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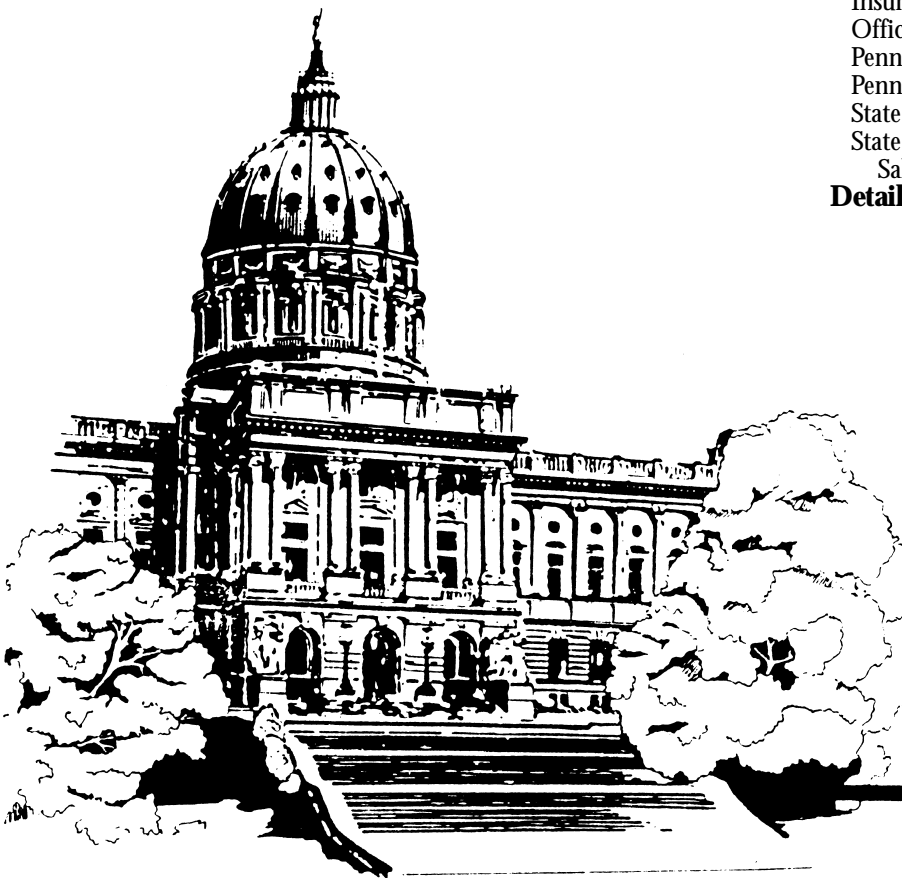
# PENNSYLVANIA BULLETIN

Volume 37  
Saturday, March 31, 2007 • Harrisburg, PA  
Number 13  
Pages 1401—1472

## Agencies in this issue

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The Courts  
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Department of Conservation and Natural Resources  
Department of Education  
Department of Environmental Protection  
Department of Health  
Independent Regulatory Review Commission  
Insurance Department  
Office of Attorney General  
Pennsylvania Gaming Control Board  
Pennsylvania Public Utility Commission  
State Board of Nursing  
State Board of Vehicle Manufacturers, Dealers and  
Salespersons

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

**No. 388, March 2007**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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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 2007.

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# THE GOVERNOR

## Proclamation of Disaster Emergency

March 16, 2007

*Whereas*, A storm, accompanied by substantial accumulations of rainfall, snow and ice, which began on March 14, 2007, continues to impact the Commonwealth of Pennsylvania with severe weather conditions; and

*Whereas*, these storm conditions may result in extensive road closures, community public safety delays, property damage, and other adverse impacts upon the population of the Commonwealth; and

*Whereas*, a subsequent rise in temperatures may cause widespread flooding further adversely impacting the state; and

*Whereas*, these severe weather conditions may prompt affected county and municipal governments to declare local disaster emergencies or snow emergencies to exist; and

*Whereas*, the emergency situation may be of such magnitude or severity as to render essential the Commonwealth's supplementation of county and municipal efforts and resources and the activation of all applicable state, county, and municipal emergency response plans.

*Now Therefore*, pursuant to the provision of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S. Section 7101 et seq.), I do hereby proclaim the existence of a disaster emergency in the Commonwealth, and I direct all Commonwealth departments and agencies to utilize all available resources and personnel as is deemed necessary to cope with the magnitude and severity of this emergency situation.

