groundwater contaminated with chlorinated solvents, fuel oil No. 2, inorganics, other organics and PAHs. The combined Remedial Investigation/Final Report demonstrated attainment of Site-Specific Standard for groundwater and Residential Statewide Health Standard for soil and was approved by the Department of Environmental Protection on September 7, 2007

Rich Oil Co., Inc. Front Street Gasoline Spill Site, Northumberland Borough, **Northumberland County**, URS Corp., 4507 North Front Street, Suite 200, Harrisburg, PA 17110 on behalf of Rich Oil Company, Inc., 1072

Point Township Drive, Northumberland, PA 17857 has submitted a Final Report concerning remediation of the site groundwater and soil contaminated with unleaded gasoline. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on September 4, 2007.

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

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

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

Permit No. 100708. Cloud Disposal, Inc., 461 South Street, Oxford, PA 19363, Lower Oxford Township, Chester County. This application is for a change in the post closure land use of Cloud Landfill located at 320 Reedville Road in Lower Oxford Township, Chester County. The permit was modified by the Southeast Regional Office on September 4, 2007.

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. 301238. Allegheny Recovery Corporation, One Library Place, Box 2, Duquesne, PA 15110. ARC Transfer/Processing Facility, South Linden Street, Duquesne, PA 15110. Permit renewal for a residual waste transfer/processing facility in the City of Duquesne, Allegheny County, was issued in the Regional Office on September 4, 2007.

Permit ID No. 301294. Petromax, Ltd., 301 Prestley Avenue, Carnegie, PA 15106. Operation of a residual waste processing facility located in Collier Township, Allegheny County. Permit renewal was issued in the Regional Office on September 11, 2007.

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.

09-310-075GP: J.D.M. Materials Co., Inc. (851 County Line Road, Huntingdon Valley, PA 19006) On September 7, 2007, to operate a portable nonmetallic mineral in Langhorne Borough, Bucks County.

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

54-310-044GP3: Green Energy Services, Inc. (P. O. Box 226, Shenandoah, PA 17976-0226) on September 6, 2007, to construct and operate a Portable Crushing Operation with watersprays at their site in Union Township, Schuylkill County.

54-329-003GP9: Green Energy Services, Inc. (P. O. Box 226, Shenandoah, PA 17976-0226) on September 6, 2007, to construct and operate a diesel—No. 2 oil internal combustion engine at their site in Union Township, Schuylkill County.

39-310-036GP3: Haines & Kibblehouse (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on September 5, 2007, to construct and operate a Portable Crushing Operation with watersprays at their site at the Turnpike Site in Lower Macungie Township, Lehigh County.

39-329-007GP9: Haines & Kibblehouse (P. O. Box 196, 2052 Lucon Road, Skippack, PA 19474) on September 5, 2007, to install and operate a Diesel I/C Engine at their site at the Turnpike Site in Lower Macungie Township, Lehigh County.

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

GP2-06-05068B: Scranton-Altoona Terminals Corp. (P. O. Box 2621, Harrisburg, PA 17105-2621) on August 30, 2007, for Storage Tanks for Volatile Organic Liquids under GP2 in Spring Township, Berks County.

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

GP5-17-21: Power Gas Marketing & Transmission, Inc. (33 North Wickliffe Circle, Youngstown, OH 44515) on August 6, 2007, to operate a 150 brake horsepower natural gas-fired reciprocating internal combustion compressor engine and associated catalytic converter under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane or Gob Gas Production Or Recovery Facilities (BAQ—GPA/GP-5) at the Grampian Compressor Site in Penn Township, Clearfield County. This is a renewal.

GP5-17-22: Power Gas Marketing & Transmission, Inc. (33 North Wickliffe Circle, Youngstown, OH 44515) on August 6, 2007, to operate a 194 brake horsepower natural gas-fired reciprocating internal combustion compressor engine and associated catalytic converter under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ—GPA/GP-5) at the Lumber City Compressor Site in Ferguson Township, Clearfield County. This is a renewal.

GP3-57-05: Haines & Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) on August 27, 2007, to construct and operate a portable nonmetallic mineral processing plant and associated water spray dust suppression system under the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ—PGPA/GP-3) at the Dushore Materials Site in Cherry Township, Sullivan County.

GP9-57-01: Haines & Kibblehouse, Inc. (2052 Lucon Road, Skippack, PA 19474) on August 27, 2007, approval to construct and operate three diesel engines under the General Plan Approval and/or General Operating Permit for Diesel or No. 2 Fuel-fired Internal Combustion Engines (BAQ—GPA/GP-9) was denied because the applicant provided information in their application which

indicated that one of the engines would not comply with the applicable CO emission limit at the Dushore Materials Site in Cherry Township, **Sullivan County**.

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

GP3-30-00168: Fayette Coal & Coke, Inc. (2611 Memorial Boulevard, Connellsville, PA 15425) on September 6, 2007, general permit (GP-3) is effective to allow construction and operation of one Metso/Nordberg Crusher, Model No. LT-105, rated at 300 tph, controlled by water sprays at their Hilltop Large Noncoal Site in Dunkard Township, **Greene County**.

GP9-30-00168: Fayette Coal & Coke, Inc. (2611 Memorial Boulevard, Connellsville, PA 15425) on September 6, 2007, general permit (GP-9) is effective to allow construction and operation of one 300 bhp Caterpillar Diesel Engine, Model No. C9 at the Hilltop Large Noncoal Site in Dunkard Township, **Greene County**.

GP5-30-00167. Great Lakes Energy Partners, LLC (380 Southpointes Boulevard, Suite 300, Canonsburg, PA 15317) on September 6, 2007, permit (GP-5) is effective for installation and operation of one 384 bhp Ajax natural gas-fired Compressor Engine, Model No. DPC-2802 LE and one 75,000 Btu Natco Dehydrator, Model No. TEJAS, with Flame Arrestor control, at the Garards Fort Compressor Station in Greene Township, **Greene County**.

GP14-30-00164: Tennant Wilbur Vault (P. O. Box 7, Blairsville, PA 15717) on August 30, 2007, to operate a crematory in Morris Township, **Greene County**.

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

GP-42-004: American Refining (77 North Kendall Avenue, Bradford, PA 16701) on August 31, 2007, for two storage tanks (Tank ID No. 621) in Bradford City, **McKean County**.

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

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

15-0078E: Centocor, Inc. (90 Great Valley Parkway, Malvern, PA 19355) on September 7, 2007, to operate an emergency electric generator in East Whiteland Township, **Chester County**.

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

06-03117E: Custom Processing Services, Inc. (2 Birchmont Drive, Reading, PA 19606-3266) on August 30, 2007, to construct an additional material grinding mill controlled by a fabric filter and final filter in Exeter Township, **Berks County**.

RACT-67-02014A: The York Group, Inc. (1880 Blackbridge Road, York, PA 17402-9703) on September 10, 2007, to operate their wood casket manufacturing facility in Manchester Township, **York County**.

67-05046E: BAE Systems Land & Armaments, LP (P. O. Box 15512, York, PA 17405-1512) on September 4, 2007, to install four washing booths at their Ground Systems Division in West Manchester Township, **York County**.

67-05046F: BAE Systems Land & Armaments, LP (P. O. Box 15512, York, PA 17405-1512) on September 4, 2007, to install a surface coating line, a vehicle wash booth and metal processing equipment controlled by three fabric filters at their plant in West Manchester Township, **York County**.

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

08-00002B: E.I. duPont de Nemours & Co., Inc. (Patterson Boulevard, Towanda, PA 18848) on August 14, 2007, to construct a 15 million Btu per hour natural gas-fired thermal fluid heater in North Towanda Township, **Bradford County**.

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

04-00044: Horsehead Corp. (300 Frankfort Road Monaca, PA 15061) on September 4, 2007, a plan approval for the modification of existing "A" Cadmium Column to a Swing Column, adding two blow boxes and two product fabric filters at their Horsehead Corporation facility in Potter Township, **Beaver County**.

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

43-349A: Valley Can, Inc. (1264 Fredonia Road, Hadley, PA 16130) on August 22, 2007, for a surface paint coating system in Perry Township, **Mercer 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.

09-0187: Fairless Iron & Metal (P. O. Box 5575, Trenton, NJ 08638) on September 4, 2007, to operate a metal shredding equipment in Falls Township, **Bucks County**.

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

48-310-066: Brandenburg Industrial Service Co. (2217 Spillman Drive, Bethlehem, PA 18015) on September 5, 2007, to construct a concrete crushing operation and associated air cleaning device (water spray suppression system) in Bethlehem, **Northampton County**.

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

36-03137A: Martin Limestone, Inc. (P. O. Box 550, Blue Ball, PA 17506) on September 4, 2007, to add a new primary crushing plant circuit at the Burkholder plant in Earl Township, **Lancaster County**. This plan approval was extended.

67-05007B: Adhesives Research, Inc. (P. O. Box 100, Glen Rock, PA 17327) on August 30, 2007, to install two

new coating sources to be controlled together with an existing source by a new regenerative thermal oxidizer at their coating facility in Springfield Township, **York County**. This plan approval was extended.

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

19-00023A: Impress USA, Inc. (936 Barracuda Street, Terminal Island, CA 90731) on September 4, 2007, to authorize an increase in the allowable annual lubricant usage on two can coating lines, from 200 gallons in any 12-consecutive month period to 500 gallons in any 12-consecutive month period, as well as a corresponding increase in the VOC emission limits for the two lines, in South Centre Township, **Columbia County**.

