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# PENNSYLVANIA BULLETIN

Volume 39  
Saturday, March 14, 2009 • Harrisburg, PA  
Number 11  
Pages 1285—1378

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The Courts  
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Department of Banking  
Department of Conservation and Natural Resources  
Department of Environmental Protection  
Department of Health  
Department of Public Welfare  
Department of Revenue  
Department of Transportation  
Environmental Quality Board  
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Pennsylvania Housing Finance Agency  
Pennsylvania Infrastructure Investment Authority  
Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
Public School Employees' Retirement Board  
State Board of Pharmacy

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**Latest Pennsylvania Code Reporter  
(Master Transmittal Sheet):**

**No. 412, March 2009**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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

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# THE COURTS

## Title 201—RULES OF JUDICIAL ADMINISTRATION

[ 201 PA. CODE CHS. 40 AND 50 ]

### Proposed Recommendation Regarding Rescission of Rules of Judicial Administration 5001 through 5014 and Promulgation of New Rules 4001 through 4015

The Advisory Committee on Court Reporting and Transcripts is proposing that the existing Pennsylvania Rules of Judicial Administration governing court reporting and transcripts be rescinded and new rules be promulgated as set forth in this recommendation.

The proposed recommendation is being submitted to the bench, bar and public for comments and suggestions prior to its submission to the Supreme Court of Pennsylvania.

The Committee's *Comments* and explanatory *Remarks* accompanying the proposed rules do not constitute part of the rules and will not be promulgated or adopted by the Supreme Court.

The communications in reference to the proposed recommendation should be sent no later than May 1, 2009 to:

Advisory Committee on Court Reporting and Transcripts  
c/o Administrative Office of Pennsylvania Courts  
Supreme Court of Pennsylvania  
1515 Market Street, Suite 1414  
Philadelphia, Pennsylvania 19102

*By the Advisory Committee on  
Court Reporting and Transcripts:*

HONORABLE ROBERT A. FREEDBERG,  
*Chair*

#### *Introduction*

In 2007, the Supreme Court of Pennsylvania, through the Judicial Council of Pennsylvania and the Administrative Office of Pennsylvania Courts, established the Advisory Committee on Court Reporting and Transcripts. The Honorable Robert A. Freedberg, judge of the Superior Court of Pennsylvania, has served as Committee Chair. Committee membership has included trial judges, court administrators, and prominent members of the Pennsylvania bar. Several of the members have had many years of experience in court reporting.

Most of the existing Rules of Judicial Administration (Chapter 5000) governing court reporting were promulgated in 1981. The Committee was charged with the review of these rules in light of changes since that time in court reporting economics, management practices and technology.

To facilitate the research work and drafting, the Committee was organized into three subcommittees: (1) the Compensation Subcommittee, chaired by Hon. Paula Francisco Ott, President Judge of the Chester County Court of Common Pleas; (2) the Management Subcommittee, chaired by Hon. John C. Uhler, Judge of the Court of Common Pleas of York County; and (3) the Technology Subcommittee, chaired by Michael R. Kehs, Esquire, District Court Administrator of Montgomery County. Each subcommittee undertook extensive analysis of local, state

and national practices. The Committee also sought the input from the Pennsylvania Court Reporters Association and other court reporting professionals, both regional and national. The Committee is grateful for those opportunities to exchange information and views.

The present proposal is the culmination of the work of the Committee.

#### Annex A

### TITLE 201. RULES OF JUDICIAL ADMINISTRATION

#### CHAPTER 40. UNIFORM RULES GOVERNING COURT REPORTING AND TRANSCRIPTS

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| 4005. | Employment and Duties of Court Reporting Personnel.   |
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#### **Rule 4001. Scope of Rules. Policy.**

(A) These rules shall govern the making, preserving and transcribing of the record of proceedings before any trial court of record within the Unified Judicial System.

(B) Because complete and verbatim notes of testimony and transcripts are integral to the official record of court proceedings, it is the policy of the Unified Judicial System to ensure that: (1) qualified court reporting services are available in each judicial district; (2) transcripts are produced timely and are affordable to all litigants; and (3) efficient technologies are employed to reduce litigation costs and conserve public resources.

#### **Rule 4002. Definitions.**

*Court recorder* means an individual employed by a court to record testimony by electronic means (audio or audio-visual).

*Court reporter* means an individual employed by a court to record testimony whether through use of a stenotype machine, stenomask equipment, written symbols, or otherwise.

*Court reporting personnel* includes court reporters, court recorders, transcriptionists and any other personnel whether employed or contracted who make the court record for use in any Pennsylvania court.

*Daily copy* means a transcript delivered within eighteen (18) hours of an official request, not including weekends. For the purposes of additional payment, a transcript is a daily copy only if it is in fact delivered within the above time limit.

*Digital audio files* are those files created by digital recording systems and saved in a format that allows storage and playback through computer applications.

*Electronic copy* means a transcript delivered via any electronic, non-paper media.

*Electronic transcript* means an official transcript delivered in an electronic, non-paper medium.

*Expedited copy* means a transcript delivered within seventy-two (72) hours of an official request, not including weekends. For the purposes of additional payment, a transcript is an expedited copy only if it is in fact delivered within the above time limit.

*Filing office* refers to an office without regard to title that has the responsibility and function in each judicial district to maintain the official dockets and case files of the court.

*Notes of testimony* means the official recording of an oral proceeding made whether through use of an electronic device, stenomask equipment, stenotype machine, written symbols, or otherwise; and includes the dictionary, media storage files, and other documentation needed to prepare a transcript.

*Ordinary copy* means a transcript ordered for delivery within the time limits set forth in Rule 4011.

*Rough draft transcript* (computer diskette, hard paper copy or electronically distributed) is an unedited and uncertified transcript that may contain untranslated or mistranslated stenotype symbols. This also includes notes that appear on paper, unedited electronic data, tapes or other media in the original state in which they existed when they were taken at the time of testimony.

*Transcript* means a copy of the verbatim record of a proceeding.

*Transcriptionist* means any person employed or utilized by a court to prepare a transcript of a proceeding from an electronic or other recording. A court reporter may also serve as a transcriptionist.

**Rule 4003. Pennsylvania Advisory Committee on Court Reporting and Transcripts.**

(A) The Pennsylvania Advisory Committee on Court Reporting and Transcripts shall consist of the following members appointed by the Supreme Court of Pennsylvania, one of whom shall be designated as chair and one of whom shall be designated as vice-chair:

- (1) One representative of the Superior Court of Pennsylvania;
- (2) One representative of the Commonwealth Court of Pennsylvania;
- (3) Two president judges of the courts of common pleas chosen from among the judicial districts of the Commonwealth;
- (4) The district court administrator of the Philadelphia County Court of Common Pleas;
- (5) The district court administrator of the Allegheny County Court of Common Pleas;
- (6) Two district court administrators chosen from among the judicial districts of the Commonwealth other than Philadelphia and Allegheny;
- (7) Two providers of court reporting services representing the various methods currently in usage within Pennsylvania; and
- (8) Two members of the Pennsylvania Bar.

(B) The Committee shall review current rules and practices, and, upon concurrence of the Court Administrator of Pennsylvania, recommend revisions to the Uniform

Rules Governing Court Reporting and Transcripts as may be necessary to effectuate the policy of these rules.

(C) The Administrative Office of Pennsylvania Courts shall provide staff support to the Committee.

**Rule 4004. Qualifications and Certification of Court Reporters and Court Recorders.**

(A) No person shall be employed or utilized by a court as a court reporter or court recorder unless he or she is certified by their president judge or designee as meeting the minimum criteria set forth in subdivision (B)(1), B(2) or (C) except

- (1) those persons already employed or utilized by a court at the time of the adoption of these rules or
- (2) a court reporter who holds and maintains a professional certification.

(B) The minimum criteria for certification of a court reporter are:

(1) stenographic requirements: the court reporter is capable of recording proceedings at a 95% accuracy level at the following speeds:

- (a) literary at 180 w.p.m.
- (b) jury charge at 200 w.p.m.
- (c) testimony and question and answer at 225 w.p.m.

(2) voice writing requirements: the court reporter is capable of recording proceedings at 95% accuracy level at the following speeds:

- (a) literary at 200 w.p.m.
- (b) jury charge at 225 w.p.m.
- (c) two-voice question and answer at 250 w.p.m.

(C) Minimum criteria for certification of a court recorder. The court recorder

- (a) is fully familiar with the controls of the electronic audio or audio-visual equipment;
- (b) has adequate hearing acuity to assure a high quality recording;
- (c) will insist on clarity of the recording;
- (d) can quickly diagnose and correct routine malfunctions;
- (e) is proficient in note taking; and
- (f) understands courtroom procedures and vocabulary.

(D) All persons employed or utilized by a court as a court reporter, including those employed or utilized prior to the adoption of these rules, shall be recertified as meeting the above criteria at least every three (3) years. Any person who fails to meet the minimum criteria at the time of recertification shall be given six months to comply. Anyone who fails to comply with this subdivision shall be prohibited from serving as a court reporter or court recorder.

(E) The president judge shall certify annually to the Court Administrator of Pennsylvania compliance with this rule on forms developed by the Administrative Office.

**Rule 4005. Approval of Transcriptionists.**

No person or organization shall be employed or utilized by a court as a transcriptionist by a court unless he or she is approved by the president judge.

**Comment**

The American Association of Electronic Reporters and Transcribers (AAERT) recommends the following criteria

for transcriptionists: (a) scores at least 70% on an examination with a timed, 100-question, written examination on technical aspects of electronic reporting, courtroom procedures, and vocabulary; and (b) scores at least 98% accuracy on at least ten text pages produced during a half-hour AAERT-prepared audiotape in ASCII, Word, WordPerfect, or WordStar.

**Rule 4006. Employment and Duties of Court Reporting Personnel.**

(A) The president judge of each judicial district or designee shall select, appoint, and supervise court reporting personnel for the district. The number of court reporting personnel in any district shall be adequate to support the full and unrestricted operation of the courts.

(B) The president judge or designee shall assign court reporting personnel in a manner as to

(1) cover all proceedings and timely produce all transcripts

(2) substantially equalize the workload of recording testimony, and of transcript production and generating fees.

(C) All court reporting personnel are officers of the court.

(D) No court reporting personnel shall work outside his or her official duties unless in full compliance with all rules regarding timeliness of transcripts.

(E) All court reporters are required to submit to the president judge, or his or her designee, a copy of the reporter's electronic dictionary upon employment or contractual engagement. An updated electronic dictionary must be provided to the president judge or his or her designee at least quarterly.

**Rule 4007. Requests for Transcripts.**

(A) Where a litigant is responsible for the costs, all requests for transcripts shall be set forth on a standardized form provided by the Court Administrator of Pennsylvania. The form shall indicate the current rates authorized to be charged for transcripts under these rules.

(B) For ordinary copy, the party requesting a full or partial transcript of a trial or other proceeding shall file the original request with the appropriate filing office of the court. Copies of the formal request shall be delivered to:

- (1) the judge presiding over the matter;
- (2) the court reporter or transcriptionist;
- (3) the district court administrator or designee; and
- (4) opposing counsel, but if not represented, the opposing party.

(C) A written request for daily, expedited or rough draft transcripts shall be filed in the appropriate filing office at least 10 days prior to the proceeding. Copies of the written request shall be delivered as required by subsection (B). In the event of an emergency, a party may request by oral motion a daily, expedited or rough draft of the transcript.

(D) Where a private litigant who is responsible for the costs requests a transcript,

(1) the litigant ordering a transcript shall make partial payment of the estimated cost of the transcript to the court's designee

(2) the court reporter or transcriptionist shall prepare the transcript upon direction of the court's designee

(3) the court reporter or transcriptionist shall notify the ordering party and the court's designee of the completion of the transcript and deliver a copy of the transcript to the judge presiding over the matter

(4) upon payment of any balance owed, the court reporter or transcriptionist shall deliver the original transcript to the appropriate filing office and copies to the parties.

(E) When a transcript is requested for which the court or county is responsible for the cost, the court reporter or transcriptionist shall prepare the transcript upon receipt of the request.

(F) Court reporters or transcriptionists shall file a monthly report with the district court administrator of all ordered or requested transcripts in chronological order indicating the date of each order or request, the approximate length of the record to be transcribed, the status of the transcription, and the expected date of the filing of the transcript. A court reporter or transcriptionist must inform the district court administrator or designee whenever courtroom coverage must be arranged in order to timely deliver the transcript.

(G) The district court administrator shall prepare a summary statistical report of the number of transcripts requested, delivered and pending, as well as the age of all pending transcripts, which shall be forwarded to the Administrative Office of Pennsylvania Courts quarterly on forms designed by the Court Administrator of Pennsylvania.

(H) All court reporting personnel and county administrative personnel are required to comply with all standing and special requests of the Administrative Office of Pennsylvania Courts for information, including transcript fee collections and data relative to transcript production, delivery, and delay.

(I) The Court Administrator of Pennsylvania shall notify the Supreme Court of Pennsylvania of instances of unreasonable delay in preparing the transcripts. The Court Administrator may recommend sanctions, including decertification of individual court reporters or transcriptionists.

**Comment**

Nothing in this rule prevents a local court from adopting an electronic filing request procedure provided the request is effectively communicated to the listed persons.

Within the framework of these rules, the particular methods and logistics for receiving and accounting for fees is left to the discretion of the president judge and district court administration.

**Rule 4008. Transcript Fees Payable by a Requesting Party other than the Commonwealth or a Subdivision Thereof.**

(A)(1) The fees payable by a requesting party, other than the Commonwealth or a subdivision, for an electronic transcript shall not exceed:

- (a) for ordinary copy, \$2.25 per page,
- (b) for expedited copy, \$3.25 per page, and
- (c) for daily copy, \$4.25 per page.

(2) Where the transcript is prepared in bound paper format, the fees shall be in accordance with paragraph (1) relating to electronic format plus a surcharge of \$0.25 per page.

### Comment

The rules encourage the use of electronic transcripts which should result in reduced costs for preparing and distributing transcripts. The ability to store transcripts and reporters' notes on disks and networks should also greatly reduce the courts' storage costs. Unlike paper transcripts, electronic transcripts can offer features such as keyword searches, copy and paste functions, and speedy transmission. Electronic systems support the business trend of moving toward paperless operations and also respond to ecological concerns by reducing paper waste.

#### (B) Economic hardship—minimum standards

(1) Transcript fees shall be waived for a litigant who has been permitted by the court to proceed *in forma pauperis* or whose income is below the poverty line as defined by the U. S. Department of Health and Human Services (HHS) poverty guidelines for the current year

(2) transcript fees shall be reduced by one-half for a litigant whose income is less than 200 percent of poverty as defined by the HHS poverty guidelines for the current year

(3) the court shall advise litigants of the procedure for requesting a fee waiver or reduction.

### Comment

Transcript fees can be quite costly. By establishing minimum standards, subdivision (B) is intended to ensure that fees do not effectively deny equal access to the court system to impoverished persons and persons of limited financial means. Procedures for waiving or reducing transcripts fees must be published by the court and clearly communicated to litigants.

#### (C) Assignment and allocation of transcript costs

(1) *Assignment of costs.* The requesting party, or party required by general rule to file a transcript, shall be responsible for the cost of the transcript. Fees shall not be assessed against any party for transcripts prepared at the initiation of the court.

(2) *Allocation of costs.* When more than one party requests the transcript, or are required by general rule to file the transcript, the cost shall be divided equally among the parties.

#### (D) Copies of transcript

(1) An electronic copy of the transcript shall be provided without charge to all parties other than the requesting party. A paper copy may be purchased at the surcharge rate specified in Rule 4008(A)(2).

(2) The cost of copies prepared for the court or filing office are included in the fees set forth in Rule 4008(A) and shall not be charged to any party.

(3) The fee charged to the public for a copy of a transcript that has been filed of record shall not exceed \$0.25 per page.

### Comment

As no additional effort is needed to produce a copy of an electronic transcript, no copy charges may be levied upon the parties. With respect to a non-party (i.e., general public) request for a photocopy of a transcript, Rule 4007(D)(4) anticipates that the filing offices of the judicial district are the proper custodians of court case records and transcripts. Rule 4008(D)(3) provides that the fee charged to the public for a transcript copy that has been filed of record shall not exceed \$0.25 per page, regardless

of the form or location in which the transcript is filed or stored. At this time, the rules do not require the sale of electronic transcripts to the public.

#### (E) Additional fees

No transcript-related fees may be charged to the parties or the public other than those listed in subdivisions (A), (B) and (D) without the written approval of the Court Administrator of Pennsylvania.

#### Rule 4009. Fees Payable to the Court Reporter or Transcriptionist by Employing Judicial District. Local Rule.

The president judge of the judicial district shall promulgate a local rule establishing the fees to be paid by the judicial district to court reporting personnel for all court reporting products and services.

**Official Note:** For rules governing the promulgation of local rules, see R.J.A. 103(c), Pa.R.C.P. 239 and Pa.R.Crim.P. 105.

### Comment

The compensation of court reporters—which includes salary, benefits and fees, as well as per diems for temporary reporters—lies within the discretion of the employing judicial district. By local rule, the president judge shall set forth a comprehensive schedule of fees to be paid by the judicial district to the court reporter for all transcripts and related services. While the maximum fees that may be charged to litigants or the public is fixed by Rule 4008, and may not be exceeded, the president judge has the discretion to pay court reporters a differing amount, greater or lesser, to ensure the overall compensation of court reporters is equitable and proper.

In sum, these rules provide that litigants pay the transcript fees to the court according to the statewide fee schedule set forth in Rule 4008. The court, in turn, pays transcript fees to the court reporter according to the fee schedule set by the president judge of the judicial district. Thus, transcript fees paid to court reporters need not be the same as the amounts charged to parties and the public.

The fee schedule set by the president judge must specify the fees that court reporters and transcriptionists are paid for both transcripts requested by litigants and transcripts requested by the Commonwealth or a subdivision thereof. Therefore, at a minimum, the local rule required in Rule 4009 must include the fees payable to court reporters and transcriptionists for: (1) private-party transcripts; (2) transcripts ordered by governmental entities; (3) indigency and economic hardship cases; (4) accelerated delivery surcharges; and (5) fee reductions due to transcription delay.

#### Committee Remarks on the Proposed Fee Rules (Rules 4008 and 4009).

*Logic of the proposed fee rules:* In Pennsylvania, litigants are charged for a range of services offered by the courts, generally in the form of user fees. Fee schedules serve a variety of objectives: raising revenue to help cover the cost of the services provided, enhancing access to justice by protecting low-income litigants from these costs, and efficiency by deterring frivolous cases or appeals. However, the goals of cost recovery, access to justice, and efficiency, are intrinsically incompatible, and so "trade-offs" are necessary when setting user fee amounts. Both for constitutional and ethical reasons, unimpeded access to the courts must always be the cardinal consideration, a fact which places firm limits on

the cost recovery and, perhaps to a lesser extent, efficiency. Thus, fees charged to litigants for transcripts are not intended to recover the full cost of making the court record, either in terms of salaries, benefits, equipment or overhead, or the time costs of transcribing notes of testimony. In this regard, an important distinction should be kept in mind. Under the proposed rules, the transcript fees paid by litigants are the property of the county—not a passthrough to the court reporter—just as other fees paid into court are (e.g., the fees for a commencement of a civil action or a praecipe for trial). As an employee or contractor to the court, court reporters are paid by the county court at rates set by the president judge. This is not to suggest that court reporters should receive less (or more) fees than they currently do—the proposed rules are silent on that question; rather, the scope of a court reporter's work that is fee based (which differs from county to county), and the fees paid to court reporters for that work, are properly determined by the president judge of the judicial district.

*Why change the current fee structure?* Several reasons. First, the transcript fees and copy charges imposed on litigants are widely disparate from county to county and, in several cases, disparate from reporter to reporter within a county (i.e., reporters are setting their own fee rates). Second, the high cost of transcripts can impose an economic hardship restricting access to the courts (see Committee Remarks on economic hardship, below). Third, the “purchased product”—court transcripts in terms of words per page—are notably inconsistent throughout the Commonwealth (see, proposed Rule 4010 which specifies the transcript format, below). And fourth, the efficient practice of law and judicial administration now entail the use of electronic transcripts and copies.

*Will the proposed rules allow president judges the freedom to adjust fee compensation to local labor market conditions?* Yes. The president judge's order required under Rule 4009 covers all aspects of transcript and related fees payable to court reporters, whether full-time, part-time, contract or per diem. Note, in this regard, that the proposed rules are more flexible than the current rules (e.g., the ceiling on county-paid transcript fees is eliminated). Flexibility at the local level is important for county budgetary reasons, especially in light of the enormous variability across the state in levels of court reporter compensation, including transcript fees.

Proposed Rule 4009 encourages a thorough and rational examination of fees, allowing the president judge to properly balance budgetary concerns with compensation equities (court reporter salaries, benefits, fees) in light of court reporter workloads, courtroom staffing needs, and technology choices. To assist in this process, the Committee has developed a recommended standardized local rule listing all of applicable fee categories; the determination of the fee amounts payable to court reporters for each category is left to the sound discretion of the president judge.

*Economic Hardship.* The Committee found that some jurisdictions in Pennsylvania did not provide for a waiver of fees for impoverished litigants in civil and family law cases, and none provided fee discounts for litigants of limited means (“the working poor”) on an organized basis. However, the Committee has also learned that some court reporters may, on their own motion or at the suggestion of the trial judge, reduce their fees on grounds of compassion. While laudable, such actions tend to be *ad hoc*, discretionary, unsubsidized by the court or county and, therefore, unfair to reporters.

The HHS federal poverty guidelines for 2009 are presented below. Given: (1) the still modest income amounts that define poverty under the current guidelines (e.g., \$22,050 for a four-person family); and (2) the fact that transcript fees occasionally reach \$1,500 or more, the Committee finds the minimum standards of proposed Rule 4008(B) to be necessary to ensure that a party's economic status is not a determining factor in securing access to trial court or appellate review.

#### 2009 HHS Poverty Guidelines

| <i>Persons in Family</i>        | <i>48 Contiguous States and D.C.</i> |
|---------------------------------|--------------------------------------|
| 1                               | \$10,830                             |
| 2                               | 14,570                               |
| 3                               | 18,310                               |
| 4                               | 22,050                               |
| 5                               | 25,790                               |
| 6                               | 29,530                               |
| 7                               | 33,270                               |
| 8                               | 37,010                               |
| For each additional person, add | 3,740                                |

#### Source

*Federal Register*, Vol. 74, No. 14,  
Friday, January 23, 2009, p. 4200.

Proposed Rule 4008(B) references the Federal poverty guidelines as minimum standards. Courts may employ other eligibility criteria which are at least equivalent to, but not less than, the current year HHS benchmarks.

#### Rule 4010. Format of Transcript.

(A) The format of paper transcripts shall be as follows:

- (1) *Size.* Paper size shall be 8-1/2 × 11 inches.
- (2) *Paper.* Paper shall be opaque, white, archival quality paper, at least 13 pounds for both originals and copies.
- (3) *Preprinted Marginal Lines.* Pages shall contain preprinted solid left and right marginal lines. Preprinted top and bottom marginal lines are optional.
- (4) *Line Numbers.* Each page shall bear numbers indicating each line of transcription on the page.
- (5) *Number of Lines per Page.* Each page shall contain 25 lines of text. The last page may contain fewer lines if it is less than a full page of transcription. Page numbers or notations (e.g., page headers) shall not be considered part of the 25 lines of text.
- (6) *Margins.* Typing shall begin on each page at the 1-3/4 inch left margin and continue to the 3/8 inch right margin.
- (7) *Type Size.* The letter character size is to be 12 points with 10 letters to the inch. This type size provides for approximately 63 characters to each line. Courier 12 pt. type is recommended.

(8) *Spacing.* Lines of text shall be double-spaced.

(9) *Indentations.*

(a) *Q and A.* All “Q” and “A” designations shall begin at the left margin. The statement following the “Q” and “A” shall begin on the fifth space from the left margin.

Subsequent lines shall begin at the left margin. Since depositions read at a trial have the same effect as oral testimony, the indentations for "Q" and "A" should be the same as described above. In the transcript, each question and answer read should be preceded by a quotation mark. At the conclusion of the reading, a closing quotation mark should be used.

(b) *Colloquy*. Speaker identification shall begin on the tenth space from the left margin followed directly by a colon. The statement shall begin on the third space after the colon. Subsequent lines shall begin at the left margin.

(c) *Quotations*. Quoted material other than depositions shall begin on the tenth space from the left margin, with additional quoted lines beginning at the tenth space from the left margin, with appropriate quotation marks used.

(d) *Interruptions of Speech and Simultaneous Discussions*. Interruptions of speech shall be denoted by the use of a dash at the point of interruption, and again at the point the speaker resumes speaking.

(e) *Page Heading (Also Known as "Headers")*. A page heading is brief descriptive information noted to aid in locating a person and/or event in a transcript. Page headings shall appear above line 1 on the same line as the page number. This information shall not to be counted as a line of transcript.

(f) *Parentheses*. Parenthetical notations shall be marked by parentheses. They shall begin with an open parenthesis on the fifth space from the left margin, with the remark beginning on the sixth space from the left margin. Parentheses are used for customary introductory statements such as call to order of court or swearing in a witness. Parentheses are also used for indicating non-verbal behavior, pauses, and readback/playback.

(B) Electronic transcripts shall comply with the format standards set forth in Rule 4010(A)(3) through (9) for paper transcripts and, in addition, shall be in PDF format with the following settings:

- (1) *functions disabled*: content changes
- (2) *functions enabled*: search, select, copy and print.

#### Comment

Rule 4010 standards for both paper and electronic transcripts, which closely follow Federal court standards, assure that all transcripts of proceedings before the Pennsylvania courts are formatted in the same way, whether prepared by official court reporters or transcriptionists, contract or per diem personnel, or by transcription companies.

#### **Rule 4011. Deadline for Delivery of Transcript.**

(A) The court reporter or transcriptionist shall deliver the transcript within 21 days of receiving the direction to prepare the transcript, unless an accelerated timeframe is mandated by law. The court reporter or transcriptionist, upon a showing of good cause to the president judge or designee, may request an extension of the deadline for a period of time not to exceed an additional twenty-one days. In no case shall more than one extension be granted.

(B) A district court administrator or designee may cause a transcript to be prepared by another court reporter or transcriptionist from notes in the event of the

inability, unavailability, or unwillingness of the individual who took the notes to do so within the time ordered by the court.

(C) Transcripts prepared pursuant to the Children's Fast Track Appeal program shall be given priority.

**Official Note:** For rules governing the children's fast track appeals, see Pa.R.A.P. 102 et seq.

#### **Rule 4012. Sanctions for Delayed Transcript.**

(A) In the event that a court reporter or transcriptionist shall fail to comply with the 21 day deadline for delivery of transcripts, fees paid to the court reporter shall be reduced pursuant to the following schedule:

- (1) from day 22 to day 30: 10% reduction in fees;
- (2) from day 31 to day 45: 20% reduction in fees; and
- (3) from day 46 onward: 25% reduction in fees.

(B) If the delay in delivering a transcript is egregious, the presiding judge may impose additional sanctions and hold the court reporter or transcriptionist in contempt of court.

(C) The President Judge may take disciplinary action, including decertification, against any court reporter or transcriptionist who has severely impeded the prompt administration of justice, whether by protracted delinquency in a single case or by engaging in a pattern of delinquency in a number of cases. The Supreme Court may also take disciplinary action, where appropriate.

#### **Rule 4013. Certification of Transcript.**

Court reporting personnel who take the notes, record or transcribe a proceeding shall certify that the transcript of proceedings is true and correct and meets the minimum specifications established by the Supreme Court of Pennsylvania. Where more than one person was engaged in the production of the transcript, each shall certify as to his or her contribution.

#### **Rule 4014. Ownership of Notes.**

Notes of testimony of court proceedings, stenographic notes, tapes, rough draft transcripts or other media used by a court reporting personnel to record or monitor a proceeding in or for a court as well as any transcriptions thereof, are the exclusive property of the judicial district.

#### Comment

Nothing in these rules prohibits someone who has lawfully obtained a transcript from making a copy.

#### **Rule 4015. Storage and Retention.**

(A) Each judicial district shall make provision for the archiving, storage and retention of transcribed and untranscribed notes of testimony, rough draft transcripts, reporter and recorder log notes, tapes, other electronic or digital audio files, and any hardware, software, tools or dictionaries necessary for proper transcription.

(B) Notes of testimony and other materials specified in subdivision (A) shall be retained in compliance with the Administrative Office of Pennsylvania Courts Record Retention and Disposition Schedule with Guidelines.

**Comment**

Each judicial district is responsible for the preservation of the transcript production materials listed in Rule 4015(A) in a form that guarantees their accuracy, authenticity, and accessibility. These materials must be protected from loss arising from personnel turnover in the court, environmental hazards, or unsecured access.

Exhibits admitted into evidence are part of the court record and must be maintained with the official court record in the appropriate filing office. Original materials shall not be maintained in the personal files of court reporting personnel.

[Pa.B. Doc. No. 09-462. Filed for public inspection March 13, 2009, 9:00 a.m.]

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## DISCIPLINARY BOARD OF THE SUPREME COURT

**Notice of Disbarment**

Notice is hereby given that Leon Alexander Swinson having been disbarred by consent from the Bar of the District of Columbia by Order of the District of Columbia Court of Appeals filed May 8, 2008, the Supreme Court of Pennsylvania issued an Order on February 25, 2009, disbaring Leon Alexander Swinson from the Bar of this Commonwealth, effective March 27, 2009. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary of the Board*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 09-463. Filed for public inspection March 13, 2009, 9:00 a.m.]

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**Notice of Suspension**

Notice is hereby given that Wilfrid LeBlanc, Jr., having been suspended from the practice of law in the State of New Jersey for a period of 3 months by Order of the Supreme Court of New Jersey dated February 4, 2008, the Supreme Court of Pennsylvania issued an Order dated February 25, 2009, suspending Wilfrid LeBlanc, Jr., from the practice of law in this Commonwealth for a period of 3 months, effective March 27, 2009. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary of the Board*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 09-464. Filed for public inspection March 13, 2009, 9:00 a.m.]

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**Notice of Suspension**

Notice is hereby given that Scott J. Wood having been suspended from the practice of law in the State of New Jersey for a period of 1 year by Order of the Supreme Court of New Jersey dated February 13, 2008, the Supreme Court of Pennsylvania issued an Order dated February 25, 2009, suspending Scott J. Wood from the practice of law in this Commonwealth for a period of 1 year, effective March 27, 2009. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Secretary of the Board*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 09-465. Filed for public inspection March 13, 2009, 9:00 a.m.]

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# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CH. 245 ]

### Administration of the Storage Tank and Spill Prevention Program

The Environmental Quality Board (Board) proposes to amend Chapter 245 (relating to administration of the storage tank and spill prevention program). The proposal includes comprehensive underground storage tank operator training requirements. The proposed operator training provisions are consistent with Federal requirements for underground storage tank operators contained in the Federal Energy Policy Act of 2005, August 8, 2005, Pub. L. No. 109-58, 119 Stat. 594 (EPAct) and related United States Environmental Protection Agency (EPA) guidelines to states for implementing operator training requirements. The proposal also includes corrections and clarifications to existing regulations.

This proposal was adopted by the Board at its meeting of December 16, 2008.

#### A. *Effective Date*

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

#### B. *Contact Persons*

For further information, contact Charles M. Swokel, Chief, Division of Storage Tanks, P. O. Box 8763, Rachel Carson State Office Building, Harrisburg, PA 17105-8763, (717) 772-5806 or Kurt Klappkowski, 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 proposal appears in Section J of this preamble. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's web site, [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

#### C. *Statutory Authority*

The proposed rulemaking is being made under the authority of section 106 of the Storage Tank and Spill Prevention Act (Storage Tank Act) (35 P. S. § 6021.106), which authorizes the Board to adopt rules and regulations governing aboveground and underground storage tanks to accomplish the purposes and carry out the provisions of the Storage Tank Act; section 501 of the Storage Tank Act (35 P. S. § 6021.501), which authorizes the Department to establish program requirements for underground storage tanks; and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20), which authorizes the Board to formulate, adopt and promulgate rules and regulations that are necessary for the proper work of the Department.

#### D. *Background and Purpose*

The Board established the initial rulemaking governing administration of the storage tank and spill prevention program with its final-form publication of Chapter 245, Subchapters A and B (relating to general provisions; and certification program for installers and inspectors of

storage tanks and storage tank facilities), which was published at 21 Pa.B. 4345 (September 21, 1991). In that initial rulemaking, Federal requirements in 40 CFR Part 280 (relating to technical standards and corrective action requirements for owners and operators of underground storage tanks (UST)) were adopted by reference in Subchapter A. Comprehensive UST regulations were established in Chapter 245 when the Board adopted Subchapter E (relating to technical standards for underground storage tanks), in 1997 (27 Pa.B. 5341 (October 11, 1997)). The Board last amended Subchapter E in 2007, when several UST provisions contained in the EPAct were adopted (37 Pa.B. 5965 (November 10, 2007)). The current proposed rulemaking addresses UST operator training requirements and represents the last provision of the EPAct relating to USTs that needs to be addressed by the Department. Provisions for training course and trainer approvals, along with provisions for mandatory training or retraining of UST owners and operators whose tank systems are determined to be out of compliance as a result of an inspection, are already contained in current Chapter 245 regulations.

The proper conduct of operations, maintenance and related recordkeeping for USTs has been a problem in this Commonwealth and Nationally. The Department has noted particular compliance concerns relating to routine leak detection monitoring, periodic testing of monitoring equipment and corrosion protection systems and maintenance. The operator training provisions proposed in this rulemaking should help to significantly improve UST operations, maintenance, recordkeeping and related compliance with the Commonwealth and Federal UST regulatory requirements, which will protect the citizens and the environment of this Commonwealth.