*Further*, I hereby transfer up to \$500,000 in unused appropriated funds to the Pennsylvania Emergency Management Agency. The aforementioned funds shall be used for disaster-related expenses that may be incurred by various state agencies and departments. These funds shall be credited to a special account established by the Office of the Budget. All Commonwealth agencies purchasing supplies or services in response to this emergency are authorized to utilize the emergency procurement procedures set forth in Section 516 of the Commonwealth Procurement Code, 62 Pa.C.S. § 516. This Proclamation shall serve as the written determination of the basis for the emergency under Section 516; the time consuming bid and contract procedures and formalities normally prescribed by law shall be waived for the duration of the Proclamation, mandatory constitutional requirements excepted; and

*Further*, I hereby authorize the Secretary of Transportation to use all available equipment, resources and personnel of the Department, in whatever manner that he deems necessary, to ensure that all interstate and other federal and state highways in the Commonwealth are cleared of snow and any other obstructions resulting from this severe winter storm. In addition, I hereby waive any laws or regulations that would restrict the application and use of the Department's equipment, resources, and personnel to assist local jurisdictions in clearing and removal of snow and other types of obstructions from non-state-owned highways. This assistance to local jurisdictions may be provided solely at the discretion of the Secretary of Transportation. However, this assistance does not apply to privately owned highways, roads, streets, or other types of property; and I hereby authorize the Secretary of Transportation, in his sole discretion, to waive any provision of the Vehicle Code or any other law or regulation which he is authorized by law to administer or enforce as may be necessary to respond to this impending emergency; and

*Further*, if conditions warrant it, I hereby authorize the state Department of Transportation to waive any laws or regulations related to drivers of commercial vehicles; and

*Further*, pursuant to the powers vested in me by the Constitution and laws of this Commonwealth, I hereby authorize the Adjutant General of

## THE GOVERNOR

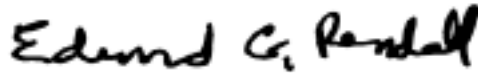
Pennsylvania to place on state active duty for the duration of the emergency disaster proclamation, such individuals and units of the Pennsylvania National Guard, as requested by the Pennsylvania Emergency Management Agency, to alleviate the potential danger to public health and safety caused by the aforementioned emergency; and

*Further*, I hereby authorize the Commissioner of the Pennsylvania State Police to use all available resources and personnel of the Department, in whatever manner that he deems necessary, to aid in the recovery aspects related to all interstate, other federal and state highways in the Commonwealth to address the emergency resulting from this severe winter storm; and

*Further*, I direct that the emergency response and recovery aspects of the Commonwealth and all applicable county, municipal, and other disaster response plans be activated, and that all state, county, and municipal actions taken to implement those plans be coordinated through the Pennsylvania Emergency Management Agency; and

*Still Further*, I hereby urge the governing bodies and executive officers of all political subdivisions affected by this emergency to act as necessary to meet the current exigencies as legally authorized under this Proclamation, namely, by the employment of temporary workers, by the rental of equipment and by entering into such contracts and agreements as may be required to meet the emergency, all without regard to those time consuming procedures and formalities normally prescribed by law, mandatory constitutional requirements excepted.

*Given* under my hand and the Seal of the Governor, at the City of Harrisburg, this sixteenth day of March in the year of our Lord two thousand seven, and of the Commonwealth the two hundred and thirty-first.



*Governor*

[Pa.B. Doc. No. 07-536. Filed for public inspection March 30, 2007, 9:00 a.m.]

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[231 PA. CODE CHS. 1000 AND 3000]

**Amendment of Rules 1141, 1147 and 1149 Governing the Action of Mortgage Foreclosure, and Rules 3180, 3181 and 3257 Governing Execution in an Action of Mortgage Foreclosure and Promulgation of New Rule 3101.2 Governing Execution Upon Real and Personal Property; No. 472 Civil Procedural Rules; Doc. No. 5**

#### Order

*Per Curiam:*

*And Now*, this 13th day of March, 2007, the Pennsylvania Rules of Civil Procedure are amended as follows:

1. Rules 1141, 1147, 1149, 3180, 3181 and 3257 are amended to read as follows, and
2. New Rule 3101.2 is promulgated to read as follows.

This order shall be processed in accordance with Pa.R.J.A. 103(b) and shall be effective June 1, 2007.

#### Annex A

### TITLE 231. RULES OF CIVIL PROCEDURE

#### PART I. GENERAL

#### CHAPTER 1000. ACTIONS

##### Subchapter I. ACTION OF MORTGAGE FORECLOSURE

#### **Rule 1141. Definition. Conformity to Civil Action.**

- (a) As used in this chapter,

“action” means an action to foreclose a mortgage upon any estate, leasehold or interest in land, **or upon both personal property and an estate, leasehold or interest in land pursuant to Section 9604(a) of the Uniform Commercial Code**, but shall not include an action to enforce a personal liability.

**Official Note:** Section 9604(a) of the Uniform Commercial Code, 13 Pa.C.S. § 9604(a), provides that if a security agreement covers both personal and real property, the secured party may elect to proceed as to both the real property and the personal property in accordance with its rights with respect to the real property, in which case the other provisions of Article 9 of the Uniform Commercial Code do not apply.

(b) Except as otherwise provided in this chapter, the procedure in the action shall be in accordance with the rules relating to a civil action.