41-320-002: Webb Communications (One Maynard Street, Williamsport, PA 17701) on September 5, 2007, to operate six heatset web offset lithographic printing presses and associated air cleaning device (a regenerative thermal oxidizer) on a temporary basis until January 3, 2008, in the City of Williamsport, **Lycoming County**. The plan approval has been extended.

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

30-00148A: Dana Mining Co. of PA, Inc. (P. O. Box 1170, Morgantown, WV 26507) on September 9, 2007, to meet the requirements of the modified plan approval and apply for a State-only Operating Permit for the coal screening plant in Dunkard Township, **Greene County**. This plan approval was extended.

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

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

10-00027: Penreco (138 Petrolia Street, Karns City, PA 16041) on August 31, 2007, to issue an administrative amendment to the Title V Operating Permit to incorporate the plan approval conditions from plan approval 10-027E for a new gas/oil fire boiler (Source 040) at their facility in Karns City Borough, **Butler County**.

25-00025: GE Transportation Systems Erie (2901 East Lake Road, Erie, PA 16531) on August 31, 2007, to issue an administrative amendment to the Title V Operating Permit to incorporate the plan approval conditions from plan approvals 25-025H, 25-025I, 25-025J and 25-025K at their facility in Lawrence Park Township, **Erie County**.

37-00264: Ellwood Quality Steels Co. (700 Moravia Street, New Castle, PA 16101) on September 4, 2007, to re-issue the Title V Operating Permit to operate the facility's air contamination sources consisting of: four natural gas-fired boilers, several miscellaneous natural gas-fired heaters, electric arc furnace, six natural gas-fired anneal furnaces, two natural gas-fired ladle preheaters, natural gas-fired EAF preheater, scrap torching, scrap handling, vacuum degasser, teeming and gas cutter. The facility manufactures steel ingots and is a Title V facility based on the potential to emit NOx located in the City of New Castle, **Lawrence County**.

62-00017: United Refining Co. (P. O. Box 780, Warren, PA 16365) on August 20, 2007, for renewal of their Title V Operating Permit in the City of Warren, **Warren**

County. The facility's major emission points include boilers, process heaters, compressors, storage tanks, fugitive emissions subject to State and Federal Standards, loading racks and waste water separators, for the production of gasoline and oils. The sources emit major levels of CO, NOx, SOx, VOCs and PM10. The renewed Title V operating permit will contain sufficient monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

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.

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

06-05001: Adelphi Kitchens, Inc. (300 East Penn Street, Robesonia, PA 19551) on September 5, 2007, to operate their wood kitchen cabinet manufacturing facility in Heidelberg Township, **Berks County**. This is a renewal of the State-only operating permit.

34-03002: Tammy Kay Realty, Inc. (HC 63, Box 75D, Mifflintown, PA 17059-9032) on September 4, 2007, to operate a wood fired boiler in Fermanagh Township, **Juniata County**. This is a renewal of the State-only operating permit.

67-03027: PVC Container Corp.—AIROPAC Division (1 Devco Drive, Manchester, PA 17345) on August 31, 2007, to operate the plastic blow molding operation in East Manchester Township, **York County**. This is a renewal of the State-only operating permit.

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

08-00027: Oak Hill Veneer, Inc. (Route 14 North, Troy, PA 16947) on July 31, 2007, to operate a hardwood veneer manufacturing facility in Troy Township, **Bradford County**.

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

10-00038: Winfield Lime and Stone Co. (1295 Winfield Road, Cabot, PA 16023) on September 6, 2007, to re-issue the Natural Minor Operating Permit to operate the facility's air contamination sources consisting of primary and secondary crushers, screening process and transfer/drop points for the production limestone in Winfield Township, **Butler County**.

61-00012: OMG, America Inc. (Two Mile Run Road, Franklin, PA 16323) on September 5, 2007, to re-issue a synthetic minor permit to operate an industrial organic chemicals manufacturing facility in Sugarcreek Borough, **Venango County**. The Synthetic Minor Operating Permit will limit the emission of VOC to 49.9 tpy emissions of any single HAPs to 9.9 tpy and emissions from all HAPs to 24.9 tpy. Appropriate requirements to assure compliance with those limitations have been included in the permit.

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.

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

21-05021: Arnold Fuel Oil, Inc. (P. O. Box 2621, Harrisburg, PA 17105-2621) on September 4, 2007, to operate a petroleum product storage and loading facility at their Mechanicsburg North Terminal in Silver Spring Township, **Cumberland County**. This operating permit was administratively amended to incorporate plan approval 21-05021E. This is revision No. 2.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

Coal Permits Actions

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

Permit Number 30841316 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company, P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323, to revise the permit for the Bailey Mine and Prep Plant in Richhill Township, **Greene County** to install the 18C pipeline and borehole. Surface Acres Proposed 10.1. No additional discharges. Application received March 21, 2007. Permit issued September 5, 2007.

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

32020102 and NPDES No. PA0249173. Big Mack Leasing Company, Inc., 568 Silvis Hollow Road, Kittanning, PA 16201, permit renewal of reclamation only of a bituminous surface-auger mine in Young Township, **Indiana County**, affecting 46.0 acres. Receiving streams: Neal and Reeds Runs classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream. Application received July 9, 2007. Permit issued September 6, 2007.

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

26870107 and NPDES Permit No. PA0589802. David L. Patterson, Jr., 12 Short Cut Road, Smithfield,

PA 15478. Renewal permit for continued operation and reclamation of a bituminous surface mine, located in Nicholson Township, **Fayette County**, affecting 100.2 acres. Receiving streams: UNTs to Jacobs Creek. Permit renewal issued August 31, 2007.

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

17010106 and NPDES No. PA0243086. AMFIRE Mining Co., LLC, One Energy Place, Latrobe, PA 15650, permit renewal for the continued operation and restoration of a bituminous surface mine in Woodward Township, **Clearfield County**, affecting 286.7 acres. Receiving streams: UNT to Morgan Run, UNT to North Branch of Upper Morgan Run and a UNT to Goss Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received April 19, 2007. Permit issued August 30, 2007.

17970109 and NPDES No. PA0220647. M. B. Energy, Inc., 175 McKnight Road, Blairsville, PA 15717-7960, permit renewal for reclamation only of a bituminous surface mine in Chest Township, **Clearfield County**, affecting 283.3 acres. Receiving streams: UNTs of Chest Creek to Chest Creek to the West Branch of the Susquehanna River. There are no potable water supply intakes within 10 miles downstream. Application received August 9, 2007. Permit issued August 30, 2007.

14040101 and NPDES No. PA0243833. River Hill Coal Company, Inc., P. O. Box 141, Kylertown, PA 16847, commencement, operation and restoration of a bituminous surface-auger mine in Rush Township, **Centre County**, affecting 547.3 acres. Receiving streams: UNT to Trout Run, Moshannon Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 13, 2004. Permit issued August 30, 2007.

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

49920201R3. White Pine Coal Co., Inc., P. O. Box 119, Ashland, PA 17921, renewal for reclamation only of an anthracite coal refuse reprocessing operation in West Cameron, Little Mahanoy and Jackson Townships, **Northumberland County** affecting 1,830 acres, receiving stream: none. Application received February 20, 2007. Renewal issued September 7, 2007.

Noncoal Permits Actions

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

53010805. Harriet Winseck, 65 West Carley Hill Road, Roulette, PA 16746, noncoal mining operation in Clara Township, **Potter County**. Restoration of 1.0 acre completed. Application received March 30, 2007. Final bond release August 31, 2007.

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

4873SM6C6 and NPDES Permit No. PA0009695. O-N Minerals PenRoc Co., LP, P. O. Box 1967, York, PA 17407, renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in West Manchester Township, **York County**, receiving stream: Codorus Creek. Application received July 11, 2007. Renewal issued September 7, 2007.

4873SM1AC10 and NPDES Permit No. PA0020451. LWF Refractories Company, P. O. Box 1189, York, PA 17405, renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in West

Manchester Township, **York County**, receiving streams: UNT to Codorus Creek and Honey Run. Application received July 24, 2007. Renewal issued September 7, 2007.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

Blasting Permits Actions

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

21074161. John W. Gleim, Jr., Inc., 625 Hamilton Street, Carlisle, PA 17013-1925, blasting activity permit issued for residential development in Southampton and Shippensburg Townships, **Cumberland County**. Blasting activity permit end date is August 15, 2008. Permit issued August 31, 2007.

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

06074124. Dyno Nobel, Inc., 1320 Galiffa Drive, Donora, PA 15033, construction blasting for Glen-Gery Brick slope restoration in Perry Township, **Berks County** with an expiration date of August 30, 2008. Permit issued September 4, 2007.

36074191. Gerlach's Drilling & Blasting, 172 Bender Mill Road, Lancaster, PA 17603, construction blasting for Hospice of Lancaster County in Rapho Township, **Lancaster County** with an expiration date of September 1, 2008. Permit issued September 4, 2007.

36074192. Warren's Excavating & Drilling, Inc., P. O. Box 1022, Honey Brook, PA 19344, construction blasting for a single dwelling in Manheim Township, Lancaster County with an expiration date of August 30, 2008. Permit issued September 4, 2007.

39074124. American Rock Mechanics, Inc., 7531 Chestnut Street, Zionsville, PA 18092, construction blasting for Whitehall Farms in Whitehall Township, **Lehigh County** with an expiration date of December 31, 2008. Permit issued September 4, 2007.

39074125. Brubacher Excavating, Inc., P. O. Box 528, Bowmansville, PA 17507, construction blasting for Highgate Development in Upper Macungie Township, **Lehigh County** with an expiration date of September 30, 2008. Permit issued September 4, 2007.