The Department worked with the Storage Tank Advisory Committee (STAC) during development of this proposed rulemaking. The Department also met with UST owners, operators and manufacturers; associations and groups, such as the Pennsylvania Petroleum Marketers and Convenience Store Association; the Tank Installers of Pennsylvania; and the Agricultural Advisory Board. The STAC, which was established by section 105 of the Storage Tank Act (35 P. S. § 6021.105), consists of persons representing a cross-section of organizations having a direct interest in the regulation of storage tanks in this Commonwealth. As required by section 105 of the Storage Tank Act, the STAC has been given the opportunity to review and comment on the proposed rulemaking. On June 10, 2008, the STAC voted to support the proposal and recommended that the Board consider the amendments for publication as proposed rulemaking.

#### E. *Summary of Regulatory Requirements*

The proposal to amend § 245.422(e) (relating to upgrading of existing underground storage tank systems) is intended to clarify that containment is required when replacing an existing product dispenser that involves a major modification.

The proposal to amend § 245.435(b) (relating to reporting and recordkeeping) is intended to clarify the time frame for retention of temporary records and to correct errors on the retention of cathodic protection documents. The proposal also adds operator training documents to the temporary recordkeeping requirements.

The proposal to add a new § 245.436 (relating to operator training) is intended to establish three distinct

classes of UST operators and related training requirements. The proposal includes the general requirements for trained operators (subsection (a)), descriptions of the classes of storage tank operators to be trained (subsection (b)), required and acceptable forms of training for each class of operator (subsection (c)), deadlines for new and existing operators to meet the training requirements (subsection (d)) and documentation requirements (subsection (e)).

Comprehensive operator training requirements are not included in companion Federal regulations in 40 CFR Part 280. However, the establishment of an operator training program is necessary to comply with Federal operator training grant guidelines issued by the EPA on August 8, 2007. Section 9010 of Subtitle I of the Solid Waste Disposal Act (Subtitle I), as amended by section 1524 of the EPAct, required EPA to develop and publish guidelines for states to establish training requirements for UST operators. This section also requires that states receiving Federal funds under Subtitle I develop state-specific regulatory training requirements consistent with the EPA guidelines by August 8, 2009. The Commonwealth receives Federal funding under Subtitle I in the form of the Underground Storage Tank and Leaking Underground Storage Tank Trust Fund grants. Additionally, the guidelines require states to ensure that all three classes of operators are trained according to state-specific training requirements by August 8, 2012, which is 3 years after the date states are required to develop state-specific training requirements. Failure to establish an effective operator training program in this Commonwealth would jeopardize current EPA state program approval and substantial funding provided to the Department under Subtitle I. For Federal Fiscal Year 2008, the Department received \$2.623 million in Federal funds from the EPA for the Underground Storage Tank and Leaking Underground Storage Tank (cleanup) programs. Further, the Board believes it is in the Commonwealth's best interest to have a viable UST operator training program. Lastly, the United States General Accounting Office (GAO) report to Congress in May 2001, entitled "Environmental Protection-Improved Inspections and Enforcement Would Better Ensure the Safety of Underground Storage Tanks," addressed the effectiveness of the Federal UST program and state agencies' implementation of the program. The GAO report indicated that operator error and noncompliance was one of the greatest remaining problems for the UST program.

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

##### *Benefits*

The proposed changes are expected to result in significant improvements in the routine operation, maintenance and monitoring of USTs. This will help to further reduce the number of releases from USTs and in turn protect public health and the environment. These regulatory changes will provide economic opportunities for third-party trainers. By recognizing a wide array of training options, it is expected that costs to storage tank owners and operators will be minimized.

By establishing a viable operator training program, the Commonwealth will retain UST state program approval and will remain eligible for continued substantial Federal funding for the program under Subtitle I.

##### *Compliance Costs*

There are approximately 3,500 tank owners and their operators with nearly 8,700 UST facilities regulated by the Department in this Commonwealth. More than half of

the owners are major corporations, while the remaining owners are mostly small businesses and various government entities. Many of the small businesses and corporations belong to organizations and associations that have shown an interest in helping with the required training for operators. The number of operators at any particular facility range from one to several, depending on the size of the facility and hours of operation. Generally, retail sales facilities have more operators than government entities or nonretail facilities.

The current National availability of UST training vendors for operators is somewhat limited, but is expected to expand significantly as all states implement mandatory operator training requirements. Many states have indicated that they will rely on third-party or industry trainers. The current cost of National training vendors ranges from \$200 to \$500 per training course. However, several organizations and associations in this Commonwealth, as well as Department-certified tank installers, inspectors and companies have indicated an interest in becoming approved trainers or in some cases providing services as qualified operators. It is anticipated with in-State and National trainers expanding into the underground storage tank program, the cost of operator training courses will be minimized through these market forces.

##### *Compliance Assistance Plan*

It is not anticipated that the Commonwealth will provide sources of financial assistance to aid in compliance with this proposed rulemaking.

As for technical and educational assistance, the Department currently operates a fairly extensive program of outreach activities designed to assist owners and operators of storage tanks as well as individuals. This program includes a series of fact sheets that focus on single issues in the storage tank program (for example, Leak Detection: Meeting the Requirements); periodic seminars and conferences focusing on storage tank technical and administrative issues; training sessions presented by regional and central office training teams on a variety of issues; numerous guidance documents addressing technical and policy issues; and a great deal of information available on the Department's web site. The Department will work with organizations, associations, companies and individuals to establish a base of industry trainers to provide the necessary training, testing and related documentation for owners and operators of UST's.

##### *Paperwork Requirements*

There are very few new paperwork requirements proposed in this rulemaking and no new reporting requirements. The proposal addresses requirements to maintain a list of designated operators, certificates or documentation of training, and facility contacts and written emergency procedures. The list of operators, training records and contact information is new; emergency procedures should already be available at most facilities. These records will be checked during the periodic inspections currently required at UST facilities and will not be routinely required to be submitted to the Department.

##### *G. Pollution Prevention*

The programs set out in this proposed rulemaking package and in the current regulations are designed to prevent the release and spread of regulated substances from storage tanks located in this Commonwealth. They create a program similar to the cradle-to-grave process with the goal of making sure that the storage tank is installed, maintained, operated, closed and removed in a

manner that will minimize the likelihood of a release occurring. If a release does occur, these amendments and regulations that currently exist in Chapter 245 are designed to detect and contain the release quickly, and make sure that corrective action is carried out expeditiously, minimizing exposure to the public and the environment.

In this proposed rulemaking, the Department is attempting to reach or improve upon these goals through a combination of performance standards and training of storage tank operators. The proposal has built-in flexibility as to how the regulated community achieves the goals, and reliance on industry standards and trained industry professionals. By taking this approach, the Department hopes to improve routine storage tank operation and maintenance, reduce pollution, lower the number of corrective actions that must eventually be performed, decrease the amount of contaminated soil and groundwater that must be dealt with, and do so in a manner that is flexible, reasonable and cost effective.

H. *Sunset Review*

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

I. *Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on February 27, 2009, the Department submitted a copy of the proposed amendments to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House and Senate Environmental Resources and Energy Committees (Committees). In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

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

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 April 13, 2009. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by April 13, 2009. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form rulemaking will be considered.

*Electronic Comments.* Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by April 13, 2009.

A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

JOHN HANGER,  
*Chairperson*  
*Environmental Quality Board*

**Fiscal Note:** 7-432. No fiscal impact; (8) recommends adoption.

**Annex A**

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

**Subpart D. ENVIRONMENTAL HEALTH AND SAFETY**

**ARTICLE VI. GENERAL HEALTH AND SAFETY**

**CHAPTER 245. ADMINISTRATION OF THE STORAGE TANK AND SPILL PREVENTION PROGRAM**

**Subchapter E. TECHNICAL STANDARDS FOR UNDERGROUND STORAGE TANKS**

**UNDERGROUND STORAGE TANK SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION AND NOTIFICATION**

**§ 245.422. Upgrading of existing underground storage tank systems.**

\* \* \* \* \*

(e) *Under dispenser containment.* When a vertical riser, dispenser and interconnected piping and fittings are added to a storage tank system or a **dispenser is replaced involving major modification**, the dispenser must have containment (liquid-tight dispenser pan) meeting requirements in § 245.421(b)(4)(ii).

**GENERAL OPERATING REQUIREMENTS**

**§ 245.435. Reporting and recordkeeping.**

\* \* \* \* \*

(b) Owners and operators shall maintain required records either onsite at the underground storage tank facility or at a readily available alternative site. Records maintained at the underground storage tank facility shall be immediately available for inspection by the Department and certified inspectors. If records are maintained offsite, the records shall be easily obtained and provided for inspection or for review by the Department upon request.

\* \* \* \* \*

(3) **Temporary recordkeeping. Owners and operators shall retain current temporary records for a minimum of 1 year after the tank system has been removed.** Temporary records shall be maintained as follows:

\* \* \* \* \*

(iv) Documentation of the last [ **two** ] **three** impressed current cathodic protection system inspection checks for each 60-day test period **in accordance with [ ( § 245.432 ) ]**.

(v) The last **two** cathodic protection [ **survey** ] **surveys**, done at 3-year intervals, on impressed current and galvanic cathodic protection systems in accordance with [ ( § 245.432 ) ] .

\* \* \* \* \*

**(ix) Documentation of operator training, including verification of training for current Class A, Class B and Class C operators, current list of operators and written instructions or procedures for Class C operators in accordance with § 245.436 (relating to operator training).**

*(Editor's Note: The following section is new and has been printed in regular print to enhance readability.)*

**§ 245.436. Operator training.**

(a) *Requirement for trained operators.*

(1) An owner shall designate Class A, Class B and Class C operators for each underground storage tank system or facility that has underground storage tanks permitted to operate by the Department.

(2) A facility may not operate after August 8, 2012, unless operators have been designated and trained as required in this section, unless otherwise agreed upon by the Department.

(3) Trained operators shall be readily available to respond to suspected/confirmed releases, other unusual operating conditions and equipment shut-offs or failures.

(i) The Class A or Class B operator shall be available for immediate telephone consultation when a facility is in operation. A Class A or Class B operator shall be able to be onsite at the storage tank facility within 24 hours.

(ii) For manned facilities, a Class C operator shall be onsite whenever the facility is in operation, such as when dispensing a regulated substance at a retail sales facility.

(iii) For unmanned facilities, a Class C operator shall be available for immediate telephone consultation and shall be able to be onsite within 2 hours of being contacted. Emergency contact information shall be prominently displayed at the site. Emergency procedures for users of unmanned facilities shall also be prominently posted at the site.

(4) Designated operators shall successfully complete required training under subsection (c) not later than August 8, 2012.

(5) A person may be designated for more than one class of operator.

(b) *Operator classes.*

(1) *Class A operator.* A Class A operator has primary responsibility to operate and maintain the underground storage tank system and facility. The Class A operator's responsibilities routinely include managing resources and personnel, such as establishing work assignments, to achieve and maintain compliance with regulatory requirements. In general, this person focuses on the broader aspects of the statutory and regulatory requirements and standards necessary to properly operate and maintain the underground storage tank system and facility.

(i) A Class A operator assists the owner by ensuring that underground tank systems are properly installed and expeditiously repaired, and records of system installation, modification and repair are retained and made available to the Department and certified IUM inspectors.

(ii) A Class A operator shall be familiar with training requirements for each class of operator and may provide required training for Class C operators.

(iii) A Class A operator may prepare site drawings that indicate equipment locations for Class C operators and routine maintenance checklists for Class B operators.

(See PEI RP 900—"Recommended Practices for the Inspection and Maintenance of UST Systems").

(iv) Department-certified companies, installers and inspectors with underground storage tank UMX or IUM certification categories may perform Class A operator duties when employed or contracted by the tank owner to perform these functions.

(A) Department-certified installers, inspectors and companies identified in this subparagraph are excluded from required training under subsection (c), unless required by the Department to successfully complete mandatory operator training under § 245.411(d) (relating to inspection frequency).

(B) A certified IUM inspector may not perform a facility operation inspection for a facility where the inspector is also the designated Class A operator. (See § 245.106 (relating to conflict of interest).)

(2) *Class B operator.* A Class B operator implements applicable underground storage tank regulatory requirements and standards in the field or at the storage tank facility. This person oversees and implements the day-to-day aspects of operations, maintenance and recordkeeping for the underground storage tanks at one or more facilities. For example, the operator ensures that release detection methods, release prevention equipment and related recordkeeping and reporting requirements are met, relevant equipment manufacturer's or third-party performance standards are available and followed, and appropriate persons are trained to properly respond to potential emergencies caused by releases or spills from underground storage tank systems at the facility.

(i) A Class B operator checks spill prevention and overflow control equipment and corrosion protection equipment to ensure that they are functioning properly and that any required system tests are performed at required intervals.

(ii) A Class B operator assists the owner by ensuring that release detection equipment is operational, release detection is performed at the proper intervals and release detection records are retained and made available to the Department and certified IUM inspectors.

(iii) A Class B operator shall be totally familiar with Class B and Class C operator responsibilities, and may provide required training for Class C operators.

(iv) Department-certified companies, installers and inspectors with underground storage tank UMX or IUM certification categories may perform Class B operator duties when employed or contracted by the tank owner to perform these functions.

(A) Department-certified installers, inspectors and companies identified in this subparagraph are excluded from required training under subsection (c), unless required by the Department to successfully complete mandatory operator training under § 245.411(d).

(B) A certified IUM inspector may not perform a facility operation inspection for a facility where the inspector is also the designated Class B operator. (See § 245.106.)

(3) *Class C operator.* A Class C operator is the first line of response to events indicating emergency conditions. This person is responsible for responding to alarms or other indications of emergencies caused by spills or releases from underground storage tank systems and equipment failures. The Class C operator shall notify the Class A or Class B operator and appropriate emergency responders when necessary.

(i) A Class C operator may control or monitor the dispensing or sale of regulated substances.

(ii) After \_\_\_\_\_, (*Editors Note:* The blank refers to a date 6 months after the effective date of adoption of this proposed rulemaking.) written instructions or procedures shall be provided and visible at manned storage tank facilities, and be readily available for unmanned facilities for persons performing duties of the Class C operator to follow and to provide notification necessary in the event of emergency conditions.

(iii) There may be more than one Class C operator at a storage tank facility, but not all employees of a facility are necessarily Class C operators.

(c) *Required training.*

(1) *Class A operators.* A Class A operator shall successfully complete a training course approved under § 245.141 (relating to training approval) or recognized by the Department under paragraph (5) that includes a general knowledge of underground storage tank system requirements. Training must provide information that should enable the operator to make informed decisions regarding compliance and to ensure that appropriate persons are fulfilling operation, maintenance and recordkeeping requirements and standards of this chapter or Federal underground storage tank requirements in 40 CFR Part 280 (relating to technical standards and corrective action requirements for owners and operators of underground storage tanks (UST)), or both, including the following:

- (i) Spill and overfill prevention.
- (ii) Release detection and related reporting requirements.
- (iii) Corrosion protection.
- (iv) Emergency response.
- (v) Product and equipment compatibility.
- (vi) Financial responsibility.
- (vii) Notification and storage tank registration requirements.
- (viii) Temporary and permanent closure requirements.
- (ix) Operator training requirements.

(2) *Class B operators.* A Class B operator shall successfully complete a training course approved under § 245.141 or recognized by the Department under paragraph (5) that includes an in-depth understanding of operation and maintenance aspects of underground storage tank systems and related regulatory requirements. Training must provide specific information on the components of underground storage tank systems, materials of construction, methods of release detection and release prevention applied to underground storage tank systems and components. Training must address operation and maintenance requirements of this chapter or Federal underground storage tank requirements in 40 CFR Part 280, or both, including the following:

- (i) Spill and overfill prevention.
- (ii) Release detection and related reporting requirements.
- (iii) Corrosion protection and related testing.
- (iv) Emergency response.

(v) Product and equipment compatibility.

(vi) Reporting and recordkeeping requirements.

(vii) Class C operator training requirements.

(3) *Class C operators.* At a minimum, training provided by the tank owner or Class A or Class B operator must enable the Class C operator to take action in response to emergencies, such as situations posing an immediate danger or threat to the public or to the environment and that require immediate action, caused by spills or releases and alarms from an underground storage tank system. Training must include written instructions or procedures for the Class C operator to follow and to provide notification necessary in the event of emergency conditions.

(4) *Class A and Class B operators.* Successful completion for Class A and Class B operators means attendance for the entire training course and demonstration of knowledge of the course material as follows:

(i) Receipt of a passing grade under § 245.141(b)(4), on an examination of material presented in the training course, or demonstration through practical (hands-on) application to the trainer, operation and maintenance checks of underground storage tank equipment, including performance of release detection at the underground storage tank facility, at the conclusion of onsite training.

(ii) Receipt of a training certificate by an approved trainer upon verification of successful completion of training under this paragraph.

(5) *Reciprocity.* The Department may also recognize successful completion of Class A and Class B operator training on regulatory standards consistent with 40 CFR Part 280, which is recognized by other state or implementing agencies and which is approved by the EPA as meeting operator training grant guidelines published by the EPA.

(6) *Costs of training.* The tank owner or operator shall incur the costs of the training.

(d) *Timing of training.*

(1) An owner shall ensure that Class A, Class B and Class C operators are trained as soon as practicable after \_\_\_\_\_, (*Editor's Note:* The blank refers to the effective date of adoption of this proposed rulemaking.) contingent upon availability of approved training providers, but not later than August 8, 2012.

(2) When a Class A or Class B operator is replaced, after August 8, 2012, a new operator shall be trained within 30 days of assuming duties for that class of operator.

(3) Class C operators shall be trained before assuming duties of a Class C operator. After \_\_\_\_\_, (*Editor's Note:* The blank refers to a date 6 months after the effective date of adoption of this proposed rulemaking.) written instructions or procedures shall be provided to Class C operators to follow and to provide notification necessary in the event of emergency conditions. Class C operators shall be briefed on these instructions or procedures at least annually (every 12 months), which may be concurrent with annual safety training required under Occupational Safety and Health Administration, 29 CFR Part 1910 (relating to Occupational Safety and Health Standards).

(e) *Documentation.*

(1) The owner of an underground storage tank facility shall prepare a list of designated operators. The list must represent the current Class A, Class B and Class C operators for the underground storage tank facility and include:

(i) The name of each operator, class of operation trained for and the date each operator successfully completed initial training and refresher training, if any.

(ii) For Class A and Class B operators that are not permanently onsite or assigned to more than one facility, telephone numbers to contact the operators.

(2) A copy of the certificates of training for Class A and Class B operators shall be on file and readily available

and a copy of the facility list of Class A, Class B and Class C operators and Class C operator instructions or procedures shall be kept onsite and immediately available for manned storage tank facilities and readily available for unmanned facilities. (See § 245.435(b)(3)(ix) (relating to reporting and recordkeeping).)

(3) Class C operator and owner contact information, including names and telephone numbers, and emergency information, shall be conspicuously posted at unmanned facilities.

[Pa.B. Doc. No. 09-466. Filed for public inspection March 13, 2009, 9:00 a.m.]

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# STATEMENTS OF POLICY

## Title 12—COMMERCE, TRADE AND LOCAL GOVERNMENT

### PENNSYLVANIA HOUSING FINANCE AGENCY

Home Energy Efficiency Loan Program (R & R Energy); Program Guidelines

#### Corrective Amendment to 12 Pa. Code Chapter 31

The Pennsylvania Housing Finance Agency (Agency) has discovered a discrepancy between the Agency text of 12 Pa. Code Chapter 31 (relating to Housing Finance Agency), as deposited with the Legislative Reference Bureau and published at 38 Pa.B. 5449 (October 4, 2008) and the official text as currently appearing in the *Pennsylvania Code*. The addition of Subchapter C (relating to policy statement on Home Energy Efficiency Loan Program (R & R Energy) was inadvertently omitted from the *Pennsylvania Code Reporter* (Master Transmittal Sheet 409, December 2008).

Therefore, under 45 Pa.C.S. § 901: The Pennsylvania Housing Finance Agency has deposited with the Legislative Reference Bureau a corrective amendment to 12 Pa. Code Chapter 31. The corrective amendment to 12 Pa. Code Chapter 31 is effective as of October 4, 2008, the effective date stated in the ordering language at 38 Pa.B. 5449.

The text will be identical to the version of 12 Pa. Code Chapter 31, Subchapter C that appeared at 38 Pa.B. 5449—5451.

REBECCA L. PEACE,  
*Chief Counsel*

[Pa.B. Doc. No. 09-467. Filed for public inspection March 13, 2009, 9:00 a.m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Order of Quarantine; Emerald Ash Borer

#### Recitals

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

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

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

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

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

#### Order

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

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

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

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

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

- a. The Emerald Ash Borer in any living stage of development;
- b. Ash trees of any size;
- c. Ash limbs, branches, stumps and roots;
- d. Any cut, nonconiferous (hardwood) firewood;

e. Nonconiferous (hardwood) bark and nonconiferous (hardwood) wood chips larger than 1 inch in two dimensions;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. The article is either of the following:

i. The article is apparently free of EAB, based on inspection; or the article has been grown, produced, manufactured, stored or handled in a manner that, in the judgment of the Department, prevents the article from presenting a risk of spreading EAB; or

ii. The article is to be moved to a specified destination for specific processing, handling or utilization (the destination and other conditions to be listed on the advance



written permission), and this movement will not result in the spread of EAB because EAB will be destroyed by the specific processing, handling, or utilization; and

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

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

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

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

7. *Documentation to Accompany Articles in Intrastate Movement from the Quarantined Area.* If an article described in Paragraph No. 2 of this Order is to be moved intrastate from the quarantined area, the article must be plainly marked with the name and address of the consignor and the name and address of the consignee and must have a copy of the applicable Department-issued or Department-authorized (by compliance agreement as described in Paragraph No. 6) certificate or limited permit

securely attached at all times during intrastate movement attached to the article itself, or to the container carrying the article, or to the consignee's copy of the accompanying waybill: Provided, that the description of the article on the certificate or limited permit, and on the waybill, are sufficient to identify the regulated article. The carrier must furnish the certificate or limited permit authorizing the intrastate movement of the article to the consignee at the destination of the shipment.

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

9. *Contacting the Department.* A person seeking information about the requirements of this Order, or a limited permit for intrastate movement of quarantined articles, or a compliance agreement for intrastate movement of quarantined articles, shall contact the Department at the following address or telephone number: Department of Agriculture, Attention: Walt Blosser, 2301 North Cameron Street, Harrisburg, PA 17110-9408, (717) 772-5205, wblosser@state.pa.us.

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

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

12. *Effective Date.* This quarantine is effective as of March 1, 2009, and shall remain in effect until rescinded by subsequent order.

DENNIS C WOLFF,  
Secretary

[Pa.B. Doc. No. 09-468. Filed for public inspection March 13, 2009, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending March 3, 2009.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, may file their comments in writing with the Department of Banking, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

## BANKING INSTITUTIONS

## Conversions

| <i>Date</i> | <i>Name of Bank</i>   | <i>Location</i> | <i>Action</i> |
|-------------|---|-----------------|---------------|
| 2-24-2009   | From: Centric Bank,<br>National Association<br>Harrisburg<br>Dauphin County<br><br>To: Centric Bank<br>Harrisburg<br>Dauphin County | Harrisburg      | Approved      |

Application for conversion from a National Banking Association to a Pennsylvania State-chartered bank.

## Branch Applications

## De Novo Branches

| <i>Date</i> | <i>Name of Bank</i>  | <i>Location</i>   | <i>Action</i> |
|-------------|--|---|---------------|
| 2-19-2009   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | 155 Towne Center Drive<br>Wexford<br>Allegheny County                   | Opened        |
| 2-23-2009   | Northwest Savings Bank<br>Warren<br>Warren County                    | 1609 East Sunrise<br>Boulevard<br>Fort Lauderdale<br>Broward County, FL | Opened        |

## Branch Consolidations

| <i>Date</i> | <i>Name of Bank</i>  | <i>Location</i>  | <i>Action</i> |
|-------------|--|--|---------------|
| 2-27-2009   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | <i>Into:</i> 2 West Main Street<br>Mechanicsburg<br>Cumberland County<br><br><i>From:</i> Main and Filbert Streets<br>Mechanicsburg<br>Cumberland County                     | Approved      |
| 2-27-2009   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | <i>Into:</i> 100 South Union Street<br>Middletown<br>Dauphin County<br><br><i>From:</i> 37 Brown Street<br>Middletown<br>Dauphin County                                      | Approved      |
| 2-27-2009   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | <i>Into:</i> Frankford Avenue and<br>Teesdale Street<br>Philadelphia<br>Philadelphia County<br><br><i>From:</i> 7149 Frankford Avenue<br>Philadelphia<br>Philadelphia County | Approved      |
| 2-27-2009   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | <i>Into:</i> 2 East Baltimore Avenue<br>Media<br>Delaware County<br><br><i>From:</i> Second and Olive Streets<br>Media<br>Delaware County                                    | Approved      |
| 2-27-2009   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | <i>Into:</i> 160 West Eagle Road<br>Havertown<br>Delaware County<br><br><i>From:</i> 1635 East Darby Road<br>Havertown<br>Delaware County                                    | Approved      |

**Branch Discontinuances**

| <i>Date</i> | <i>Name of Bank</i>  | <i>Location</i>   | <i>Action</i>                |
|-------------|--|---|------------------------------|
| 2-26-2009   | Wayne Bank<br>Honesdale<br>Wayne County                              | Weis Market<br>Route 590<br>Hamlin<br>Wayne County              | Approved                     |
| 2-27-2009   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | 70 Buckwalter Road<br>Royersford<br>Montgomery County           | Approved                     |
| 2-27-2009   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | 8423 Frankford Avenue<br>Philadelphia<br>Philadelphia County    | Approved                     |
| 2-27-2009   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | 190 Gamma Drive<br>Pittsburgh<br>Allegheny County               | Approved                     |
| 2-27-2009   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | 656 Broadway<br>McKees Rocks<br>Allegheny County                | Approved                     |
| 2-27-2009   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | 5925 Sixth Avenue<br>Altoona<br>Blair County                    | Approved                     |
| 2-27-2009   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | 2900 East College Avenue<br>State College<br>Centre County      | Approved                     |
| 2-27-2009   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | 1500 Garrett Road<br>Upper Darby<br>Delaware County             | Approved                     |
| 2-27-2009   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | 5045 Township Line Road<br>Drexel Hill<br>Delaware County       | Approved                     |
| 2-27-2009   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | 815 East 38th Street<br>Erie<br>Erie County                     | Approved                     |
| 2-27-2009   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | 270 Main Street<br>Landisville<br>Lancaster County              | Approved                     |
| 2-27-2009   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | 222 West Main Street<br>Collegeville<br>Montgomery County       | Approved<br>and<br>Effective |
| 2-27-2009   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | 512 Pennsylvania Avenue Fort<br>Washington<br>Montgomery County | Approved                     |
| 2-27-2009   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | 3154 State Route 257<br>Seneca<br>Venango County                | Approved                     |
| 2-27-2009   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | 45 East Main Street<br>Dallastown<br>York County                | Approved                     |
| 2-27-2009   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | 33 West Gay Street<br>West Chester<br>Chester County            | Approved                     |
| 2-27-2009   | Citizens Bank of Pennsylvania<br>Philadelphia<br>Philadelphia County | 720 Downingtown Pike<br>West Chester<br>Chester County          | Approved<br>and<br>Effective |

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 09-469. Filed for public inspection March 13, 2009, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, March 25, 2009, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to Kurt Leitholf at (717) 705-0031.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Dupes directly at (717) 705-0031 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

CLIFFORD C. DAVID, Jr.,  
*Chairperson*

[Pa.B. Doc. No. 09-470. Filed for public inspection March 13, 2009, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

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

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

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

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

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

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

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

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

### I. NPDES Renewal Applications

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>  | <i>County &amp;<br/>Municipality</i>    | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|---|---|--------------------------------------|-----------------------------|
| PA0082708<br>(Sew)          | Calamus Estates, LLP<br>c/o Ronald K. Kiser<br>652 Georgetown Road<br>Ronks, PA 17572       | Lancaster<br>Paradise Township          | Calamus Run<br>7-K                   | Y                           |
| PA0087971<br>(IW)           | Bedford Borough Water<br>Authority<br>244 West Penn Street<br>Bedford, PA 15522             | Bedford<br>Bedford Township             | 11-D                                 | Y                           |
| PA0084611<br>(Sew)          | CMV Sewage Company, Inc.<br>200 Bailey Drive<br>Suite 202<br>Stewartstown, PA 17363         | York<br>North Codorus<br>Township       | UNT Codorus Creek<br>7-H             | Y                           |
| PA0083267<br>(IW-Transfer)  | BlueScope Buildings<br>North America<br>400 North Weaver Street<br>Annville, PA 17003-1103  | Lebanon<br>Annville Township            | Quittaphilla Creek<br>7-D            | Y                           |
| PA0247464<br>(Sew)          | East Hanover Township<br>8848 Jonestown Road<br>P. O. Box 4323<br>Grantville, PA 17028-8650 | East Hanover Township<br>Dauphin County | Bow Creek<br>7-D                     | Y                           |
| PA0028088<br>(Sew)          | Brown Township Municipal<br>Authority<br>7748 State Road 655<br>Reedsville, PA 17084-9148   | Brown Township<br>Mifflin County        | Kishacoquillas Creek<br>12-A         | Y                           |

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                              | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i>            | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|---|--------------------------------------|---|-----------------------------|
| PA0222780                   | Scott W. Zimmerman SFTF<br>4822 Glen Hazel Road<br>Wilcox, PA 15870 | Jones Township<br>Elk County         | UNT to the East<br>Branch Clarion River<br>17-A | Y                           |
| PA0239178                   | David J. Mays<br>13 Church Street<br>Westline, PA 16740             | LaFayette Township<br>McKean County  | UNT to Kinzua Creek<br>16-B                     | Y                           |

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i>          | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|--|--------------------------------------|---|-----------------------------|
| PA0104043                   | James E. Barrows<br>d/b/a Grandview Acres MHP<br>3104 Hadley Road<br>Hadley, PA 16130-9723 | Perry Township<br>Mercer County      | UNT to Little Shenango<br>River<br>20-A       | Y                           |
| PA0101176                   | Harvey J. Wolfe<br>1547 Rosely Road<br>St. Marys, PA 15857                                 | City of St. Marys<br>Elk County      | UNT to the South Fork<br>of West Creek<br>8-A | Y                           |

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

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

**PA0035297**, Industrial Waste, SIC 4226, **Sunoco Partners Marketing and Terminals, LP**, 4041 Market Street, Aston, PA 19014. This proposed facility is located in Upper Chichester Township, **Delaware County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated stormwater from the Twin Oaks Petroleum Marketing Terminal.

The receiving stream, a UNT to Baldwin Run, is in the State Water Plan Watershed 3G and is classified for: WWF, aquatic life, water supply and recreation. There is no downstream public water supply intake below the point of discharge.

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

| <i>Parameters</i> | <i>Concentration (mg/l)</i>            |   |
|-------------------|--|---|
|                   | <i>Average<br/>Monthly</i>             | <i>Instantaneous<br/>Maximum (mg/l)</i> |
| Oil and Grease    | 15                                     | 30                                      |
| pH                | 6.0 to 9.0 Standard Units at all times |   |

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

1. Remedial Measures if Necessary.
2. BAT/ELG Reopener.
3. Change of Ownership.
4. Product Contaminated Stormwater Runoff.
5. PPC Plan.
6. Other Wastewater Discharges.
7. Definitions.
8. Proper Sludge Disposal.
9. TMDL/WLA Analysis.
10. Hydrostatic Test Water Discharge.
11. Laboratory Certification.

**PA0052094**, Sewage, **Montgomery Sewer Company, Inc.**, P. O. Box 851, Montgomeryville, PA 18936. This existing facility is located in Montgomery Township, **Montgomery County**.

Description of Proposed Activity: Renewal of NPDES permit to discharge treated sewage effluent from a wastewater treatment facility.

The receiving stream, Little Neshaminy Creek, is in the State Water Plan Watershed 2F and is classified for: WWF, MF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Aqua PA Southeast Division is located on Neshaminy Creek and is 24.7 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.15 mgd:

| <i>Parameter</i>       | <i>Mass (lbs/day)</i>      |                          | <i>Concentration (mg/l)</i> |                          | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|------------------------|----------------------------|--------------------------|-----------------------------|--------------------------|---|
|                        | <i>Average<br/>Monthly</i> | <i>Maximum<br/>Daily</i> | <i>Average<br/>Monthly</i>  | <i>Maximum<br/>Daily</i> |   |
| CBOD <sub>5</sub>      |                            |                          |                             |                          |   |
| (5-1 to 10-31)         | 12.5                       |                          | 10                          |                          | 20                                      |
| (11-1 to 4-30)         | 25.0                       |                          | 20                          |                          | 40                                      |
| Total Suspended Solids | 37.5                       |                          | 30                          |                          | 60                                      |
| NH <sub>3</sub> -N     |                            |                          |                             |                          |   |
| (5-1 to 10-31)         | 2.5                        |                          | 2.0                         |                          | 4.0                                     |
| (11-1 to 4-30)         | 7.5                        |                          | 6.0                         |                          | 12.0                                    |

| <i>Parameter</i>  | <i>Mass (lbs/day)</i>  |                      | <i>Concentration (mg/l)</i> |                      | <i>Instantaneous Maximum (mg/l)</i> |
|---|------------------------|----------------------|-----------------------------|----------------------|-------------------------------------|
|   | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i>      | <i>Maximum Daily</i> |                                     |
| Nitrite and Nitrate as N<br>(7-1 to 10-31)                                    | 11.0                   |                      | 9.0                         |                      | 18.0                                |
| Phosphorus as P<br>(4-1 to 10-31)   | 1.0                    |                      | 0.8                         |                      | 1.6                                 |
| Fecal Coliform<br>(# col/100 ml)  |                        |                      | 200                         |                      | 1,000                               |
| Total Residual Chlorine   |                        |                      | 0.2                         |                      | 0.6                                 |
| Dissolved Oxygen  |                        |                      | 5.0 Instantaneous Minimum   |                      |                                     |
| pH (Standard Units)   |                        |                      | 6.0 Instantaneous Minimum   |                      | 9.0                                 |
| Phosphorus as P<br>(11-1 to 3-31)<br>(Issuance—Year 2)<br>(Year 3—Expiration) | Report<br>2.0          |                      | Report<br>1.6               |                      | Report<br>3.2                       |

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. Change in Ownership.
8. Chlorine Minimization.
9. Proper Sludge Disposal.
10. Instantaneous Maximum Limits.
11. Operator Training.
12. Laboratory Certification.
13. Fecal Coliform Reporting.
14. Operations and Maintenance Plan.