#### **Rule 1147. The Complaint.**

- (a) The plaintiff shall set forth in the complaint:

(1) the parties to and the date of the mortgage, and of any assignments, and a statement of the place of record of the mortgage and assignments;

- (2) a description of the land subject to the mortgage;

(3) the names, addresses and interest of the defendants in the action and that the present real owner is unknown if the real owner is not made a party;

(4) a specific averment of default;

(5) an itemized statement of the amount due; and

(6) a demand for judgment for the amount due.

**Official Note:** The plaintiff may also set forth in the complaint a release of the mortgagor and the mortgagor's successors in interest. See Rule 1144(b).

If the mortgage is a residential mortgage under Act No. 6 of 1974, 41 P.S. § 101, the complaint should set forth an averment of compliance with the provisions of [ § ] Section 403 of Act No. 6, 41 P.S. § 403.

**(b) If the plaintiff is proceeding against both personal and real property covered by a mortgage as provided by Section 9604(a) of the Uniform Commercial Code, the plaintiff shall set forth in the complaint.**

(1) the matters required by subdivision (a), and

(2) a description of the personal property subject to the mortgage.

**Official Note:** Section 9604(a) of the Uniform Commercial Code, 13 Pa.C.S. § 9604(a), relates to the rights of a secured party when the agreement covers real and personal property. Compliance with subdivision (b) of this rule is a prerequisite to executing in one proceeding pursuant to Rule 3180(b) against both the real and personal property secured by the mortgage.

#### **Rule 1149. Judgment. Execution.**

Judgment in the action shall be enforced as provided by Rules 3180 to 3183, inclusive.

**Official Note:** Rule 3180 et seq. govern the enforcement of a judgment whether against an estate, leasehold or interest in land or against both personal property and an estate, leasehold or interest in land if the plaintiff has elected to proceed as to both pursuant to Section 9604(a) of the Uniform Commercial Code.

### CHAPTER 3000. JUDGMENTS

#### Subchapter D. ENFORCEMENT OF MONEY JUDGMENTS FOR THE PAYMENT OF MONEY

#### **Rule 3101.2. Obligation Secured by Real and Personal Property. Plaintiff's Election to Proceed against Both in Accordance with Its Rights against the Real Property.**

(a)(1) A money judgment on an obligation secured by a mortgage which grants a mortgage lien on an estate, leasehold or interest in land and also a security interest in personal property, at the election of the plaintiff, may be enforced against both in one proceeding pursuant to the rules of this chapter governing execution against real property.

(2) A claim that any tangible personal property levied upon pursuant to a writ of execution is the property of a person other than the defendant in the execution shall proceed in accordance with Rule 3201 et seq. governing sheriff's interpleader.

**Official Note:** The rules of this chapter governing execution on personal property do not apply to an execution on personal property if an election has been made to proceed under this rule. However, Rule 3201 et seq. governing sheriff's interpleader does apply when tangible personal property levied upon is claimed to be the property of a person other than the defendant in the execution.

For a similar provision applicable to the enforcement of a judgment of mortgage foreclosure, see Rule 3180(b).

(b) The plaintiff shall make the election to proceed under subdivision (a) by filing an affidavit setting forth the place of record of the mortgage and stating that

(1) the mortgage covers both the real property and the personal property against which the plaintiff seeks execution, and

(2) the plaintiff intends to proceed against both in accordance with its rights against the real property pursuant to Section 9604 of the Uniform Commercial Code and this rule.

(c) If plaintiff elects to proceed as provided by this rule, the term "real property" as used in this chapter shall be deemed to include the personal property.

**Official Note:** Subdivision (c) is not applicable to a proceeding in sheriff's interpleader under Rule 3201 et seq. in which tangible personal property levied upon is claimed to be the property of a person other than the defendant in the execution.

#### Subchapter E. ENFORCEMENT OF JUDGMENTS IN SPECIAL ACTIONS

##### ACTION OF MORTGAGE FORECLOSURE

#### Rule 3180. Judgment. Execution.

(a) Judgment shall be enforced by a writ of execution substantially in the form provided by Rule 3257.

**Official Note:** Where judgment is entered on the obligation secured by the mortgage, execution shall be in accordance with the rules governing the enforcement of judgments for the payment of money.

(b) If the plaintiff is proceeding against both personal and real property covered by a mortgage as provided by Section 9604(a) of the Uniform Commercial Code and has complied with the pleading requirements of Rule 1147(b), the judgment may be enforced in one execution proceeding against both the personal and real property pursuant to the rules of this chapter governing execution on real property.

**Official Note:** Compliance with Rule 1147(b) governing the complaint in mortgage foreclosure is a prerequisite to executing in one proceeding pursuant to Rule 3180(b) against both the real and personal property secured by the mortgage.

The rules governing execution on personal property do not apply to an execution on personal property under subdivision (b).

For a similar provision applicable to the enforcement of a judgment entered on the obligation secured by the mortgage, see Rule 3101.2.