45074151. Explosive Services, Inc., 7 Pine Street, Bethany, PA 18431, construction blasting for a single dwelling on Circle H Road in Price Township, **Monroe County** with an expiration date of August 29, 2008. Permit issued September 4, 2007.

06074125. Keystone Blasting Service, 381 Reifsnyder Road, Lititz, PA 17543, construction blasting for Mountain Meadows Development in Tulpehocken Township, **Berks County** with an expiration date of December 30, 2008. Permit issued September 5, 2007.

13074105. Hayduk Enterprises, Inc., 257 Riverside Drive, Factoryville, PA 18419, construction blasting for a

home in Summit Hill Borough, **Carbon County** with an expiration date December 31, 2007. Permit issued September 7, 2007.

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

Northeast Regional Office, Watershed Management Program Manager; 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.

E35-397. North Pocono School District, 701 Church Street, Moscow, PA 18444. Moscow Borough, **Lackawanna County**, United States Army Corps of Engineers Baltimore District.

To place and maintain fill in a deminimis area of EV wetlands equal to 0.03 acre within the Van Brunt Creek Watershed (CWF) for the purpose of improving safety and improving access to the existing athletic fields at North Pocono Elementary School. North Pocono Elementary School is located on the south side of Route 690 approximately 1-mile east of Interstate 380 (Moscow, PA Quadrangle N: 16.0 inches; W: 5.0 inches).

E40-671. Hanover LP c/o Verus Partners, 9450 West Bryn Mawr Avenue, Suite 150, Rosemont, IL 60018, Hanover Township, **Luzerne County**, United States Army Corps of Engineers Baltimore District.

To remove the existing temporary 66-inch diameter C.M.P. culvert and to construct and maintain a road crossing consisting of a 9'-4" by 6'-3" aluminized steel arch culvert depressed 12 inches below existing streambed elevations in Sugar Notch Creek CWF for access to a proposed parking lot that will service an adjacent warehouse facility. The project is located approximately 400 feet southwest of the intersection of South Main Street and Rose Lane (Wilkes-Barre West, PA Quadrangle N: 8.7 inches; W: 11.8 inches) in Hanover Township, Luzerne County. Subbasin: 5B

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

E22-518: Kenneth Gall, Hershey Trust Company, 100 East Mansion Road, Hershey, PA 17033-1359, Derry Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a pedestrian foot bridge over a UNT to Spring Creek (WWF). The project is located northeast of the intersection of Fishburn Road (SR 743) and Cocoa Avenue (Hershey, PA Quadrangle N: 3.4"; W: 3.2", Latitude 40° 16' 4"; Longitude 76° 38' 52") in Derry Township, **Dauphin County**.

E01-263: Philip Smith, 699 Lingg Road, New Oxford, PA 17350, Oxford Township, **Adams County**, ACOE Baltimore District

To expand an existing off-stream pond through excavation resulting in an additional storage capacity of 14,700 cubic feet associated with a UNT to the South Branch Conewago Creek (WWF) at a point just west of Lingg Road (McSherrystown, PA Quadrangle N: 17.9 inches; W: 7.2 inches, Latitude: 39° 50' 55"; Longitude: 77° 3' 5") in Oxford Township, **Adams County**. There are no wetland impacts associated with this project.

E36-817: Quail Creek LP, 1794 Oregon Pike, Lancaster, PA 17601, Rapho Township, **Lancaster County**, ACOE Baltimore District.

To develop a 29-lot subdivision west of Pinch Road (Manheim, PA Quadrangle: 40° 13' 26" N; 76° 27' 08" W, 17.96 inches North; 10.78 inches West) in Rapho Township, Lancaster County involving: (1) removing an existing 36-inch SLCPP and installing and maintaining a 40-foot long 60-inch SLCPP in a UNT to Chickies Creek (WWF); (2) removing two existing 18-inch RCPs and installing and maintaining a 43-foot long 36-inch SLCPP in a UNT to Chickies Creek (WWF); (3) permanently filling two wetland areas: (a) 0.14 acre of PEM to construct a larger wetland; and (b) 0.05 acre of PEM to construct Woodland Drive, (3) temporarily affecting two wetland areas for utility line crossings: (a) 0.01 acre of PEM for a sanitary sewer crossing and (b) 0.03 of PEM for the discharge pipe from the proposed sewage treatment facility; (4) constructing and maintaining a stormwater outfall to an existing lake on a UNT to

Chickies Creek (WWF); (5) constructing and maintaining a dry hydrant in an existing lake on a UNT to Chickies Creek (WWF) resulting in 0.02 acre of temporary open-water impacts; (6) constructing and maintaining a waste water treatment plant effluent outfall to a UNT to Chickies Creek (WWF); and (7) constructing 0.50 acre of PEM wetlands as compensation for wetland impacts. The project proposes to directly affect 83 feet of stream and 0.19 acre of wetlands and temporarily affect 0.04 acre of wetlands and 0.02 acre of open water. Wetland creation of 0.50 acre is proposed to compensate for wetland impacts.

E22-516: S & A Custom Built Homes, Inc., Keith Sunderman, 2121 Old Gatesburg Road, Suite 200, State College, PA 16803, Lower Paxton Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a 99-foot long 8-inch ductile iron sanitary sewer pipe crossing temporarily impacting 0.004 acre PEM wetland and 0.003 acre stream of a UNT to Beaver Creek (WWF). The project is located on the north side of Union Deposit Road, approximately 150 feet west of its intersection with Page Road Extended (Harrisburg East, PA Quadrangle, N: 7.1 inches; W: 5.7 inches, Latitude 40° 17' 7"; Longitude: 76° 47' 32") in Lower Paxton Township, Dauphin County.

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

E60-184. Dale L. Miller, 225 Highfields Lane, Lewisburg, PA 17937. Pedestrian Bridge, in Hartley Township, **Union County**, ACOE Baltimore District (Lewisburg, PA Quadrangle N: 1.7 inches; W: 3.9 inches).

To construct, operate and maintain a 38-foot clear span pedestrian wood and steel beam bridge with a 7.0-foot underclearance, concrete wing wall abutments built out of the 30 foot stream channel and the associated clean fill earthen ramps for private recreational crossing of Turtle Creek, located 1,085 feet upstream of the Stein Lane bridge. This permit was issued under 25 Pa. Code § 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

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

E26-343. Department of Transportation, District 12, 825 North Gallatin Avenue Extension, Uniontown, PA 15401. To construct a bridge in Point Marion Borough, Fayette County and Dunkard Township, **Greene County**, Pittsburgh ACOE District (Morgantown, PA Quadrangle: N: 20.75 inches; W: 4.0 inches, Latitude: 39° 44' 22"; Longitude: 79° 54' 12") and between Point Marion Borough, Fayette County to the east and Dunkard Township, Greene County to the west. To remove the existing SR 88, two lane, approximately 40 ft. wide, five span, steel truss bridge having a total length of approximately 740 ft. and having a 100-year flood event minimum clearance of 15.9 ft.; and to construct and maintain 68 ft. upstream and to the south a four span which includes a 414 ft. channel span, two lane and sidewalk, steel truss, 43.4 ft. total width replacement bridge having a total length of 746.1 ft. and having 100-year flood event minimum clearance of 15.9 ft. over the Monongahela River (WWF). In addition, construct and maintain for construction of the replacement bridge a temporary causeway and pier; and construct and maintain associated replacement stormwater outfalls to the Monongahela River (WWF). The bridge improvement and relocation project is located approximately 1,400 ft. upstream of the confluence with the Cheat River.

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

E10-428, William Weaver, President, BelleVue Park Partners, LP, P. O. Box 449, Mars, PA 16046. BelleVue Park Residential Development, in Cranberry Township, **Butler County**, ACOE Pittsburgh District (Baden and Mars, PA Quadrangles N: 40° 42' 1.5"; W: 80° 07' 30").

To conduct activities associated with the construction of BelleVue Park, a 293-unit residential development on a 121-acre site, north of Rochester Road and east of Powell Road:

1. To fill 1.55 acres of six wetlands (PEM/PSS) for the construction of roads, buildings and stormwater facilities.
2. To conduct grading along approximately 700 feet within 50 feet of the right side of the channel of a tributary to Brush Creek (Tributary 1) having a drainage area less than 100 acres for residential lot development.
3. To construct and maintain a 145-foot long, 60-inch diameter corrugated plastic pipe stream enclosure (Culvert 1) in a tributary to Brush Creek (Tributary 3) having a drainage area less than 100 acres for the construction of a roadway. Total length of stream impact is 183 feet.
4. To construct and maintain a 65-foot long, 30-inch by 48-inch concrete box culvert (Culvert 2) in a tributary to Brush Creek (Tributary 4) having a drainage area of less than 100 acres for the construction of a roadway. Total length of stream impact is 125 feet.
5. To construct and maintain an 80-foot long, 42-inch diameter corrugated plastic pipe culvert in a tributary to Brush Creek (Tributary 4) having a drainage area of less than 100 acres for the construction of a road and retail center. Total length of stream impact is 140 feet.
6. To impact a 64-foot long reach in the headwaters of a tributary to Brush Creek (Tributary 3) having a drainage area less than 100 acres for installation of a 15-inch diameter storm sewer outfall and fill.
7. To fill approximately 330 feet of a tributary to Brush Creek (Tributary 5) having a drainage area less than 100 acres for the construction of a retail facility.
8. To construct and maintain various utility line crossings of tributaries to Brush Creek and 0.09 acre temporary wetland impact.