**PA0026531 A1**, Sewage, **Downingtown Area Regional Authority**, 6 West Lancaster Avenue, Downingtown, PA 19335. This existing facility is located in East Caln Township, **Chester County**.

Description of Proposed Activity: This application is for amendment of the NPDES permit for the Downingtown Regional Water Pollution Control Center sewage treatment plant Outfall 001, to reflect a reallocation of loadings from Sonoco Products Company for CBOD<sub>5</sub>, Ammonia as N, Total Phosphorus and Total Nitrogen from the Christina River Basin low-flow TMDL.

The receiving stream, East Branch Brandywine Creek, is in the State Water Plan Watershed 3H and is designated in the area of the discharge for: WWF and MF and Statewide water uses.

The proposed effluent limits for Outfall 001 are based on a design flow of 7.5 mgd.

| <i>Parameters</i>                   | <i>Mass (lbs/day)</i>  |                       | <i>Concentration (mg/l)</i>    |                       | <i>Instantaneous Maximum (mg/l)</i> |
|-------------------------------------|------------------------|-----------------------|--------------------------------|-----------------------|-------------------------------------|
|                                     | <i>Monthly Average</i> | <i>Weekly Average</i> | <i>Monthly Average</i>         | <i>Weekly Average</i> |                                     |
| CBOD <sub>5</sub><br>(5-1 to 10-31) | 654                    | 981                   | 10.5                           | 15.8                  | 21.0                                |
| (11-1 to 4-30)                      | 1,308                  | 1,962                 | 21.0                           | 31.5                  | 42.0                                |
| Total Suspended Solids              | 1,877                  | 2,815                 | 30                             | 45                    | 60                                  |
| Ammonia as N<br>(5-1 to 10-31)      | 132                    |                       | 2.0                            |                       | 4.0                                 |
| (11-1 to 4-30)                      | 396                    |                       | 6.0                            |                       | 12.0                                |
| Phosphorus as P                     | 125                    |                       | 2.0                            |                       | 4.0                                 |
| Fecal Coliform                      |                        |                       | 200/100 ml<br>(Geometric Mean) |                       | 1,000/100 ml                        |
| Dissolved Oxygen                    |                        |                       | 6.0 (Minimum)                  |                       |                                     |
| pH (Standard Units)                 |                        |                       | 6.0 (Minimum)                  |                       | 9.0                                 |
| Total Residual Chlorine             |                        |                       | 0.05                           |                       | 1.6                                 |
| Nitrogen, Total                     | Monitor and Report     |                       | Monitor and Report             |                       |                                     |

The permit amendment does not affect stormwater Outfall 002.

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

1. Notification of Designation of Operator.
2. Average Weekly Reporting.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Total Residual Chlorine Requirement.
7. Sludge Disposal Requirement.
8. TMDL/WLA Analysis.
9. Chronic WET Testing.
10. Chronic WET Monitoring.
11. Certified Operator.
12. Imax Requirements.
13. Requirements Applicable to Stormwater Outfalls.
14. Pretreatment Program.
15. Operations and Maintenance Plan.
16. Laboratory Certification.

**PA0027103, Amendment 1**, SEW, SIC 4952, **DELCORA**, 100 East Fifth Street, P. O. Box 999, Chester, PA 19016-0999. This proposed facility is located in the City of Chester, **Delaware County**.

Description of Proposed Activity: This application is for an amendment of an NPDES permit to discharge 44 million gpd of treated sewage to the Delaware River, Zone 4. This is an existing discharge to the Delaware River.

The amendment includes a newly discovered CSO outfall, Polychlorinated Biphenyl (PCB) monitoring and Pollution Minimization Plan requirements per Delaware River Basin Commission.

Monitoring of Outfall 001 for PCBs, twice a year during wet weather and twice a year during dry weather are included in the amendment.

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

**PA-0060071-A1**, Industrial, **Sanofi Pasteur**, Discovery Drive, Swiftwater, PA 18370-0187. This proposed facility is located in Pocono Township, **Monroe County**.

Description of Proposed Activity: Renewal of NPDES Application for increased discharge up to 0.550 mgd.

The receiving stream, Swiftwater Creek, is in the State Water Plan Watershed 1E and is classified for: HQ-CWF. The nearest downstream public water supply intake for East Stroudsburg is located on the Delaware River below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of .55 mgd.

| Parameter              | Mass (lbs/day)                  |               | Concentration (mg/l) |               |                       |
|------------------------|---------------------------------|---------------|----------------------|---------------|-----------------------|
|                        | Average Monthly                 | Maximum Daily | Average Monthly      | Maximum Daily | Instantaneous Maximum |
| BOD <sub>5</sub>       | 203.7                           | 489           | 44.0                 | 106.6         |                       |
| NH <sub>3</sub> -N     |                                 |               |                      |               |                       |
| (5-1 to 10-31)         | 11.2                            | 22.5          | 2.4                  | 4.9           |                       |
| (11-1 to 4-30)         | 33.7                            | 67.4          | 7.3                  | 14.7          |                       |
| Phosphorus             | 6.05                            |               | 1.32                 |               | 2.64                  |
| Total Suspended Solids | 104                             | 208           | 22.0                 | 45            |                       |
| Total Dissolved Solids | 2,927                           | 4,273         | 1,200                | 1,752         |                       |
| COD                    | 472                             | 926           | 103                  | 202           |                       |
| pH                     | 6.0 to 9.0 at all times         |               |                      |               |                       |
| Nitrites/Nitrates      | Monitor and Report              |               |                      |               |                       |
| Dissolved Oxygen       | Minimum to 6.0 at all times     |               |                      |               |                       |
| Fecal                  |                                 |               |                      |               |                       |
| (5-1 to 9-30)          | 200/100 ml as Geometric Average |               |                      |               |                       |
| (10-1 to 4-30)         | 338/100 ml as Geometric Average |               |                      |               |                       |
| Cyanide                | 20.4                            | 72.7          | 4.45                 | 15.86         |                       |
| Acetone                | 0.43                            | 1.08          | 0.094                | 0.235         |                       |
| Acetonitrile           | 22.0                            | 54.0          | 4.8                  | 11.8          |                       |
| n-Amyl acetate         | 1.08                            | 2.8           | 0.24                 | 0.61          |                       |
| Amyl alcohol           | 8.9                             | 21.6          | 1.93                 | 4.7           |                       |



| <i>Parameter</i>   | <i>Mass (lbs/day)</i>  |                      | <i>Concentration (mg/l)</i> |                      |                              |
|--------------------|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
|                    | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i>      | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Benzene            | 0.04                   | 0.10                 | 0.009                       | 0.023                |                              |
| n-Butyl acetate    | 1.08                   | 2.8                  | 0.235                       | 0.61                 |                              |
| Chlorobenzene      | 0.13                   | 0.32                 | 0.028                       | 0.07                 |                              |
| Chloroform         | 0.02                   | 0.04                 | 0.005                       | 0.008                |                              |
| o-Dichlorobenzene  | 0.13                   | 0.32                 | 0.028                       | 0.070                |                              |
| 1,2 Dichloroethane | 0.06                   | 0.08                 | 0.0120                      | 0.018                |                              |
| Diethyl amine      | 220                    | 540                  | 48.0                        | 117                  |                              |
| Dimethyl Sulfoxide | 81                     | 197                  | 17.6                        | 43.1                 |                              |
| Ethanol            | 8.86                   | 21.6                 | 1.93                        | 4.7                  |                              |
| Ethyl acetate      | 1.08                   | 2.80                 | 0.235                       | 0.61                 |                              |
| n-Heptane          | 0.04                   | 0.10                 | 0.009                       | 0.023                |                              |
| n-Hexane           | 0.04                   | 0.06                 | 0.009                       | 0.014                |                              |
| Isobutylaldehyde   | 1.08                   | 2.6                  | 0.235                       | 0.56                 |                              |
| Isopropanol        | 3.45                   | 9.0                  | 0.75                        | 1.98                 |                              |
| Isopropyl acetate  | 1.08                   | 2.80                 | 0.23                        | 0.61                 |                              |
| Isopropyl ether    | 5.6                    | 18.1                 | 1.22                        | 3.95                 |                              |
| Methanol           | 8.8                    | 21.6                 | 1.9                         | 4.7                  |                              |
| Methyl Cellosolve  | 87.70                  | 215                  | 19.1                        | 47.0                 |                              |
| Methylene Chloride | 0.64                   | 1.0                  | 0.140                       | 0.220                |                              |
| Methyl formate     | 1.08                   | 2.80                 | 0.235                       | 0.61                 |                              |
| mercury            | 0.0013                 | 0.0021               | 0.000280                    | 0.00045              |                              |
| MIBK               | 0.43                   | 1.08                 | 0.094                       | 0.235                |                              |
| Phenol             | 0.04                   | 0.10                 | 0.009                       | 0.023                |                              |
| Tetrahydrofuran    | 5.6                    | 18.1                 | 1.22                        | 3.95                 |                              |
| Toluene            | 0.04                   | 0.12                 | 0.009                       | 0.027                |                              |
| Triethyl Amine     | 220                    | 540                  | 48.0                        | 117                  |                              |
| Xylenes            | 0.02                   | 0.07                 | 0.005                       | 0.015                |                              |

## TEMPERATURE

| <i>Period</i>   | <i>Allowable Temp (° F)</i> |
|-----------------|-----------------------------|
| January 1—31    | 50.4                        |
| February 1—29   | 52.9                        |
| March 1—31      | 73.7                        |
| April 1—15      | 91.8                        |
| April 16—30     | 97.8                        |
| May 1—15        | 80.6                        |
| May 16—31       | 84.6                        |
| June 1—15       | 78.5                        |
| June 16—30      | 82.5                        |
| July 1—31       | 80.2                        |
| August 1—15     | 77.7                        |
| August 16—31    | 77.7                        |
| September 1—15  | 72.3                        |
| September 16—30 | 66.3                        |
| October 1—15    | 61.8                        |
| October 16—31   | 57.8                        |
| November 1—15   | 54.7                        |
| November 16—30  | 48.7                        |
| December 1—31   | 47.6                        |

The proposed effluent limits for Outfall 001 based on a design flow of 0.70 mgd.

| <i>Parameter</i>       | <i>Mass (lbs/day)</i>       |                      | <i>Concentration (mg/l)</i> |                      |                              |
|------------------------|-----------------------------|----------------------|-----------------------------|----------------------|------------------------------|
|                        | <i>Average Monthly</i>      | <i>Maximum Daily</i> | <i>Average Monthly</i>      | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| BOD <sub>5</sub>       | 216                         | 519                  | 37                          | 89                   |                              |
| NH <sub>3</sub> -N     |                             |                      |                             |                      |                              |
| (5-1 to 10-31)         | 13.1                        | 26.3                 | 2.25                        | 4.5                  |                              |
| (11-1 to 4-30)         | 39.7                        | 79.4                 | 6.8                         | 13.6                 |                              |
| Phosphorus             | 6.2                         |                      | 1.06                        |                      | 2.12                         |
| Total Suspended Solids | 117                         | 234                  | 20                          | 40                   | 50                           |
| Total Dissolved Solids | 4,428                       | 6,465                | 758                         | 1,107                |                              |
| COD                    | 473                         | 927                  | 81                          | 159                  |                              |
| pH                     | 6.0 to 9.0 at all times     |                      |                             |                      |                              |
| Nitrites/Nitrates      | Monitor and Report          |                      |                             |                      |                              |
| Dissolved Oxygen       | Minimum to 6.0 at all times |                      |                             |                      |                              |

| <i>Parameter</i>                         | <i>Mass (lbs/day)</i>  |                      | <i>Concentration (mg/l)</i>    |  | <i>Instantaneous Maximum</i> |
|--|------------------------|----------------------|--------------------------------|--|------------------------------|
|  | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i>         | <i>Maximum Daily</i>                   |                              |
| Fecal<br>(5-1 to 9-30)<br>(10-1 to 4-30) |                        |                      | 200/100 ml as<br>338/100 ml as | Geometric Average<br>Geometric Average |                              |
| Cyanide                                  | 20.4                   | 72.7                 | 3.5                            | 12.5                                   |                              |
| Acetone                                  | 0.43                   | 1.08                 | 0.074                          | 0.19                                   |                              |
| Acetonitrile                             | 22.0                   | 54.0                 | 3.77                           | 9.25                                   |                              |
| n-Amyl acetate                           | 1.08                   | 2.8                  | 0.185                          | 0.48                                   |                              |
| Amyl alcohol                             | 8.9                    | 21.6                 | 1.52                           | 3.7                                    |                              |
| Benzene                                  | 0.04                   | 0.10                 | 0.007                          | 0.018                                  |                              |
| n-Butyl acetate                          | 1.08                   | 2.8                  | 0.185                          | 0.481                                  |                              |
| Chlorobenzene                            | 0.13                   | 0.32                 | 0.022                          | 0.055                                  |                              |
| Chloroform                               | 0.02                   | 0.04                 | 0.004                          | 0.006                                  |                              |
| o-Dichlorobenzene                        | 0.13                   | 0.32                 | 0.022                          | 0.055                                  |                              |
| 1,2 Dichloroethane                       | 0.06                   | 0.08                 | 0.010                          | 0.015                                  |                              |
| Diethyl amine                            | 220                    | 540                  | 37.7                           | 92.5                                   |                              |
| Dimethyl Sulfoxide                       | 81.0                   | 197                  | 13.9                           | 33.9                                   |                              |
| Ethanol                                  | 8.9                    | 21.6                 | 1.52                           | 3.7                                    |                              |
| Ethyl acetate                            | 1.08                   | 2.8                  | 0.185                          | 0.48                                   |                              |
| n-Heptane                                | 0.04                   | 0.10                 | 0.007                          | 0.018                                  |                              |
| n-Hexane                                 | 0.04                   | 0.06                 | 0.007                          | 0.011                                  |                              |
| Isobutylaldehyde                         | 1.08                   | 2.6                  | 0.185                          | 0.444                                  |                              |
| Isopropanol                              | 3.45                   | 9.0                  | 0.6                            | 1.54                                   |                              |
| Isopropyl acetate                        | 1.08                   | 2.80                 | 0.185                          | 0.48                                   |                              |
| Isopropyl ether                          | 5.6                    | 18.1                 | 0.96                           | 3.1                                    |                              |
| Methanol                                 | 8.8                    | 21.6                 | 1.52                           | 3.7                                    |                              |
| Methyl Cellosolve                        | 87.7                   | 215                  | 15.0                           | 37                                     |                              |
| Methylene Chloride                       | 0.64                   | 1.0                  | 0.11                           | 0.17                                   |                              |
| Methyl formate                           | 1.08                   | 2.80                 | 0.185                          | 0.48                                   |                              |
| mercury                                  | 0.0013                 | 0.0020               | 0.00022                        | 0.0003                                 |                              |
| MIBK                                     | 0.43                   | 1.08                 | 0.07                           | 0.185                                  |                              |
| Phenol                                   | 0.04                   | 0.10                 | 0.007                          | 0.018                                  |                              |
| Tetrahydrofuran                          | 5.6                    | 18.1                 | 0.96                           | 3.1                                    |                              |
| Toluene                                  | 0.04                   | 0.12                 | 0.007                          | 0.021                                  |                              |
| Triethyl Amine                           | 220                    | 540                  | 38                             | 92.5                                   |                              |
| Xylenes                                  | 0.02                   | 0.07                 | 0.004                          | 0.012                                  |                              |

## TEMPERATURE

| <i>Period</i>   | <i>Allowable Temp (° F)</i> |
|-----------------|-----------------------------|
| January 1—31    | 47.1                        |
| February 1—29   | 49.3                        |
| March 1—31      | 66.5                        |
| April 1—15      | 82.2                        |
| April 16—30     | 88.2                        |
| May 1—15        | 75.3                        |
| May 16—31       | 79.3                        |
| June 1—15       | 75.4                        |
| June 16—30      | 79.4                        |
| July 1—31       | 78.4                        |
| August 1—15     | 76.3                        |
| August 16—31    | 76.3                        |
| September 1—15  | 71.2                        |
| September 16—30 | 65.2                        |
| October 1—15    | 60.5                        |
| October 16—31   | 56.5                        |
| November 1—15   | 53.1                        |
| November 16—30  | 47.1                        |
| December 1—31   | 45.1                        |

The proposed effluent limits for Outfall 001 based on a design flow of 0.90 mgd.

| <i>Parameter</i>                     | <i>Mass (lbs/day)</i>  |                      | <i>Concentration (mg/l)</i> |                      | <i>Instantaneous Maximum</i> |
|--------------------------------------|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
|                                      | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i>      | <i>Maximum Daily</i> |                              |
| BOD <sub>5</sub>                     | 233                    | 559                  | 31.0                        | 74.5                 |                              |
| NH <sub>3</sub> -N<br>(5-1 to 10-31) | 15.6                   | 31.2                 | 2.08                        | 4.2                  |                              |
| (11-1 to 4-30)                       | 47                     | 94                   | 6.24                        | 13.0                 |                              |

| <i>Parameter</i>                         | <i>Mass (lbs/day)</i>       |                          | <i>Concentration (mg/l)</i>     |                          | <i>Instantaneous<br/>Maximum</i> |
|--|-----------------------------|--------------------------|---------------------------------|--------------------------|----------------------------------|
|  | <i>Average<br/>Monthly</i>  | <i>Maximum<br/>Daily</i> | <i>Average<br/>Monthly</i>      | <i>Maximum<br/>Daily</i> |                                  |
| Phosphorus                               | 6.38                        |                          | 0.85                            |                          | 1.7                              |
| Total Suspended Solids                   | 134                         | 267                      | 17.8                            | 36                       |                                  |
| Total Dissolved Solids                   | 6,430                       | 9,388                    | 857                             | 1,251                    |                                  |
| COD                                      | 473                         | 927                      | 63                              | 123                      |                                  |
| pH                                       | 6.0 to 9.0 at all times     |                          |                                 |                          |                                  |
| Nitrites/Nitrates                        | Monitor and Report          |                          |                                 |                          |                                  |
| Dissolved Oxygen                         | Minimum to 6.0 at all times |                          |                                 |                          |                                  |
| Fecal<br>(5-1 to 9-30)<br>(10-1 to 4-30) |                             |                          | 200/100 ml as Geometric Average |                          |                                  |
|  |                             |                          | 338/100 ml as Geometric Average |                          |                                  |
| Cyanide                                  | 20.4                        | 72.7                     | 2.72                            | 9.7                      |                                  |
| Acetone                                  | 0.43                        | 1.08                     | 0.058                           | 0.145                    |                                  |
| Acetonitrile                             | 22.0                        | 54.0                     | 2.9                             | 7.2                      |                                  |
| n-Amyl acetate                           | 1.08                        | 2.8                      | 0.144                           | 0.374                    |                                  |
| Amyl alcohol                             | 8.9                         | 21.6                     | 1.18                            | 2.88                     |                                  |
| Benzene                                  | 0.05                        | 0.10                     | 0.006                           | 0.015                    |                                  |
| n-Butyl acetate                          | 1.08                        | 2.8                      | 0.144                           | 0.374                    |                                  |
| Chlorobenzene                            | 0.13                        | 0.32                     | 0.017                           | 0.043                    |                                  |
| Chloroform                               | 0.02                        | 0.04                     | 0.003                           | 0.005                    |                                  |
| o-Dichlorobenzene                        | 0.13                        | 0.32                     | 0.017                           | 0.043                    |                                  |
| 1,2 Dichloroethane                       | 0.06                        | 0.08                     | 0.008                           | 0.012                    |                                  |
| Diethyl amine                            | 220.4                       | 540                      | 29.3                            | 72                       |                                  |
| Dimethyl Sulfoxide                       | 81.0                        | 197                      | 10.8                            | 26.3                     |                                  |
| Ethanol                                  | 8.86                        | 21.6                     | 1.2                             | 2.9                      |                                  |
| Ethyl acetate                            | 1.08                        | 2.80                     | 0.144                           | 0.374                    |                                  |
| n-Heptane                                | 0.04                        | 0.10                     | 0.006                           | 0.015                    |                                  |
| n-Hexane                                 | 0.04                        | 0.06                     | 0.006                           | 0.009                    |                                  |
| Isobutylaldehyde                         | 1.08                        | 2.6                      | 0.144                           | 0.346                    |                                  |
| Isopropanol                              | 3.45                        | 9.0                      | 0.46                            | 1.2                      |                                  |
| Isopropyl acetate                        | 1.08                        | 2.80                     | 0.144                           | 0.374                    |                                  |
| Isopropyl ether                          | 5.6                         | 18.1                     | 0.75                            | 2.4                      |                                  |
| Methanol                                 | 8.8                         | 21.61                    | 1.2                             | 2.9                      |                                  |
| Methyl Cellosolve                        | 87.70                       | 215                      | 11.7                            | 29.0                     |                                  |
| Methylene Chloride                       | 0.64                        | 1.0                      | 0.10                            | 0.15                     |                                  |
| Methyl formate                           | 1.08                        | 2.80                     | 0.144                           | 0.37                     |                                  |
| mercury                                  | 0.0013                      | 0.0021                   | 0.00021                         | 0.0003                   |                                  |
| MIBK                                     | 0.43                        | 1.08                     | 0.06                            | 0.145                    |                                  |
| Phenol                                   | 0.04                        | 0.10                     | 0.006                           | 0.015                    |                                  |
| Tetrahydrofuran                          | 5.6                         | 18.1                     | 0.75                            | 2.4                      |                                  |
| Toluene                                  | 0.04                        | 0.12                     | 0.006                           | 0.018                    |                                  |
| Triethyl Amine                           | 220                         | 540                      | 29.3                            | 72                       |                                  |
| Xylenes                                  | 0.02                        | 0.07                     | 0.003                           | 0.009                    |                                  |

## TEMPERATURE

| <i>Period</i>   | <i>Allowable Temp (° F)</i> |
|-----------------|-----------------------------|
| January 1—31    | 44.4                        |
| February 1—29   | 46.3                        |
| March 1—31      | 60.6                        |
| April 1—15      | 74.4                        |
| April 16—30     | 80.4                        |
| May 1—15        | 71                          |
| May 16—31       | 75                          |
| June 1—15       | 72.8                        |
| June 16—30      | 76.8                        |
| July 1—31       | 77                          |
| August 1—15     | 75.1                        |
| August 16—31    | 75.1                        |
| September 1—15  | 70.2                        |
| September 16—30 | 64.2                        |
| October 1—15    | 59.5                        |
| October 16—31   | 55.5                        |
| November 1—15   | 51.7                        |
| November 16—30  | 45.7                        |
| December 1—31   | 43.1                        |

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

**Application No. PA 0088714**, CAFO, **Wide Awake Farms Partnership**, 411 Chestnut Street, Lebanon, PA 17042 and Pork Champ, LLC, 572 Waldo-Fulton Road, Waldo, OH 43356.

Wide Awake Farms Partnership and Pork Champ, LLC have submitted an application to renew the existing Individual NPDES permit for an existing CAFO known as Wide Awake Farm, located in Monroe Township, **Bedford County**.

The CAFO is situated near UNTs of West Branch Sideling Hill Creek, which are classified as EV waters. The CAFO includes three animal housing units designed to maintain an animal population of approximately 704 animal equivalent units consisting of 1,150 gestating sows, 192 sows with litters, three boars, 155 replacement gilts and 4,340 nursery pigs. Manure is stored in a high-density polyethylene-lined earthen impoundment with a capacity of approximately 2.9 million gallons. Manure is stored in an existing concrete structure at a second facility with a capacity of approximately 30,000 gallons. Manure produced at the operation is utilized on farm or exported to local farmers in accordance with an approved Nutrient Management Plan. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

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

Persons wishing to comment on the proposed permit are invited to submit written comments to the previous address within 30 days from the date of this public notice. Comments received within this 30-day period will be considered in formulating the Department's final determination regarding the application. Following the 30-day comment period, the Watershed Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time the determination may be appealed to the Environmental Hearing Board.

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

**Application No. PA 0020508**, Sewage, **McConnellsburg Sewerage Authority**, P. O. Box 681, McConnellsburg, PA 17233. This facility is located in Ayr Township, **Fulton County**.

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

The receiving stream, Big Cove Creek, is in Watershed 13-B, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Hagerstown City is located on the Potomac River, approximately 35 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.600 mgd are:

| Parameter               | Average Monthly (mg/l) | Average Weekly (mg/l)               | Instantaneous Maximum (mg/l) |
|-------------------------|------------------------|-------------------------------------|------------------------------|
| CBOD <sub>5</sub>       |                        |                                     |                              |
| (5-1 to 10-31)          | 15                     | 22.5                                | 30                           |
| (11-1 to 4-30)          | 25                     | 40                                  | 50                           |
| Total Suspended Solids  | 30                     | 45                                  | 60                           |
| NH <sub>3</sub> -N      |                        |                                     |                              |
| (5-1 to 10-31)          | 2                      |                                     | 4                            |
| (11-1 to 4-30)          | 6                      |                                     | 12                           |
| Total Residual Chlorine | 0.08                   |                                     | 0.28                         |
| Total Copper            | Report                 |                                     |                              |
| Dissolved Oxygen        |                        | Minimum of 5.0 at all times         |                              |
| pH                      |                        | From 6.0 to 9.0 inclusive           |                              |
| Fecal Coliform          |                        | 200/100 ml as a Geometric Average   |                              |
| (5-1 to 9-30)           |                        | 2,000/100 ml as a Geometric Average |                              |
| (10-1 to 4-30)          |                        |                                     |                              |

*Chesapeake Bay Requirements*

|                      | Concentration (mg/l) | Mass (lbs) |         |
|----------------------|----------------------|------------|---------|
|                      | Monthly Average      | Monthly    | Annual  |
| 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     | 10,959* |
| Net Total Phosphorus | XXX                  | Report     | 1,461*  |

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

\* The annual mass loads for Total Nitrogen and Total Phosphorus become effective after completion of the construction project in accordance with the schedule contained in PART C of the permit.

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

The EPA waiver is not in effect.

**Application No. PA 0020478**, Sewage, **Bloomfield Borough**, P. O. Box 144, New Bloomfield, PA 17068. This facility is located in Bloomfield Borough, **Perry County**.

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

The receiving stream, a UNT to Trout Run, is in Watershed 7-A, and classified for CWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for United Water Company is located on the Susquehanna River, approximately 18.9 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 0.25 mgd are:

| Parameter              | Average Monthly (mg/l) | Average Weekly (mg/l)               | Instantaneous Maximum (mg/l) |
|------------------------|------------------------|-------------------------------------|------------------------------|
| CBOD <sub>5</sub>      | 25                     | 40                                  | 50                           |
| Total Suspended Solids | 30                     | 45                                  | 60                           |
| NH <sub>3</sub> -N     |                        |                                     |                              |
| (5-1 to 10-31)         | 3.5                    |                                     | 7.0                          |
| (11-1 to 4-30)         | 10.5                   |                                     | 21                           |
| Total Zinc             | 0.169                  |                                     | 0.422                        |
| Dissolved Oxygen       |                        | Minimum of 5.0 at all times         |                              |
| pH                     |                        | From 6.0 to 9.0 inclusive           |                              |
| Fecal Coliform         |                        | 200/100 ml as a Geometric Average   |                              |
| (5-1 to 9-30)          |                        | 2,000/100 ml as a Geometric Average |                              |
| (10-1 to 4-30)         |                        |                                     |                              |

*Chesapeake Bay Requirements*

|                      | Concentration (mg/l) | Monthly | Mass (lbs) | Annual |
|----------------------|----------------------|---------|------------|--------|
|                      | Monthly Average      |         |            |        |
| Ammonia-N            | Report               |         |            |        |
| Kjeldahl-N           | Report               |         |            |        |
| Nitrate-Nitrite as N | Report               |         |            |        |
| Total Nitrogen       | Report               |         |            |        |
| Total Phosphorus     | Report               |         |            |        |

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 EPA waiver is in effect.

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

**PA0004219**, Industrial Waste, SIC 1061, 2819 and 3313, **Langeloth Metallurgical Company**, P. O. Box 608, Langeloth, PA 15054. This application is for renewal of an NPDES permit to discharge treated process water, sewage and untreated cooling water stormwater from the Langeloth Plant in Smith Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, UNT to Burgetts Fork, 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 Midland Borough Municipal Water Authority, located at Midland-Ohio River, approximately 45 miles below the discharge point.

*Internal Monitoring Point 101:* existing discharge, design flow of 0.005 mgd.

| Parameter         | Mass (lbs/day)  |               | Concentration (mg/l) |               |                       |
|-------------------|-----------------|---------------|----------------------|---------------|-----------------------|
|                   | Average Monthly | Maximum Daily | Average Monthly      | Maximum Daily | Instantaneous Maximum |
| Flow (mgd)        | 0.015           |               |                      |               |                       |
| CBOD <sub>5</sub> |                 |               | 25                   |               | 50                    |
| Suspended Solids  |                 |               | 30                   |               | 60                    |

| <i>Parameter</i>  | <i>Mass (lbs/day)</i>                  |                      | <i>Concentration (mg/l)</i>    |                      |                              |
|---|--|----------------------|--------------------------------|----------------------|------------------------------|
|   | <i>Average Monthly</i>                 | <i>Maximum Daily</i> | <i>Average Monthly</i>         | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Total Residual Chlorine   |  |                      | Monitor and Report             |                      |                              |
| 1st month—36th month  |  |                      | 1.4                            |                      |                              |
| 37th month—expiration   |  |                      |                                |                      | 3.3                          |
| Fecal Coliform  |  |                      | 200/100 ml as Geometric Mean   |                      |                              |
| (5-1 to 9-30)   |  |                      | 2,000/100 ml as Geometric Mean |                      |                              |
| (10-1 to 4-30)  |  |                      |                                |                      |                              |
| pH  | not less than 6.0 nor greater than 9.0 |                      |                                |                      |                              |
| <i>Internal Monitoring Point 201: existing discharge, design flow of 0.006 mgd.</i> |  |                      |                                |                      |                              |

| <i>Parameter</i>  | <i>Mass (lbs/day)</i>                  |                      | <i>Concentration (mg/l)</i> |                      |                              |
|---|--|----------------------|-----------------------------|----------------------|------------------------------|
|   | <i>Average Monthly</i>                 | <i>Maximum Daily</i> | <i>Average Monthly</i>      | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd)  | Monitor and Report                     |                      |                             |                      |                              |
| Temperature (° F)   |  |                      |                             | 110                  |                              |
| pH  | not less than 6.0 nor greater than 9.0 |                      |                             |                      |                              |
| <i>Internal Monitoring Point 301: existing discharge, design flow of 0.028 mgd.</i> |  |                      |                             |                      |                              |

| <i>Parameter</i>  | <i>Mass (lbs/day)</i>                  |                      | <i>Concentration (mg/l)</i> |                      |                              |
|---|--|----------------------|-----------------------------|----------------------|------------------------------|
|   | <i>Average Monthly</i>                 | <i>Maximum Daily</i> | <i>Average Monthly</i>      | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Flow (mgd)  | Monitor and Report                     |                      |                             |                      |                              |
| Arsenic   | 0.76                                   | 1.70                 | 0.62                        | 1.39                 |                              |
| Cadmium   |  |                      |                             |                      |                              |
| 1st month—36th month  | 0.10                                   | 0.25                 | 0.08                        | 0.20                 |                              |
| 37th month—expiration   | 0.10                                   | 0.25                 | 0.02                        | 0.04                 |                              |
| Copper  | 0.75                                   | 1.57                 | 0.55                        | 1.1                  |                              |
| Lead  | 0.16                                   | 0.34                 | 0.13                        | 0.28                 |                              |
| Zinc  | 0.52                                   | 1.25                 | 0.42                        | 1.02                 |                              |
| Fluoride  | 24.39                                  | 42.91                | 19.9                        | 35.0                 |                              |
| Suspended Solids  | 72.96                                  | 145.92               | 12                          | 15                   |                              |
| Oil and Grease  |  |                      | 15                          |                      | 30                           |
| Molybdenum  |  |                      |                             |                      |                              |
| 1st month—36th month  |  |                      | 30                          |                      | 60                           |
| 37th month—expiration   |  |                      | 3.5                         |                      | 7.0                          |
| pH  | not less than 6.0 nor greater than 9.0 |                      |                             |                      |                              |
| <i>Outfall 001: existing discharge, design flow of 0.030 mgd.</i> |  |                      |                             |                      |                              |

| <i>Parameter</i>   | <i>Mass (lbs/day)</i>  |                      | <i>Concentration (mg/l)</i> |                      |                              |
|--|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
|  | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i>      | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| This outfall receives wastewater contributions from IMPs 101, 201 and 301. The permit limits are imposed at each respective IMP. |                        |                      |                             |                      |                              |

*Outfall 002, 002a, 002b, 002c and 002d: existing discharge, design flow of varied mgd.*

| <i>Parameter</i>                              | <i>Mass (lbs/day)</i>  |                      | <i>Concentration (mg/l)</i> |                      |                              |
|---|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
|   | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i>      | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Zinc  |                        |                      | Monitor and Report          |                      |                              |
| Molybdenum                                    |                        |                      | Monitor and Report          |                      |                              |
| Total Suspended Solids                        |                        |                      | Monitor and Report          |                      |                              |
| See Condition No. 15 in Part C of the permit. |                        |                      |                             |                      |                              |

*Outfall 003: 003a and 003b existing discharge, design flow of varied mgd.*

| <i>Parameter</i>                              | <i>Mass (lbs/day)</i>                  |                      | <i>Concentration (mg/l)</i> |                      |                              |
|---|--|----------------------|-----------------------------|----------------------|------------------------------|
|   | <i>Average Monthly</i>                 | <i>Maximum Daily</i> | <i>Average Monthly</i>      | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Zinc  |  |                      | Monitor and Report          |                      |                              |
| Molybdenum                                    |  |                      | Monitor and Report          |                      |                              |
| Total Suspended Solids                        |  |                      | Monitor and Report          |                      |                              |
| See Condition No. 15 in Part C of the permit. |  |                      |                             |                      |                              |
| pH  | not less than 6.0 nor greater than 9.0 |                      |                             |                      |                              |

*Outfall 004:* existing discharge, design flow of varied mgd.

| <i>Parameter</i>       | <i>Mass (lbs/day)</i>  |                      | <i>Concentration (mg/l)</i> |                      |                              |
|------------------------|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
|                        | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i>      | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Zinc                   |                        |                      |                             |                      |                              |
| Molybdenum             |                        |                      |                             |                      |                              |
| Total Suspended Solids |                        |                      |                             |                      |                              |

See Condition No. 15 in Part C of the permit.