#### Rule 3181. Conformity to Rules Governing Enforcement of Judgments for Payment of Money.

(a) The procedure for the enforcement of a judgment against real property shall be in accordance with the rules governing the enforcement of judgments for the payment of money with respect to the following:

[ (a) ] (1) Commencement and Issuance of Writ:—Rules 3103(a), 3103(e) and 3105.

[ (b) ] (2) Substitution, Reissuance and Expiration of Writ:—Rules 3106(a), 3106(b) and 3106(d).

[ (c) ] (3) Security for Sheriff:—Rule 3116.

[ (d) ] (4) Supplementary Relief in Aid of Execution:—Rule 3118, insofar as applicable.

[ (e) ] (5) Abandonment of Levy:—Rule 3120.

[ (f) ] (6) Notice of Sale, Stay, Continuance:—Rule 3129.1 through .3.

[ (g) ] (7) Sale of Mortgaged Property Located in More than One County:—Rule 3131.

[ (h) ] (8) Setting Aside Sale:—Rule 3132.

[ (i) ] (9) Lien Creditors as Purchasers:—Rule 3133.

[ (j) ] (10) Sheriff's Deed, Distribution of Proceeds:—Rules 3135 and 3136.

[ (k) ] (11) Sheriff's Expenses and Fees, Recovery as Costs, Abandonment of Writ for Nonpayment:—Rule 3138.

[ (l) ] (12) Sheriff's Return:—Rules 3139(a)(1), 3139(c) and 3139(d).

(b) The procedure for the enforcement of a judgment against both personal and real property as provided by Rule 3180(b) shall be in accordance with

(1) the rules governing the enforcement of judgments for the payment of money as provided by subdivision (a) and

(2) Rule 3201 et seq. governing sheriff's interpleader.

**Official Note:** Rule 3201 et seq. govern the procedure when tangible personal property levied upon is claimed to be the property of a person other than the defendant in the execution.

#### FORMS

#### Rule 3257. Writ of Execution. Mortgage Foreclosure.

The writ of execution in an action of mortgage foreclosure shall be substantially in the following form:

(Caption)

#### WRIT OF EXECUTION

"Commonwealth of Pennsylvania)

"County of \_\_\_\_\_)

"To the Sheriff of \_\_\_\_\_ County:

To satisfy the judgment, interest and costs in the above matter you are directed to levy upon and sell the following described property:

(1)

\_\_\_\_\_  
(Specifically describe **real** property)

(2)

\_\_\_\_\_  
**(Specifically describe personal property when judgment results from a mortgage covering both personal and real property pursuant to Section 9604(a) of the Uniform Commercial Code)**

*Note:* Description of property may be included in, or attached to, the writ.

Amount due § \_\_\_\_\_  
Interest from § \_\_\_\_\_  
[Costs to be added] § \_\_\_\_\_

\_\_\_\_\_  
(Name of Prothonotary (Clerk))

Seal of the Court \_\_\_\_\_

Date \_\_\_\_\_ (Deputy)

**Explanatory Comment**

Section 9604(a) of the Uniform Commercial Code (U.C.C.) provides a party with a security interest in personal property and a mortgage on real property with the right to proceed against both in accordance with its rights against the real property:

**§ 9604. Procedure if security agreement covers real property or fixtures**

(a) *Enforcement: personal and real property.*—If a security agreement covers both personal and real property, a secured party may proceed:

(1) under this chapter as to the personal property without prejudicing any rights with respect to the real property; or

(2) as to both the personal property and the real property in accordance with the rights with respect to the real property, in which case the other provisions of this chapter do not apply.

\* \* \* \* \*

The provision has already been implemented with respect to confession of judgment by Rule 2958.2(a). The following chapters of rules now have been amended to implement this provision: the action of mortgage foreclosure, execution upon a judgment of mortgage foreclosure and execution upon a judgment for the payment of money.

*Action of mortgage foreclosure and enforcement of judgment*

The definition of “action” in Rule 1141 has been revised to include both the traditional “action to foreclose a mortgage upon any estate, leasehold or interest in land” and an action to foreclose a mortgage “upon both personal property and an estate, leasehold or interest in land pursuant to Section 9604(a) of the Uniform Commercial Code.” The amended rule retains the restriction that the action “shall not include an action to enforce a personal liability.”

If a plaintiff brings an action to foreclose a mortgage upon both personal and real property, new Rule 1147(b) governing the complaint requires that, in addition to the usual allegations prescribed by subdivision (a) of the rule,

the complaint must set forth “a description of the personal property subject to the mortgage.”

As a plaintiff may proceed against both the personal and real property in one action of mortgage foreclosure, so also the plaintiff may enforce the judgment obtained in the action in one proceeding. Execution Rule 3180 has been amended by adding new subdivision (b) providing that a plaintiff who complies with the pleading requirements of Rule 1147(b) may enforce the judgment “in one proceeding against both the personal and real property pursuant to the rules of this chapter governing execution on real property.”