This project includes the following measures and/or activities as onsite mitigation for the project impacts:

1. Construction of a total of 2.18 acres of replacement wetland in two areas adjacent to existing wetland (Wetland 6).
2. Establish Conservation Easement along approximately 7,800 linear feet of the undisturbed corridors of tributaries to Brush Creek and approximately 22.5 acres of the undisturbed wetlands in the project area.
3. Remove a portion of the existing Andrew Drive to re-establish and restore pre-existing drainage patterns in the adjacent wetland and stream.

ENVIRONMENTAL ASSESSMENTS

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

EA22-015. Mark X. DiSanto, Triple Crown Corporation, 7700 Derry Street Project, 5351 Jaycee Avenue, Harrisburg, PA 17112, Swatara Township, **Dauphin County**, ACOE Baltimore District.

To: (1) restore 560 linear feet of a UNT to Beaver Creek (WWF) by removing an in-stream sediment basin by grading a channel through the impoundment and native plantings established in the floodway; and (2) construct and maintain two 18-inch and one 15-inch outfall structures with R-5 riprap rock aprons in the same UNT to Beaver Creek. The project is located approximately 360 feet west of Milroy Road in Swatara Township, Dauphin County (Harrisburg East, PA Quadrangle N: 40° 16' 2.2"; W: 76° 45' 5.46" W).

[Pa.B. Doc. No. 07-1758. Filed for public inspection September 21, 2007, 9:00 a.m.]

Bid Opportunity

AMD 32(2447)103.1, Abandoned Mine Reclamation Project, Tanoma South, Rayne Township, Indiana County. The principal items of work and approximate quantities include 60 linear feet of overburden drilling and casing, 345 linear feet of air rotary drilling for 10-inch steel well casing, 345 linear feet of furnishing and installing 10-inch steel well casing and 180 linear feet of pond baffles. This project issues on September 21, 2007, and bids will be opened on October 25, 2007, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, the Surface Mining Control Act of 1977 (52 P. S. §§ 1396.1—1396.19a), and is subject to that law, and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-1759. Filed for public inspection September 21, 2007, 9:00 a.m.]

State Water Plan; Statewide Water Resources Committee; Critical Water Planning Area Subcommittee Meeting

The Critical Water Planning Area Subcommittee of the Act 220 State Water Plan Statewide Committee has scheduled a meeting to discuss various technical issues impacting the development of the State Water Plan. The meeting will be held September 25, 2007, at 10 a.m., Department of Environmental Protection, Rachel Carson State Office Building, 10th Floor Conference Room, 400 Market Street, Harrisburg, PA 17101.

Questions concerning this meeting should be directed to Susan Weaver, Division of Water Use Planning, P. O. Box 8555, Harrisburg, PA 17105-8555, (717) 783-8055, suweaver@state.pa.us.

Persons with a disability who require accommodations to attend the meeting should contact the Department of Environmental Protection (Department) at (717) 783-6118 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,
Secretary

[Pa.B. Doc. No. 07-1760. Filed for public inspection September 21, 2007, 9:00 a.m.]

DEPARTMENT OF HEALTH

Cervical Cancer Task Force Meeting

The Cervical Cancer Task Force will hold a public meeting on October 11, 2007, from 10 a.m. to 12 p.m. in the Bid Room 5N-1, Fifth Floor, Keystone Building, Capitol Complex, 400 North Street, Harrisburg, PA 17120.

For additional information contact Barbara Caboot, Public Health Program Administrator, Breast and Cervical Cancer Section, Division of Cancer Prevention and Control, Department of Health, Room 1011, Health and Welfare Building, Harrisburg, PA, (717) 346-3981.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Barbara Caboot, Public Health Program Administrator at (717) 346-3981 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 07-1761. Filed for public inspection September 21, 2007, 9:00 a.m.]

Long-Term Care Nursing Facilities; Requests for Exception

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

Arbutus Park Manor
207 Ottawa Street
Johnstown, PA 15904
FAC ID 012002

Jefferson Manor Health Center
417 Route 28
Brookville, PA 15825
FAC ID 100802

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.68(c) (relating to special electrical requirements for new construction).

Pennsylvania Soldiers' & Sailors' Home
P. O. Box 6239
East Third Street
Erie, PA 16512

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

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

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

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-1762. Filed for public inspection September 21, 2007, 9:00 a.m.]

Time Frame for Managed Care Plans to Acknowledge Receipt of an Appeal Request

Under 28 Pa. Code § 9.603 (relating to technical advisories), the Department of Health (Department), Bureau of Managed Care, is issuing a technical advisory interpretation of 28 Pa. Code §§ 9.703(c)(1)(i) and (2)(i) and 9.705(c)(1)(i) and (2)(i) (relating to the internal complaint process; and internal grievance process) relating to the time frame in which a managed care plans must issue an acknowledgement of complaint or of a grievance letter to an enrollee filing a complaint or grievance.

Copies of the technical advisories may be obtained by contacting JoAnn Cheeseman, Director, Division of Quality Review, Bureau of Managed Care, Department of Health, Room 912, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA 17120, (717) 787-5193.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact JoAnn Cheeseman at the previously listed address and telephone number or for speech and/or hearing impaired persons at V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-1763. Filed for public inspection September 21, 2007, 9:00 a.m.]

Tobacco Use Prevention and Cessation Advisory Committee; Public Hearing and Meeting

The Tobacco Use Prevention and Cessation Advisory Committee (Committee) of the Department of Health (Department) will hold a public hearing and a public meeting on October 9, 2007. The public hearing and public meeting will be held in Hearing Room No. 1 of the Keystone Building, Seventh and Forster Streets, Harrisburg, PA.

The public hearing will be held from 10 a.m. to 12 p.m. Comments must be submitted in writing no later than 2:30 p.m. on September 28, 2007, to the Department of Health, Bureau of Chronic Diseases and Injury Prevention, Division of Tobacco Prevention and Control, Room 1006 Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17120 or by fax at (717) 214-6690. Written comments must be limited to no more than

three typewritten pages. Persons wishing to present written statements orally at the public hearing must contact Brenda Reichert at (717) 783-6600 no later than 2:30 p.m. on September 28, 2007, to make a reservation for testifying at the hearing. Oral testimony will be limited to 5 minutes. Persons will be scheduled on a first come, first served basis, as time permits.

The public meeting of the Tobacco Use Prevention and Cessation Advisory Committee will be held from 1 p.m. to 3:30 p.m. The purpose of the meeting is to discuss the tobacco use prevention and cessation priorities for the State Fiscal Year 2008—2009.

This meeting is open to the public. No reservations are required to attend the public meeting.

For additional information contact Judy Ochs, Director, Division of Tobacco Prevention and Control or Brenda Reichert, Administrative Assistant, Division of Tobacco Prevention and Control, 1006 Health and Welfare Building, Seventh and Forster Streets, Harrisburg, PA 17120, (717) 783-6600.

Persons with a disability and desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Judy Ochs or Brenda Reichert at (717) 783-6600 or V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This hearing and meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 07-1764. Filed for public inspection September 21, 2007, 9:00 a.m.]

Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52), will hold a public meeting on Thursday, October 4, 2007, from 10 a.m. to 3 p.m., in the Richards Hall, Recital Room, Dixon University Center located at 2986 North Second Street, Harrisburg, PA 17110.

For additional information, or if a person with a disability desires to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Jean Prater, Administrative Assistant, Division of Child and Adult Health Services at (717) 772-2762 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 07-1765. Filed for public inspection September 21, 2007, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania The Price is Right® 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 The Price is Right®.

2. *Price:* The price of a Pennsylvania The Price is Right® instant lottery game ticket is \$5.

3. *Play Symbols:* Each Pennsylvania The Price is Right® instant lottery game ticket will contain four play areas known as "Punch A Bunch™," "Plinko®," "Spin the Wheel™" and "Showcase Showdown™" respectively. Each game has a different game play method and is played separately.

(a) The play area for "Punch A Bunch™" will contain a "YOUR PUNCHBOARD NUMBERS" area and a "LUCKY NUMBER" area. The play symbols and their captions located in the "YOUR PUNCHBOARD NUMBERS" area and in the "LUCKY NUMBER" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVEN), 12 (TWELVE), 13 (THIRTEEN), 14 (FOURTEEN), 15 (FIFTEEN), 16 (SIXTEEN), 17 (SEVENTEEN), 18 (EIGHTEEN), 19 (NINETEEN), 20 (TWENTY), 21 (TWENTYONE), 22 (TWENTYTWO), 23 (TWENTYTHREE), 24 (TWENTYFOUR), 25 (TWENTYFIVE), 26 (TWENTYSIX), 27 (TWENTYSEVEN), 28 (TWENTYEIGHT), 29 (TWENTYNINE) and 30 (THIRTY).

(b) The play symbol located in the play area for "Plinko®" is a Chip symbol, which appears as a circle bisected by a vertical arrow pointing down.

(c) The play symbol located in the play area for "Spin the Wheel™" is a black Arrow (ARROW) symbol pointing to the right.

(d) The play area for "Showcase Showdown™" will consist of a "Showcase 1" area and a "Showcase 2" area. Each "Showcase" will contain a "YOUR BID" area, an "ACTUAL PRICE" area, and a "prize" area. Each "Showcase" is played separately. The play symbols and their captions located in the "YOUR BID" area and the "ACTUAL PRICE" area are: 0 (0), 1 (1), 2 (2), 3 (3), 4 (4), 5 (5), 6 (6), 7 (7), 8 (8), 9 (9) and a , (,).

4. Prize Symbols:

(a) The prize symbols and their captions located in the play area for "Punch A Bunch™" and in the play area for "Showcase Showdown™" are: \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$50,000 (FTY THO), \$100,000 (ONEHUNTHO) and a TRIP (TRIP).