*Outfall 005:* existing discharge, design flow of varied mgd.

| <i>Parameter</i>   | <i>Mass (lbs/day)</i>  |                      | <i>Concentration (mg/l)</i> |                      |                              |
|--|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
|  | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i>      | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| The discharge from this outfall is subject to effluent limits in Mining Permit No. 63920301. |                        |                      |                             |                      |                              |

*Outfall 006:* existing discharge, design flow of varied mgd.

| <i>Parameter</i>       | <i>Mass (lbs/day)</i>  |                      | <i>Concentration (mg/l)</i> |                      |                              |
|------------------------|------------------------|----------------------|-----------------------------|----------------------|------------------------------|
|                        | <i>Average Monthly</i> | <i>Maximum Daily</i> | <i>Average Monthly</i>      | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| Zinc                   |                        |                      |                             |                      |                              |
| Molybdenum             |                        |                      |                             |                      |                              |
| Total Suspended Solids |                        |                      |                             |                      |                              |

See Condition No. 15 in Part C of the permit.

The EPA waiver is not in effect.

**PA0021610-A1**, Sewage, **Blairsville Municipal Authority**, 203 East Market Street, Blairsville, PA 15717. This application is for amendment of an NPDES permit to discharge treated sewage from Blairsville Municipal Authority STP in Burrell Township, **Indiana County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Conemaugh 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 Buffalo Township Municipal Authority, Freeport Plant, on the Allegheny River.

*Outfall 001:* existing discharge, design flow of 0.903 mgd.

| <i>Parameter</i>                | <i>Concentration (mg/l)</i>            |                       |                      |                              |
|---------------------------------|--|-----------------------|----------------------|------------------------------|
|                                 | <i>Average Monthly</i>                 | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD <sub>5</sub>               | 25                                     | 37.5                  |                      | 50                           |
| Suspended Solids                | 30                                     | 45                    |                      | 60                           |
| Fecal Coliform<br>(5-1 to 9-30) | 200/100 ml as a Geometric Mean         |                       |                      |                              |
| (10-1 to 4-30)                  | 2,000/100 ml as a Geometric Mean       |                       |                      |                              |
| Total Residual Chlorine         | 0.5                                    |                       |                      | 1.6                          |
| pH                              | not less than 6.0 nor greater than 9.0 |                       |                      |                              |

*Other Conditions:* The following effluent limitations will apply if/when the treatment plant is expanded to a flow of 1.353 mgd.

| <i>Parameter</i>                | <i>Concentration (mg/l)</i>            |                       |                      |                              |
|---------------------------------|--|-----------------------|----------------------|------------------------------|
|                                 | <i>Average Monthly</i>                 | <i>Average Weekly</i> | <i>Maximum Daily</i> | <i>Instantaneous Maximum</i> |
| CBOD <sub>5</sub>               | 25                                     | 37.5                  |                      | 50                           |
| Suspended Solids                | 30                                     | 45                    |                      | 60                           |
| Fecal Coliform<br>(5-1 to 9-30) | 200/100 ml as a Geometric Mean         |                       |                      |                              |
| (10-1 to 4-30)                  | 2,000/100 ml as a Geometric Mean       |                       |                      |                              |
| *Total Residual Chlorine        | 0.5                                    |                       |                      | 1.6                          |
| pH                              | not less than 6.0 nor greater than 9.0 |                       |                      |                              |

\* The limit for Total Residual Chlorine is effective if chlorination is used for disinfection.

Outfalls 002—011, 013, 016 and 017, which discharge to the receiving waters known as Sulphur Run and the Conemaugh River, serve as combined sewer overflows necessitated by stormwater entering the sewer system and

exceeding the hydraulic capacity of the sewers and/or the treatment plant. These combined sewer overflows are permitted to discharge only for such reason. There are at this time no specific effluent limitations on the outfalls. Each discharge shall be monitored for cause, frequency, duration and quantity of flow. Outfalls 009, 011, 016 and 017 are proposed to be eliminated as part of the subject wastewater treatment plant expansion project.

The EPA waiver is not in effect.

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

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

**WQM Permit No. 5809401**, Sewerage, **Camp Tioga**, SR 2036, Thompson, PA 18465. This proposed facility is located in Ararat and Gibson Townships, **Susquehanna County**.

Description of Proposed Action/Activity: This project is for the construction of a wastewater treatment facility to include construction of wastewater treatment lagoons and spray irrigation discharge. The spray irrigation field will be 4.2 acres.

**WQM Permit No. 4009401**, Sewerage, **Mountaintop Area Joint Sanitary Authority**, 290 Morio Drive, Mountaintop, PA 18707. This proposed facility is located in Dorrance Township, **Luzerne County**.

Description of Proposed Action/Activity: This project is for the construction at the existing wastewater treatment plant to include upgrade to piping leading to processing tanks and construction of a new equalization tank with a 3 million gallon capacity.

**WQM Permit No. 4009404**, Sewerage, **Wyoming Valley Sanitary Authority**, P. O. Box 33, Wilkes-Barre, PA 18703. This proposed facility is located in Hanover Township, **Luzerne County**.

Description of Proposed Action/Activity: This project is for modifications and upgrade to the existing wastewater treatment plant facility to comply with total nitrogen and total phosphorus effluent limitations.

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

**WQM Permit No. 6792402, Amendment 09-1**, Sewerage, **Fairview Township, Fairview Township Authority**, 599 Lewisberry Road, New Cumberland, PA 17070-2399. This proposed facility is located in Fairview Township, **York County**.

Description of Proposed Action/Activity: Replace existing chlorination disinfection system with UV disinfection at the Northern Area Wastewater Treatment Plant.

**WQM Permit No. 3609402**, Sewerage, **Peanut Investments, Inc., Red Caboose Motel and Restaurant**, 312 Paradise Lane, Ronks, PA 17572. This proposed facility is located in Paradise Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking approval for the construction/operation of a recirculating sand filter/wetland denitrification treatment system and at-grade disposal bed.

**WQM Permit No. 0187404 09-1**, Sewerage, **New Oxford Municipal Authority**, 409 Water Works Road, New Oxford, PA 17350-1511. This proposed facility is located in Oxford Township and New Oxford Borough, **Adams County**.

Description of Proposed Action/Activity: Seeking approval for an upgrade to the wastewater treatment plant to comply with the Chesapeake Bay Tributary Strategy.

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

**WQM Permit No. 3294401-A1**, Sewerage, **Central Indiana County Joint Sanitary Authority**, 603 South Main Street Extension, P. O. Box 7, Homer City, PA 15748. This existing facility is located in Center Township, **Indiana County**.

Description of Proposed Action/Activity: Application for permit amendment.

**WQM Permit No. WQG026122**, Sewerage, **East Huntingdon Township**, 2494 Route 981, P. O. Box 9, Alverton, PA 15612. This proposed facility is located in East Huntingdon Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of a pump station to serve Loucks Acres.

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

**WQM Permit No. 2509401**, Sewerage, **Summit Township Sewer Authority**, 8900 Old French Road, Erie, PA 16509. This proposed facility is located in Summit Township, **Erie County**.

Description of Proposed Action/Activity: The proposed project is to construct replacement sewer lines, to eliminate sewer bottlenecks located on the west side of Route 19, with new 8" lines.

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

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

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

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>     | <i>Receiving Water/Use</i>    |
|-------------------------|---|---------------|-------------------------|-------------------------------|
| PAI023909010            | John Fasciano<br>Trexlerstown F.C. Assoc., LP<br>633 Germantown Pike<br>Suite 205<br>Plymouth Meeting, PA 19462 | Lehigh        | Lower Macungie Township | Little Lehigh Creek<br>HQ-CWF |

*Pike County Conservation District: HC6, Box 6770, Hawley, PA 18428, (570) 226-8220.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>     |
|-------------------------|---|---------------|---------------------|--------------------------------|
| PAI025209001            | Brian Stuart<br>Lackawaxen Township<br>P. O. Box 205<br>116 Township Road<br>Lackawaxen, PA 18435 | Pike          | Lackawaxen Township | Lackawaxen River<br>HQ-TSF, MF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|----------------------------|
| PAI030608021            | O'Neill Real Estate Partnership<br>1420 Clarion Street<br>Reading, PA 19601 | Berks         | Ontelaunee Township | Willow Creek<br>HQ-CWF     |

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

*Tioga County Conservation District: 50 Plaza Lane, Wellsboro, PA 16901, (570) 724-1801, Ext. 3.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                       | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|----------------------------|
| PAI 045909002           | Gary Butters<br>54 Railroad Street<br>Mansfield, PA 16933 | Tioga         | Liberty Township    | Zimmerman Creek<br>HQ-CWF  |

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

*Westmoreland County Conservation District, 218 Donohoe Road, Greensburg, PA 15601, (724) 837-5271.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                                   | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------|----------------------------|
| PAI056509002            | Highridge Water Authority<br>17 Maple Avenue<br>Blairsville, PA 15717 | Westmoreland  | Derry Township      | Spruce Run<br>HQ-WWF       |

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

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

## **STATE CONSERVATION COMMISSION**

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

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

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

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

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

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

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

| <i>Agricultural Operation Name and Address</i>                   | <i>County</i> | <i>Total Acres</i> | <i>Animal Equivalent Units</i> | <i>Animal Type</i>  | <i>Special Protection Waters (HQ or EV or NA)</i> | <i>Renewal/New</i> |
|--|---------------|--------------------|--------------------------------|---------------------|---|--------------------|
| McClay's Farm<br>7597 McClay's Mill Road<br>Newburg, PA 17240    | Franklin      | 162                | 639.3                          | Swine               | NA  | Renewal            |
| CVFF<br>6360 Flank Drive<br>Suite 100<br>Harrisburg, PA 17112    |               |                    |                                |                     |   |                    |
| Larry E. Breneman<br>774 Bunker Hill Road<br>Strasburg, PA 17579 | Lancaster     | 130.5              | 361.64                         | Hogs                | NA  | Renewal            |
| Mark Eby<br>992 Lancaster Avenue<br>New Holland, PA 17557        | Lancaster     | 138.4              | 481                            | Broilers,<br>Steers | NA  | Renewal            |
| Kenneth Buckwalter<br>765 Glenwood Road<br>Ephrata, PA 17522     | Lancaster     | 67                 | 315.1                          | Broilers            | NA  | Renewal            |

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

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

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

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

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office

listed before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**SAFE DRINKING WATER**

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

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

**Application No. 5409501**, Public Water Supply.

|                           |  |
|---------------------------|--|
| Applicant                 | <b>Papetti's Hygrade Egg Products, Inc.,<br/>d/b/a Michael Foods Egg Products Co.</b>  |
| Responsible Official      | Upper Mahantango Township<br><b>Schuylkill County</b><br>Shane Menefee, Corp.<br>Environmental Director<br>Michael Foods, Inc.<br>301 Carlson Parkway<br>Suite 400<br>Minnetonka, MN 55305 |
| Type of Facility          | Public Water Supply  |
| Consulting Engineer       | Norman C. Wenck, P. E.<br>Wenck Associates, Inc.<br>1800 Pioneer Creek Center<br>P. O. Box 249<br>Maple Plane, MN 55359<br>(763) 479-4200  |
| Application Received Date | February 17, 2009  |

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

**Application No. 4009504**, Public Water Supply.

Applicant **Butler Commons JV, LP**  
Butler Township  
**Luzerne County**

Responsible Official John F. Kieser  
VP Development  
Butler Commons JV, LP  
119 Cherry Hill Road  
Parsippany, NJ 07054  
(973) 316-9400

Type of Facility Community Water System

Consulting Engineer Brian D. Swanson, P. E.  
Pennoni Associates, Inc.  
100 North Main Street  
Wilkes-Barre, PA  
(570) 824-2200

Application Received Date February 13, 2009

Description of Action Application for construction of a community water system to serve a 96 unit townhouse development. The proposed system will include a 200,000 finished water storage tank, treatment for disinfection and corrosion control and a 12 inch distribution main.

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

**Permit No. 2609501**, Public Water Supply.

Applicant **Municipal Authority of Westmoreland County 124**  
Park and Pool Road  
New Stanton, PA 15672

Township or Borough Hempfield Township  
Responsible Official Christopher Kerr  
Resident Manager  
Municipal Authority of Westmoreland County  
124 Park and Pool Road  
New Stanton, PA 15672

Type of Facility Water treatment plant

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
1004 Ligonier Street  
P. O. Box 853  
Latrobe, PA 15650

Application Received Date February 13, 2009

Description of Action Construction of a 1.0 mg and 2.0 mg water storage tank and a transfer pump station.

### MINOR AMENDMENT

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

**Application No. 4009501-MA, Minor Amendment**, Public Water Supply.

Applicant **Hazleton City Authority**  
Hazle Township  
**Luzerne County**

Responsible Official Randal Cahalan, Manager  
Hazleton City Authority  
400 East Arthur Gardner  
Parkway  
Hazleton, PA 18201-7359

Type of Facility Community Water System

Consulting Engineer John G. Synoski, P. E.  
Schumacher Engineering, Inc.  
55 North Conahan Drive  
Hazleton, PA 18201  
(570) 455-9407

Application Received Date February 12, 2009

Description of Action Application for rehabilitation and upgrading of the existing Perry Court Pump Station.

**Application No. 4009502-MA, Minor Amendment**, Public Water Supply.

Applicant **Hazleton City Authority**  
Hazleton Borough  
**Luzerne County**

Responsible Official Randal Cahalan, Manager  
Hazleton City Authority  
400 East Arthur Gardner  
Parkway  
Hazleton, PA 18201-7359

Type of Facility Community Water System

Consulting Engineer John G. Synoski, P. E.  
Schumacher Engineering, Inc.  
55 North Conahan Drive  
Hazleton, PA 18201  
(570) 455-9407

Application Received Date February 12, 2009

Description of Action Application for construction of a 2.0 mg finished water storage tank with associated valve chamber and rehabilitate the existing, adjacent 1.0 mg McKinley Street finished water storage tank.

**Application No. 4009503-MA, Minor Amendment**, Public Water Supply.

Applicant **Hazleton City Authority**  
Hazle Township  
**Luzerne County**

Responsible Official Randal Cahalan, Manager  
Hazleton City Authority  
400 East Arthur Gardner  
Parkway  
Hazleton, PA 18201-7359

Type of Facility Community Water System

Consulting Engineer John G. Synoski, P. E.  
Schumacher Engineering, Inc.  
55 North Conahan Drive  
Hazleton, PA 18201  
(570) 455-9407

Application Received February 12, 2009  
Date

Description of Action Application for construction of a  
300,000 gallon finished water  
storage tank with associated  
valve chamber to replace the  
existing tank in Drifton, PA.

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

**Application No. 3209501MA, Minor Amendment.**

Applicant **Central Indiana County  
Water Authority**  
30 East Wiley Street  
Homer City, PA 15748

Township or Borough Center Township

Responsible Official Robert Nymick, Manager  
Central Indiana County Water  
Authority  
30 East Wiley Street  
Homer City, PA 15748

Type of Facility Coral water storage tank

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
P. O. Box 200  
Indianola, PA 15051

Application Received February 11, 2009  
Date

Description of Action Construction of the Coral water  
storage tank.

*Central Office: Bureau Director, Water Standards and  
Facility Regulation, P. O. Box 8467, Harrisburg, PA  
17105-8467.*

**Permit No. 9996491, Public Water Supply.**

Applicant **Nestle Waters North America,  
Inc.**

Township or Borough Hollis, ME

Responsible Official Brian Boucher  
Quality Assurance Manager

Type of Facility Out-of-State Bottled Water  
System

Application Received February 20, 2009  
Date

Description of Action Applicant requesting a permit  
amendment to use a new spring  
source (Poland Spring) located in  
Poland Spring, ME. Bottled  
water to be sold in Pennsylvania  
under the brand names: Poland  
Spring Natural Spring Water,  
Deer Park Natural Spring Water  
and Ice Mountain Natural  
Spring Water.

**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 remedi-  
ation 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 Pennsylvania AT&T  
Relay Service at (800) 654-5984.

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

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

**Norfolk Southern Railway Company Right of Way in Lower Merion**, Lower Merion Township, **Montgomery County**. Michael Shannon, AECOM, Inc., 125 Rock Road, Horsham, PA 19044 on behalf of John Casey, Norfolk Southern Railway Company, 4600 Deer Path Road, Room 14B, Harrisburg, PA 17110 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of diesel fuel. The future use of the site will remain nonresidential.

**Bluford Elementary School**, City of Philadelphia, **Philadelphia County**. Thomas Keating, Kleinfelder East Inc., 180 Sheree Boulevard, Suite 3800, Exton, PA 19341 on behalf of Francine Locke, SDPHI Office Environmental Management Director, 440 North Broad Street, 3rd Floor, Philadelphia, PA 19130 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of inorganics and No. 4 fuel oil. The future use of the site will be remain the same.

**Paaring Southampton Road Armory**, City of Philadelphia, **Philadelphia County**. Davie Swetland, Converse Consultants, 2738 West College Avenue, State College, PA 16801, on behalf of Andrew Geist, Department of Military and Veterans Affairs, Building 0-11, Fort Indiantown Gap, Annville, PA 17003-5002 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of No. 2 fuel oil. The future use of the site will remain the same.

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

**Arthur Hoffman Property**, 514 North Broad Street, Allentown City, **Lehigh County**. Christopher Jacangelo, J. Rockwood and Associates, Inc., P. O. Box 1006, Easton, PA 18044 has submitted a Notice of Intent to Remediate (on behalf of his client, Dr. Arthur Hoffman, 2829 Gordon Street, Allentown, PA 18104), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of an accidental release from an underground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. 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.*

**Turkey Hill Dairy**, Manor Township, **Lancaster County**. EPSYS, LLC, 1414 North Cameron Street, Suite A, Harrisburg, PA 17103-1049, on behalf of Turkey Hill Dairy, 2601 River Road, Conestoga, PA 17516-9630, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with gasoline and diesel fuel from unregulated underground storage tanks. This site will be remediated to the Statewide Health Standard and remain a commercial dairy.

**Former Path Valley Service Plaza**, Metal Township, **Franklin County**. Skelly & Loy, Inc., 449 Eisenhower Boulevard, Harrisburg, PA 17111, on behalf of the Turnpike Commission, P. O. Box 67676, Harrisburg, PA 17106, submitted a Notice of Intent to Remediate site soils contaminated with petroleum products. The site will be remediated to the Statewide Health Standard. The site is a former turnpike service plaza. Future use is unknown.

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

**Former National Transit Company Reno Station**, Sugarcreek Borough, **Venango County**. URS Corporation, Foster Plaza 4, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220, on behalf of Pennzoil-Quaker State Company, 12700 Northborough Drive, 300 E-11, Houston, TX 77067 has submitted a Notice of Intent to Remediate. Historical petroleum impact has been identified at the site and monitored since 1997 as part of the Goss Gas site interim remedial action. The site is currently vacant and is expected to be used for nonresidential purposes in the future. The Notice of Intent was published in *The News-Herald* on January 22 and 23, 2009.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the regional office identified before the application. TDD users should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121-143, the Federal Clean Air Act (act) and regulations adopted under the act.

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**PLAN APPROVALS**


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**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, Ray Kempa, New Source Review Chief, (570) 826-2507.*

**48-309-132: Hercules Cement Co.** (501 Hercules Drive, P. O. Box 69, Stockertown, PA 18083) for replacement of the existing finishing mills at their facility in Stockertown Borough, **Northampton County**.

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

**04-00068A: Multiserv** (8050 Rowan Road, Suite 600, P. O. Box 5003, Cranberry Township, PA 16066-1903) to install a new slag handling facility on the grounds of Allegheny Ludlum in Midland Borough, **Beaver County**. The facility, if installed, will replace the existing slag handling operation of the contractor currently permitted under operating permit 04-00067.

**11-00356B: Dominion Peoples Natural Gas Co.** (DL Clark Building, 501 Martindale Street, Suite 500, Pittsburgh, PA 15212-5835) to install a compressor engine and thermal oxidizer to reduce emissions from two existing glycol dehydration units at their Rager/Laurel Ridge Station in Jackson Township, **Cambria County**.

**30-00182A: CNX Marine Terminals, Inc.** (1000 Consol Energy Drive, Canonsburg, PA 15317-6506) to install a barge cleaning facility at Robena in Greensboro Borough, **Greene County**.

**65-00990A: Tenaska Pennsylvania Partners, LLC** (1011 North 115th Street, Suite 400, Omaha, NE 68154) for transfer of emission reduction credits for use for offsetting purposes for a proposed new power generation facility in South Huntingdon Township, **Westmoreland County**.

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

**25-069N: BASF Catalysts, LLC** (1729 East Avenue, Erie, PA 16503) for operation of a fluidized bed reactor, loading hopper and two dust collection systems to capture PM at their facility in the City of Erie, **Erie County**. This is a State-only facility.

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**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.**

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

**36-03121C: Cadmus Journal Services, Inc.** (3575 Hempland Road, Lancaster, PA 17601) for installing another web heatset offset printing press in their facility in West Hempfield Township, **Lancaster County**. A thermal oxidizer will control VOC emissions. The facility

is presently covered by State-only permit number 36-03121. The plan approval will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**37-023E: Orion Power Midwest, LP—New Castle** (2189 Street, Route 168 South, West Pittsburgh, PA 16160-0325) for installation of mercury control equipment and the alternate operating scenario of using the mercury control equipment to minimize mercury emissions at the discretion of their facility in Taylor Township, **Lawrence County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (relating to plan approval terms and conditions) and will demonstrate BAT for the source:

- The conditions from the facility operating permit 37-00023 issued on December 4, 2007, remain in effect unless superseded by the following.
- The source shall be stack tested for FPM when using the mercury control equipment.
- The permittee shall maintain records of the following. Recordkeeping shall commence at the time of the start-up of each source and/or air cleaning device.
- Mercury sorbent injection rate—hourly basis.
- The permittee may use at its discretion the new mercury control systems installed. The new controls are not required to be operated at all times.
- The permittee shall maintain and operate the source and control devices in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

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**OPERATING PERMITS**


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

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

**09-00124: Fairless Energy, LLC** (50 Sinter Road, Fairless Hills, PA 19030) for operation of an electric generating station in Falls Township, **Bucks County**. The permit is for a Title V facility. The facility is considered a major source of NO<sub>x</sub>, CO, VOCs and PM emissions, with maximum potential emissions of 424.7 tpy, 360.5 tpy, 88.4 tpy and 387.6 tpy, respectively. Fairless Energy, LLC owns and operates four natural gas-fired combined-cycle electric generation units. Other sources include two natural gas preheaters, one auxiliary boiler and four cooling towers. The facility is subject to the requirements of 40 CFR Part 60, New Source Performance Standards, Subpart GG, Subpart Da, and Subpart Dc, as well as Acid Rain Requirements of 40 CFR Part 72 and Clean Air Interstate Rules of 40 CFR Part 97. The permit will include monitoring, recordkeeping and report-

ing requirements designed to keep the plant operating within all applicable air quality requirements.

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

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

**46-00044: Glasgow, Inc.** (Church and Flint Hill Roads, King of Prussia, PA 19406) for operation of a batch hot mix asphalt (HMA) plant and various operations of a stone crushing plant at their McCoy facility in Upper Merion Township, **Montgomery County**. The permit is for a non-Title V (State-only) facility. The potentials to emit NOx and VOCs from the facility each exceed 25 tpy. However, the amount of HMA produced at the facility is restricted to 576,000 tpy to restrict NOx and VOC emissions from the facility to less than 25 tpy each. Therefore, the facility is categorized as Synthetic Minor. The permit will contain 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, William R. Weaver, New Source Review Chief, (717) 705-4702.*

**36-03078: Hamilton Precision Metals, Inc.** (1780 Rohrerstown Road, Lancaster, PA 17601) for operation of a metal rolling and finishing manufacturing facility in East Hempfield Township, **Lancaster County**. This is a renewal of the State-only operating permit issued in November 2003.

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

**04-00400: Columbia Gas Transmission Corp.** (1700 MacCorkle Avenue SE, P. O. Box 1273, Charleston, WV 25325-1273) to operate compressor engines and other equipment at the Ellwood City Compressor Station in Franklin Township, **Beaver County**. This is a renewal of the Synthetic Minor Operating Permit issued in 2004.

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

**25-00972: Insul Board, Inc.** (2120 Colonial Avenue, P. O. Box 8103, Erie, PA 16505) for issuance of a Synthetic Minor Operating Permit to operate a facility that manufactures expanded polystyrene materials used in construction and packaging in Millcreek Township, **Erie County**. The facility's primary emission sources include a natural gas fired boiler, miscellaneous natural gas use, a pre-expander, a prepuff storage unit, a block mold machine and a warehousing operation.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable permit-

ing requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated above each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

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

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

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

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

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

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

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

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

The Department will also accept requests or petitions

for a public hearing on NPDES permit applications, as provided in 25 Pa. Code § 92.61. The request or petition for a public hearing shall be filed within 30 days of this public notice and shall contain the name, address, telephone number and the interest of the party filing the request, and shall state the reasons why a hearing is warranted. A public hearing may be held if the Department considers the public interest significant. If a hearing is scheduled, a notice of the hearing on the NPDES permit application will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. In the case where a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

*Coal Applications Received*

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

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

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

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

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

**56030106 and NPDES No. PA0249513. Action Mining, Inc.**, 1117 Shaw Mines Road, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface mine in Summit Township, **Somerset County**, affecting 4.8 acres. Receiving streams: UNTs to Casselman Run; UNTs to/and Elk Lick Creek classified for the following uses: WWF, CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 24, 2009.

**56030107 and NPDES No. PA0249521. Future Industries, Inc.**, P. O. Box 57, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 182.1 acres. Receiving streams: UNTs to/and Buffalo Creek; UNTs to/and Millers Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 25, 2009.

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

**26030103 and NPDES Permit No. PA0250503. Amerikohl Mining, Inc.** (1384 SR 711, Stahlstown, PA 15687). Renewal application for reclamation only of a bituminous surface mine, located in Nicholson Township, **Fayette County**, affecting 88.5 acres. Receiving streams: UNT to Cats Run and Jacobs Creek, classified for the following use: WWF. The potable water supplies that have intakes within 10 miles downstream from the point of discharge: Carmichaels Municipal Authority, Masontown Water Works and Southwestern PA Water Authority. Renewal application received February 26, 2009.

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

**33040102 and NPDES Permit No. PA0242519. MSM Coal Company, Inc.** (P. O. Box 243, DuBois, PA 15801). Renewal of an existing bituminous surface strip operation in Union Township, **Jefferson County** affecting 35.0 acres. Receiving streams: UNT No. 1 to Little Mill Creek to 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 February 23, 2009.

**33-08-13 and NPDES Permit No. PA0258709. P. and N. Coal Co., Inc.** (P. O. Box 332, Punxsutawney, PA 15767). Proposal to enter into a Government Financed Reclamation Construction Contract on a 14.6 acre site in Winslow Township, **Jefferson County**. The proposal includes total reclamation of 9.2 acres of abandoned underground mine lands and removal of coal stumps incidental and necessary to the reclamation activities. Receiving streams: Fehley Run, classified for the follow-



ing use: CWF. There are no potable surface water intakes within 10 miles downstream. Application received February 24, 2009

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

**17090103 and NPDES No. PA0257079. Bell Resources, Inc.** (1340 Hoyt Road, Curwensville, PA 16833). Commencement, operation and restoration of a bituminous surface mine in Boggs and Knox Townships, **Clearfield County**, affecting 309.0 acres. Receiving streams: tributaries to Clearfield Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 17, 2009.

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

**49860201T2. Rosini Enterprises, Inc.**, (P. O. Box 568, Shamokin, PA 17872), transfer of an existing anthracite coal refuse reprocessing and preparation plant operation from Rosini Coal Co., Inc. in Coal Township, **Northumberland County** affecting 60.0 acres, receiving stream: none. Application received January 14, 2009.

**40850202R4. Northeast Energy Co.**, (254 Johnson Street, Wilkes-Barre, PA 18702), renewal of an existing anthracite coal refuse reprocessing operation for reclamation activities only in Wilkes-Barre Township, **Luzerne County** affecting 29.0 acres, receiving stream: none. Application received February 24, 2009.

*Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**11940301 and NPDES No. PA0212873. Pheasant and Shearer**, 1922 Ohio Street, Johnstown, PA 15904, renewal of NPDES permit in East Taylor Township, **Cambria County**, affecting 201.2 acres. Receiving streams: UNTs to/and Hinckston Run, classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. NPDES renewal application received February 23, 2009.

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

**14090301 and NPDES No. PA0257087. Hanson Aggregates Pennsylvania, Inc.** (7660 Imperial Way, Allentown, PA 18195). Commencement, operation and restoration of a bituminous surface large noncoal (limestone, dolomite) operation in Spring and Marion Townships, **Centre County**, affecting 76.7 acres. Receiving stream: Nittany Creek, classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 11, 2009.

**FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions

of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

**Applications received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the 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**

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

**E39-492. Lehigh County**, 901 Willow Lane, Macungie, PA 18062-9350, in Lower Macungie Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain 2,350 linear feet of channel restoration and stream bank stabilization of Swabia Creek (HQ-CWF) and adjacent floodway utilizing FGM techniques. The project is located approximately 2.9 miles south of the intersection of I-476 and US Route 222 (Allentown West, PA Quadrangle Latitude: 40° 31' 28"; Longitude: 75° 33' 1").

**E45-539. Tom Lovito**, P. O. Box 658, Tannersville, PA 18372, in Pocono Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a minor road crossing of a UNT to Bulger's Run (HQ-CWF) and a de minimis area of EV wetlands to provide for a driveway crossing. The project is located along SR 0611, approximately 750 feet south of the intersection with Warner Road (SR 1001) (Mount Pocono, PA Quadrangle Latitude: 41° 01' 44"; Longitude: 75° 17' 59").

**E40-696. Greater Hazleton Joint Sewer Authority**, P. O. Box 651, Hazleton, PA 18201-0651, in West Hazleton Borough, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To place and maintain fill within the floodway of Black Creek (HQ-CWF) and PEM/SF Wetlands and to construct and maintain a stormwater outfall and riprap apron to Black Creek associated with the construction of the wastewater treatment plant upgrade. The site is located at the wastewater treatment plant site at Oscar Thomas Drive (Conyngham, PA Quadrangle Latitude: 40° 58' 19.2"; Longitude: 76° 01' 22.1").

**E39-490. City of Allentown**, 435 Hamilton Street, Allentown, PA, in City of Allentown, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain an at-grade access road in the floodway of the Little Lehigh Creek (HQ-CWF) 10-foot wide by 55-foot long consisting of a geoblock grass paving system. The project is located approximately 0.5 mile east of the Ward Street Bridge and Martin Luther King, Jr. Drive intersection (Allentown East, PA Quadrangle Latitude: 40° 35' 28"; Longitude: 75° 28' 57").

**E45-537. EPA Real Estate, LLC**, R. R. 1, Box 1752, Kunkletown, PA 18058, in Chestnuthill Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a paved access road within the 50-foot wide floodway area of the East Bank of a UNT to Sugar Hollow Creek (CWF), for the purpose of providing access to the proposed liquid fence manufacturing facility. The project is located 0.2 mile north of the intersection of Sugar Hollow Road and SR 0115 (Brodheadsville, PA Quadrangle Latitude: 40° 57' 30"; Longitude: 75° 26' 25").

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

**E28-355. Shively Motors, Inc., Will Hoffman, Vice President**, 801 Lincoln Way East, Chambersburg, PA 17201, Culvert Extension, Hamilton Township, **Franklin County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 50.0-foot long, 1-foot depressed, 4-foot high by 7-foot wide concrete box culvert extension and precast concrete endwall in a UNT to Conococheague Creek (WWF). The project is located at 801 Lincoln Way East (Chambersburg, PA Quadrangle N: 11.3 inches; W: 7.3 inches, Latitude: 39° 56' 15"; Longitude: 77° 40' 36") in Hamilton Township, Franklin County. The project purpose is to increase the lot area of the automobile dealership.