The note following Rule 3180(b) reinforces the rule by emphasizing that the plaintiff must comply with the pleading requirements of Rule 1147(b) to be able to enforce the judgment against both the personal property and the real property under the rule. The note points out that the procedure to enforce a mortgage foreclosure judgment against real property applies to enforcement of the judgment against the personal property as well. The rules governing enforcement of judgments against personal property do not apply unless otherwise provided by this chapter.

The text of Rule 3181 prior to the present amendment has been designated subdivision (a) of the rule and the subparagraphs have been assigned numbers rather than letters. Subdivision (a) continues to provide that certain rules governing the enforcement of a money judgment are applicable also to enforcement of a judgment of mortgage foreclosure against real property. New subdivision (b) provides that those rules also apply when the plaintiff is proceeding against both personal and real property. In addition, subdivision (b) incorporates the procedure of Rule 3201 et seq. governing sheriff’s interpleader when there is a claim that the personal property which is the subject of the execution proceeding is the property of one other than the defendant.

The form of writ of execution prescribed by Rule 3257 is revised to accommodate an execution against both personal and real property by providing for a description of the personal property to be levied upon as well as a description of the real property.

*Enforcement of judgment for payment of money*

A plaintiff may bring an action on the underlying obligation secured by a mortgage rather than an action to foreclose the mortgage. When a mortgage grants a mortgage lien on real property and a security interest in personal property, a plaintiff who obtains a money judgment on the underlying obligation may still take advantage of the provisions of Section 9604(a) of the U.C.C. New Rule 3101.2(a)(1) provides that the plaintiff may elect to execute against both the personal and real property “in one proceeding pursuant to the rules of this chapter governing execution against real property.” Subdivision (b) requires that the election be made by filing an affidavit and prescribes the content of the affidavit.

Rule 3101.2(a)(1) provides for the execution against personal property secured by a mortgage to proceed “pursuant to the rules of this chapter governing execution against real property.” Subdivision (c) reinforces this provision by providing that if “plaintiff elects to proceed as provided by this rule, the term “real property” as used in this chapter shall be deemed to include the personal property.”

Although a party may elect to proceed under Rule 3101.2, subdivisions (a)(1) and (c) of that rule have no application when there is a claim that tangible personal property levied upon is the property of a person other than the defendant in the execution. Subdivision (a)(2) provides that such a claim is to be determined pursuant to Rule 3201 et seq. governing sheriff's interpleader.

*By the Civil Procedural Rules Committee*

R. STANTON WETTICK, Jr.,  
*Chair*

[Pa.B. Doc. No. 07-537. Filed for public inspection March 30, 2007, 9:00 a.m.]

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## Title 255—LOCAL COURT RULES

### CARBON COUNTY Administrative Order

*And Now*, this 13th day of March, 2007, in order to achieve uniformity in the request and payment of adoption transcripts, it is hereby

*Ordered and Decreed* that effective immediately, the Carbon County Court of Common Pleas hereby *Rescinds* Local Rule of Orphans Court Procedure Carbon Co. O.C.R. No. 15.5(a)(1) governing the Petition in Adoption cases.

*It is further Ordered and Decreed* that the Orphans' Court Division of the Court of Common Pleas *shall return* to each depositor all funds previously deposited pursuant to Administrative Order 10-2001 which remain in escrow and shall remit to the County of Carbon all accrued interest on said funds.

The Carbon County District Court Administrator is *Ordered and Directed* to do the following:

1. File seven (7) certified copies of this Administrative Order with the Administrative Office of Pennsylvania Courts.

2. File two (2) certified copies and 1 diskette with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

3. File one (1) certified copy with the Pennsylvania Orphans Procedural Rules Committee.

4. Forward one (1) copy for publication in the *Carbon County Law Journal*.

5. Forward one (1) copy to the Carbon County Law Library.

6. Keep continuously available for public inspection a copy of the Order in the Register of Wills/Orphans' Court Office.

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

[Pa.B. Doc. No. 07-538. Filed for public inspection March 30, 2007, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, 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 20, 2007.

#### BANKING INSTITUTIONS

##### New Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-15-07	DM Trust Company Philadelphia Philadelphia	Philadelphia	Approved

##### Mutual Holding Company Reorganization

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-19-07	Abington Savings Bank Jenkintown Montgomery County	Jenkintown	Filed

Abington Savings Bank (the "Bank"), which is currently organized in mutual holding company structure, including a mid-tier bank holding company, Abington Community Bancorp, Inc. (the "Mid-Tier"), under Abington Mutual Holding Company (the "MHC"), is proposing to reorganize by converting the MHC and the Mid-Tier to federal charters and then creating a thrift holding company and an interim bank (the "Interim") and thereafter merging the Mid-tier and the MHC into the Bank and then merging the Interim into the Bank. The resulting structure will be a Stock Federal Thrift Holding Company, Abington Bancorp, Inc., which will own all of the shares of the Bank.