(b) The prize symbols and their captions located in the nine "prize" spaces in the play area for "Plinko®" are printed in a vertical manner and are: \$0\$ (ZERO DOL), \$5\$ (FIV DOL), \$10\$ (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$5,000 (FIV THO), \$50,000 (FTY THO), \$100,000 (ONEHUNTHO) and a TRIP (TRIP).

(c) The prize symbols and their captions located in the seven "PRIZE" boxes for "Spin the Wheel™" are: \$0⁰⁰ (ZERO DOL), \$5⁰⁰ (FIV DOL), \$10⁰⁰ (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$5,000 (FIV THO).

5. *Prizes*: The prizes that can be won in "Punch A Bunch™," "Plinko®" and "Showcase Showdown™" are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$500, \$1,000, \$5,000, \$50,000, \$100,000, and a trip to The Price is Right® game show. The prizes that can be won in "Spin the Wheel™" are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$500, \$1,000 and \$5,000. The player can win up to 7 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game*: Approximately 6,000,000 tickets will be printed for Pennsylvania The Price is Right® instant lottery game.

7. *Determination of Prize Winners*:

(a) Determination of prize winners for Punch A Bunch™ are:

(1) Holders of tickets upon which either of the "YOUR PUNCHBOARD NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR PUNCHBOARD NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(2) Holders of tickets upon which either of the "YOUR PUNCHBOARD NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$50,000 (FTY THO) appears under the matching "YOUR PUNCHBOARD NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(3) Holders of tickets upon which either of the "YOUR PUNCHBOARD NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of TRIP (TRIP) appears under the matching "YOUR PUNCHBOARD NUMBERS" play symbol, on a single ticket, shall be entitled to a Pennsylvania The Price is Right® Trip Prize Package.

(4) Holders of tickets upon which either of the "YOUR PUNCHBOARD NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$5,000 (FIV THO) appears under the matching "YOUR PUNCHBOARD NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(5) Holders of tickets upon which either of the "YOUR PUNCHBOARD NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR PUNCHBOARD NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(6) Holders of tickets upon which either of the "YOUR PUNCHBOARD NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR PUNCHBOARD NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(7) Holders of tickets upon which either of the "YOUR PUNCHBOARD NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR PUNCHBOARD NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(8) Holders of tickets upon which either of the "YOUR PUNCHBOARD NUMBERS" play symbols matches the

"LUCKY NUMBER" play symbol and a prize symbol of \$50\$ (FIFTY) appears under the matching "YOUR PUNCHBOARD NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(9) Holders of tickets upon which either of the "YOUR PUNCHBOARD NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$40\$ (FORTY) appears under the matching "YOUR PUNCHBOARD NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(10) Holders of tickets upon which either of the "YOUR PUNCHBOARD NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$25\$ (TWY FIV) appears under the matching "YOUR PUNCHBOARD NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(11) Holders of tickets upon which either of the "YOUR PUNCHBOARD NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$20\$ (TWENTY) appears under the matching "YOUR PUNCHBOARD NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(12) Holders of tickets upon which either of the "YOUR PUNCHBOARD NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching "YOUR PUNCHBOARD NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(13) Holders of tickets upon which either of the "YOUR PUNCHBOARD NUMBERS" play symbols matches the "LUCKY NUMBER" play symbol and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching "YOUR PUNCHBOARD NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for Plinko® are:

(1) Holders of tickets with a Chip play symbol, and a prize symbol of \$100,000 (ONEHUNTHO) appearing in the "prize" space directly below that Chip play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(2) Holders of tickets with a Chip play symbol, and a prize symbol of \$50,000 (FTY THO) appearing in the "prize" space directly below that Chip play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(3) Holders of tickets with a Chip play symbol, and a prize symbol of TRIP (TRIP) appearing in the "prize" space directly below that Chip play symbol, on a single ticket, shall be entitled to a Pennsylvania The Price is Right® Trip Prize Package.

(4) Holders of tickets with a Chip play symbol, and a prize symbol of \$5,000 (FIV THO) appearing in the "prize" space directly below that Chip play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(5) Holders of tickets with a Chip play symbol, and a prize symbol of \$1,000 (ONE THO) appearing in the "prize" space directly below that Chip play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(6) Holders of tickets with a Chip play symbol, and a prize symbol of \$500 (FIV HUN) appearing in the "prize" space directly below that Chip play symbol, on a single ticket, shall be entitled to a prize of \$500.

(7) Holders of tickets with a Chip play symbol, and a prize symbol of \$100 (ONE HUN) appearing in the "prize" space directly below that Chip play symbol, on a single ticket, shall be entitled to a prize of \$100.

(8) Holders of tickets with a Chip play symbol, and a prize symbol of \$50 (FIFTY) appearing in the "prize" space directly below that Chip play symbol, on a single ticket, shall be entitled to a prize of \$50.

(9) Holders of tickets with a Chip play symbol, and a prize symbol of \$40\$ (FORTY) appearing in the "prize" space directly below that Chip play symbol, on a single ticket, shall be entitled to a prize of \$40.

(10) Holders of tickets with a Chip play symbol, and a prize symbol of \$25\$ (TWY FIV) appearing in the "prize" space directly below that Chip play symbol, on a single ticket, shall be entitled to a prize of \$25.

(11) Holders of tickets with a Chip play symbol, and a prize symbol of \$20\$ (TWENTY) appearing in the "prize" space directly below that Chip play symbol, on a single ticket, shall be entitled to a prize of \$20.

(12) Holders of tickets with a Chip play symbol, and a prize symbol of \$10\$ (TEN DOL) appearing in the "prize" space directly below that Chip play symbol, on a single ticket, shall be entitled to a prize of \$10.

(13) Holders of tickets with a Chip play symbol, and a prize symbol of \$5\$ (FIV DOL) appearing in the "prize" space directly below that Chip play symbol, on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for Spin the Wheel™ are:

(1) Holders of tickets upon which a prize symbol of \$5,000 (FIV THO) appears in the "PRIZE" box directly to the right of the black Arrow (ARROW) play symbol, on a single ticket, shall be entitled to a prize of \$5,000.

(2) Holders of tickets upon which a prize symbol of \$1,000 (ONE THO) appears in the "PRIZE" box directly to the right of the black Arrow (ARROW) play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(3) Holders of tickets upon which a prize symbol of \$500 (FIV HUN) appears in the "PRIZE" box directly to the right of the black Arrow (ARROW) play symbol, on a single ticket, shall be entitled to a prize of \$500.

(4) Holders of tickets upon which a prize symbol of \$100 (ONE HUN) appears in the "PRIZE" box directly to the right of the black Arrow (ARROW) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(5) Holders of tickets upon which a prize symbol of \$50\$ (FIFTY) appears in the "PRIZE" box directly to the right of the black Arrow (ARROW) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(6) Holders of tickets upon which a prize symbol of \$40\$ (FORTY) appears in the "PRIZE" box directly to the right of the black Arrow (ARROW) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(7) Holders of tickets upon which a prize symbol of \$25\$ (TWY FIV) appears in the "PRIZE" box directly to the right of the black Arrow (ARROW) play symbol, on a single ticket, shall be entitled to a prize of \$25.

(8) Holders of tickets upon which a prize symbol of \$20\$ (TWENTY) appears in the "PRIZE" box directly to the right of the black Arrow (ARROW) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(9) Holders of tickets upon which a prize symbol of \$10⁰⁰ (TEN DOL) appears in the "PRIZE" box directly to the right of the black Arrow (ARROW) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(10) Holders of tickets upon which a prize symbol of \$5⁰⁰ (FIV DOL) appears in the "PRIZE" box directly to the right of the black Arrow (ARROW) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(d) Determination of prize winners for Showcase Showdown™ are:

(1) Holders of tickets upon which the six "YOUR BID" play symbols match the six "ACTUAL PRICE" play symbols in the exact same order, and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "ACTUAL PRICE" play symbols, in the same showcase, on a single ticket, shall be entitled to a prize of \$100,000.

(2) Holders of tickets upon which the six "YOUR BID" play symbols match the six "ACTUAL PRICE" play symbols in the exact same order, and a prize symbol of \$50,000 (FIFTY THO) appears under the matching "ACTUAL PRICE" play symbols, in the same showcase, on a single ticket, shall be entitled to a prize of \$50,000.

(3) Holders of tickets upon which the six "YOUR BID" play symbols match the six "ACTUAL PRICE" play symbols in the exact same order, and a prize symbol of TRIP (TRIP) appears under the matching "ACTUAL PRICE" play symbols, in the same showcase, on a single ticket, shall be entitled to a prize of a Pennsylvania The Price is Right® Trip Prize Package.

(4) Holders of tickets upon which the six "YOUR BID" play symbols match the six "ACTUAL PRICE" play symbols in the exact same order, and a prize symbol of \$5,000 (FIV THO) appears under the matching "ACTUAL PRICE" play symbols, in the same showcase, on a single ticket, shall be entitled to a prize of \$5,000.

(5) Holders of tickets upon which the six "YOUR BID" play symbols match the six "ACTUAL PRICE" play symbols in the exact same order, and a prize symbol of \$1,000 (ONE THO) appears under the matching "ACTUAL PRICE" play symbols, in the same showcase, on a single ticket, shall be entitled to a prize of \$1,000.

(6) Holders of tickets upon which the six "YOUR BID" play symbols match the six "ACTUAL PRICE" play symbols in the exact same order, and a prize symbol of \$500 (FIV HUN) appears under the matching "ACTUAL PRICE" play symbols, in the same showcase, on a single ticket, shall be entitled to a prize of \$500.