**E44-140. Pennsylvania Electric Company**, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19612, Oliver Township, **Mifflin County**, United States Army Corps of Engineers, Baltimore District.

To fill 0.049 acre of palustrine emergent wetland in Musser Run (HQ-CWF) watershed for the purpose of constructing a 500 kilo-volt substation to increase the capacity of existing electric grids located on the north side of US 522/22 approximately 2.9 miles southwest of McVeytown Borough (Newton Hamilton, PA Quadrangle N: 18.30 inches; W: 5.10 inches, Latitude: 40° 28' 33"; Longitude: 77° 47' 12") in Oliver Township, Mifflin County.

**E07-426. Department of Transportation, Engineering District 9-0**, 1620 North Juniata Street, Hollidaysburg, PA 16648, Hollidaysburg Borough, **Blair County**, United States Army Corps of Engineers, Baltimore District.

To: (1) raze the existing SR 2014 single span through truss bridge having a width of 26.0 feet, a total clear span of 134.5 feet, a skew of 90.0°, and an underclearance of 12.6 feet over Beaverdam Branch Juniata River (TSF) (Hollidaysburg, PA Quadrangle N: 8.9 inches; W: 2.4 inches, Latitude: 40° 25' 27.4"; Longitude: 78° 23' 36.4"); (2) construct and maintain a two span prestressed concrete adjacent box beam bridge having a width of 33.0 feet, a total clear span of 128.5 feet, a skew of 80.0°, and a minimum underclearance of 13.7 feet over Beaverdam Branch Juniata River (TSF) (Hollidaysburg, PA Quadrangle N: 8.9 inches; W: 2.4 inches, Latitude: 40° 25' 27.4"; Longitude: 78° 23' 36.4"); (3) construct and maintain an 18-inch outfall structure on the upstream right side of the bridge discharging to Beaverdam Branch Juniata River (TSF) (Hollidaysburg, PA Quadrangle N: 8.9 inches; W: 2.4 inches, Latitude: 40° 25' 27.7"; Longitude: 78° 23' 37.2"); (4) construct and maintain an 18-inch outfall structure on the downstream right side of the bridge discharging to Beaverdam Branch Juniata River (TSF) (Hollidaysburg, PA Quadrangle N: 8.9 inches; W: 2.4 inches, Latitude: 40° 25' 26.7"; Longitude: 78° 23' 37.2"); (5) construct and maintain an 18-inch outfall structure approximately 130 feet downstream of the bridge structure along the right streambank discharging to Beaverdam Branch Juniata River (TSF) (Hollidaysburg, PA Quadrangle N: 8.9 inches; W: 2.4 inches, Latitude: 40° 25' 26.9"; Longitude: 78° 23' 36.8"); and (6) construct and maintain a 36-inch outfall structure on the downstream left side of the bridge discharging to Beaverdam Branch Juniata River (TSF) (Hollidaysburg, PA Quadrangle N: 8.9 inches; W: 2.4 inches, Latitude:

40° 25' 26.3"; Longitude: 78° 23' 37.3"). The project will temporarily impact approximately 100 linear feet of perennial stream channel and permanently impact approximately 65 linear feet of perennial stream channel. The project involves the use of a temporary causeway and cofferdams and is located in Hollidaysburg Borough, Blair County.

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

**E14-517. David N. Hostetler**, 337 Bower Hollow Road, Woodward, PA 16882. Hostetler Crossing, in Haines Township, **Centre County**, United States Army Corps of Engineers, Baltimore District (Millheim, PA Quadrangle Latitude: 40° 53' 51.51"; Longitude: 77° 25' 17.19").

To construct and maintain a 4-foot diameter, 40-foot long culvert with associated stone headwall and low flow emergency spillway in the right flood plain of the UNT to Pine Creek for the purpose of making a single residence driveway. The project proposes to permanently impact 40 linear feet of the UNT to Pine Creek, which is an EQ waterway.

**E14-518. Davidson Brothers, Inc.**, 450 Runville Road, Bellefonte, PA 16823. Davidson Brothers, Inc., in Boggs Township, **Centre County**, United States Army Corps of Engineers, Baltimore District (Bellefonte, PA Quadrangle Latitude: 40° 56' 31"; Longitude: 77° 49' 26").

To construct and maintain: 1) a stormwater detention basin in the left 100-year floodplain of Wallace Run; 2) a 20-foot long by 12-inch thick concrete end wall outlet; 3) 70 linear feet of concrete underpinning under the gabion basket apron associated with the end wall outlet; 4) a 240-foot long by 3.2-foot by 4.5-foot CMP with gabion basket outfall apron, all of which is located on the left bank of Wallace Run. This Project proposes to impact 100 linear feet of Wallace Run, which is classified as a HQ-CWF in this reach.

**E17-449. Stoneridge Properties, LLC**, 10 Lakeside Avenue, Dubois, PA 15801. Construction of a residential condominium development, in the City of Dubois, **Clearfield County**, United States Army Corps of Engineers, Pittsburgh District (Falls Creek, PA Quadrangle N: 1.4 inches; W: 0.2 inch).

The applicant proposes to place and maintain fill within 0.1 acre of PEM wetlands and 0.34 acre of PSS wetlands and enclose 120 feet of a UNT to Juniata Run for the purposes of constructing 20 residential condominium units and appurtenant structures within the City of Dubois adjacent to the Dubois Country Club golf course. The drainage area of the UNT to Juniata Run is 22 acres. The Juniata Run basin has a 25 Pa. Code Chapter 93 designated use of CWF. The 0.44 acre of wetlands to be impacted are classified as other wetlands by the Department of Environmental Protection. The applicant is proposing to replace the 0.44 acre wetland impact onsite through the construction of 0.1 acre of PEM wetlands and 0.51 acre of PSS wetlands. Compensation for stream impacts will occur through the planting of 300 feet of riparian plantings along Juniata Run.

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

**E03-447. Kiski Junction Railroad, Inc.**, 301 Market Street, Kittanning, PA 16201.

To re-establish the former railroad line along the Allegheny River in Bethel and Gilpin Townships, **Armstrong County**, United States Army Corps of Engineers, Pittsburgh District (Leechburg, PA Quadrangle N: 21.75 inches; W: 11.7 inches and Freeport, PA Quadrangle N: 12.2 inches; W: 4.14 inches, Latitude: 40° 41' 32.7"; Longitude: 79° 39' 17.5"). The applicant proposes:

To rehabilitate, replace or construct and to operate and maintain approximately 96 railroad stream crossings with drainage areas of less than 100 acres.

To operate and maintain an existing 81' long stone arch railroad stream crossing with a bottom width of 5' and a maximum under clearance of 4'.

To operate and maintain an existing 60' long stone arch railroad stream crossing with a bottom width of 10' and a maximum under clearance of 6.5'.

To operate and maintain an existing 75' long box culvert with a width of 10' and an under clearance of 7'; to operate and maintain an existing 70' long 36" reinforced concrete culvert.

To operate and maintain an existing 65' long stone arch railroad stream crossing with a bottom width of 14' and an under clearance of 7'.

To rehabilitate, operate and maintain an existing 37' long 8' wide and 9' high concrete box culvert.

To operate and maintain an existing 88' long 36" diameter reinforced concrete culvert.

To operate and maintain a 41' dual 48" reinforced concrete culvert (Total impact from the above crossings is 5,151').

To place and maintain fill in 0.22 acre of wetlands in the Allegheny River watershed.

To remove 20 existing stream crossings.

To regrade approximately 145' of landslide area and emplace bank stabilization along the floodway on the left bank of the Allegheny River.

To mitigate these impacts, the applicant proposes to construct 0.22 acre of replacement wetland.

All for the purpose of constructing a railroad spur on an existing railroad bed.

**E56-349. St. Clair Resort Development, LLC**, 1031 Peninsula Drive, Central City, PA 15925. To construct and maintain a commercial docking facility in Indiana Lake Borough in **Somerset County**, United States Army Corps of Engineers, Pittsburgh District (Central City, PA Quadrangle N: 7.15"; W: 15.2", Latitude: 40° 2' 21"; Longitude: 78° 51' 31"). To construct and maintain a commercial docking facility, consisting of 4 34' by 10' modular floating dock sections, arranged into 10 docks, each consisting of 4' by 20' floating docks, attached to offset floating walkways, one 120' in length and the other 100' in length, arranged to form five 18' by 20' docking slips; four 20' by 21' and docking slips. Also included are 16 5' by 11.5' personal watercraft mooring spaces. The project is located along the eastern edge of Indian Lake.

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**ACTIONS**


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

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

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

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

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

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

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

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**I. NPDES Renewal Permit Actions**


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


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

**NPDES Permit No. PA0051519**, Industrial Waste, **Perkasie Industries Corporation**, P. O. Box 179, Perkasie, PA 18944-0179. This proposed facility is located in Perkasie Borough, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge noncontact cooling water and stormwater runoff into East Branch of the Perkiomen Creek in Watershed 3E.

**NPDES Permit No. PA0051616**, Industrial Waste, **Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033. This proposed facility is located in East Vincent Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from Shady Lane Treatment Plant into the Schuylkill River in Watershed 3D.

**NPDES Permit No. PA0056821**, Sewage, **Malvern School of Glen Mills, Inc.**, 20 Creek Road, Glen Mills, PA 19342. This proposed facility is located in Thornbury Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into Chester Creek in Watershed 3G.

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

**NPDES Permit No. PA0218316-A1**, Sewage, **Dunbar Township Municipal Authority**, P. O. Box 815, Connellsville, PA 15425. This existing facility is located in Dunbar Township, **Fayette County**.

Description of Proposed Action/Activity: Permit amendment issuance to discharge from a facility located at Dunbar Township Municipal Authority to receiving waters named Youghiogheny River.

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

**NPDES Permit No. PA0027138**, Sewage, **City of Sharon Sanitary Authority**, 155 West Connelly Boulevard, Sharon, PA 16146. This proposed facility is located in City of Sharon, **Mercer County**.

Description of Proposed Action/Activity: Renewal/transfer of an existing discharge of treated sewage.

**NPDES Permit No. PA0034720**, Sewage, **Lakeview Manor MHP**, 8775 Hemlock Street, Meadville, PA 16335. This proposed facility is located in Union Township, **Crawford County**.

Description of Proposed Action/Activity: New NPDES permit for an existing discharge of treated sewage.

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

**Amplified Final Public Notice for NPDES Permit No. PA0101508**, Industrial Waste, **Pennsylvania Brine Treatment, Inc.—Franklin Facility**, 5148 US 322, Franklin, PA 16323. This notice reflects changes from the notice published at 38 Pa.B. 6628 (December 6, 2008).

New Monitor and Report requirements for TDS and strontium were added for Outfall 001 in both the Interim Limits and the Final Limits.

A new special condition was added requiring acute WET Testing to be conducted once the discharge rate from the facility is increased.

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

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

**WQM Permit No. WQG02210901**, Sewage, **Cumberland-Franklin Joint Municipal Authority**, 725 Municipal Drive, Shippensburg, PA 17257. This proposed facility is located in Southampton Township, **Cumberland County**.

Description of Proposed Action/Activity: Construction/Operation of sewer extension to serve Southwood Crossing.

**WQM Permit No. 2286407, Amendment 07-1**, Sewage, **Highspire Borough Authority**, Seven Spring Hill Lane, Elizabethtown, PA 17022. This proposed facility is located in Highspire Borough, **Dauphin County**.

Description of Proposed Action/Activity: Amendment approval for the construction/modification/operation of sewerage facilities consisting of: a treatment plant upgrade to provide BNR involving construction of an influent pump station, primary clarifiers/thickeners, oxidation ditches using Biodeniipho process and additional final clarifier, RSP pump station and control building. The combination clarifier/aeration tanks are demolished.

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

**WQM Permit No. 0208407**, Sewerage, **City of Duquesne**, 12 South Second Street, Duquesne, PA 15110. This proposed facility is located in the City of Duquesne, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sanitary sewers and a pump station along South Linden Street to serve the former Duquesne Works site.

**WQM Permit No. 5608404**, Sewerage, **PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541-0260. This proposed facility is located in Stoneycreek Township, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a sewage treatment plant to treat sewage from a coal prep plant.

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

**WQM Permit No. WQG018684**, Sewerage, **Christopher Kreiser**, 240 Mount Union Road, Portersville, PA 16051. This proposed facility is located in Worth Township, **Butler County**.

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

**WQM Permit No. WQG018671, Wilhelm J. Andrae II**, 8359 Pondview Drive, McKean, PA 16426. This proposed facility is located in McKean Township, **Erie County**.

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

**WQM Permit No. WQG018674**, Sewage, **Brian Lindenberger**, 5400 West Stancliff Road, McKean, PA 16426. This proposed facility is located in McKean Township, **Erie County**.

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

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

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

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


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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                  | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|----------------------------|
| PAI030607009            | Robert MacMinn<br>65 Shady Lane<br>Mohnton, PA 19540 | Berks         | Robeson Township    | Beaver Run<br>HQ-CWF       |

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

*Clearfield County Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-2629.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>   | <i>Receiving Water/Use</i>  |
|-------------------------|---|---------------|---|---|
| PAI041708001            | Karthus-Burnside Joint Sewer Authority<br>P. O. Box 97<br>Karthus, PA 16845 | Clearfield    | Karthus Township<br>Clearfield County<br>Burnside Township<br>Centre County | Mosquito Creek<br>HQ-CWF<br>Wild Trout<br>West Branch<br>Susquehanna River<br>WWF<br>Curleys Run<br>HQ-CWF<br>Laurel Run<br>HQ-CWF<br>Redlick Run<br>HQ-CWF |

*Potter County Conservation District: 107 Market Street, Coudersport, PA 16915, (814) 274-8411, Ext. 4.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i>               | <i>Receiving Water/Use</i>                   |
|-------------------------|---|---------------|-----------------------------------|--|
| PAI045308002            | Department of Transportation<br>1924 Daisy Street Extension<br>P. O. Box 342<br>Clearfield, PA 16830-0342 | Potter        | Portage and<br>Sylvania Townships | First Fork of the<br>Sinnemahoning<br>HQ-CWF |

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


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

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


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

*General Permit Type—PAG-2**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Cass Township  
Schuylkill County

PAG2005408013

Schuylkill Economic  
Development Corp.  
(SEDCO)  
Attn: Frank Zukas  
91 South Progress  
Avenue  
P. O. Box 659  
Pottsville, PA 17901Dyer Run  
CWFSchuylkill County  
Conservation District  
(570) 622-3742East Brunswick  
Township  
Schuylkill County

PAG2005405012(1)

Miller Real Estate  
Development Co., LTD  
P. O. Box 336  
Orwigsburg, PA 17961Little Schuylkill River  
CWFSchuylkill County  
Conservation District  
(570) 622-3742Upper Saucon Township  
Lehigh County

PAG2003906027(1)

Matthew Mattare  
Saucon Valley  
Country Club  
2050 Saucon Creek  
Road  
Bethlehem, PA 18015Laurel Run  
CWFLehigh County  
Conservation District  
(610) 391-9583Greene Township  
Franklin County

PAG2002809001

New Life Worship  
Center  
Greg Myers  
313 Warm Springs  
Road  
Chambersburg, PA  
17202Rocky Spring  
TSFFranklin County  
Conservation District  
185 Franklin Farm  
Lane  
Chambersburg, PA  
17201  
(717) 264-5499Letterkenny Township  
Franklin County

PAG2002808038

Inert and Missile  
Storage  
Randall Quin  
LAD  
One Overcash Avenue  
Boulevard 14  
Chambersburg, PA  
17201Muddy Run  
WWFFranklin County  
Conservation District  
185 Franklin Farm  
Lane  
Chambersburg, PA  
17201  
(717) 264-5499Greene Township  
Franklin County

PAG2002804020-R

SR 997 Bridge  
Mike Gillespie  
Department of  
Transportation  
District 8  
2140 Herr Street  
Harrisburg, PA 17103Conococheague Creek  
CWFFranklin County  
Conservation District  
185 Franklin Farm  
Lane  
Chambersburg, PA  
17201  
(717) 264-5499Camp Hill Borough  
Cumberland County

PAG2002108026

Sue Whaley  
RAP Camp Hill, LLC  
571 McGlaughlin Road  
P. O. Box 3247  
Gettysburg, PA 17325UNT to Cedar Run  
CWFCumberland County  
Conservation District  
310 Allen Road  
Suite 301  
Carlisle, PA 17013  
(717) 240-7812Conewago Township  
York County

PAG2006708083

Nathaniel Boyd, IV  
Highaldn Partnership  
23 East Princess Street  
York, PA 17403Little Conewago Creek  
TSFYork County  
Conservation District  
118 Pleasant Acres  
Road  
York, PA 17402  
(717) 840-7430Oley Township  
Berks County

PAG2000608076

John Kibblehouse  
Dibble Development  
Co., Inc.  
2052 Lucon Road  
Skippack, PA 19474Little Manatawny  
Creek  
CWFBerks County  
Conservation District  
1238 County Welfare  
Road  
Suite 200  
Leesport, PA  
19533-9710  
(610) 372-4657, Ext. 201

## NOTICES

1339

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i> | <i>Applicant Name &amp;<br/>Address</i>  | <i>Receiving<br/>Water/Use</i>                                    | <i>Contact Office &amp;<br/>Phone No.</i>   |
|---|-------------------|--|---|---|
| Douglass Township<br>Berks County                           | PAG2000608057     | Timothy Specht<br>Trap Rock No. 3, LLC<br>P. O. Box 300<br>Boyertown, PA 19512   | Schuylkill<br>River—Schuylkill River<br>Watershed<br>WWF          | Berks County<br>Conservation District<br>1238 County Welfare<br>Road<br>Suite 200<br>Leesport, PA<br>19533-9710<br>(610) 372-4657, Ext. 201 |
| Bethel Township<br>Berks County                             | PAG000609007      | Ralph Moyer<br>91 Frystown Road<br>Myerstown, PA 17067   | Little Swatara Creek<br>CWF                                       | Berks County<br>Conservation District<br>1238 County Welfare<br>Road<br>Suite 200<br>Leesport, PA<br>19533-9710<br>(610) 372-4657, Ext. 201 |
| Alsace Township<br>Berks County                             | PAG2000609002     | Ronald Bortz<br>L Designs, LLC<br>3209 Pricetown Road<br>Fleetwood, PA 19522   | Laurel Run<br>CWF-MF  | Berks County<br>Conservation District<br>1238 County Welfare<br>Road<br>Suite 200<br>Leesport, PA<br>19533-9710<br>(610) 372-4657, Ext. 201 |
| Centre County<br>Boggs and Snow Shoe<br>Townships           | PAG2001408020     | Department of<br>Transportation<br>District 2-0<br>P. O. Box 342<br>Clearfield, PA<br>16830-0342                         | Jonathan Run<br>CWF<br>Beech Creek<br>CWF                         | Centre County<br>Conservation District<br>414 Holmes Avenue<br>Suite 4<br>Bellefonte, PA 16823<br>(814) 355-6817                            |
| Columbia County<br>Hemlock Township                         | PAG2001909001     | Marie C. Minter<br>KS Land Development<br>Corp.<br>24 West Main Street<br>Bloomsburg, PA 17815                           | Mahoning Creek<br>Watershed<br>CWF                                | Columbia County<br>Conservation District<br>702 Sawmill Road<br>Suite 204<br>Bloomsburg, PA 17815<br>(570) 784-1310, Ext. 102               |
| Lycoming County<br>City of Williamsport                     | PAG2004107017     | Susquehanna Health<br>System<br>Dennis Clark<br>Director of Facilities<br>777 Rural Avenue<br>Williamsport, PA 17701     | Grafius Run<br>WWF  | Lycoming County<br>Conservation District<br>542 County Farm Road<br>Suite 202<br>Montoursville, PA 17754<br>(570) 433-3003                  |
| Montour County<br>Danville Borough                          | PAG2004709002     | Department of<br>Environmental<br>Protection<br>400 Market Street<br>3rd Floor<br>P. O. Box 8460<br>Harrisburg, PA 17105 | Mahoning Creek<br>CWF   | Montour County<br>Conservation District<br>112 Woodbine Lane<br>Suite 2<br>Danville, PA 17821<br>(570) 271-1140                             |
| Northumberland County<br>Coal and East Cameron<br>Townships | PAG2004909001     | Mahanoy Mountain,<br>Penn Wind Energy<br>Project<br>SR 125<br>North of SR 3004<br>Shamokin, PA 17872                     | UNT to Shamokin<br>Creek<br>WWF<br>UNT to Mahanoy<br>Creek<br>WWF | Northumberland County<br>Conservation District<br>R. R. 3<br>Box 238-C<br>Sunbury, PA 17801<br>(570) 286-7114, Ext. 4                       |
| Tioga County<br>Chatham Township                            | PAG2005909001     | Michael Rosenthal<br>35 Linden Lane<br>Princeton, NJ 08540   | UNT to Crooket Creek<br>WWF                                       | Tioga County<br>Conservation District<br>50 Plaza Lane<br>Wellsboro, PA 16901<br>(570) 724-1801, Ext. 3                                     |



*Facility Location:  
Municipality &  
County*Tioga County  
Richmond Township*Permit No.*

PAG2005909002

*Applicant Name &  
Address*Stanley Dean  
1904 South Main  
Street  
Mansfield, PA 16933*Receiving  
Water/Use*Tioga River  
CWF*Contact Office &  
Phone No.*Tioga County  
Conservation District  
50 Plaza Lane  
Wellsboro, PA 16901  
(570) 724-1801, Ext. 3Armstrong County  
Washington Township

PAG2000308006

Allegheny Energy  
Supply Company, LLC  
800 Cabin Hill Drive  
Greensburg, PA  
15601-1689Limestone Run  
WWFArmstrong County  
Conservation District  
(724) 548-3425Armstrong County  
Bethel and Gilpin  
Townships

PAG2000309002

Kiski Junction  
Railroad, Inc.  
301 Market Street  
Kittanning, PA 16201Allegheny River  
WWFArmstrong County  
Conservation District  
(724) 548-3425Somerset County  
Somerset Borough

PAG2005608009

Trek Development  
Group, Inc.  
4415 Fifth Avenue  
Suite 106  
Pittsburgh, PA 15213UNT to East Branch of  
Coxes Creek  
TSFSomerset County  
Conservation District  
(814) 445-4652*General Permit Type—PAG-3**Facility Location:  
Municipality &  
County*Jessup  
Lackawanna County*Permit No.*

PAR802259

*Applicant Name &  
Address*McLane Pennsylvania  
43 Valley Business  
Park  
Jessup, PA 18434*Receiving  
Water/Use*UNT to Grassy Island  
Creek  
CWF*Contact Office &  
Phone No.*DEP—NERO  
Water Management  
Program  
2 Public Square  
Wilkes-Barre, PA  
18711-2511  
(570) 826-2511Berks County  
Reading City

PAR153504

Rohm and Haas  
Powder Coatings  
150 Columbia Street  
Reading, PA 1901Tulpehocken Creek  
WWFDEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707Berks County  
Reading City

PAR233550

Brentwood Industries,  
Inc.  
621 Brentwood Drive  
Reading, PA 19611Schuylkill River  
WWFDEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707Lebanon County  
Lebanon CityPAR603528  
(Permit Transfer)Consolidated Scrap  
Resources,  
Inc.—Lebanon Facility  
328 North 14th Street  
Lebanon, PA  
17046-3398Brandywine Creek  
TSFDEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707West Finley Township  
Washington County

PAR206143

Hansen Engineering,  
Inc.  
167 Laidley's Run Road  
West Alexander, PA  
15376

Laidley' Run

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

PAR236106

Watson Standard  
Company  
P. O. Box 11250  
Pittsburgh, PA 15238

Ohio River

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

**NOTICES**

*General Permit Type—PAG-4*

*Facility Location:  
Municipality &  
County*

| <i>Permit No.</i>                       | <i>Applicant Name &amp;<br/>Address</i>  | <i>Receiving<br/>Water/Use</i>  | <i>Contact Office &amp;<br/>Phone No.</i>  |
|---|--|---------------------------------|--|
| Cumberland County<br>Middlesex Township | PAG043575<br>Edward and Cynthia<br>Noyes<br>50 Pin Oak Drive<br>Carlisle, PA 17015   | Conodoguinet Creek<br>WWF<br>7B | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>(717) 705-4707                            |
| Adams County<br>Straban Township        | PAG043888<br>Columbia Gas<br>Transmission, LLC<br>Gettysburg Compressor<br>Station<br>1700 MacCorkle<br>Avenue, SE<br>P. O. Box 1273<br>Charleston, WV 25325 | Beaverdam Creek<br>WWF          | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA 17110<br>(717) 705-4707                            |
| Worth Township<br>Butler County         | PAG049504<br>Christopher Kreiser<br>240 Mount Union Road<br>Portersville, PA 16051   | UNT to Hogue Run<br>20-C        | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>(814) 332-6942 |
| McKean Township<br>Erie County          | PAG049491<br>Wilhelm J. Andrae, II<br>8359 Pondview Drive<br>McKean, PA 16426  | UNT to Elk Creek<br>15          | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>(814) 332-6942 |
| McKean Township<br>Eric County          | PAG049494<br>Brian Lindenberger<br>5400 West Stancliff<br>Road<br>McKean, PA 16426   | UNT to Lamson Run<br>15         | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>(814) 332-6942 |

*General Permit Type—PAG-8*

*Facility Location:  
Municipality & County*

| <i>Permit No.</i>                          | <i>Applicant Name &amp;<br/>Address</i>   | <i>Site Name &amp;<br/>Location</i>  | <i>Contact Office &amp;<br/>Phone No.</i>  |
|--|---|--|--|
| Manor Township<br>Lancaster County         | PAG083533<br>Millersville Borough<br>100 Municipal Drive<br>Millersville, PA 17551                                      | Millersville Borough<br>WWTP<br>500 Murrycross Way<br>Millersville, PA 17551                               | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA<br>17110-8200<br>(717) 705-4707                    |
| East Manchester<br>Township<br>York County | PAG083529<br>North Eastern York<br>County Sewer<br>Authority<br>P. O. Box 516<br>Mt. Wolf, PA 17347                     | Mount Wolf<br>WWTP<br>175 Chestnut Street<br>Mt. Wolf, PA 17347  | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA<br>17110-8200<br>(717) 705-4707                    |
| Warwick Township<br>Lancaster County       | PAG083535<br>Lititz Wastewater<br>Treatment Plant<br>50 Lititz Run Road<br>Lititz, PA 17543                             | Warwick Township<br>Lancaster County   | DEP—SCRO<br>909 Elmerton Avenue<br>Harrisburg, PA<br>17110-8200<br>(717) 705-4707                    |
| Washington Township<br>Erie County         | PAG088304<br>Washington Township<br>Sewer Authority<br>Washington Township<br>11800 Edinboro Road<br>Edinboro, PA 16412 | Washington Township<br>Sewer Authority<br>Washington Township<br>11800 Edinboro Road<br>Edinboro, PA 16412 | DEP—NWRO<br>Water Management<br>230 Chestnut Street<br>Meadville, PA<br>16335-3481<br>(814) 332-6942 |

*General Permit Type—PAG-8 (SSN)**Facility Location:  
Municipality &  
County*Mifflin Township  
Dauphin County*Permit No.*PAG080002  
PAG080003  
PAG080004  
PAG080006  
PAG080008  
PAG080018  
PAG082201  
PAG082203  
PAG082211  
PAG083501  
PAG083502  
PAG083506  
PAG083510  
PAG083515  
PAG083517  
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PAG083522  
PAG083535  
PAG083540  
PAG083542  
PAG083547  
PAG083551  
PAG083556  
PAG083565  
PAG083567  
PAG083573  
PAG083596  
PAG083597  
PAG083600  
PAG083825  
PAG089903  
PAG089904  
PAG089905  
PABIG9903*Applicant Name &  
Address*Synagro  
1605 Dooley Road  
P. O. Box B  
Whiteford, MD 21160*Site Name &  
Location*Homer  
Campbell—Lykens  
Street Farm*Contact Office &  
Phone No.*DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
(717) 705-4707

*Facility Location:  
Municipality &  
County*Mifflin Township  
Dauphin County*Permit No.*PAG080002  
PAG080003  
PAG080004  
PAG080006  
PAG080008  
PAG080018  
PAG082201  
PAG082203  
PAG082211  
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PAG083567  
PAG083573  
PAG083596  
PAG083597  
PAG083600  
PAG083825  
PAG089903  
PAG089904  
PAG089905  
PABIG9903*Applicant Name &  
Address*Synagro  
1605 Dooley Road  
P. O. Box B  
Whiteford, MD 21160*Site Name &  
Location*Homer  
Campbell—Home  
Farm*Contact Office &  
Phone No.*DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
(717) 705-4707

## NOTICES

*Facility Location:  
Municipality &  
County*Mifflin Township  
Dauphin County*Permit No.*PAG080002  
PAG080003  
PAG080004  
PAG080006  
PAG080008  
PAG080018  
PAG082201  
PAG082203  
PAG082211  
PAG083501  
PAG083502  
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PAG083567  
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PAG083596  
PAG083597  
PAG083600  
PAG083825  
PAG089903  
PAG089904  
PAG089905  
PABIG9903*Applicant Name &  
Address*Synagro  
1605 Dooley Road  
P. O. Box B  
Whiteford, MD 21160*Site Name &  
Location*Homer  
Campbell—Steer Farm*Contact Office &  
Phone No.*DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
(717) 705-4707

*Facility Location:  
Municipality &  
County*

Mifflin Township  
Dauphin County

*Permit No.*

PAG080002  
PAG080003  
PAG080004  
PAG080006  
PAG080008  
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PAG082201  
PAG082203  
PAG082211  
PAG083501  
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PAG083600  
PAG083825  
PAG089903  
PAG089904  
PAG089905  
PABIG9903

*Applicant Name &  
Address*

Synagro  
1605 Dooley Road  
P. O. Box B  
Whiteford, MD 21160

*Site Name &  
Location*

Homer  
Campbell—Pine Street  
Farm

*Contact Office &  
Phone No.*

DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
(717) 705-4707

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

### SAFE DRINKING WATER

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

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

**Permit No. 4807506**, Public Water Supply.

Applicant

**Leo Livengood**  
4451 Lehigh Drive  
Walnutport, PA 18088  
Lehigh Township

County

**Northampton**

Type of Facility

TNC PWS System

Consulting Engineer

George Ruby, P. E.  
Ruby Engineering  
3605 Island Club Drive, No. 9  
North Port, FL 34288-6611

Permit to Construct Issued February 18, 2009

**Permit No. 2450133, Operations Permit, Public Water Supply.**

Applicant **Pennsylvania American Water**  
800 West Hersheypark Drive  
Hershey, PA 17033  
Stroud Township

County **Monroe**

Type of Facility PWS

Consulting Engineer Daniel Rickard, P. E.  
Pennsylvania American Water  
100 North Pennsylvania Avenue  
Wilkes-Barre, PA 18701

Permit to Operate Issued February 4, 2009

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

**Permit No. 0608516, Public Water Supply.**

Applicant **Superior Water Company, Inc.**

Municipality Washington Township

County **Berks**

Type of Facility Addition of caustic soda for pH adjustment.

Consulting Engineer Steven E. Riley, P. E.  
Entech Engineering, Inc.  
P. O. Box 32  
Reading, PA 19603

Permit to Construct Issued February 25, 2009

**Permit No. 3608515, Public Water Supply.**

Applicant **Gerald Cox**  
Municipality Little Britain Township

County **Lancaster**

Type of Facility Installation of nitrate treatment at Pasquale Pizza.

Consulting Engineer David W. Wolfe, P. E.  
Earth Tech  
2 Market Plaza Way  
Mechanicsburg, PA 17055

Permit to Construct Issued February 25, 2009

**Permit No. 6708506, Public Water Supply.**

Applicant **The York Water Company**

Municipality Manchester Township

County **York**

Type of Facility Bull Road Booster Chlorinator

Consulting Engineer Mark S. Snyder, P. E.  
The York Water Company  
130 East Market Street  
P. O. Box 15089  
York, PA 17405-7089

Permit to Construct Issued March 2, 2009

**Permit No. 0608512 MA, Minor Amendment, Public Water Supply.**

Applicant **The Meadows at Bethel  
Manufactured Housing  
Community**

Municipality Bethel Township

County **Berks**

Type of Facility Addition of three 315 gallons storage tanks to provide contact time for proper disinfection.

Consulting Engineer Charles A. Kehew II, P. E.  
James R. Holley & Assoc., Inc.  
18 South George Street  
York, PA 17401

Permit to Construct Issued February 25, 2009

**Operations Permit issued to Gettysburg Municipal Authority, 7010019, Cumberland Township, Adams County on March 2, 2009, for the operation of facilities approved under Construction Permit No. 0107509 MA.**

**Operations Permit issued to United Water Pennsylvania, 7220015, Swatara Township, Dauphin County on March 2, 2009, for the operation of facilities approved under Construction Permit No. 2208505.**

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

**Permit No. Minor Amendment—Operation, Public Water Supply.**

Applicant **Dietrich's Milk Products, LLC**

Township or Borough Middlebury Township

County **Tioga**

Responsible Official Alan Sauter, Manager  
Dietrich's Milk Products, LLC  
Route 287 Middlebury Center  
Middlebury, PA 16935

Type of Facility Public Water Supply—Operation

Consulting Engineer Theodore Danforth, P. E.  
TSD Environomics, Inc.  
P. O. Box 310  
Schwenksville, PA 19473

Permit Issued Date February 26, 2009

Description of Action Operation of rerouted transmission lines to provide blending of EP101 and EP102 sources for arsenic treatment and the back-up pressure system, including a booster pump, motor and hydropneumatic tank.