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-16-07	Beneficial Mutual Savings Bank, Philadelphia, PA, and Farmers & Mechanics Bank, Burlington, NJ Surviving Institution— Beneficial Mutual Savings Bank, Philadelphia, PA	Philadelphia	Filed

##### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
3-19-07	United-American Savings Bank Pittsburgh Allegheny County	3353 State Route 130 Harrison City Westmoreland County	Filed

##### Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
3-15-07	Irwin Bank & Trust Company Irwin Westmoreland County	Amendment to Article I of the Articles of Incorporation provides for a change in corporate title to Irwin Bank.	Approved and Effective

#### SAVINGS INSTITUTIONS

No activity.

#### CREDIT UNIONS

##### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-19-07	Alcose Credit Union, White Oak, and Artcraft Credit Union, North Huntingdon Surviving Institution— Alcose Credit Union, White Oak	White Oak	Approved



**Branch Applications**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Location</i>	<i>Action</i>
3-16-07	TruMark Financial Credit Union Trevose Bucks County	2747 W. Main Street Lower Providence Township Montgomery County	Filed

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

VICTORIA A. REIDER,  
*Acting Secretary*

[Pa.B. Doc. No. 07-539. Filed for public inspection March 30, 2007, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Snowmobile and ATV Advisory Committee Meeting

The Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources (Department) will hold a meeting on Thursday, April 12, 2007, at 9 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA.

Questions concerning this meeting or agenda items can be directed to John Quigley at (717) 787-9632.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact John Quigley at (717) 787-9632 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 07-540. Filed for public inspection March 30, 2007, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### Application of Andrew Monath for Reinstatement of Teaching Certificate; Doc. No. Re 06-02

#### Hearing

Under the Professional Educator Discipline Act (act) (24 P.S. §§ 2070.1—2070.18a), the Professional Standards and Practices Commission (Commission) has initiated hearing procedures to consider the application of Andrew Monath for reinstatement of his teaching certificate.

On or about December 7, 2006, Andrew Monath filed an application for reinstatement of his teaching certificate under section 16 of the act (24 P.S. § 2070.16), 1 Pa. Code §§ 35.1 and 35.2 (relating to applications) and the former 22 Pa. Code § 233.14 (relating to reinstatement). Under section 16 of the act, the Department of Education on March 15, 2007, recommended to the Commission that the application be denied. In accordance

with the act and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure), the Commission will appoint a hearing examiner to serve as presiding officer to conduct the proceedings and hearings as might be necessary and to prepare a proposed report to the Commission containing findings of fact, conclusions of law and a recommended decision on the application.

Interested parties wishing to participate in these hearing procedures must file a notice of intervention or a petition to intervene in accordance 1 Pa. Code §§ 35.27—35.32 (relating to intervention) within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Persons objecting to the approval of the application may also, within 30 days after publication of this notice in the *Pennsylvania Bulletin*, file a protest in accordance 1 Pa. Code § 35.23 (relating to protest generally).

Notices and petitions to intervene and protest shall be filed with Carolyn Angelo, Executive Director of the Professional Standards and Practices Commission, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons with a disability who wish to attend the hearings and require an auxiliary aid, service or other accommodation to participate should contact Suzanne B. Markowicz at (717) 787-6576 to discuss how the Commission may best accommodate their needs.

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

[Pa.B. Doc. No. 07-541. Filed for public inspection March 30, 2007, 9:00 a.m.]

### Application of Holy Family University for Approval of Amendments and Restatement of its Articles of Incorporation

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

Under 24 Pa.C.S. § 6504(e) (relating to fundamental changes), the Department of Education (Department) will consider the application of the Sisters of the Holy Family of the Nazareth, Immaculate Conception Province, of Pennsylvania, which is the current member of the Holy Family University, who wish to have a Certificate of Authority approving the University's amended and restated Articles of Incorporation.

The Sisters are restructuring and will be forming a Pennsylvania corporation called CSFN Mission & Ministry, Inc. The amendment and restatement of the

University's Articles of Incorporation ensure that the endowment and degree granting authority will remain with the University and under its control, and that they are not transferred by means of the reorganization of the members to the new corporate entity, CSFN.

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

Petitions to intervene, protest and request for hearing shall be filed with Carol Gisselquist, Higher Education

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

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

GERALD L. ZAHORCHAK, D. Ed.,  
Secretary

[Pa.B. Doc. No. 07-542. Filed for public inspection March 30, 2007, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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

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

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

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

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

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

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

The Department will also accept requests for a public hearing on applications. A public hearing may be held if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be

published in the *Pennsylvania Bulletin* and a newspaper of general circulation within the relevant geographical area. The Department will postpone its final determination Until after a public hearing is held.