(7) Holders of tickets upon which the six "YOUR BID" play symbols match the six "ACTUAL PRICE" play symbols in the exact same order, and a prize symbol of \$100 (ONE HUN) appears under the matching "ACTUAL PRICE" play symbols, in the same showcase, on a single ticket, shall be entitled to a prize of \$100.

(8) Holders of tickets upon which the six "YOUR BID" play symbols match the six "ACTUAL PRICE" play symbols in the exact same order, and a prize symbol of \$50\$ (FIFTY) appears under the matching "ACTUAL PRICE" play symbols, in the same showcase, on a single ticket, shall be entitled to a prize of \$50.

(9) Holders of tickets upon which the six "YOUR BID" play symbols match the six "ACTUAL PRICE" play symbols in the exact same order, and a prize symbol of \$40\$ (FORTY) appears under the matching "ACTUAL PRICE" play symbols, in the same showcase, on a single ticket, shall be entitled to a prize of \$40.

(10) Holders of tickets upon which the six "YOUR BID" play symbols match the six "ACTUAL PRICE" play symbols in the exact same order, and a prize symbol of \$25\$ (TWY FIV) appears under the matching "ACTUAL

PRICE” play symbols, in the same showcase, on a single ticket, shall be entitled to a prize of \$25.

(11) Holders of tickets upon which the six “YOUR BID” play symbols match the six “ACTUAL PRICE” play symbols in the exact same order, and a prize symbol of \$20\$ (TWENTY) appears under the matching “ACTUAL PRICE” play symbols, in the same showcase, on a single ticket, shall be entitled to a prize of \$20.

(12) Holders of tickets upon which the six “YOUR BID” play symbols match the six “ACTUAL PRICE” play symbols in the exact same order, and a prize symbol of \$10⁰⁰ (TEN DOL) appears under the matching “ACTUAL

PRICE” play symbols, in the same showcase, on a single ticket, shall be entitled to a prize of \$10.

(13) Holders of tickets upon which the six “YOUR BID” play symbols match the six “ACTUAL PRICE” play symbols in the exact same order, and a prize symbol of \$5⁰⁰ (FIV DOL) appears under the matching “ACTUAL PRICE” play symbols, in the same showcase, on a single ticket, shall be entitled to a prize of \$5.

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>Punch A Bunch™</i> | <i>Plinko®</i> | <i>Spin the Wheel™</i> | <i>Showcase Showdown™</i> | <i>Win:</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. of Winners Per 6,000,000 Tickets</i> |
|-----------------------|----------------|------------------------|---------------------------|-------------|-----------------------------------|---|
| \$5 | | | | \$5 | 30 | 200,000 |
| | \$5 | | | \$5 | 30 | 200,000 |
| | | \$5 | | \$5 | 60 | 100,000 |
| | | | \$5 | \$5 | 30 | 200,000 |
| \$10 | | | | \$10 | 120 | 50,000 |
| | \$10 | | | \$10 | 120 | 50,000 |
| | | \$10 | | \$10 | 120 | 50,000 |
| | | | \$10 | \$10 | 150 | 40,000 |
| \$5 × 2 | | | | \$10 | 150 | 40,000 |
| | \$5 × 2 | | | \$10 | 150 | 40,000 |
| | | \$5 | \$5 × 2 | \$10 | 150 | 40,000 |
| \$20 | | | \$5 | \$10 | 150 | 40,000 |
| | \$20 | | | \$20 | 600 | 10,000 |
| | | \$20 | | \$20 | 600 | 10,000 |
| | | | \$20 | \$20 | 600 | 10,000 |
| \$10 × 2 | | | | \$20 | 600 | 10,000 |
| | \$10 × 2 | | | \$20 | 600 | 10,000 |
| | | \$10 | \$10 × 2 | \$20 | 600 | 10,000 |
| \$10 | | \$10 | | \$20 | 600 | 10,000 |
| | \$10 | \$10 | | \$20 | 600 | 10,000 |
| | | \$10 | \$10 | \$20 | 600 | 10,000 |
| \$25 | | | | \$25 | 600 | 10,000 |
| | \$25 | | | \$25 | 600 | 10,000 |
| | | \$25 | | \$25 | 600 | 10,000 |
| | | | \$25 | \$25 | 600 | 10,000 |
| \$10 × 2 | | \$5 | | \$25 | 600 | 10,000 |
| | \$10 × 2 | \$5 | | \$25 | 600 | 10,000 |
| | | \$5 | \$10 × 2 | \$25 | 600 | 10,000 |
| \$5 | \$5 | \$10 | \$5 | \$25 | 600 | 10,000 |
| \$5 × 2 | | \$5 | \$5 × 2 | \$25 | 600 | 10,000 |
| | \$5 × 2 | \$5 | \$5 × 2 | \$25 | 600 | 10,000 |
| \$40 | | | | \$40 | 1,143 | 5,250 |
| | \$40 | | | \$40 | 1,143 | 5,250 |
| | | \$40 | | \$40 | 1,143 | 5,250 |
| | | | \$40 | \$40 | 1,143 | 5,250 |
| \$20 × 2 | | | | \$40 | 1,143 | 5,250 |
| | \$20 × 2 | | | \$40 | 1,143 | 5,250 |
| | | | \$20 × 2 | \$40 | 1,143 | 5,250 |
| \$10 × 2 | \$10 × 2 | | | \$40 | 1,143 | 5,250 |
| | \$10 × 2 | | \$10 × 2 | \$40 | 1,143 | 5,250 |
| \$5 × 2 | \$5 × 2 | \$10 | \$5 × 2 | \$40 | 1,143 | 5,250 |
| \$50 | | | | \$50 | 1,263 | 4,750 |
| | \$50 | | | \$50 | 1,263 | 4,750 |
| | | \$50 | | \$50 | 1,263 | 4,750 |
| | | | \$50 | \$50 | 1,263 | 4,750 |
| \$25 × 2 | | | | \$50 | 1,263 | 4,750 |
| | \$25 × 2 | | | \$50 | 1,263 | 4,750 |
| | | | \$25 × 2 | \$50 | 1,263 | 4,750 |
| \$25 | | \$25 | | \$50 | 1,263 | 4,750 |
| | \$25 | \$25 | | \$50 | 1,263 | 4,750 |

| <i>Punch A Bunch™</i> | <i>Plinko®</i> | <i>Spin the Wheel™</i> | <i>Showcase Showdown™</i> | <i>Win:</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. of Winners Per 6,000,000 Tickets</i> |
|-----------------------|----------------|------------------------|---------------------------|-------------|-----------------------------------|---|
| | | \$25 | \$25 | \$50 | 1,263 | 4,750 |
| \$100 | | | | \$100 | 4,800 | 1,250 |
| | \$100 | | | \$100 | 4,800 | 1,250 |
| | | \$100 | | \$100 | 4,800 | 1,250 |
| | | | \$100 | \$100 | 4,800 | 1,250 |
| \$50 × 2 | | | | \$100 | 4,800 | 1,250 |
| | \$50 × 2 | | | \$100 | 4,800 | 1,250 |
| | | | \$50 × 2 | \$100 | 4,800 | 1,250 |
| \$25 | \$25 | \$25 | \$25 | \$100 | 4,800 | 1,250 |
| \$20 × 2 | \$20 × 2 | \$20 | | \$100 | 4,800 | 1,250 |
| \$20 | \$20 × 2 | \$20 | \$20 | \$100 | 4,800 | 1,250 |
| \$10 × 2 | \$10 × 2 | \$40 | \$10 × 2 | \$100 | 4,800 | 1,250 |
| \$10 × 2 | | \$40 | \$40 | \$100 | 4,444 | 1,350 |
| \$500 | | | | \$500 | 24,000 | 250 |
| | \$500 | | | \$500 | 24,000 | 250 |
| | | \$500 | | \$500 | 24,000 | 250 |
| | | | \$500 | \$500 | 24,000 | 250 |
| \$100 × 2 | \$100 | \$100 | \$100 | \$500 | 24,000 | 250 |
| \$100 | \$100 × 2 | \$100 | \$100 | \$500 | 24,000 | 250 |
| \$100 | \$100 | \$100 | \$100 × 2 | \$500 | 24,000 | 250 |
| \$100 × 2 | \$100 × 2 | | \$100 | \$500 | 24,000 | 250 |
| \$1,000 | | | | \$1,000 | 60,000 | 100 |
| | \$1,000 | | | \$1,000 | 60,000 | 100 |
| | | \$1,000 | | \$1,000 | 120,000 | 50 |
| | | | \$1,000 | \$1,000 | 120,000 | 50 |
| \$500 × 2 | | | | \$1,000 | 120,000 | 50 |
| | \$500 × 2 | | | \$1,000 | 120,000 | 50 |
| | | | \$500 × 2 | \$1,000 | 120,000 | 50 |
| \$5,000 | | | | \$5,000 | 240,000 | 25 |
| | \$5,000 | | | \$5,000 | 240,000 | 25 |
| | | \$5,000 | | \$5,000 | 240,000 | 25 |
| | | | \$5,000 | \$5,000 | 240,000 | 25 |
| TRIP | | | | *TRIP | 857,143 | 7 |
| | TRIP | | | *TRIP | 857,143 | 7 |
| | | | TRIP | *TRIP | 1,000,000 | 6 |
| \$50,000 | | | | \$50,000 | 3,000,000 | 2 |
| | \$50,000 | | | \$50,000 | 3,000,000 | 2 |
| | | | \$50,000 | \$50,000 | 3,000,000 | 2 |
| \$100,000 | | | | \$100,000 | 3,000,000 | 2 |
| | \$100,000 | | | \$100,000 | 3,000,000 | 2 |
| | | | \$100,000 | \$100,000 | 3,000,000 | 2 |

*TRIP—Trip Prize Package valued at \$18,145 each consisting of one trip for two persons valued at \$11,609; \$2,000 in spending money; and \$4,536 federal withholding credit.