**Permit No. 4707502—Construction, Public Water Supply.**

Applicant **Pepper Hills Limited**

Township or Borough Cooper Township

County **Montour**

Responsible Official Luther Ernst  
Pepper Hills Limited  
P. O. Box 139  
Danville, PA 17821

Type of Facility Public Water Supply—Construction  
 Consulting Engineer David Cunningham, P. E. Keller Engineers, Inc. 420 Allegheny Street Hollidaysburg, PA 16648  
 Permit Issued Date March 3, 2009  
 Description of Action Authorizes development of Well No. 1 as an additional source of supply and construction of a Clack MTM media iron filtration system, including detention tanks and sodium hypochlorite, potassium permanganate and sodium hydroxide chemical feed systems, booster pump station and two 10,000 gallon finished water storage tanks.

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

**Wellhead Protection Program Approval** issued to **E. J. Gulick Manufactured Housing Community**, 106 Beatty Drive, Saxonburg, PA 16056, PWSID No. 5100062, Winfield Township, **Butler County** on January 15, 2009.

**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:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i>               | <i>County</i> |
|----------------------------|--|---------------|
| Union Township             | 1445 East Main Street<br>Douglassville, PA 19518 | Berks         |

*Plan Description:* The approved Sewage Facilities 537 Plan Update plan provides for a township-wide sewage management program. The plan revision Department of Environmental Protection (Department) Number is A2-06968-ACT. 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.

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

*Plan Location:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i>               | <i>County</i> |
|----------------------------|--|---------------|
| City of Williamsport       | 253 West Fourth Street<br>Williamsport, PA 17701 | Lycoming      |

*Plan Description:* On February 25, 2009, the Department of Environmental Protection (Department) approved the City of Williamsport's Act 537 Update. The City of Williamsport is located in Lycoming County. The approved plan calls for, among other things, upgrades to the Central and West treatment facilities to meet Chesapeake Bay nutrient limitations for discharges while meeting Combined Sewer Overflow requirements. The Depart-

ment'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.

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL**

**Plan Disapprovals 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:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i>                         | <i>County</i> |
|----------------------------|--|---------------|
| Dickinson Township         | 219 Mountain View Road<br>Mt. Holly Springs, PA 17065-1503 | Cumberland    |

*Plan Description:* Disapproval of a revision to the Official Sewage Plan of Dickinson Township, Cumberland County. The proposed Sam Brown Subdivision consists of three new residential building lots proposing individual onlot sewage disposal systems and a residual lot containing an existing dwelling with an individual onlot sewage disposal system. The plan was disapproved because the preliminary hydrogeologic study separated the site into two watersheds for the purpose of showing that the development of the tract located in one watershed could be sustained by the background nitrate-nitrogen concentrations in that particular watershed. However, none of the water samples taken to indicate background are in the watershed area proposed for development. The study inaccurately characterized the Site-Specific background under the proposed lots. This proposed development is located on both sides of Walnut Bottom Road, with the proposed new lots on the southeast side and the residue located on the northwest side, just east of Richland Road.

**HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988**

**Notice of Proposed Remedial Response**

**Intercourse TCE Site Leacock Township, Lancaster County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305) is proposing a remedial response at the Intercourse TCE Site (Site).

The Site is located in Leacock Township, Lancaster County, PA and has commercial and residential land use surrounded by agriculture. From 2005 through 2008, residential well sampling was completed at 360 properties. Of these 360 properties, TCE has been detected in well water at 150 properties with 74 properties returning TCE concentrations greater than 5 parts per billion (ppb). TCE is listed as a probable human carcinogen by the United States Environmental Protection Agency. Chronic effects to the liver, kidneys and immune and endocrine systems have been seen in humans exposed to trichloroethylene occupationally or from contaminated drinking water. The Maximum Contaminant Level (MCL) for public water supplies and the Statewide Health Standard for groundwater cleanup for TCE is 5 ppb.



Except for a development that has installed a treated community water supply, residents in the area rely on private wells for their water supplies. The Department and its contractor, Groundwater & Environmental Services, Inc. conducted a remedial investigation that found TCE in the groundwater at levels from nondetect to 398 ppb. Groundwater flow is controlled by a karst network of vertical and horizontal solution channels and structural fractures. Major fractures/solution features were found acting as the transport for the contaminated groundwater plume that extends to the area south of Old Philadelphia Pike, east of Clearview and Belmont Roads, north of Pequea Lane and west of Carriage Drive. A remedial response action is justified to remove the exposure risks posed by a hazardous substance in the groundwater serving residential well supplies.

After considering alternatives that include the use of bottled water and individual home point of entry carbon treatment systems, the proposed response is the construction of a new municipal water supply system. Although this alternative is more expensive than the other alternatives, the benefits outweigh the costs. This alternative is superior to the other alternatives because it eliminates all exposure associated with private use of groundwater (ingestion, inhalation and dermal contact), eliminates the need for long term monitoring of individual wells and eliminates the need for deed notices and/or restrictions. Also, constant monitoring by the public water supplier ensures protection of public health through compliance with the Pennsylvania Safe Drinking Water Act requirements. The response will include installing the water supply infrastructure, the lateral water line from the curb into each residence and connecting this line into the home water distribution system. Any fees related to the initial connection to the system and all necessary restoration work would be included in the response. The response would require the Township to enact a mandatory tap-in ordinance for properties within the plume and prohibit installation of new residential wells within the plume. Residences, businesses and institutions connected to the public supply shall be responsible for customary continuing service payments.

This response is a final remedial response under section 504 of the HSCA for the exposure of residents to water supplies using contaminated groundwater. Additional response action may be needed to achieve a complete, permanent and final cleanup for the site. Treatment technologies that address aquifer restoration and/or protection of the environment, such as ex-situ or in-situ treatment technologies, may be considered in the future provided a technically feasible and cost-effective approach can be developed.

The Department is providing this notice under sections 505(b) and 506(b) of HSCA (35 P. S. §§ 6020.505(b) and 6020.506(b)) and the publication of this notice in the *Pennsylvania Bulletin* starts the administrative record period under HSCA. The Administrative Record which contains information about this site and which supports the Department's decision to perform this action at the site is available for public review and comment. The Administrative Record can be examined Monday through Friday from 8 a.m. to 4 p.m. at the Department's Southcentral Regional Office located at 909 Elmerton Avenue, Harrisburg, PA 17110, by contacting Crystal Snook at (717) 705-6645. The Administrative Record can also be reviewed at the Leacock Township Building, 3545 West Newport Road, Intercourse, PA, (717) 768-8585 from 8 a.m. to 4 p.m., Monday through Friday.

The Administrative record will be open for comment from the date of publication of this notice in the *Pennsylvania Bulletin* on March 14, 2009, and will remain open for 90 days. Persons may submit written comments regarding this action to the Department before June 12, 2009, by mailing them to Crystal Snook at the Department's Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110-8200. The public will have an opportunity to present oral comments regarding the proposed action at a public hearing. The hearing has been scheduled for April 27, 2009, at 7 p.m. at the Intercourse Fire Company located at 10 North Hollander Road, Gordonville, PA. Persons wishing to present formal oral comment at the hearing should register before 4 p.m., April 17, 2009, by calling Lauri Lebo at (717) 705-4703.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings, should call Lauri Lebo at the previous number or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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

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

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

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

The Department has received the following plans and reports:

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

**JD Byrder, Inc.**, City of Philadelphia, **Philadelphia County**. Mark Kuczynski, REPSG, Inc., P. O. Box 5377, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142, Brenda MacPhail, REPSG, Inc., P. O. Box 5377, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142, Karl Hartman, REPSG, Inc., P. O. Box 5377, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Brad Pogachefsky, Harbison Property, LLC, 2185—2187 Bridge Street, Philadelphia, PA 19124 has submitted a Baseline Environmental Report concerning remediation of site groundwater and soil contaminated with gasoline. The report is intended to document remediation of the site to meet the Special Industries Area.

**Sun Pipeline Lima Release Site**, Middletown Township, **Delaware County**. Holly Smoker, GES, Inc., 440 Creamer Way, Suite 500, Exton, PA 19341, Carl Borkland Sunoco Pipeline, LP, 1735 Market Street, Philadelphia, PA 19103 on behalf of Larry Weathers Weather Dodge, 1187 West Baltimore Pike, Media, PA 19037 has submitted a Final Report concerning remediation of site groundwater contaminated with PAHs. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Rite Aid**, Pennsburg Borough/Perkiomen Township, **Montgomery County**. John Kane, Kane Environmental, 3831 Stone Way North, Seattle, WA 98103 behalf of Ray Renner, Gundaker Commercial Group, 100 Chesterfield Business Parkway, Suite 300, St. Louis, MO 63005 has submitted a Final Report concerning remediation of site groundwater and groundwater contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Reedy Property, 43 King Fisher Drive**, Barry Township, **Schuylkill County**. David Crowther, BlackRock Environmental, LLC, P. O. Box 288, Nazareth, PA 18064 has submitted a Final Report for Soil (on behalf of his client, Lawrence Reedy, 43 King Fisher Drive, Ashland, PA 17921), concerning the remediation of soils found to have been impacted by kerosene as a result of an accidental release from a 275-gallon aboveground storage tank. The report was submitted to document attainment of the Statewide Health Standard for soil. A public notice regarding the submittal of the Final Report was published in the *Republican & Herald* on February 10, 2009.

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

**Appalachian RV Resort**, Upper Bern Township, **Berks County**. BL Companies, 213 Market Street, 6th Floor, Harrisburg, PA 17101, on behalf of MHC Appalachian, LP, Two North Riverside Plaza, Suite 800, Chicago, IL 60606, submitted a Final Report concerning remediation of site soils contaminated with arsenic and lead. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Sunoco Pipeline—Roseville Road Site**, Manheim Township, **Lancaster County**. Mulry and Cresswell Environmental, Inc., 1691 Horseshoe Pike, Suite 3, Glenmoore, PA 19343, on behalf of Sunoco, Inc., (R & M) P. O. Box 1135, Marcus Hook, PA 19061; J & J Snack Foods Corporation, 6000 Central Highway, Pennsauken, NJ 08109; Lyndon Diner, 1370 Manheim Pike, Lancaster, PA 17601; Michel Partnership LLP, 1 RE Michel Drive, Glen Burnie, MD 21060; and Schwanger Brothers & Company, Inc., 500 West Roseville Road, Lancaster, PA 17601, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with petroleum hydrocarbons. The site includes a portion of a Sunoco pipeline right-of-way and five adjacent properties. The report is intended to document remediation of the site to meet a combination of Residential Statewide Health and Site-Specific Standards.

**UPMC Bedford Memorial Hospital**, Snake Spring Township, **Bedford County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of UPMC Bedford Memorial Hospital, 10455 Lincoln Highway, Everett, PA 15537-7046, submitted a Final Report concerning remediation of site soils contaminated with heating oil from a faulty valve on an aboveground storage tank. The report was submitted within 90 days of the release and is intended to document remediation of the site to meet the Residential Statewide Health Standard. The site will remain a hospital.

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

**F. B. Leopold Co.**, Watsontown Borough and Delaware Township, **Northumberland County**. ERSA, 125 Rock Road, Horsham, PA 19044 on behalf of F. B. Leopold Co., 227 South Division Street, Zelienople, PA 16063 has submitted a Final Report concerning remediation of site soil contaminated with VOCs, semivolatile compounds and metals. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Rohrer Bus Co., Fairfield Road Accident**, East Buffalo Township, **Union County**. Northridge Group Inc., 1172 Ridge Road, Northumberland, PA 17857 on behalf of Rohrer Bus Co., P. O. Box 100, Duncannon, PA 17028 has submitted a Final Report within 90 days of the release concerning remediation of site soil contaminated with motor oil. The report is intended to document remediation of the site to meet the Statewide Health Standard. The site will remain a public road.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

Provisions of 25 Pa. Code § 250.8, administration of the Land Recycling and Environmental Remediation Standards Act (act), require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the act. A final report provides a description of the site investigation to characterize the

nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. Plans and reports required by provisions of the act for compliance with selection of remediation to a Site-Specific Standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media, benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

**Tyco Electrons Corp. (former AMP Inc.).** Selinsgrove Borough, **Snyder County**, SAIC, 6310 Allentown Boulevard, Harrisburg, PA 17112 on behalf of Tyco Electronics Corp., P. O. Box 68355, Harrisburg, PA 17106 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with solvents. The Final Report demonstrated attainment of the Site-specific Standard and was approved by the Department of Environmental Protection on February 25, 2009.

#### **DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS**

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

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**General Permit No. WMGR096NE002. Marjol Battery Site, Gould Electronics, Inc.,** 34929 Curtis Boulevard, Eastlake, OH 44095-4001. A General Permit Determination of Applicability approval, authorizing Gould Electronics, Inc. to manage regulated fill as construction material under Residual Waste General Permit No. WMRG096 at the Marjol Battery Site located in Throop Borough, **Lackawanna County**. The Determination of Applicability was issued by the Regional Office on February 25, 2009.

Persons interested in reviewing the general permit should contact William Tomayko, Program Manager, Waste Management Program, Northeast Regional Office, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511. TDD users should contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

### **AIR QUALITY**

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

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

**GP1-22-03026A: Milton Hershey School** (P. O. Box 830, 1201 Homestead Lane, Hershey, PA 17033-0830) on February 24, 2009, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Derry Township, **Dauphin County**. This is a renewal of the GP1 permit.

**GP1-31-03005: Mount Union Area School District** (28 West Market Street, Mount Union, PA 17066) on February 24, 2009, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Mount Union Borough, **Huntingdon County**. This is a renewal of the GP1 permit.

**GP1-36-05147: Wenger's Feed Mill, Inc.** (P. O. Box 26, Rheems, PA 17570) on February 25, 2009, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in Mount Joy Borough, **Lancaster County**.

**GP7-36-03083: Pemcor, Inc.** (2100 State Road, Lancaster, PA 17601) on February 25, 2009, for a Sheetfed Offset Lithographic Printing Press under GP7 in East Hempfield Township, **Lancaster County**. This is a renewal of the GP7 permit.

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

**GP3-32-00400: TLH Coal Co.** (4401 Pollock Road, Marion Center, PA 15759-5213) on February 27, 2009, authorized under GP-3 to install and operate a noncoal mineral processing facility consisting of one Screen Machine Industries Spyder 516T screen and one Screen Machine Industries 4043T rotary crusher at their Smith Mine (SMP No. 32060103) in East Mahoning Township, **Indiana County**.

**GP9-32-00400: TLH Coal Co.** (4401 Pollock Road, Marion Center, PA 15759-5213) on February 27, 2009, authorized under GP-9 to allow installation and operation of one Cummins QSB4.5-P diesel engine, rated at 175 BHP and one Caterpillar C9 DITA diesel engine, rated at

300 BHP, to power a noncoal mineral processing facility at the Smith Mine (SMP No. 32060103) in East Mahoning Township, **Indiana County**.

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

**GP-10-358A: Iron City Extractions, LLC—Samuel Sheppeck Station** (951 Maple Furnance Road, Parker, PA 16049) on February 26, 2009, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Allegheny Township, **Butler County**.

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

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

**39-309-073: Blend Pro, Inc.** (601 South 10th Street, Allentown, PA 18103-3173) on February 19, 2009, to the install air cleaning devices at their facility in Allentown, **Lehigh County**.

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

**24-012I: C/G Electrodes, LLC—St. Marys Plant** (800 Theresia Street, St. Marys, PA 15857-1898) on February 26, 2009, to replace an existing baghouse in the Bake Department during sagger can loading, sagger can cleaning and screening systems for baking of electrodes in St. Marys City, **Elk County**. This is a Title V facility.

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

**AMS 08255: Sunoco, Inc.—R & M** (3144 Passyunk Avenue, Philadelphia, PA 19145) on February 23, 2009, for an improvement project on their 865 Hydrodesulfurization Unit in the City of Philadelphia, **Philadelphia 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.**

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

**36-05142B: Mars Snackfood, US** (295 Brown Street, Elizabethtown, PA 17022-2127) on February 28, 2009, to modify the winnowing system as well as the addition of two conveying systems and a central vacuum system, each controlled by a dust collector in Elizabethtown Borough, **Lancaster County**. This plan approval was extended.

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

**PA-65-00837B: Dominion Transmission, Inc.** (445 West Main Street, Clarksburg, WV 26301-2886) on Febru-

ary 24, 2009, to continue retrofitting compressor engines with precombustion chambers at their Oakford Compressor Station, in Salem Township, **Westmoreland County**. The Plan Approval has been extended.

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

**20-106A: Greenleaf Corporation** (18695 Greenleaf Drive, Saegertown, PA 16433-4429) on February 28, 2009, to install a thermal oxidizer on a graphite resistance furnace at their manufacturing facility in Hayfield Township, **Crawford County**.

**62-032B: Ellwood National Forge Irvine Plant** (One Front Street, P. O. Box 303, Irvine, PA 16329) on February 28, 2009, to install a new ladle furnace and increase production from 46,200 tpy to 150,000 tpy at their facility in Brokenstraw Township, **Warren County**.

**Plan Approvals Denied, Terminated, Modified, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and the provisions of 25 Pa. Code §§ 127.13b and 127.13c.**

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

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

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

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

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

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

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

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

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

**36-05019: Anvil International, Inc.** (1411 Lancaster Avenue, Columbia, PA 17512-1939) on February 18, 2009, to operate an iron foundry in Columbia Borough, **Lancaster County**. This is a renewal of the Title V operating permit.

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

**10-00023: Mercer Lime & Stone Co.—Branchton Plant** (560 Branchton Road, Slippery Rock, PA 16057) on February 27, 2009, to re-issue the Title V Operating Permit to operate a lime manufacturing facility in Slippery Rock Township, **Butler County**.

**42-00028: Saint Gobain Containers, LLC** (One Glass Place, Port Allegany, PA 16743) on February 24, 2009, to re-issue a Title V Permit to operate a glass containers manufacturing facility in Port Allegany Borough, **McKean County**. The facility's major emission sources include two natural gas fired glass melting furnaces No. 1 and No. 3, hot end treatment, mold swab, power house and office building boilers, miscellaneous natural gas usage, cold cleaning parts washer, conditioning/forming/finishing lines and emergency generator. The facility is a major facility due to its potential to emit of NO<sub>x</sub> and SO<sub>x</sub>. The facility is not subject to CAM plan because the furnaces have no control devices and the other precontrolled emission of criteria pollutants are less than Title V threshold limits. The facility is also subject to 40 CFR Part 63, Subpart SSSSSS—National Emission Standards for HAPs for Glass Manufacturing Area Sources. The applicable requirements have been included in the permit during this renewal.

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

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

**09-00010: TEVA Pharmaceuticals USA, Inc.** (650 Cathill Road, Sellersville, PA 18960) on March 2, 2009, for renewal of a Non-Title V Facility, State-only, Synthetic Minor Permit in Milford Township, **Bucks County**. TEVA Pharmaceuticals USA, Inc. manufactures pharmaceutical products with some products that use ethanol or isopropyl alcohol as a solvent. These alcohols are emitted into the atmosphere during the drying process. This facility has a limit of less than 24 tons of VOC emissions per year on a 12-month rolling sum basis. The facility also operates two 7.9 mmBtu/hr boilers that fire No. 2 Fuel Oil, two diesel-fired emergency generators and two diesel-fired fire pumps that contribute to NO<sub>x</sub> and SO<sub>2</sub> emissions from this facility. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

**29-03004: Mellot Co.** (100 Mellot Drive, Suite 100, Warfordsburg, PA 17267-8555) on February 25, 2009, for coating operations in Bethel Township, **Fulton County**. This is a renewal of the State-only operating permit.

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

**04-00695: Norfolk Southern Railway Co.** (110 Franklin Road, SE, Roanoke, VA 24042) on February 20, 2009, to operate three boilers, sand hoppers and miscellaneous VOC sources at their Conway Yard, in Conway Borough, **Beaver County**. The potential to emit from this facility would be approximately 25.7 tpy PM, 89.3 tpy SO<sub>2</sub>, 52.5 tpy NO<sub>x</sub>, 25.6 tpy CO, 1.9 tpy VOCs and 6.3 tpy HAPs. The actual emissions will be much lower than this. Applicable emission restrictions, work practice standards and monitoring, recordkeeping and reporting requirements have been placed in the permit.

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

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

**36-03052: Boose Aluminum Foundry Co., Inc.** (77 North Reamstown Road, P. O. Box 261, Reamstown, PA 17567-0261) on February 13, 2009, to operate their aluminum foundry in East Cocalico Township, **Lancaster County**. This State-only operating permit was administratively amended to incorporate plan approval 36-03052B. This is Revision No. 2.

**36-05127: Martin Limestone, Inc.** (P. O. Box 550, Blue Ball, PA 17506-0550) on January 29, 2009, to operate their Burkholder Asphalt Plant in Earl Township, **Lancaster County**. This State-only operating permit was administratively amended to incorporate plan approval 36-05127B. This is Revision No. 1.

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

**65-00629: CBC Latrobe Acquisition, LLC** (100 33rd Street, Latrobe, PA 15650-1474) on February 19, 2009, for change in ownership of their facility from Latrobe Brewing Co. to CBC Latrobe Acquisition, LLC in City of Latrobe, **Westmoreland County**.

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**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

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

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*Coal Permits Actions*

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

**63981301 and NPDES Permit No. PA0215171, Consolidation Coal Company**, (R. D. 4, Box 425, Moundsville, WV 26041), to renew the permit for the Shoemaker Mine in West Finley Township, **Washington County** and related NPDES permit. No additional discharges. Application received October 15, 2008. Permit issued February 24, 2009.

**30031301 and NPDES Permit No. PA0235610, Dana Mining Company of PA, LLC**, (308 Dents Run Road, Morgantown, WV 26501), to revise the permit and related

NPDES permit for the 4 West Mine in Perry Township, **Greene County** to add surface acreage and an NPDES discharge point to install the Eisenhower Shaft Site. Surface Acres Proposed 2.6. Receiving stream: UNT to Glade Run, classified for the following use: WWF. Application received May 5, 2008. Permit issued February 25, 2009.

**11733701 and GP12-11733701-R14, Robindale Energy Services, Inc.**, (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920), to revise the permit for the Cambria Slope Mine No. 33 in Cambria Township, **Cambria County** at the refuse disposal site to establish an emission inventory for an enclosed waste coal trommel screen, diesel engine and waste coal stockpile based on 800,000 maximum total annual raw coal throughput and 2,000 operating hours per year. Approval is authorized under General Permit BAQ-GPA/GP-12 and is required to meet all applicable limitations, terms and conditions of Authorization GP12-11733701-R14. No additional discharges. Application received October 20, 2008. Permit issued February 25, 2009.

**30841314 and NPDES Permit No. PA0215368, Dana Mining Company of Pennsylvania, LLC**, (308 Dents Run Road, Morgantown, WV 26501), to renew the permit and related NPDES permit and revise the permit for the Titus Mine in Dunkard Township, **Greene County** to add acreage to the permit and subsidence plan for development mining. Underground Acres Proposed 991.38, Subsidence Control Plan Acres Proposed 991.38. No additional discharges. Application received July 14, 2008. Permit issued March 2, 2009

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

**32980114 and NPDES No. PA0234923, Simpson Coal Company**, R. D. 1, Box 244, New Alexandria, PA 15670, permit renewal for reclamation only of a bituminous surface and auger mine in Young Township, **Indiana County**, affecting 67.5 acres. Receiving streams: Blacklegs Creek and UNTs to Blacklegs Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 19, 2008. Permit issued February 23, 2009.

**32070103, RES Coal, LLC**, 224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920, commencement, operation and restoration of a bituminous surface, auger and blasting mine in East Mahoning Township, **Indiana County**, affecting 201.4 acres. Receiving streams: Little Mahoning Creek classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 2, 2007. Permit issued February 23, 2009.

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

**16940107 and NPDES Permit No. PA0226831, RFI Energy, Inc.** (P. O. Box 162, Sligo, PA 16255) Renewal of an existing bituminous strip, sandstone removal and beneficial use of coal ash operation in Perry Township, **Clarion County** affecting 217.0 acres. Receiving streams: Five UNTs to Cherry Run. Application received November 18, 2008. Permit issued February 20, 2009.

**33030103 and NPDES Permit No. PA0242357, Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous strip operation in Union Township, **Jefferson County** affecting 11.5 acres. This renewal is issued for reclamation only. Receiving

streams: UNTs to Little Mill Creek. Application received January 8, 2009. Permit issued February 25, 2009.

**16030101 and NPDES Permit No. PA0242349, Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Renewal of an existing bituminous strip operation in Redbank and Limestone Townships, **Clarion County** affecting 75.2 acres. This renewal is issued for reclamation only. Receiving streams: UNTs to Town Creek. Application received January 21, 2009. Permit issued February 25, 2009.

**33820121 and NPDES Permit No. PA0604623, Terry Coal Sales, Inc.** (P. O. Box 58, Distant, PA 16223) Renewal of an existing bituminous strip and auger operation in Knox Township, **Jefferson County** affecting 144.0 acres. This renewal is issued for reclamation only. Receiving streams: UNTs to Sandy Lick Creek. Application received October 1, 2008. Permit issued February 27, 2009.

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

**17060106 and NPDES No. PA0256386, King Coal Sales, Inc.** (P. O. Box 712, Philipsburg, PA 16866). Commencement, operation and restoration of a bituminous surface mine in Morris Township, **Clearfield County**, affecting 29.0 acres. Receiving streams: Flat Run; UNT to Sulphur Run; UNT to Moshannon Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 1, 2006. Permit issued February 23, 2009.

**17080106 and NPDES No. PA0256790, Swisher Contracting, Inc.** (P. O. Box 1223, Clearfield, PA 16830). Commencement, operation and restoration of a bituminous surface mine in Lawrence Township, **Clearfield County**, affecting 15.3 acres. Receiving stream: Moose Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 19, 2008. Permit issued February 23, 2009.

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

**54830105R5, Joe Kuperavage Coal Company**, (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Blythe Township, **Schuylkill County** affecting 263.0 acres, receiving stream: none. Application received July 3, 2008. Renewal issued February 25, 2009.

#### *Noncoal Permits Actions*

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

**44930301 and NPDES Permit No. PA0595985, Eastern Industries, Inc.**, 4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034, renewal of NPDES Permit, Armagh Township, **Mifflin County**. Receiving streams: Laurel Creek classified for the following use: HQ-CWF. Application received November 3, 2008. Permit issued February 23, 2009.

**29940301 and NPDES No. PA0607908, Lafarge Mid-Atlantic, LLC**, 300 East Joppa Road, Suite 200, Towson, MD 21286, transfer of an existing surface noncoal mine from H. B. Mellott Estate, Inc., 100 Mellott Drive, Suite 100, Warfordsburg, PA 17267, located in Bethel and Thompson Townships, **Fulton County**, affecting 159.9 acres. Receiving streams: Little Tonoloway Creek classified for the following use: TSF. There are no potable

water supply intakes within 10 miles downstream. Application received March 3, 2008. Permit issued February 26, 2009.

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

**43820603. Larry G. Temple** (228 Georgetown Road, Hadley, PA 16130) Renewal of existing NPDES Permit No. PA0604607 in Mill Creek Township, **Mercer County**. Receiving streams: UNT to Mill Creek. Application received January 6, 2009. Permit issued February 25, 2009.

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

**58080830. William T. Bennett Flagstone**, (R. R. 1, Box 1410, Lawton, PA 18828), commencement, operation and restoration of a quarry operation in Rush Township, **Susquehanna County** affecting 3.0 acres, receiving stream: none. Application received April 30, 2008. Permit issued February 25, 2009.

**66080805. Richard J. Burgess**, (R. R. 4, Box 4151, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Meshoppen Township, **Wyoming County** affecting 5.0 acres, receiving stream: none. Application received July 25, 2008. Permit issued February 25, 2009.

**58082816. Meshoppen Stone, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Liberty Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received October 3, 2008. Permit issued February 26, 2009.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

##### *Blasting Permits Actions*

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

**65094001. KESCO, Inc.** (P. O. Box 95, Adrian, PA 16210). Blasting activity permit to blast a borrow pit for the construction of the New Stanton Service Plaza, located in South Huntingdon Township, **Westmoreland County**. The expected duration of blasting is 1 year. Permit issued February 27, 2009.

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

**08094101. Austin Powder Northeast, LLC** (25800 Science Park Drive, Beachwood, OH 44122), blasting for the Chesapeake Gas Sharer Well Site located in Tuscarora Township, **Bradford County**. Permit issued February 23, 2009. Permit expires February 17, 2010.

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

**22094101. Dyno-Nobel, Inc.**, (1320 Galiffa Drive, Donora, PA 15033), construction blasting for Spring Creek Cemetery in Derry Township, **Dauphin County** with an expiration date of February 28, 2010. Permit issued February 24, 2009.

**36094106. J. Roy's, Inc.**, (Box 125, Bowmansville, PA 17507), construction blasting at the Randy Andrews Farm in West Lampeter Township, **Lancaster County** with an expiration date of February 28, 2010. Permit issued February 25, 2009.

**36094001. Anrich, Inc.**, (1271 South Gulph Road, Wayne, PA 19087), construction blasting for SLISA-Hollinger Road Sewer Replacement in West Lampeter Township, **Lancaster County** with an expiration date of August 30, 2009. Permit issued February 26, 2009.

**15094104. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Southview Development in South Coatesville Borough, **Chester County** with an expiration date of February 25, 2010. Permit issued February 27, 2009.

**22094102. Warren's Excavating & Drilling, Inc.**, (P. O. Box 214, Myerstown, PA 17067), construction blasting for Old Jamesway Plaza in Lower Swatara Township, **Dauphin County** with an expiration date of February 24, 2010. Permit issued February 27, 2009.

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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



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

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

#### **WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E22-541: Highspire Borough Authority**, 7 Spring Hill Lane, Elizabethtown, PA 17022, Highspire Borough, **Dauphin County**, United States Army Corps of Engineers, Baltimore District.

To remove two 75-foot diameter aeration tanks and to perform improvements to an existing wastewater treatment plant consisting of the construction and maintenance of the following: (1) a 10.0-foot by 27.0-foot comminutor chamber having a height of 7.5 feet; (2) a 13.0-foot by 20.3-foot distribution box having a height of 11.3 feet; (3) two primary clarifier/thickener tanks, each having a diameter of 42.0 feet and a height of 16.7 feet; (4) a 20.0-foot by 29.0-foot influent pump station having a height of 13.0 feet; (5) a 150.0-foot by 166.0-foot oxidation ditch having a height of 16.0 feet; (6) a 7.0-foot by 17.0-foot distribution box having a height of 16.0 feet; (7) a 58.0-foot diameter final clarifier tank having a height of 8.5 feet; (8) a 42.0-foot by 54.0-foot control building having a height of 20.0 feet; (9) an 8.5-foot by 12.5-foot WAS valve box having a height of 10.5 feet; (10) a 27.0-foot by 39.0-foot RAS pump station; and (11) the parking area, driveway and utilities related to upgrades to the treatment plant. All impacts are located in the floodplains of Burd Run (WWF) and the Susquehanna River (WWF). The project is located south of intersection of Lumber Street and Industrial Road (Steelton, PA Quadrangle N: 14.70 inches; W: 5.45 inches, Latitude: 40° 12' 21.4"; Longitude: 76° 47' 20.4") in Highspire Borough, Dauphin County. The purpose of the project is to improve the plant's capacity for nitrogen and phosphorus removal.

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

**E02-1564. Allegheny County Airport Authority**, 1000 Airport Boulevard, Suite 4000, P. O. Box 12370, Pittsburgh, PA 15231-0370. To place fill in wetlands in Findlay Township, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Aliquippa, PA Quadrangle N: 1.26 inches; W: 0.8 inch, Latitude: 40° 30' 25"; Longitude: 80° 15' 33").

1. To place and maintain fill in approximately 194 feet of a UNT within the Montour Run Watershed (TSF) and approximately 0.57 acre of wetlands (PFO/PEM);

2. To construct and maintain an approximately 60-ft extension of the existing stream enclosure in a UNT to Montour Run (TSF) along the wingwalls; and

3. To place and maintain a 265-foot long 60-inch diameter spiral-rib slip liner inside of the existing 66-inch diameter stream enclosure that is being extended.

The impacts are associated with the extension of Halverson Drive and the construction and maintenance of the Northfield Cargo Facility. The project is located approximately 2,000 feet southwest from the intersection of International Drive and Business Route 60 at the Pittsburgh International Airport. Compensation for the wetland impacts, totaling 0.57 acre, will be provided at the Permittee's Site 10.2 replacement wetland area. Approximately 0.15 acre of the Site 10.2 replacement wetland area will also be planted with live stakes of black willow and sycamore, to create an area of PFO wetland. To compensate for impacts to a total of 254 feet of watercourse, the applicant has provided stream mitigation at Raredon Run, under Permit No. E02-1531.

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

**E61-284. Department of Transportation, District 1-0**, 255 Elm Street, Oil City, PA 16301. SR 3005, Section B00 Across Scrubgrass Creek, in Clinton Township, **Venango County**, United States Army Corps of Engineers, Pittsburgh District (Eau Claire, PA Quadrangle N: 41° 14' 21.7"; W: 79° 51' 13.7").

To remove the existing truss bridge and to construct and maintain a prestressed concrete spread box beam bridge having an out to out width of 28.25 feet, a clear span of 89.5 feet and an underclearance of 9.5 feet on a 65° skew with a new alignment located immediately upstream of the existing bridge across Scrubgrass Creek on SR 3005, Section B00 approximately 200 feet south of SR 3008.