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N ?</i>
PA0112607 Sewerage	Pepper Hill Ltd. P. O. Box 139 Danville, PA 17821	Cooper Township Montour County	Sechler Run 5-E	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0004766 Amendment No. 1	Ellwood National Forge Co. One Front Street Irvine, PA 16329	Brokenstraw Township Warren County	Brokenstraw Creek 16-B	Y
PA0101389	Penncrest School District Maplewood Elementary School STP P. O. Box 808 Saegertown, PA 16433-4315	Townville Borough Crawford County	Muddy Creek 16-A	Y
PA0221996	North Brook Subdivision Home Owners Association 103 McDonnell Lane Butler, PA 16002	Middlesex Township Butler County	UNT to Glade Run 20-C	Y
PA0238457	Amy J. Wagner and Sue A. Brown 562 Wilson Mill Road New Wilmington, PA 16142	Lawrence County Wilmington Township	UNT to Little Neshannock Creek 20-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.*

**PA0026468**, Sewage, SIC 4952, **Lower Bucks County Joint Municipal Authority**, 7811 New Falls Road, P. O. Box 460, Levittown, PA 19058-0460. This proposed facility is located in Bristol Township, **Bucks County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge 10 mgd of treated sewage in the Delaware River.

The receiving stream, Delaware River, is in the State Water Plan Watershed 2E and is classified for WWF, migratory fishery, aquatic life, water supply and recreation. The nearest downstream public water supply intake for the Philadelphia Suburban Water Company is located on the Delaware River and is 2.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 10 mgd.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	20	30	40
Suspended Solids	30	45	60
Ammonia (as N)	35		70
BOD <sub>5</sub> (Percent Removal)	≥88.5		
CBOD <sub>20</sub> (lb/day)	2,410		
Total Residual Chlorine	0.5		1.6
Fecal Coliform	200 #/100 ml as a geometric average 1,000 #/100 ml		
Dissolved Oxygen	minimum of 2.0 mg/l at all times		
pH	Within limits of 6.5—8.5 Standard Units at all times		
Toxicity (Chronic) TU <sub>c</sub>	Monitor and Report		
Toxicity (Acute) TU <sub>a</sub>	Monitor and Report		

The proposed effluent limits for Outfalls 002 and 003 (Stormwater) are as follows:

<i>Parameter</i>	<i>Average Annual (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	Monitor and Report	Monitor and Report
COD	Monitor and Report	Monitor and Report
Suspended Solids	Monitor and Report	Monitor and Report
Oil and Grease	Monitor and Report	Monitor and Report
pH	Monitor and Report	Monitor and Report
Total Kjeldahl Nitrogen	Monitor and Report	Monitor and Report
Total Phosphorus	Monitor and Report	Monitor and Report
Iron (Dissolved)	Monitor and Report	Monitor and Report

*Other Conditions:*

- The EPA waiver is not in effect.
- Conditions for future permit modification.
- Implementation of industrial pretreatment program requirements.
- Effective disinfection.
- 88.5% reduction of BOD<sub>5</sub> per DRBC requirements.
- Stormwater Requirements.

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

**PA0030392**, Industrial Waste, SIC, 3465 and 3544, **General Motors Corporation**, 1451 Lebanon School Road, West Mifflin, PA 15122. This application is for renewal of an NPDES permit to discharge treated stormwater from its West Mifflin Plant in West Mifflin Borough, **Allegheny County**.

The following effluent limitations are proposed for discharge to the receiving waters, Curry Hollow Creek, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Pennsylvania-American Water Company, located at Becks Run, 13 miles below the discharge point.

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

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
Oil and Grease			15		30
Nitrate-Nitrite Nitrogen			Monitor and Report		
Ammonia Nitrogen			Monitor and Report		
Cyanide			Monitor and Report		
Fluoride			Monitor and Report		
pH	Not less than 6.0 nor greater than 9.0 standard units				

The EPA waiver is in effect.

**PA0026778**, Sewage, **Windber Area Authority**, 1700 Stockholm Avenue, Windber, PA 15963. This application is for an amendment of an NPDES permit to discharge treated sewage from Ingleside Sewage Treatment Plant in Richland Township, **Cambria County**.

The discharge is to receiving waters known as Stony Creek, which is 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 Saltsburg Municipal Waterworks.

*Outfall 001:* existing discharge, design flow of 4.0 mgd.

Existing NPDES Permit PA0026778 was modified to remove the total residual chlorine parameter from the permit because the new sequential batch reactor plant now utilizes ultraviolet disinfection. The discharge point has been moved from a UNT of Stony Creek to Stony Creek.

The EPA waiver is not in effect.

**PA0098434**, Sewage, **Department of Transportation**, Bureau of Design, P. O. Box 3060, Harrisburg, PA 17105-3060. This application is for renewal of an NPDES permit to discharge treated sewage from Department of Transportation's Welcome Center Sewage Treatment Plant in Whiteley Township, **Greene County**.