PUNCH A BUNCH™: Match any of YOUR PUNCHBOARD NUMBERS to the LUCKY NUMBER, win prize shown under the matching number.

PLINKO®: Scratch the PLINKO board. Win dollar amount below YOUR 2 CHIPS.

SPIN THE WHEEL™: Scratch to reveal WHEEL prize amounts. Win the PRIZE shown to the right of the black arrow.

SHOWCASE SHOWDOWN™: When YOUR BID matches the ACTUAL PRICE within the same SHOWCASE, win prize shown for that SHOWCASE.

9. *Pennsylvania The Price is Right® Trip Package Description:*

(a) Each Pennsylvania The Price is Right® Trip Package prize will have an approximate value of \$18,145, and includes a \$4,536 federal withholding credit and two thousand dollars (\$2,000) spending money. The Trip Package also includes the following:

(1) Round-trip, first-class airfare for two (2) persons to Los Angeles International Airport. Departure cities include Harrisburg, Pennsylvania, Philadelphia, Pennsylvania, and Pittsburgh, Pennsylvania.

(2) Five (5) days/four (4) nights suite accommodations at the Omni Los Angeles at California Plaza.

(3) Round-trip limo transfers in California from and to airport/hotel and CBS Television City.

(4) Luxury rental car.

(5) Tickets for two (2) to the "Hollywood Movie Star Experience" tour; includes Sony Pictures Studio Highlight Tour, Movie Stars' Homes and Inside "heart of Hollywood" Walking Tour.

(6) Deluxe dinner for two (2) at World Famous Spago Restaurant.

(7) Tickets for two (2) to a taping of The Price is Right® game show in CBS Television City with exclusive VIP tour.

(b) The Pennsylvania The Price is Right® Showcase Trip Package prize restrictions:

(1) The Pennsylvania The Price is Right® Showcase Trip Package prize winner must be at least eighteen (18) years of age.

(2) The Pennsylvania The Price is Right® Showcase Trip Package prize is not redeemable for cash and is transferable one time.

(3) Participation as a contestant on The Price is Right® show is not included.

(4) The Pennsylvania The Price is Right® Showcase Trip Package prize winner will be responsible for the following expenses: applicable travel expenses to and from the departure airport or any airport parking fees; entertainment including alcoholic beverages; fees (i.e., departure fees, excess baggage fees, etc.); additional gratuities; hotel incidentals (i.e., telephone calls, valet services, laundry, gift shop, etc.); additional transportation other than described herein; travel accident, baggage and trip cancellation insurance. The winner will be responsible for any additional costs incurred by the following changes to the trip package: change of travel companion; staying additional nights; adding additional travelers; upgrading transportation; upgrading hotel room; upgrading class of airline; or any other applicable trip details.

(5) If the Pennsylvania The Price is Right® Trip Package prize winner cancels the trip, the trip package will be void. There will be no extensions and the winner will not receive any reimbursement for the unused trip package. Airline tickets are non-refundable and all airline rules and restrictions apply. Other restrictions may apply.

(6) Pennsylvania The Price is Right® Showcase Trips must be taken by 12/31/2008.

10. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania The Price is Right® 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 The Price is Right®, prize money from winning Pennsylvania The Price is Right® 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 The Price is Right® 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 (72 P. S. §§ 3761-101—3761-314), 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 The Price is Right® or through normal communications methods.

THOMAS W. WOLF,
Secretary

[Pa.B. Doc. No. 07-1766. Filed for public inspection September 21, 2007, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Finding

Westmoreland County

Under section 2002(b) of The Administrative Code of 1929 (71 P. S. § 572(b)), the Acting Director of the Bureau of Design makes the following written finding:

The Federal Highway Administration and the Department of Transportation (Department) are planning to replace the St. Vincent High Bridge, which carries Township Road, T-898, over the Norfolk Southern Railroad in Unity Township, Westmoreland County.

Information describing the project, together with the associated environmental analysis, is contained in the Categorical Exclusion Evaluation/Section 2002 Evaluation that was prepared for this project. The Categorical Exclusion Evaluation/Section 2002 Evaluation is located on the Department's CE/EA Expert System.

The St. Vincent High Bridge and the Norfolk Southern Railroad (formerly the Pennsylvania Railroad) are eligible for listing on the National Register of Historic Places. Therefore, they qualify as section 2002/section 4(f) resources. The St. Vincent High Bridge is also a contributing element to the Norfolk Southern (Pennsylvania) Railroad Mainline. Impacts to the St. Vincent High Bridge and the Norfolk Southern Railroad will constitute a use of the section 2002/section 4(f) resources. Based upon studies, there is no prudent and feasible alternative to the proposed action.

The environmental, economic, social and other effects of the proposed project as enumerated in section 2002 of The Administrative Code of 1929 have been considered. It has been concluded that there is no feasible and prudent alternative to the project as designed, and all reasonable steps have been taken to minimize such effects.

BRIAN G. THOMPSON, P. E.,
Acting Director, Bureau of Design

[Pa.B. Doc. No. 07-1767. Filed for public inspection September 21, 2007, 9:00 a.m.]

ENVIRONMENTAL HEARING BOARD

Orion Power Midwest, LP v. DEP; EHB Doc. No. 2007-214-R

Orion Power Midwest, LP has appealed the issuance by the Department of Environmental Protection of an NPDES permit to Orion Power Midwest, LP for a facility in Springdale Borough, Allegheny County, PA.

A date for the trial on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457 and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the 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.

THOMAS W. RENWAND,
Acting Chairperson

[Pa.B. Doc. No. 07-1768. Filed for public inspection September 21, 2007, 9:00 a.m.]

INSURANCE DEPARTMENT

Application for Approval of a Proposed Merger

Keystone State Life Insurance Company, a domestic stock life insurance company, has filed an application for approval to merge with Wilton Reassurance Life Company of New York, a New York domiciled stock life insurance company, with Wilton Reassurance Life Company of New York surviving the merger. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208). Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 7 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbi@ins.state.pa.us.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1769. Filed for public inspection September 21, 2007, 9:00 a.m.]

Application for Domestic Certificate of Authority

PennCommonwealth Casualty of America has applied for a Certificate of Authority to operate as a domestic stock casualty insurance company in this Commonwealth. The filing was made under The Insurance Company Law of 1921 (40 P. S. §§ 341—991). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, rbrackbill@state.pa.us.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1770. Filed for public inspection September 21, 2007, 9:00 a.m.]

Application for Merger

An application has been received requesting approval of the merger of ACE Insurance Company of Illinois, a nonadmitted stock insurance company organized under the laws of the State of Illinois, with and into ACE American Insurance Company, a stock casualty insurance company organized under the laws of the Commonwealth. The initial filing was received on September 7, 2007, and was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1771. Filed for public inspection September 21, 2007, 9:00 a.m.]

Application for Merger

An application has been received requesting approval of the merger of ACE Insurance Company of the Midwest, a nonadmitted stock insurance company organized under the laws of the State of Indiana, with and into ACE

American Insurance Company, a stock casualty insurance company organized under the laws of the Commonwealth. The initial filing was received on September 7, 2007, and was made under the requirements set forth under the Insurance Holding Companies Act (40 P.S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to the merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P.S. §§ 21101—21208). Persons wishing to comment on the grounds of public or private interest in this merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of publication of this notice in the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Cressinda Bybee, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, cbybee@state.pa.us.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1772. Filed for public inspection September 21, 2007, 9:00 a.m.]

Bankers Life and Casualty Company; Rate Increase Filing for Several LTC Policy Forms; Rate Filing

Bankers Life and Casualty Company is requesting approval to increase the premium an aggregate 29.8% for Forms GR-N340, GR-N350, GR-N370 and GR-N380. The company is requesting an aggregate 27.3% increase for Forms GR-N420 and GR-N430. A total of 1,359 policyholders in this Commonwealth will be affected by this rate adjustment.

Unless formal administrative action is taken prior to December 5, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120 or jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1773. Filed for public inspection September 21, 2007, 9:00 a.m.]

Blue Cross of Northeastern Pennsylvania; Blue Care Nongroup Cooperative; Nongroup Conversion and Direct Enrollment; Rate Filing Correction

On August 1, 2007, Blue Cross of Northeastern Pennsylvania submitted a filing requesting the Insurance Department's (Department) approval to increase the current monthly rates for the Blue Cross Nongroup Basic Conversion and Direct Enrollment Program by 25%. The projected average number of contracts per month during the January 1, 2008, through December 31, 2008, period is approximately 7,730 subscribers. The 25% increase will produce approximately \$3.91 million of additional revenue.

An increase in revenue of \$2.03 million was previously published at 37 Pa.B. 4600 (August 18, 2007). The amount was based upon reported revenue rather than the actual impact to the 7,730 subscribers.

Unless formal administrative action is taken prior to November 22, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to Cherri Sanders-Jones, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120 or csandersjo@state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1774. Filed for public inspection September 21, 2007, 9:00 a.m.]

Conseco Senior Health Insurance Company; 25% Rate Increase Filing for Several LTC Policy Forms; Rate Filing

Conseco Senior Health Insurance Company is requesting approval to increase the premium 25% on several long-term care policy forms. The company is requesting a 25% increase on the following forms which were originally issued by Transport Life: 10853, 10855, 10773, 10860 and 10921. A total of 189 policyholders in this Commonwealth will be affected by this rate adjustment.