#### **ENVIRONMENTAL ASSESSMENTS**

*Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

**EA2609-001. Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Menallen Township, **Fayette County**, United States Army Corps of Engineers, Pittsburgh District.

The applicant proposes to backfill an abandoned surface mine, which includes two dangerous highwalls totaling 1,600 linear feet. The project will also include the backfilling of wetlands (0.33 acre) that have developed within the open surface mine pits. A 0.33 acre replacement wetland will be constructed with the project (New Salem, PA Quadrangle N: 4.4 inches; W: 4.9 inches).

*Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

**EA1009-012. Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Road, Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Cherry Township, **Butler County**, United States Army Corps of Engineers, Pittsburgh District.

The applicant proposes to backfill an abandoned 5 acre surface mine, which includes a total of 600 feet of Priority 2 dangerous highwall. The height of the highwall ranges from 20 feet to 40 feet high and steeply slopes into a waterbody of unknown depth. The project will include the backfilling of 0.3 acre of open water that has developed within the low lying area of the pit (West Sunbury, PA Quadrangle N: 9.65 inches; W: 6.4 inches).

#### **EROSION AND SEDIMENT CONTROL**

The following Erosion and Sediment Control (ESCP) Permits have been issued.



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

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

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

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

| <i>ESCP No.</i> | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>           |
|-----------------|---|---------------|---------------------|--------------------------------------|
| ESCP<br>0809808 | Chesapeake Appalachia, LLC<br>900 Pennsylvania Avenue<br>Charleston, WV 25302 | Bradford      | Granville Township  | North Branch<br>Towanda Creek<br>CWF |

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

| <i>ESCP No.</i>       | <i>Applicant Name &amp; Address</i>   | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>      |
|-----------------------|---|---------------|---------------------|---------------------------------|
| ESCGP-1-<br>001009002 | Marburger Farm Dairy<br>Gary Clark<br>P. C. Exploration, Inc.<br>502 Keystone Drive<br>Warrendale, PA 15086 | Butler County | Forward Township    | Connoquenessing<br>Creek<br>WWF |

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## SPECIAL NOTICES

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### Notice of Certification to Perform Radon-Related Activities in Pennsylvania

In the month of February 2009, the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

| <i>Name</i>       | <i>Address</i>  | <i>Type of Certification</i> |
|-------------------|---|------------------------------|
| Brian Bacchus     | 125 Twin Oaks Drive<br>Wexford, PA 15090                          | Mitigation                   |
| Glen Beveridge    | 409 Sewickley Street<br>Greensburg, PA 15601                      | Testing                      |
| Donald Bobincheck | 116 Kenny Drive<br>Sewickley, PA 15143                            | Testing                      |
| David Bollinger   | 1341 North Delaware Avenue<br>Suite 205<br>Philadelphia, PA 19125 | Testing                      |
| Eric Dillon       | 551 East College Avenue<br>Pleasant Gap, PA 16823                 | Mitigation                   |
| Tony Domingues    | 584 North Krocks Road<br>Allentown, PA 18106                      | Mitigation                   |
| Keri Gerontianos  | 2520 Sandy Lane<br>Palmer, PA 18045                               | Testing                      |
| Paul Hollup       | 420 Vaughn Road<br>Royersford, PA 19468                           | Testing                      |
| E. Patrick Joseph | 561 Vanderbilt Road<br>Connellsville, PA 15425                    | Testing                      |
| Frederick Kim     | 229 New York Street<br>Pittsburgh, PA 15220                       | Testing                      |

| <i>Name</i>                          | <i>Address</i>   | <i>Type of Certification</i> |
|--------------------------------------|--|------------------------------|
| Frederick Kim<br>R.C. Brothers, Inc. | 229 New York Street<br>Pittsburgh, PA 15220              | Mitigation                   |
| Seymour Levine                       | 198 Rose Hill Drive<br>New Cumberland, PA 17070          | Testing & Mitigation         |
| Rob Lunny                            | 2370 York Road<br>A9-C<br>Jamison, PA 18928              | Testing                      |
| Microbac Laboratories, Inc.          | 1962 Wager Road<br>Erie, PA 16509                        | Testing & Laboratory         |
| Edward Moran                         | 940 Port Carbon Street<br>Pottsville, PA 17901           | Testing                      |
| James Mulvehill                      | 126 Furnari Avenue<br>Johnstown, PA 15905                | Testing                      |
| Joseph Nirschel                      | 213 North 14th Street<br>Allentown, PA 18102             | Mitigation                   |
| Pro-Lab                              | 1675 North Commerce Parkway<br>Weston, FL 33326          | Laboratory                   |
| William Staniland                    | 706 Russett Meadow Court<br>Cranberry Township, PA 16066 | Testing                      |
| Thomas Trimmer                       | 1160 Locust Grove Road<br>Middletown, PA 17057           | Testing                      |
| Todd Tuvell                          | 4142 Ogetown Station Road<br>No. 217<br>Newark, DE 19713 | Testing                      |
| James Waltz                          | 655 Basehoar School Road<br>Littlestown, PA 17340        | Testing                      |
| John Wechter                         | 72 Gristmill Lane<br>Linfield, PA 19468                  | Testing                      |

**Drinking Water State Revolving Fund  
Special Notice**

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

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

*Project Location:*

| <i>Applicant</i>                        | <i>Applicant Address</i>                        | <i>County</i> |
|---|---|---------------|
| Brodhead Creek<br>Regional<br>Authority | 410 Stokes Avenue<br>East Stroudsburg, PA 18301 | Monroe        |

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Brodhead Creek Regional Authority proposes the Glenbrook Road Waterline Extension which is part of Pennvest Project No. 45015030902-CW. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report submitted on February 12, 2009, for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

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

*Project Location:*

| <i>Applicant</i>                        | <i>Applicant Address</i>                             | <i>County</i> |
|---|--|---------------|
| Pike Township<br>Municipal<br>Authority | P. O. Box 27<br>Hixon Road<br>Curwensville, PA 16833 | Clearfield    |

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Pike Township Municipal Authority proposes to install a replacement finished water storage tank for their old stone reservoir which was 100+ years old. The Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

*Project Location:*

| <i>Applicant</i>                     | <i>Applicant Address</i>                       | <i>County</i> |
|--------------------------------------|--|---------------|
| Clearfield<br>Municipal<br>Authority | 107 East Market Street<br>Clearfield, PA 16830 | Clearfield    |

*Project Description:* The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The Clearfield Municipal Authority proposes to construct a new membrane treatment plant to filter the Moose Creek Reservoir. The

Department of Environmental Protection's (Department) review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the Environmental Assessment.

### BID OPPORTUNITY

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

**Act 181 Notification: Operation and Maintenance of Mine Drainage Treatment Sites in Cambria, Indiana and Somerset Counties.** The work will include operation and maintenance of both passive and active treatment facilities on forfeited surface mine sites. Proposals to perform the work will be accepted and reviewed by the Cambria District Mine Office. This project issues on March 7, 2009. Proposal documents will be available after March 7 and at the preproposal meeting. A mandatory preproposal meeting will be conducted on March 12, 2009, at 9 a.m. at the Cambria District Mine Office in Ebensburg, PA. Proposals will be opened on March 18, 2009. Contractors must obtain a Coal Mining License to qualify for the award as per 25 Pa. Code § 86.189. Proposals shall be postmarked and submitted by March 18, 2009, to Attn: Malcolm Crittenden, Department, 286 Industrial Park Road, Ebensburg, PA 15931. For more information call, Malcolm Crittenden at (814) 472-1900 or mcrittende@state.pa.us.

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

**Hilltop Coal Company, GFCC No. 17-08-06, Alyssa Operation, Bigler Township, Clearfield County (Clearfield Creek—Upper West Branch Watershed):** A Government-Financed Construction Contract has been awarded to Hilltop Coal Company that will result in the reclamation of 22.4 acres of abandoned mine land and 12 acres of abandoned underground mines. The site will be reclaimed and regraded to approximate original contour. Alkaline addition in the form of waste lime will be added to the coal extraction area at a rate of 425 tons/acre. No blasting or refuse reprocessing is permitted at the site. The value of this reclamation is estimated at \$150,000. The site is located approximately 1 mile west of Madera on lands formerly mined and subsequently abandoned by Greenwood Coal Company in the 1940s. (Contact: David Bisko; (814) 342-8200, Moshannon)

**Sky Haven Coal, Inc., GFCC No. 17-08-11, Kovalick Operation, Bradford Township, Clearfield County (Long Run to Clearfield Creek—Upper West Branch Watershed):** A no-cost construction contract has been awarded to Sky Haven Coal, Inc., that will result in the reclamation of approximately 12.0 acres of abandoned mine land, the reclamation of 1,800-feet of abandoned highwall and the recovery of approximately 12,000 tons of remaining coal reserves. The site will be reclaimed and regraded to approximate original contour. Alkaline addition in the form of waste lime will be added to the mining area at a rate of 1,225 tons per acre. A total of at least 6,125 tons of alkaline waste lime will be placed on the site. The estimated value of the reclamation work is \$115,000 which will be done at no cost to the Commonwealth. The site is located 1.5 miles northeast of Spring Valley along

Long Run Road on lands formerly mined and subsequently abandoned by Maple Hill Coal Company in the late 1950s. Blasting has been approved as part of the reclamation activities. Refuse reprocessing is prohibited at the site.

### Request for Comments and Notice of Public Meeting for the Proposed Total Maximum Daily Loads (TMDLs) Developed for the West Branch Susquehanna River Watershed

The Department of Environmental Protection (Department) and the Susquehanna River Basin Commission (SRBC) are holding a public meeting on March 26, 2009, at 7 p.m., at the Clearfield County Conservation District, 650 Leonard Street, Clearfield, PA. The purpose of the meeting is to discuss and accept comments on the proposed TMDLs developed for the West Branch Susquehanna River. In accordance with the requirements of section 303(d) of The Clean Water Act, stream segments in the West Branch Susquehanna River have been identified as impaired due to high levels of metals and low pH as a result of abandoned mine drainage.

The proposed TMDLs set allowable loadings to meet water quality standards at specified points in the West Branch Susquehanna River for iron, manganese, aluminum and acidity. Loads have been allocated to both point and nonpoint sources. The TMDLs were established using field data collected in 2004 and 2005, as well as data collected from prior water quality surveys performed by other agencies.

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. The proposed TMDL and information on the TMDL program can be viewed on Department's web site ([www.dep.state.pa.us/watermanagement\\_apps/tmdl/](http://www.dep.state.pa.us/watermanagement_apps/tmdl/)). To request a copy of any of the TMDLs, contact Bill Brown, Department of Environmental Protection, Water Quality Assessment and Standards, 400 Market Street, P. O. Box 8467, Harrisburg, PA 17105, (717) 783-2951.

Written comments will be accepted at the previous address and must be postmarked no later than 60 days from the date of this *Pennsylvania Bulletin* notice, May 13, 2009. The Department will consider all comments in developing the final TMDL, which will be submitted to U.S. Environmental Protection Agency for approval.

[Pa.B. Doc. No. 09-471. Filed for public inspection March 13, 2009, 9:00 a.m.]

### Bid Opportunity

**C56:1-108.1, General Construction of the Windber Borough Flood Protection Project Fence Replacement Project, Windber Borough, Somerset County.** The principal items of work include 250 each of removal and disposal of existing fence posts embedded in 1979, 226 each of removal and disposal of original fence posts embedded in 1964, 476 each of remaining void repair, 15 cubic feet of concrete repair, 2,345 linear feet of existing chain link fence removal and disposal, 2,345 linear feet of new chain link fence, 18 each of ladder rungs and 261 square yards of waterproofing. This project issues on March 13, 2009, and bids will be opened on April 9, 2009, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. Contact the

Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 09-472. Filed for public inspection March 13, 2009, 9:00 a.m.]

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### Bid Opportunity

**C8:2-105.1, Sayre Levee Access Road Project, Borough of Sayre, Bradford County.** The principal items of work include 65 cubic yards of common excavation, 280 cubic yards of rock fill (R-4) and 370 square yards of selected material surfacing (2RC). This project issues on March 13, 2009, and bids will be opened on April 9, 2009, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 09-473. Filed for public inspection March 13, 2009, 9:00 a.m.]

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### Bid Opportunity

**C64:4-102.1, White Mills Flood Protection Project, Fence Replacement, Texas Township, Wayne County.** The principal items of work include 78 each of removal of existing fence posts, 78 each of remaining void repair, 50 cubic feet of concrete removal, 50 cubic feet of concrete repair, 743 linear feet of existing chain link fence removal and disposal, 1,000 linear feet of new chain link fence, 10 each of ladder rungs, 111 square yards of waterproofing, and 18 each of grounding rods. This project issues on March 13, 2009, and bids will be opened on April 9, 2009, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 09-474. Filed for public inspection March 13, 2009, 9:00 a.m.]

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### Coal and Clay Mine Subsidence Insurance Fund Board; Meeting Cancellation

The March 25, 2009, meeting of the Coal and Clay Mine Subsidence Insurance Fund Board (Board) is cancelled. The next meeting is scheduled for June 25, 2009, at 10 a.m. in the 10th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the next scheduled meeting of the Board can be directed to Lawrence Ruane at (717) 783-9590 or lruane@state.pa.us. The agenda and meeting materials for the June 25, 2009, meeting will be available through the Public Participation Center on the Depart-

ment of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 783-9590 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 09-475. Filed for public inspection March 13, 2009, 9:00 a.m.]

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### Statewide Water Resources Committee; Meeting Location Change

The March 26, 2009, meeting of the Statewide Water Resources Committee will be held at an alternate location than was previously advertised at 38 Pa.B. 7015 (December 20, 2008). The meeting will now convene at the Pennsylvania Farm Show Complex and Expo Center at 2300 North Cameron Street, Harrisburg, PA 17110, beginning at 9:30 a.m.

Questions concerning the meeting can be directed to Lori Mohr at (717) 787-4628 or e-mail to [laumohr@state.pa.us](mailto:laumohr@state.pa.us). The agenda and meeting materials for the meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Participate).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 783-6118 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 09-476. Filed for public inspection March 13, 2009, 9:00 a.m.]

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## DEPARTMENT OF HEALTH

### Application of The Children's Hospital of Philadelphia for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Children's Hospital of Philadelphia has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 7.2.A.5 (relating to toilet room doors).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and

Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-477. Filed for public inspection March 13, 2009, 9:00 a.m.]

### Application for Exception to 28 Pa. Code § 127.32

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders):

Crozer-Chester Medical Center  
Delaware County Memorial Hospital  
Ellwood City Hospital  
Penn State Milton S. Hershey Medical Center

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-478. Filed for public inspection March 13, 2009, 9:00 a.m.]

### Application of Lancaster Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lancaster Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthesia explosion hazards).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-479. Filed for public inspection March 13, 2009, 9:00 a.m.]

### Application of The PMA Gastroenterology Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The PMA Gastroenterology Center has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-480. Filed for public inspection March 13, 2009, 9:00 a.m.]

### Application of Soldiers & Sailors Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Soldiers & Sailors Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 137.12(d) (relating to delivery suite).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-481. Filed for public inspection March 13, 2009, 9:00 a.m.]

### Application of Southwest Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Southwest Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.3-2.2.1.1 (relating to special patient care areas in psychiatric hospitals).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or

hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-482. Filed for public inspection March 13, 2009, 9:00 a.m.]

### Application of Thomas Jefferson University for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Thomas Jefferson University has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.2.2.4(3) (relating to air borne infection isolation room).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-483. Filed for public inspection March 13, 2009, 9:00 a.m.]

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

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

Muncy Valley Hospital Skilled Nursing Unit  
215 East Water Street  
Muncy, PA 17756  
Facility ID 134302

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

Nottingham Village  
Strawbridge Road  
P. O. Box 32  
Northumberland, PA 17857  
Facility ID 401002

Phoebe Home, Inc.  
1925 Turner Street  
Allentown, PA 18104  
Facility ID 161302

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.

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

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

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

EVERETTE JAMES,  
*Secretary*

[Pa.B. Doc. No. 09-484. Filed for public inspection March 13, 2009, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Additional Class of Payments to Qualifying Acute Care General Hospitals for Obstetrical and Neonatal Intensive Care Services

The purpose of this notice is to announce the Department of Public Welfare (Department) intends to allocate funding for Fiscal Year (FY) 2008-2009 for an additional class of disproportionate share hospital (DSH) payments for certain qualifying hospitals based on obstetrical and neonatal intensive care cases. The Department also intends to amend the payment methodology applicable to rural hospitals for these DSH payments. There will be no change to the qualifying criteria for determining eligibility for these payments or the payment methodology for nonrural hospitals.

The proposed payment methodology for rural hospitals that meet the qualifying criteria is:

(a) 15% of the total amount available will be paid to qualified rural hospitals as follows:

(i) Of the amount available for distribution to rural hospitals, 75% will be distributed to qualified rural hospitals with obstetrical cases for Pennsylvania (PA) Medical Assistance (MA) recipients using the following formula:

(A) For each hospital, determine the ratio of the hospital's obstetrical cases for PA MA recipients to all obstetrical cases for the hospital.

(B) For each hospital, multiply the ratio under clause (A) by the number of the hospital's obstetrical cases for PA MA recipients.

(C) Add the products under clause (B) for all hospitals.

(D) Divide the amount available for distribution to rural hospitals, by the sum under clause (C).

(E) Multiply the quotient under clause (D) by the product under clause (B).

(F) For rural hospitals located in counties whose ratio of MA eligible persons to total county population exceeds one standard deviation above the mean for all rural counties but less than 1.3 standard deviations above the mean for all rural counties, multiply the product in clause (E) by 1.50. For rural hospitals located in counties whose ratio of MA eligible persons to total county population is equal to or greater than 1.3 standard deviations above the mean for all rural counties but less than 1.6 standard deviations above the mean for all rural counties, multiply the product in clause (E) by 1.75. For rural hospitals located in counties whose ratio of MA eligible persons to total county population is equal to or greater than 1.6 standard deviations above the mean for all rural counties, multiply the product in clause (E) by 2.0.

(ii) Of the amount available for distribution to rural hospitals, 10% will be distributed to qualified rural hospitals with neonatal intensive-care cases for PA MA recipients using the following formula:

(A) For each hospital, determine the ratio of the hospital's neonatal intensive care cases for PA MA recipients to all neonatal intensive care cases for the hospital.

(B) For each hospital multiply: the ratio under clause (A) by the number of the hospital's neonatal intensive care cases for PA MA recipients.

(C) Add the products under clause (B) for all hospitals.

(D) Divide the amount available for distribution to rural hospitals by the sum under clause (C).

(E) Multiply the quotient under clause (D) by the product under clause (B).

(F) For rural hospitals located in counties whose ratio of MA eligible persons to total county population exceeds one standard deviation above the mean for all rural counties but less than 1.3 standard deviations above the mean for all rural counties, multiply the product in clause (E) by 1.50. For rural hospitals located in counties whose ratio of MA eligible persons to total county population is equal to or greater than 1.3 standard deviations above the mean for all rural counties but less than 1.6 standard deviations above the mean for all rural counties, multiply the product in clause (E) by 1.75. For rural hospitals located in counties whose ratio of MA eligible persons to total county population is equal to or greater than 1.6 standard deviations above the mean for all rural hospitals, multiply the product in clause (E) by 2.0.

(iii) 15% of the funds available for rural hospitals will be distributed equally among qualified rural hospitals with obstetrical cases for PA MA recipients.

(iv) To ensure that payments do not exceed available funds, the Department may adjust payments to each hospital to receive its proportionate share of the available funds.

In making these payments, the Department will ensure that no acute care general hospital will receive any DSH payment that is in excess of its hospital specific DSH upper payment limit and the Commonwealth will not exceed its aggregate annual DSH allotment.

#### *Fiscal Impact*

The FY 2008-2009 fiscal impact, as a result of this additional class of DSH payments is \$14.389 million (\$6.544 million in State General Funds and \$7.845 million in Federal Funds) upon approval by the Centers for Medicare and Medicaid Services.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department at the following address: Department of Public Welfare, Office of Medical Assistance Programs, c/o Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-587. (1) General Fund; (2) Implementing Year 2008-09 is \$6.544 M; (3) 1st Succeeding Year 2009-10 is \$0.000 M; 2nd Succeeding Year 2010-11 is \$0.000 M; 3rd Succeeding Year 2011-12 is \$0.000 M; 4th Succeeding Year 2012-13 is \$0.000 M; 5th Succeeding Year 2013-14 is \$0.000 M; (4) 2007-08 Program—\$5 M; 2006-07 Program—\$0 M; 2005-06 Program—\$0 M; (7) Obstetric and Neonatal Services; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 09-485. Filed for public inspection March 13, 2009, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Happy Mother's Day '09 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:

- Name:** The name of the game is Pennsylvania Happy Mother's Day '09.
- Price:** The price of a Pennsylvania Happy Mother's Day '09 instant lottery game ticket is \$5.
- Play Symbols:** Each Pennsylvania Happy Mother's Day '09 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15

(FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR) and 25 (TWYFIV). The play symbols and their captions, located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), Gift symbol (GIFT) and a Vase symbol (VASE).

4. **Prize Symbols:** The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$2.<sup>00</sup> (TWO DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$20.<sup>00</sup> (TWENTY), \$40.<sup>00</sup> (FORTY), \$50.<sup>00</sup> (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO), \$10,000 (TEN THO), \$50,000 (FTY THO) and \$100,000 (ONEHUNTHO).

5. **Prizes:** The prizes that can be won in this game are: \$2, \$5, \$10, \$20, \$40, \$50, \$100, \$500, \$1,000, \$10,000, \$50,000 and \$100,000. The player can win up to ten times on a ticket.

6. **Approximate Number of Tickets Printed For the Game:** Approximately 4,200,000 tickets will be printed for the Pennsylvania Happy Mother's Day '09 instant lottery game.

#### *7. Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100,000 (ONEHUNTHO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50,000 (FTY THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10,000 (TEN THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vase symbol (VASE) and a prize symbol of \$500 (FIV HUN) appears under that Vase symbol (VASE), on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gift symbol (GIFT)



and a prize symbol of \$100 (ONE HUN) appears under that Gift symbol (GIFT), on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vase symbol (VASE) and a prize symbol of \$100 (ONE HUN) appears under that Vase symbol (VASE), on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gift symbol (GIFT) and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under that Gift symbol (GIFT), on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vase symbol (VASE) and a prize symbol of \$50<sup>00</sup> (FIFTY) appears under that Vase symbol (VASE), on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$40<sup>00</sup> (FORTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vase symbol (VASE) and a prize symbol of \$40<sup>00</sup> (FORTY) appears under that Vase symbol (VASE), on a single ticket, shall be entitled to a prize of \$40.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gift symbol (GIFT) and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under that Gift symbol (GIFT), on a single ticket, shall be entitled to a prize of \$40.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol

of \$20<sup>00</sup> (TWENTY) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vase symbol (VASE) and a prize symbol of \$20<sup>00</sup> (TWENTY) appears under that Vase symbol (VASE), on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gift symbol (GIFT) and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under that Gift symbol (GIFT), on a single ticket, shall be entitled to a prize of \$20.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vase symbol (VASE) and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under that Vase symbol (VASE), on a single ticket, shall be entitled to a prize of \$10.

(u) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Gift symbol (GIFT) and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under that Gift symbol (GIFT), on a single ticket, shall be entitled to a prize of \$10.

(v) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(w) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Vase symbol (VASE) and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under that Vase symbol (VASE), on a single ticket, shall be entitled to a prize of \$5.

(x) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "WINNING NUMBERS" play symbols and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$2.

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:

*When Any Of Your Numbers Match Any Of The Winning Numbers, Win with Prize(s) Of:*

\$5 w/VASE  
\$5  
\$2 x 5  
\$5 x 2  
\$5 w/GIFT  
\$10 w/VASE  
\$10  
\$5 x 4  
\$10 x 2  
\$10 w/GIFT

*Win:*  
\$5  
\$5  
\$10  
\$10  
\$10  
\$10  
\$10  
\$20  
\$20  
\$20

*Approximate Odds Are 1 In:*  
15  
15  
120  
120  
120  
120  
60  
150  
150  
150

*Approximate No. Of Winners Per 4,200,000 Tickets*  
280,000  
280,000  
35,000  
35,000  
35,000  
35,000  
70,000  
28,000  
28,000  
28,000

*When Any Of Your Numbers Match Any Of The Winning Numbers, Win with Prize(s) Of:*

|                              | <i>Win:</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. Of Winners Per 4,200,000 Tickets</i> |
|------------------------------|-------------|-----------------------------------|---|
| \$20 w/VASE                  | \$20        | 150                               | 28,000  |
| \$20                         | \$20        | 150                               | 28,000  |
| \$5 × 8                      | \$40        | 600                               | 7,000   |
| \$10 × 4                     | \$40        | 600                               | 7,000   |
| \$20 w/GIFT                  | \$40        | 600                               | 7,000   |
| \$40 w/VASE                  | \$40        | 600                               | 7,000   |
| \$40                         | \$40        | 600                               | 7,000   |
| \$5 × 10                     | \$50        | 600                               | 7,000   |
| \$10 × 5                     | \$50        | 600                               | 7,000   |
| (\$20 w/GIFT) + \$10         | \$50        | 600                               | 7,000   |
| \$50 w/VASE                  | \$50        | 600                               | 7,000   |
| \$50                         | \$50        | 600                               | 7,000   |
| \$10 × 10                    | \$100       | 1,200                             | 3,500   |
| \$20 × 5                     | \$100       | 1,200                             | 3,500   |
| \$50 w/GIFT                  | \$100       | 1,188                             | 3,535   |
| \$100 w/VASE                 | \$100       | 1,200                             | 3,500   |
| \$100                        | \$100       | 1,188                             | 3,535   |
| \$50 × 10                    | \$500       | 20,000                            | 210   |
| \$100 × 5                    | \$500       | 20,000                            | 210   |
| (\$100 w/GIFT) + (\$100 × 3) | \$500       | 17,143                            | 245   |
| \$500 w/VASE                 | \$500       | 20,000                            | 210   |
| \$500                        | \$500       | 20,000                            | 210   |
| \$100 × 10                   | \$1,000     | 60,000                            | 70  |
| \$500 × 2                    | \$1,000     | 60,000                            | 70  |
| (\$100 w/GIFT) + (\$100 × 8) | \$1,000     | 60,000                            | 70  |
| \$1,000                      | \$1,000     | 60,000                            | 70  |
| \$10,000                     | \$10,000    | 420,000                           | 10  |
| \$50,000                     | \$50,000    | 840,000                           | 5   |
| \$100,000                    | \$100,000   | 840,000                           | 5   |

Vase (VASE) = Win prize shown under it automatically.  
Gift (GIFT) = Win double the prize shown under it.

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

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Happy Mother's Day '09 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Happy Mother's Day '09, prize money from winning Pennsylvania Happy Mother's Day '09 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 Happy Mother's Day '09 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.

11. *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.

12. *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 Happy Mother's Day '09 or through normal communications methods.

STEPHEN H. STETLER,  
*Acting Secretary*

[Pa.B. Doc. No. 09-486. Filed for public inspection March 13, 2009, 9:00 a.m.]

**Realty Transfer Tax Revised; 2007 Common Level Ratio Real Estate Valuation Factor**

The following real estate valuation factor is based on sales data compiled by the State Tax Equalization Board in 2007. This factor is the mathematical reciprocal of the actual common level ratio. For Pennsylvania Realty Transfer Tax purposes, this factor is applicable for documents accepted from January 1, 2009, to June 30, 2009. The date of acceptance of a document is rebuttably presumed to be its date of execution, that is, the date specified in the body of the document as the date of the instrument. See 61 Pa. Code § 91.102 (relating to acceptance of documents).

| <i>County</i> | <i>Revised Common Level Ratio Factor</i> |
|---------------|--|
| * Luzerne     | 1.00                                     |

\* Adjusted by the Department of Revenue to reflect assessment base change effective January 1, 2009.

STEPHEN H. STETLER,  
*Acting Secretary*

[Pa.B. Doc. No. 09-487. Filed for public inspection March 13, 2009, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Proposed Programmatic Agreement With the Federal Highway Administration, Advisory Council on Historic Preservation and State Historic Preservation Officer for Delegation of Activities Under the National Historic Preservation Act

The Department of Transportation (Department) is hereby providing notice of a proposed Programmatic Agreement with the Federal Highway Administration, Advisory Council on Historic Preservation and State Historic Preservation Officer for delegation of activities to the Department under section 106 of the National Historic Preservation Act (16 U.S.C. § 470). Under the proposed agreement, the Department would be responsible for establishing whether there is an undertaking subject to section 106, establishing the Area of Potential Effect (APE), determining the eligibility of historic properties within the APE, and making findings of effect.

The proposed programmatic agreement can be viewed online at <ftp://ftp.dot.state.pa.us/public/bureaus/BEQ/draftpa.pdf>.

An orientation to the proposed Programmatic Agreement and Frequently Asked Questions can be found at [www.penndotcrim.org](http://www.penndotcrim.org) under the "Project of the Month."

The proposed Programmatic Agreement is also available for inspection during normal business hours at the Department's Central Office in Harrisburg and at the Department's Engineering District Offices at the Department of Transportation, 400 North Street, 5th Floor, Harrisburg, PA 17120, (717) 214-4035.

*District 1-0*  
255 Elm Street  
Oil City, PA  
(814) 678-7015

*District 2-0*  
1924 Daisy Street  
Extension  
Clearfield, PA  
(814) 765-0410

*District 3-0*  
715 Jordan  
Avenue  
Montoursville, PA  
(570) 368-4200

*District 4-0*  
55 Keystone  
Industrial Park  
Dunmore, PA  
(570) 963-4010

*District 5-0*  
1002 Hamilton  
Street  
Allentown, PA  
(610) 871-4113

*District 6-0*  
7000 Geerdes  
Boulevard  
King of Prussia,  
PA  
(610) 205-6661

*District 8-0*  
2140 Herr Street  
Harrisburg, PA  
(717) 772-0778

*District 9-0*  
1620 North  
Juniata Street  
Hollidaysburg,  
PA  
(814) 696-7100

*District 10-0*  
2550 Oakland  
Avenue  
Indiana, PA  
(724) 357-3806

*District 11-0*  
45 Thoms Run  
Road  
Bridgeville, PA  
(412) 429-5004

*District 12-0*  
North Gallatin  
Avenue Extension  
Uniontown, PA  
(724) 439-7340

The proposed Programmatic Agreement will be available for inspection for 30 days from the date of this notice. The Department will accept written comments postmarked no more than 30 days from the date of this notice. Parties having substantial questions or concerns and would like to request a conference call or other means by which to discuss items of interest, should contact Ira Beckerman at (717) 772-0830 by April 3, 2009. Otherwise, comments, questions or suggestions regarding this notice may be directed in writing to Ira Beckerman, Bureau of Design, Department of Transportation, P. O. Box 3790, Harrisburg, PA 17105-3790, fax (717) 772-0834 or [ibeckerman@state.pa.us](mailto:ibeckerman@state.pa.us).

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

[Pa.B. Doc. No. 09-488. Filed for public inspection March 13, 2009, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### 2009 Classification of Wild Trout Streams; Additions, Deletions and Adjustments

Under 58 Pa. Code § 57.11 (relating to listing of wild trout streams), it is the policy of the Fish and Boat Commission (Commission) to accurately identify and classify stream sections supporting naturally reproducing populations of trout as wild trout streams. The Commission's Fisheries Management Division maintains the list of wild trout streams. The Executive Director, with the approval of the Commission, will from time-to-time publish the list of wild trout streams in the *Pennsylvania Bulletin*. The listing of a stream section as a wild trout stream is a biological designation that does not determine how it is managed. The Commission relies upon many factors in determining the appropriate management of streams.

At the next Commission meeting on April 20 and 21, 2009, the Commission will consider changes to its list of wild trout streams. Specifically, the Commission will consider the addition of the following streams or portions of streams to the list:

| <i>County of Mouth</i> | <i>Stream Name</i>                | <i>Tributary To</i>                 | <i>Section Limits</i>   |
|------------------------|-----------------------------------|-------------------------------------|---|
| Cambria                | Browns Run                        | West Branch Susquehanna River       | Headwaters downstream to mouth  |
| Cambria                | Howells Run                       | North Branch Little Conemaugh River | Headwaters downstream to First SR 2013 Bridge downstream of Ebensburg |
| Clearfield             | Deer Creek                        | West Branch Susquehanna River       | Headwaters downstream to confluence with Little Deer Creek            |
| Clearfield             | Little Deer Creek                 | Deer Creek                          | Headwaters downstream to confluence with UNT 25998 near Gillingham    |
| Elk                    | North Branch Island Run           | Island Run                          | Headwaters downstream to mouth  |
| Elk                    | South Branch Island Run           | Island Run                          | Headwaters downstream to mouth  |
| Mercer                 | UNT to East Branch Wolf Creek     | East Branch Wolf Creek              | Headwaters downstream to mouth  |
| Montour                | West Branch Chillisquaque Creek   | Chillisquaque Creek                 | Headwaters downstream to SR 0044 Bridge in Exchange                   |
| Schuylkill             | Spies Run                         | Catawissa Creek                     | Headwaters downstream to mouth  |
| Schuylkill             | UNT to Catawissa Creek (RM 36.96) | Catawissa Creek                     | Headwaters downstream to mouth  |

The Commission also will consider the following adjustments to the list:

| <i>County of Mouth</i> | <i>Stream Name</i> | <i>Tributary To</i>       | <i>Section Limits</i>   | <i>Adjustment</i>   |
|------------------------|--------------------|---------------------------|---|---|
| Tioga                  | Baldwin Run        | Marsh Creek               | Headwaters downstream to confluence with UNT at RM 1.16 (outflow of wetlands) | Downstream removal based on 2008 data that confirmed wild trout were absent from the lower 1.16 miles of stream |
| Union                  | Spruce Run         | Buffalo Creek             | Headwaters downstream to confluence with Black Run                            | Downstream extension based on 2008 data documenting the presence of a wild brown trout population               |
| Wayne                  | Rose Pond Branch   | East Branch Dyberry Creek | Headwaters downstream to mouth  | Stream name change from Rose Pond Brook to Rose Pond Branch   |

In addition, the Commission will consider the removal of the following stream from the list:

| <i>County of Mouth</i> | <i>Stream Name</i> | <i>Tributary To</i> | <i>Section Limits</i>                             |
|------------------------|--------------------|---------------------|---|
| Somerset               | Little Piney Creek | Piney Creek         | Elk Lick Rod and Gun Club Dam downstream to mouth |

Persons with comments, objections or suggestions concerning the classification of the streams listed may submit them in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

DOUGLAS J. AUSTEN, Ph.D.,  
Executive Director

[Pa.B. Doc. No. 09-489. Filed for public inspection March 13, 2009, 9:00 a.m.]