Unless formal administrative action is taken prior to December 5, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's website at www.ins.state.pa.us. Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Insurance Department of Environmental Protection's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, or jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1775. Filed for public inspection September 21, 2007, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule for All Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on November 1, 2007, at 10 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the level and duration of the Class I over-order premium to be effective December 1, 2007.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on September 28, 2007, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on September 28, 2007, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, email or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@state.pa.us.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on October 12, 2007, the petitioner shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the petitioner, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on October 19, 2007, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on October 26, 2007, the petitioner shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

The Board may exclude witnesses or exhibits of a party that fails to comply with the above requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

Parties that wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code §§ 35.164, 35.165, 35.167 or 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on October 22, 2007.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 07-1776. Filed for public inspection September 21, 2007, 9:00 a.m.]

OFFICE OF ATTORNEY GENERAL

Public Meeting

The meeting of the Lobbying Disclosure Regulation Committee (Committee) established under the act of November 1, 2006 (P. L. 1213, No. 134) (Act 134) effective January 1, 2007, will be held on Thursday, September 27, 2007 at 9 a.m. in Hearing Room 3, North Office Building, Harrisburg, PA.

The purpose of the meeting will be for the Committee to consider regulations under Act 134 and to receive public comments. Visit www.attorneygeneral.gov for more information and to view a copy of the complete agenda.

THOMAS CORBETT,
Attorney General

[Pa.B. Doc. No. 07-1777. Filed for public inspection September 21, 2007, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Natural Gas Service

A-120700F2010. Columbia Gas of Pennsylvania, Inc. Application of Columbia Gas of Pennsylvania, Inc.,

for approval of the abandonment of natural gas service to two residential customers and one commercial customer, all located in Wampum, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 8, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

Applicant: Columbia Gas of Pennsylvania, Inc.

Through and By Counsel: Theodore J. Gallagher, Sr. Attorney, Mark R. Kempic, Asst. General Counsel, NiSource Corporate Services Company, Southpointe Industrial Park, 501 Technology Drive, Canonsburg, PA 15317

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1778. Filed for public inspection September 21, 2007, 9:00 a.m.]

Natural Gas Service

A-121850F2041. National Fuel Gas Distribution Corporation. Application of National Fuel Gas Distribution Corporation for approval of the abandonment of natural gas services to six natural gas service customers located in Washington Township, Armstrong County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 8, 2007. 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: National Fuel Gas Distribution Corporation

Through and By Counsel: Lee E. Hartz, Esquire, P. O. Box 2081, Erie, PA 16512

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1779. Filed for public inspection September 21, 2007, 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 October 15, 2007. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

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

A-00124080. Lehigh Valley Medical Transportation and Consulting, Inc. (6080 Stone Post Road, Bath, Northampton County, PA 18014), a corporation of the Commonwealth—persons in paratransit service, from points in the Counties of Berks, Bucks, Lehigh and Northampton, to points in Pennsylvania, and return.

A-00124081. Premier Limo, Inc. (40 Maple Avenue, Williamsport, Lycoming County, PA 17701), a corporation of the Commonwealth—persons in limousine service, between points in Pennsylvania; which is to be a transfer of all the rights authorized under the certificate issued at A-00117432 to In Disguise, LLC, subject to the same limitations and conditions. *Attorney:* Anthony J. Grieco, 125 East Third Street, Williamsport, PA 17701.

Application of the following for approval of the *beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of persons by transfer of rights as described under the application.*

A-00124069. Arnold Fire-EMS of Arnold, PA (P. O. Box 3015, 1809 Fifth Avenue, Arnold, Westmoreland County, PA 15068), a corporation of the Commonwealth—persons in paratransit between points in the Cities of Arnold, Lower Burrell and New Kensington, all located in Westmoreland County, and from points in said cities, and the County of Allegheny to points in Pennsylvania, and vice versa; subject to the following conditions: (1) That service is limited to the use of vehicles modified to handle wheelchairs, and operated by a licensed ambulance service; (2) That service is limited to equipment operated only by State certified emergency medical technicians or paramedics; (3) That service is limited to the transportation of persons who are nonambulatory, or persons who, due to chronic or acute physical or mental conditions, require pretrip preparations such as assistance in being dressed or lifted or medical monitoring, or the use of medical appliances or equipment, or a medical escort during transit; (4) That no right, power or privilege is granted to provide service under written agreements with the Department of Transportation, the Department of Public Welfare, the Area Agency on Aging, and the Westmoreland County Transit Authority, with the exception of service performed under a verbal request by such agencies and subject to all of the other restrictions set forth herein where transportation by alternative carriers is either impractical or may be detrimental to the patient's health or medical condition; and (5) That service can only be provided if the persons transported requires assistance in entering the person's residence; which is to be a transfer of all the right authorized under the certificate issued at A-00117205 to Arnold Volunteer Ambulance Service, t/d/b/a Arnold Specialty Coach, subject to the same limitations and conditions.

Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Sherman Howard; Doc. No. A-00121525C0702

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 Sherman Howard, respondent, maintains his principal place of business at P. O. Box 21771, Philadelphia, PA 19146.

2. That respondent was issued a certificate of public convenience by this Commission on October 25, 2005, at Application Docket No. A-00121525.

3. That respondent abandoned or discontinued service without having first filed an application with this Commission for abandonment or discontinuance of service. That on January 19, 2006, respondent filed a request for a voluntary suspension, which was granted until November 29, 2006. The voluntary suspension letter stated that **"If you do not notify the Commission of your intention to resume operations on or before November 29, 2006, a complaint for abandonment of service will be instituted against you."** Respondent failed to notify this Commission of his intent to resume operations. Additionally, respondent's insurance expired on November 29, 2005. Respondent has not filed evidence of insurance.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2) and by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00121525.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P. O. Box 32651
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: _____

Wendy J. Keezel

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 an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by notifying the Commission of your intent to resume operations within thirty (30) days and by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty (20) days of date of service of this Complaint. The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation
and Safety
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Upon receipt of the evidence of insurance from your insurer, and notification of your intent to resume operations within thirty (30) days, the Complaint shall be closed. *Acord Certificates of Insurance and Faxed Form E's and Form H's are Unacceptable as Evidence of Insurance.*

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

Pennsylvania Public Utility Commission v. Buckley Contracting; Doc. No. C-20077845

Dear Sirs:

On June 13, 2007, the Bureau of Transportation and Safety instituted a complaint against Buckley Contracting, respondent, alleging that respondent transported

property for compensation between points in the Commonwealth of Pennsylvania, without holding a certificate of public convenience issued by this Commission, a violation of 66 Pa.C.S. § 1101.

Respondent was duly notified that, if no answer was filed within twenty (20) days from the date of service of the complaint, that either admitted or failed to deny the allegations of the complaint, the penalty would be imposed.

The complaint and notice were sent by certified mail on June 13, 2007, and returned "unclaimed". On July 11, 2007, the complaint and notice were sent by first class mail; and to date, more than thirty (30) days later; no response has been received.

Therefore, the allegations in the complaint are admitted and the complaint is sustained.

Respondent, within twenty (20) days from the date of the service of this letter, shall pay a fine of one thousand dollars (\$1,000.00) by certified check or money order payable to the Pennsylvania Public Utility Commission at P. O. Box 3265, Harrisburg, PA 17105-3265, as provided in the Public Utility Code, 66 Pa.C.S. §§ 3301 and 3315, shall cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 101, et seq., and the Regulations of this Commission, 52 Pa. Code §§ 1.1, et seq.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1780. Filed for public inspection September 21, 2007, 9:00 a.m.]

Telecommunications

A-310782F7004. IDT America Corporation and Windstream Pennsylvania, Inc. Joint petition of IDT America Corporation and Windstream Pennsylvania, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

IDT America Corporation and Windstream Pennsylvania, Inc., by its counsel, filed on September 4, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the IDT America Corporation and Windstream Pennsylvania, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1781. Filed for public inspection September 21, 2007, 9:00 a.m.]

Wastewater Service

A-230118F2000. Glendale Yearound Sewer Company. Application of Glendale Yearound Sewer Company for approval of the abandonment of its Certificate of Public Convenience as a wastewater utility in this Commonwealth in its certificated service area located within the Townships of White and Chest, Cambria County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 8, 2007. 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: Glendale Yearound Sewer Company

Through and By Counsel: Charles B. Zwally, Esquire, Mette, Evans and Woodside, 3401 North Front Street, P. O. Box 5950, Harrisburg, PA 17110-0950

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1782. Filed for public inspection September 21, 2007, 9:00 a.m.]

Water Service

A-211085F2000. Glendale Yearound Water Company. Application of Glendale Yearound Water Company for approval of the abandonment of its Certificate of Public Convenience as a water utility in this Commonwealth in its certificated service area located within the Townships of White and Chest, Cambria County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before October 8, 2007. 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: Glendale Yearound Water Company

Through and By Counsel: Charles B. Zwally, Esquire, Mette, Evans and Woodside, 3401 North Front Street, P. O. Box 5950, Harrisburg, PA 17110-0950

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 07-1783. Filed for public inspection September 21, 2007, 9:00 a.m.]

STATE ETHICS COMMISSION

Public Meeting

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

The Commission will conduct a public meeting in Four Points by Sheraton Pittsburgh North, 910 Sheraton Drive, Mars, PA on October 24, 2007, beginning at 9 a.m. for purposes of receiving input and for the conduct of other agency business. Public officials, public employees, organizations and members of the general public may attend.

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

JOHN J. CONTINO,
Executive Director

[Pa.B. Doc. No. 07-1784. Filed for public inspection September 21, 2007, 9:00 a.m.]