### Elimination of Refuge Areas

Under 58 Pa. Code § 67.2 (relating to refuge areas), the Executive Director of the Fish and Boat Commission (Commission), with the approval of the Commission, may designate waters as refuge areas to which 30 Pa.C.S. § 2306 (relating to refuge areas), shall apply. Section 2306 provides that the Commission may set aside, in its discretion, such areas as it may judge best as refuge areas in which fishing or entry shall be prohibited for such periods of time as the Commission prescribes. According to the regulation, the designation of waters as refuge areas shall be effective upon posting of the waters after publication of a notice that the waters have been so designated in the *Pennsylvania Bulletin*. Refuge areas are closed to public fishing except during the period from June 15 until the last day of February of the following year. It is unlawful to disturb fish or other aquatic life in refuge areas by any means, including wading, throwing stones, rocks or other objects or otherwise agitating the waters. The regulation will not be construed to prohibit fishing in such areas during the extended trout season.

At the next Commission meeting on April 20 and 21, 2009, the Commission will consider taking action to remove the refuge area designations from the sections of the following waters that have been so designated:

| <i>County</i> | <i>Water Area</i>                            |
|---------------|--|
| Cameron       | Hicks Run                                    |
| Cameron       | Mix Run                                      |
| Cameron       | Upper Jerry Run                              |
| Cameron       | Wykoff Run                                   |
| Clearfield    | Chest Creek                                  |
| Clearfield    | Jack Dent Branch                             |
| Clearfield    | Little Clearfield Creek                      |
| Clearfield    | Mosquito Creek and tributary,<br>Gifford Run |
| Elk           | Bear Creek                                   |
| Elk           | Big Mill Creek                               |
| Elk           | Medix Run                                    |
| Elk           | Wilson Run                                   |
| Forest        | Blue Jay Creek                               |
| Luzerne       | Bowman's Creek                               |
| Lycoming      | White Deer Hole Creek                        |
| McKean        | Chappel Fork                                 |
| McKean        | Combs Creek                                  |
| McKean        | Kinzua Creek                                 |
| McKean        | Kinzua Creek, South Branch                   |
| McKean        | Lewis Run                                    |
| McKean        | Skinner Creek                                |
| McKean        | Sugar Run                                    |
| McKean        | Sugar Run, North Branch                      |
| McKean        | Tionesta Creek, East Branch                  |
| McKean        | Tunungwant Creek, East Branch                |
| McKean        | Two Mile Run                                 |
| McKean        | Willow Creek                                 |
| McKean        | Wilson Run                                   |

| <i>County</i> | <i>Water Area</i>           |
|---------------|-----------------------------|
| Monroe        | Tobyhanna Creek             |
| Snyder        | Swift Run                   |
| Schuylkill    | Little Schuylkill River     |
| Warren        | Farnsworth Branch           |
| Warren        | Tionesta Creek, West Branch |
| Warren        | Two Mile Run                |

At this time, the Commission is soliciting public input concerning the previous redesignations. Persons with comments, objections or suggestions concerning the redesignations are invited to submit comments in writing to Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomms](http://www.fishandboat.com/regcomms). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

[Pa.B. Doc. No. 09-490. Filed for public inspection March 13, 2009, 9:00 a.m.]

### Importation of VHS-Susceptible Species of Fish

Viral hemorrhagic septicemia (VHS) is an infectious disease found in a variety of fish species. Effective January 1, 2009, the Fish and Boat Commission (Commission) adopted 58 Pa. Code § 73.3 (relating to transportation and importation of VHS-susceptible species of fish) to help prevent the spread of the disease in the Commonwealth. Under § 73.3(d), it is unlawful to import or cause the importation of VHS-susceptible species of fish into this Commonwealth from a VHS-affected or VHS-at risk region, except as follows: (1) VHS-susceptible species of live fish may be imported into the United States if the requirements of 9 CFR 93.910–93.916 are met; or (2) VHS-susceptible species of dead fish may be imported into the United States if the fish are recreationally caught and are for human consumption.

At the time of adoption, the language of § 73.3(d)(1) was consistent with the interim rule of the United States Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) that was slated to go into effect on January 9, 2009. However, by notice published at 74 FR 1 (January 2, 2009), the United States Department of Agriculture announced that it has delayed the effective date of the interim rule indefinitely to provide APHIS with time to make some adjustments to the interim rule that are necessary for the rule to be successfully implemented. The provisions of § 73.3(d)(1) therefore have no effect.

Accordingly, the Executive Director of the Commission, acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to rescind § 73.3(d)(1). This

temporary modification will go into effect immediately and will remain in effect until the Commission, by appropriate action, rescinds the regulation.

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

[Pa.B. Doc. No. 09-491. Filed for public inspection March 13, 2009, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, February 26, 2009, and announced the following:

#### *Action Taken—Regulations Approved:*

Department of State #16-40: Lobbying Disclosure (establishes 51 Pa. Code Chapters 51—69)

State Board of Medicine #16A-4926: Nurse Midwife Prescriptive Authority (amends 49 Pa. Code Chapters 16 and 18)

Environmental Quality Board #7-421: Triennial Review of Water Quality Standards (amends 25 Pa. Code Chapters 16 and 93)

### Approval Order

Public Meeting held  
February 26, 2009

*Commissioners Voting:* Arthur Coccodrilli, Chairperson, Dissented; Nancy Sabol Frantz, Esq., Abstained; Karen A. Miller; George D. Bedwick; John F. Mizner, Esq.

*Department of State—Lobbying Disclosure;  
Regulation No. 16-40 (#2665)*

On January 9, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of State (Department). This rulemaking establishes 51 Pa. Code Chapters 51 to 69. The proposed regulation was published in the January 19, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. A final-form regulation was submitted to the Commission on September 18, 2008, that was disapproved by the Commission on November 6, 2008. An amended final-form regulation was submitted to the Commission on February 9, 2009, after the conclusion of adjournment *sine die*.

This regulation implements Act 134 of 2006, also known as the Lobbying Disclosure Act.

We have determined this amended regulation is consistent with the statutory authority of the Department (65 P. S. § 13A10(d)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
February 26, 2009

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick; Nancy Sabol Frantz, Esq.; Karen A. Miller; John F. Mizner, Esq.

*State Board of Medicine—Nurse Midwife Prescriptive Authority; Regulation No. 16A-4926 (#2656)*

On December 5, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Medicine. This rulemaking amends 49 Pa. Code Chapters 16 and 18. The proposed regulation was published in the December 15, 2007 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 6, 2009. On November 17, 2008, the Commission received a request from the State Board of Medicine to toll consideration of this final-form regulation to delete Section 18.2(b) as requested by the House Professional Licensure Committee. The State Board of Medicine then simultaneously tolled and submitted its revisions to the final-form regulation to the Commission on November 17, 2008, and then resubmitted the final regulation again on February 6, 2009, at the conclusion of *sine die* adjournment.

This regulation implements Act 50 of 2007 by establishing prescriptive authority requirements for nurse midwives.

We have determined this regulation is consistent with the statutory authority of the State Board of Medicine (63 P. S. § 422.35) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

### Approval Order

Public Meeting held  
February 26, 2009

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick; Nancy Sabol Frantz, Esq.; Karen A. Miller; John F. Mizner, Esq.

*Environmental Quality Board—Triennial Review of Water Quality Standards; Regulation No. 7-421 (#2659)*

On December 21, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapters 16 and 93. The proposed regulation was published in the January 12, 2008 *Pennsylvania Bulletin* with a 75-day public comment period. The final-form regulation was originally submitted to the Commission on October 7, 2008. That version was disapproved by the Commission on November 20, 2008, based on concerns regarding the inclusion of a water quality criterion for Molybdenum (Mo). An amended final-form version was submitted to the Commission on February 6, 2009.

This final-form regulation represents the Board's triennial update of its water quality standards. It makes numerous amendments to Chapters 16 and 93. The water criterion for Mo that was included in the October 7, 2008 submittal has been removed.

We have determined the amended final-form regulation is consistent with the statutory authority of the Board (Pennsylvania Clean Streams Law at 35 P. S. § 691.5(b)(1)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 09-492. Filed for public inspection March 13, 2009, 9:00 a.m.]

**Notice of Filing of Final Rulemakings**

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or you can obtain a copy from our web site, www.irrc.state.pa.us.

*Final-Form*

| <i>Reg. No.</i> | <i>Agency/Title</i>  | <i>Received</i> | <i>Public Meeting</i> |
|-----------------|--|-----------------|-----------------------|
| 16A-5318        | State Board of Osteopathic Medicine Prescriptive Privileges for Physician Assistants | 2/26/09         | 4/2/09                |
| 7-412           | Environmental Quality Board Safe Drinking Water—General Update                       | 2/27/09         | 4/2/09                |

*Final-Omit*

| <i>Reg. No.</i> | <i>Agency/Title</i>  | <i>Received</i> | <i>Public Meeting</i> |
|-----------------|--|-----------------|-----------------------|
| 11-242          | Insurance Department Medicare Supplement Insurance Minimum Standards | 2/27/09         | 4/2/09                |

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 09-493. Filed for public inspection March 13, 2009, 9:00 a.m.]

**INSURANCE DEPARTMENT**

James P. Duffy, Jr.; Prehearing

**Appeal of James P. Duffy, Jr. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2008-0064(M); Doc. No. UT09-02-027**

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

A prehearing telephone conference shall be held on Tuesday, May 5, 2009, at 10 a.m. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102 on or before Tuesday, April 21, 2009. Answers to petitions to intervene, if any, shall be filed on or before May 4, 2009.

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

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-494. Filed for public inspection March 13, 2009, 9:00 a.m.]

**Fiorina Family Practice; Prehearing**

**Appeal of Fiorina Family Practice under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM09-02-016**

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before March 23, 2009, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's January 15, 2009, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for Thursday, April 23, 2009, at 10 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 21, 2009. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before April 8, 2009, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Sev-

enth Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before April 22, 2009.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-495. Filed for public inspection March 13, 2009, 9:00 a.m.]

### **Notice to Medical Malpractice Insurance Carriers; Pennsylvania Medical Malpractice Data Call (Act 13 of 2002 Data Call); Data Call**

Each year, the Insurance Department (Department) conducts routine Data Calls to companies licensed or approved to write medical malpractice insurance in this Commonwealth. Data Calls are used to monitor the medical malpractice insurance marketplace and to collect data for statutory reports.

This year, the Department is requesting additional information as required by the Insurance Commissioner under section 711(d)(3) of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. § 1303.711(d)(3)). This data will be used to study the availability of additional basic coverage capacity in the Pennsylvania Medical Malpractice marketplace.

Each insurer providing medical professional liability insurance in this Commonwealth is required to file the data no later than April 1, 2009.

To take advantage of e-commerce efficiencies, the Department is conducting the Data Call using Internet capabilities. The cover letter, exhibits and templates were made available on the Department's web site ([www.ins.state.pa.us](http://www.ins.state.pa.us)) on February 27, 2009. An e-mail announcing the Data Call was also sent on February 27, 2009, to all medical malpractice insurers with positive Direct Premiums Written for 2007.

Consistent with other Data Calls, the Department will consider the data submitted as proprietary and handle it accordingly.

Insurers having positive Direct Premiums Written for 2007 must submit data in response to this Data Call. The Department has identified these insurers in Exhibit 2 of the Data Call. Data for more than one insurer may not be combined into a single submission.

Questions regarding this Data Call should be directed to Mike McKenney, Insurance Department, Office Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 705-0166, [mmckenney@state.pa.us](mailto:mmckenney@state.pa.us).

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-496. Filed for public inspection March 13, 2009, 9:00 a.m.]

### **Review Procedure Hearings; Cancellation or Refusal of Insurance**

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

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

Appeal of Jeri Forestieri; file no. 09-193-65883; Erie Insurance Exchange; Doc. No. P09-02-024; April 15, 2009, 1 p.m.

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

Appeal of Robert H. Jr. and Charlene H. Pochadt; file no. 08-214-64355; Doc. No. PH09-02-025; April 2, 2009, 3 p.m.

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

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

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

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-497. Filed for public inspection March 13, 2009, 9:00 a.m.]



**Senior Health Insurance Company of Pennsylvania; 40% Rate Increase Filing for LTC Forms D425, D428 and D430; Rate Filing**

Senior Health Insurance Company of Pennsylvania is requesting a 40% increase on the following forms which were originally issued by J. C. Penny Life Insurance Company: D425, D428 and D430. A total of 350 Pennsylvania policyholders will be affected by this rate adjustment.

Unless formal administrative action is taken prior to May 14, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). Scroll down the home page and click on "Consumer Information" located on the left side. Next scroll down to "General Information," located in the middle of the page, and click on "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us), within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-498. Filed for public inspection March 13, 2009, 9:00 a.m.]

## PENNSYLVANIA HOUSING FINANCE AGENCY

### Homeowner's Emergency Mortgage Assistance Program; Period of High Unemployment

On February 27, 2009, it was announced by the Department of Labor and Industry that the Commonwealth's seasonably adjusted unemployment rate for January 2009 was 7.0%. It was also announced on that date that the December 2008 unemployment rate was 6.4%. The latest unemployment data reported for November 2008 was 6.2%. Thus the average unemployment rate for the 3-month period of November, December and January would be 6.53%.

Section 405-C(f.1) of the Housing Finance Agency Law (35 P. S. §§ 1680.406c—1680.508a) provides as follows:  
*Section 405-C*

\* \* \*

*(f.1) The twenty-four (24) month limit on assistance available under this act established in subsection (f) and referenced in sections 401-C(a)(5), 403-C(f) and 404-C(a)(5) and (12) shall increase to thirty-six (36) months if during the month the homeowner submits an application for assistance the average rate of total unemployment in the Commonwealth, as seasonably adjusted, for the period consisting of the most recent three (3) months for which such data for the Commonwealth is published before the close of such month equals or exceeds six and one-half (6.5) percent.*

Similarly, Section 406-C(2.1) of the Act provides as follows:

*Section 406-C*

\* \* \*

*(2.1) The forty (40) percent ratio established under paragraphs (1) and (2) shall be reduced to thirty-five (35) percent if during the month the homeowner submits an application for assistance the average rate of total unemployment in the Commonwealth, as seasonably adjusted, for the period consisting of the most recent three (3) months for which such data for the Commonwealth is published before the close of such month equals or exceeds six and one-half (6.5) percent.*

In furtherance of the statutory provisions, the Housing Finance Agency's (Agency) published Guidelines for the Homeowner's Emergency Mortgage Assistance Program (12 Pa. Code §§ 31.201—31.211) (Program) provided in § 31.201 as follows:

**§ 31.210. Periods of high unemployment.**

*(a) Months of assistance available. The 24 month limit on mortgage assistance available under § 31.203(d), and the 24 month periods referred to in §§ 31.202(d)(1), 31.203(a)(3)(ii), 31.204(c)(2) and 31.206(a) and (d)(2) shall increase to 36 months if during the month the homeowner submits an application for assistance the Agency has determined that a period of high unemployment exists.*

*(b) Housing expense formula. The 40% ratio referred to in §§ 31.204(c) and (e) and 31.205(c)(3) (relating to agency review; and financial hardship due to circumstances beyond the homeowner's control) shall be reduced to 35% if during the month the homeowner submits an application for assistance the Agency has determined that a period of high unemployment exists.*

*(c) Definition; declaration. There shall be a "period of high unemployment" if the average rate of unemployment in this Commonwealth equals or exceeds 6.5%. This determination will be made by the Agency on a monthly basis based upon seasonably adjusted unemployment figures for the most recent 3 months for which the data for this Commonwealth is published. If the Agency determines that a period of high unemployment exists, the Agency will immediately publish a notice to that effect in the Pennsylvania Bulletin consistent with this section.*

Consequently, the Agency has determined that a Period of High Unemployment exists with respect to applications received for the Program during the month of February 2009 and that the 36 month and 35% figures shall be applicable with respect to such applications.

The Agency will continue to monitor unemployment figures on a monthly basis. If, based upon unemployment data published in March of 2009 for the month of February 2009, the average unemployment rate for the 3-month period of December 2008 and January and February 2009 remains at or above 6.5%, the 36 month and 35% figures shall continue to apply with respect to applications received during the month of March 2009 and for each month thereafter until the 3-month calculation produces an average result of less than 6.5% at which point the Agency will publish a new notice to inform the public that this Commonwealth is no longer in a Period of High Unemployment and that the 36 month and 35% figures are changed to 24 months and 40%, respectively.

BRIAN A. HUDSON, Sr.,  
Executive Director

[Pa.B. Doc. No. 09-499. Filed for public inspection March 13, 2009, 9:00 a.m.]

**PENNSYLVANIA  
INFRASTRUCTURE  
INVESTMENT AUTHORITY  
DEPARTMENT OF  
ENVIRONMENTAL  
PROTECTION**

**Clean Water and Drinking Water State Revolving  
Fund Programs; Public Meeting on American  
Recovery and Reinvestment Act Intended Use  
Plans**

The Pennsylvania Infrastructure Investment Authority (PENNVEST) and the Department of Environmental Protection (Department) have prepared the Intended Use Plans (IUPs) for the additional funding for the Clean Water State Revolving Loan Fund (CWSRF) and Drinking Water State Revolving Loan Fund (DWSRF) authorized under the American Recovery and Reinvestment Act (ARRA). These plans include a list of drinking water, wastewater treatment, green infrastructure and pollution abatement projects to be considered for a design and engineering or construction loan from funds the Commonwealth expects to receive from the American Recovery and Reinvestment Act for this purpose.

In accordance with United States Environmental Protection Agency guidelines on the development of the IUPs, a public meeting has been scheduled for April 1, 2009, at 1 p.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. This meeting is scheduled for the purpose of receiving comments from the public regarding these IUPs. Interested persons are invited to express their views on the narrative portion of the IUPs or the priority ranking of projects on the IUPs. Persons wishing to offer comments at the public meeting should contact the Division of Technical and Financial Assistance at the address or telephone number listed at the end of this notice or by e-mail to [vbkasi@state.pa.us](mailto:vbkasi@state.pa.us) by 4 p.m. on March 31, 2009. Where written statements are prepared and will be submitted at the meeting, speakers will be asked to restrict the oral portion of the statement to a summary of the written comments.

The projects to be considered for a loan from the Clean Water and Drinking Water State Revolving Loan funds must meet the Federal requirements for funding in accordance with the Federal Safe Drinking Water Act and Clean Water Act. Accordingly, the projects included in the IUPs are expected to meet the requirements applicable for use of the DWSRF and CWSRF loan funds. Projects listed in the Fiscal Year 2008 IUPs are on the Commonwealth's Project Priority Lists (PPLs) and are expected to proceed with design and engineering or construction within the next year. A project must appear on a PENNVEST-approved IUP before it can receive a loan from the SRF programs. A project's readiness to proceed and the reasonable availability of alternative funds also have a bearing on project selection for the IUPs. Consequently, the rank ordered list of projects on the PPLs does not solely dictate the order in which projects will be chosen for inclusion in an IUP.

The Commonwealth's allocation of funding for the DWSRF from the ARRA is approximately \$65.6 million. Of this amount, approximately \$2.6 million will be set-aside for program administration. The usual requirement for a 20% State match has been waived.

The Commonwealth's allocation of funding for the CWSRF from the ARRA is approximately \$155.2 million. Of this amount approximately \$6.2 million will be set-aside for program administration. The usual requirement for a 20% State match has been waived.

It is not necessary to appear at the public meeting to present comments on the narrative portion of the IUPs or the PPLs. Interested persons may also submit written comments to the Department at the address that follows. Written comments will be considered equivalent to oral statements presented at the meeting. To be considered by the Department and PENNVEST, the written comments must be received by the Division of Technical and Financial Assistance by close of business, April 15, 2009.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Veronica Kasi at (717) 787-0122 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

A copy of the IUPs and the PPLs may be obtained by contacting the Division of Technical and Financial Assistance at (717) 787-0122 or through the Department's web site at [www.depweb.state.pa.us/watersupply/cwp/view.asp?a=1263&Q=448094&watersupplyNav=|30198|](http://www.depweb.state.pa.us/watersupply/cwp/view.asp?a=1263&Q=448094&watersupplyNav=|30198|)

Department of Environmental Protection  
Bureau of Water Standards and Facility Regulation  
Division of Technical and Financial Assistance  
P. O. Box 8467  
11th Floor, Rachel Carson State Office Building  
400 Market Street  
Harrisburg, PA 17101  
(717) 787-0122

PENNVEST  
22 South Third Street  
4th Floor, Keystone Building  
Harrisburg, PA 17101  
(717) 787-8137

JOHN HANGER,  
*Acting Secretary  
Department of Environmental Protection  
Vice-Chairperson  
Pennsylvania Infrastructure Investment Authority*

and  
PAUL K. MARCHETTI,  
*Executive Director  
Pennsylvania Infrastructure Investment Authority*

[Pa.B. Doc. No. 09-500. Filed for public inspection March 13, 2009, 9:00 a.m.]

# PENNSYLVANIA PUBLIC UTILITY COMMISSION

## Commission Exercise of Jurisdiction to Designate Wireless Carriers as an Eligible Telecommunica- tions Carrier under 47 U.S.C. § 214(e)(2) of the Telecommunications Act of 1996; Doc. No. M-00960799 (M-2009-2091317)

To All Telecommunications Carriers, Interested Parties  
and the Public:

This is to advise that effective February 26, 2009, the Pennsylvania Public Utility Commission (Commission) will exercise the jurisdiction under 47 U.S.C. § 214(e)(2) and 47 CFR Part 54, Subpart C (relating to carriers eligible for universal service carriers) to determine whether requests by wireless carriers to be designated as an "eligible telecommunications carrier" (ETC) in this Commonwealth are necessary and in the public interest. As such, petitions and matters related to requests for ETC designations under section 214 must be filed with and approved by the Commission.

The Commission action on wireless carrier ETC petitions and matters is guided by Federal Communications Commission (FCC) or other Commission precedent and determinations. This includes, but is not limited to, *Petition of NEP Cellcorp, Inc. for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Pennsylvania*, Docket No. 96-45 (May 1, 2008) (Appendix B); *In the Matter of TracFone Wireless, Inc. Petition for ETC Designation in the Commonwealth of Pennsylvania*, Docket No. 96-45 (April 11, 2008); *In the Matter of NPCR, Inc., d/b/a Nextel Partners, Petition for ETC Designation in the Commonwealth of Pennsylvania*, Docket No. 96-45 (August 25, 2004); *In the Matter of Federal-State Joint Board on Universal Service*, Docket No. 96-45 (March 17, 2005); *In the Matter of Federal-State Joint Board on Universal Service*, Docket No. 96-45 (June 30, 2000); and *Procedures for Designation of ETC Carriers Pursuant to section 214(e)(6) of Telecommunications Act of 1996*, Docket No. 97-419 (December 29, 1997), *et seq.*

Public notice of this decision shall be published in the *Pennsylvania Bulletin* and posted on the Commission's web site.

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 09-501. Filed for public inspection March 13, 2009, 9:00 a.m.]

### Default Service Program

**P-2009-2093053 and P-2009-2093054. Metropolitan Edison Company and Pennsylvania Electric Company.** Petition of Metropolitan Edison Company and Pennsylvania Electric Company for approval of its Default Service Program.

Formal protests, petitions to intervene and answers 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 petitioner and a copy provided to the Administrative Law Judge, on or before March 24, 2009. The documents

filed in support of the petition 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 petitioner's business address.

*Applicant:* Metropolitan Edison Company  
Pennsylvania Electric Company

*Through and By Counsel:* Linda R. Evers, Esquire, Bradley A. Bingaman, Esquire, FirstEnergy Service Company, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19612-6001

### Petition of Metropolitan Edison Company and Pennsylvania Electric Company

For Approval of its Default Service Program

#### Notice

This is to inform you that an initial prehearing conference on the previous-captioned case will be held as follows:

*Type:* Initial Prehearing Conference

*Date:* Monday, March 30, 2009

*Time:* 10 a.m.

*Location:* Hearing Room 3  
Plaza Level  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

*Presiding:* Administrative Law Judge Wayne L.

Weismandel  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Phone: (717) 783-5452

Fax: (717) 787-0481

Persons with a disability, who wish to attend the hearing, may be able to make arrangements for their special needs. Call the scheduling office at the Pennsylvania Public Utility Commission (Commission) at least 5 business days prior to the prehearing conference to submit your request.

If a person who requires an interpreter to participate in the hearings, we will make every reasonable effort to have an interpreter present. Call the scheduling office at the Commission at least 10 business days prior to the prehearing conference to submit your request.

• Scheduling Office: (717) 787-1399

• Pennsylvania AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

JAMES J. MCNULTY,  
Secretary

[Pa.B. Doc. No. 09-502. Filed for public inspection March 13, 2009, 9:00 a.m.]

### Electric

**A-2009-2093057; A-2009-2093058; and A-2009-2093059. Exelon Corporation, Exelon Xchange Corporation and PECO Energy Company.** Application of Exelon Corporation, Exelon Xchange Corporation and PECO Energy Company for certificates of public convenience evidencing approval of the transfer of ultimate control of NRG Energy Center Pittsburgh, LLC and NRG Energy Center Harrisburg, LLC, approval of the related

affiliated transactions, and all other approvals or certificates appropriate, customary or necessary under the public utility code to carry out the transactions described in the application.

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 March 30, 2009. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Exelon Corporation  
Exelon Xchange Corporation  
PECO Energy Company

*Through and By Counsel:* Paul Bonney, Esquire,  
Exelon Business Services Company, 2301 Market Street,  
Philadelphia, PA 19101-8699

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-503. Filed for public inspection March 13, 2009, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by March 30, 2009. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Eugene Vandergrift;  
Doc. No. C-2009-2086505*

### 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 all authority issued to Eugene Vandergrift (respondent) is under suspension effective January 28, 2009, for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 15045 Milford Street, Philadelphia, PA 19116.

3. That respondent was issued a Certificate of Public Convenience by this Commission on June 4, 2001, at A-00117808.

4. That respondent has failed to maintain evidence of Liability insurance and Cargo insurance on file with this Commission. The penalty is \$250 and cancellation of the Certificate of Public Convenience.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent pays the penalty of \$250 and causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which: (1) cancels the Certificate of Public Convenience held by respondent at A-00117808 for failure to maintain evidence of current insurance on file with the Commission; (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint; (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration; and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove 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, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Bureau of Transportation and Safety

### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, 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 a fine of up to \$1,000 for each violation, 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 causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations **and by paying the \$250 fine** proposed in the Complaint by certified check or money order within twenty (20) days of the 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

Accord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer **and receipt of your fine payment**, the Complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue 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.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-504. Filed for public inspection March 13, 2009, 9:00 a.m.]

## Sewer Service

**A-2009-2093074. Uwchlan Township for a Certificate of Public Convenience.** Application of Uwchlan Township for a certificate of public convenience approving the abandonment of sewer service to the public in Upper Uwchlan Township, 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 March 30, 2009. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Uwchlan Township

*Through and By Counsel:* Michael D. Klein, Esquire, Dewey and LeBoeuf, LLP, 1101 New York Avenue, NW, Washington, DC 20005-4213

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-505. Filed for public inspection March 13, 2009, 9:00 a.m.]

## Water Service

**A-2009-2092224. Pennsylvania-American Water Company.** Application of Pennsylvania-American Water Company for approval of the right to offer, render, furnish or supply water service to the public in portions of Valley Township, Chester 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 March 30, 2009. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Pennsylvania-American Water Company

*Through and By Counsel:* Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-506. Filed for public inspection March 13, 2009, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept bids for Project No. 09-031.P, (Printing of Business Cards), until 2 p.m. on Friday, March 27, 2009. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available March 17, 2009. PRPA is an equal opportunity employer. Contractor must comply with all applicable equal employment opportunity laws and regulations.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 09-507. Filed for public inspection March 13, 2009, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

The hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

|                |   |           |
|----------------|---|-----------|
| April 8, 2009  | Sheila A. Eberhardt (D)<br>(Change of Option) | 2:30 p.m. |
| April 22, 2009 | Barbara M. Auker<br>(Multiple Service)        | 1 p.m.    |

Persons with a disability, who wish to attend the previously-listed hearings, and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Barbara Fluire, Assistant to the Executive Director at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

JEFFREY B. CLAY,  
*Executive Director*

[Pa.B. Doc. No. 09-508. Filed for public inspection March 13, 2009, 9:00 a.m.]

## STATE BOARD OF PHARMACY

### Long-Term Care Forms

The State Board of Pharmacy (Board) has developed the forms required by section 5(b)(3) and (4) of the Long-Term Care Patient Access to Pharmaceuticals Act (P. L. \_\_\_\_\_, No. 114). The Prescriber Consent Form and the Authorization to Administer Repackaged and Relabeled Medications form may be downloaded from the Boards' web site at [www.dos.state.pa.us/pharm](http://www.dos.state.pa.us/pharm).

MICHAEL A. PODGURSKI, R.Ph.,  
*Chairperson*

### Prescriber Consent Form

The Long-Term Care Patient Access to Pharmaceuticals Act, (P. L. \_\_\_\_\_, No. 114) allows eligible patients in long-term care facilities to acquire lower cost drugs through the Veterans' Administration. The pharmacy within the long-term care facility or that has a contract with the long-term care facility may receive the lower cost drugs directly from the Veterans' Administration drug benefit program in the patient's name and repackage and relabel those drugs so they may be dispensed in unit doses in compliance with the Food and Drug Administration, the United States Pharmacopeia and the long-term care facility's policies and procedures to eligible patients in a long-term care facility.

I hereby authorize \_\_\_\_\_, a long-term care facility, to administer medications prescribed by me, for patient, \_\_\_\_\_, whose medications are provided by a drug source facility approved by, operated by, or operated under contract with the Veterans' Administration, and are repackaged, relabeled and dispensed in unit doses by the pharmacist employed by the long-term care facility or by a pharmacy who contracts with the long-term care facility to fill prescriptions for patients of the long-term care facility.

Prescriber's signature: \_\_\_\_\_

Prescriber's Printed name: \_\_\_\_\_

Date: \_\_\_\_\_

### Authorization to Administer Repackaged and Relabeled Medications

The Long-Term Care Patient Access to Pharmaceuticals Act, (P. L. \_\_\_\_\_, No. 114) allows eligible patients in long-term care facilities to acquire lower cost drugs through the Veterans' Administration. The pharmacy within the long-term care facility or that has a contract with the long-term care facility (hereinafter referred to as "pharmacy") may receive the lower cost drugs directly from the Veterans' Administration drug benefit program in the patient's name and repackage and relabel those drugs so they may be dispensed in unit doses in compliance with the Food and Drug Administration, the United States Pharmacopeia and the long-term care facility's policies and procedures to patients in a long-term care facility.

I acknowledge that I am aware that the pharmacy is required to go through the process of repackaging and relabeling the drug. The pharmacy may charge a fee for repackaging and relabeling the drug of no more than the maximum dispensing fee authorized by the Department of Public Welfare regulations under the Medical Assistance Program. The amount the pharmacy charges for

repackaging and relabeling a drug into unit doses is \_\_\_\_\_ and the frequency of its assessment is \_\_\_\_\_ .

The pharmacy has the following immunities from civil liability arising from dispensation of the drug if the pharmacy properly repackages and relabels the drug as set forth in the Long-Term Care Patient Access to Pharmaceuticals Act:

Repackaging and relabeling.—A person authorized under section 5(a) of the Long-Term Care Patient Access to Pharmaceuticals Act to dispense a drug shall be immune from civil liability arising out of dispensation of the drug if the person properly repackages and relabels a drug based on the information received from the original drug source facility.

Administration of drug.—A long-term care facility or an employee or agent of a long-term care facility that properly administers a drug from a person authorized under section 5(a) of the Long-Term Care Patient Access to Pharmaceuticals Act to dispense the drug shall be immune from civil liability arising out of administration of the drug.

Unprofessional conduct.—A pharmacist authorized under section 5(a) of the Long-Term Care Patient Access to Pharmaceuticals Act to dispense a drug who properly relabels and repackages the drug shall not be deemed to have engaged in unprofessional conduct under section 5 of the Pharmacy Act, 63 P. S. § 390-5.

By signing this form I am authorizing \_\_\_\_\_, a long-term care facility, providing services to patient, \_\_\_\_\_, to administer a drug from a drug source facility approved by, operated by, or operated under contract with the Veterans' Administration that has been repackaged and relabeled by the pharmacy.

Signature: \_\_\_\_\_

Printed name: \_\_\_\_\_

- Patient  Parent/Guardian
- Power of Attorney  Authorized family member

Date: \_\_\_\_\_

[Pa.B. Doc. No. 09-509. Filed for public inspection March 13, 2009, 9:00 a.m.]

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