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

*Outfall 001:* existing discharge, design flow of 0.0095 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
(5-1 to 10-31)	1.9			3.8
(11-1 to 4-30)	2.7			5.4
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0205338**, Sewage, **Donald W. Walch**, 204 Brallier Drive, Ligonier, PA 15658-9268. This application is for renewal of an NPDES permit to discharge treated sewage from Donald W. Walch Single Residence STP in Ligonier Township, **Westmoreland County**.

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

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

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

The EPA waiver is in effect.

**PA0217271**, Sewage, **Ohio Township Sanitary Authority**, 1719 Roosevelt Road, Pittsburgh, PA 15237. This application is for renewal of an NPDES permit to discharge treated sewage from Kilbuck Run Sewage Treatment Plant in Sewickley Hills Borough, **Allegheny County**.

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

*Outfall 001:* existing discharge, design flow of 0.295 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>				
(5-1 to 10-31)	20	30		40
(11-1 to 4-30)	25	37.5		50
Suspended Solids	30	45		60
Ammonia Nitrogen				
(5-1 to 10-31)	2.0	3.0		4.0
(11-1 to 4-30)	4.5	6.8		9.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 6 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0217506**, Sewage, **Mary A. Turner-Parish**, 38 Shorty Lane, Rochester, PA 15074-2658. This application is for renewal of an NPDES permit to discharge treated sewage from Blacks Mobile Home Park STP in New Sewickley Township, **Beaver County**.

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

*Outfall 001*: existing discharge, design flow of 0.01 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-31)	3.0			6.0
(11-1 to 4-30)	9.0			18.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a geometric mean			
(10-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	0.4			0.9
Dissolved Oxygen	not less than 4.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

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

**WQM Permit No. 5007401**, Sewerage, **New Buffalo Borough**, P. O. Box 245, New Buffalo, PA 17069. This proposed facility is located in New Buffalo Borough and Watts Township, **Perry County**.

Description of Proposed Action/Activity: Seeking authorization for the construction/operation of the New Buffalo Sanitary Collection, Conveyance and Treatment System.

**WQM Permit No. WQG02060701**, Sewerage, **New Morgan Borough**, 75 Grace Boulevard, Building D, Morgantown, PA 19543. This proposed facility is located in Morgan Borough, **Berks County**.

Description of Proposed Action/Activity: Seeking authorization for construction of a pumping station to serve the Robeson Woods subdivision.

**WQM Permit No. 2107401**, Sewerage, **Cumberland Valley School District**, 6746 Carlisle Pike, Mechanicsburg, PA 17050. This proposed facility is located in Silver Spring Township, **Cumberland County**.

Description of Proposed Action/Activity: Seeking authorization for the rehabilitation/operation of the wastewater treatment system at the Green Ridge Elementary School including the replacement of aeration tank and disinfection.

**WQM Permit No. 0507401**, Sewerage, **Leslie McKay and Amy Thompson-Hill**, 2427 Trailside Lane, Wauconda, IL 60084. This proposed facility is located in Monroe Township, **Bedford County**.

Description of Proposed Action/Activity: Seeking authorization for the construction/operation of a small flow sewage treatment system to serve the existing property at 6227 Big Creek Road, Clearville, PA 15535.

**WQM Permit No. 2198404**, Transfer, Sewerage, **Gregory and Marisa Blades**, 635 Mohawk Road, Newville, PA 17241. This proposed facility is located in Upper Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity: Permit Transfer.

**WQM Permit No. 2902401**, Amendment 07-1, Sewerage, **Dublin Township Supervisors**, 29195 Great Cove Road, Fort Littleton, PA 17223. This proposed facility is located in Dublin Township, **Fulton County**.

Description of Proposed Action/Activity: Seeking authorization for modification of approximately 6,500 LF of wastewater pressure main and an 18,000 gpd treatment plant serving the Burnt Cabins area.

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

**WQM Permit No. 1407404**, Sewerage (SIC 4952), **University Area Joint Authority**, 1576 Spring Valley Road, State College, PA 18601. These proposed facilities will be located in Harris Township, **Centre County**.

Description of Proposed Action/Activity: The applicant seeks a permit to authorize a sewer extension to serve the Liberty Hill Sanitary Sewer Collection Project, which will serve the Liberty Hill subdivision. The subdivision will include 282 units, a community center and a swimming pool. Flows will be conveyed, by means of gravity, to UAJA's Spring Creek Water Pollution Control Facility.

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

**WQM Permit No. 6507203**, Industrial Waste, **Rolling Rock Club**, P. O. Box 747, Ligonier, PA 15658-0747. This proposed facility is located in Ligonier Township, **Westmoreland County**.

Description of Proposed Action/Activity: Application for the construction and operation of a wastewater treatment system for fish hatchery effluent.

**WQM Permit No. WQG016144**, Sewerage, **Carolyn Bajack**, 1554 Days Run Road, Tarentum, PA 15084. This proposed facility is located in Frazer Township, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of a single-residence sewage treatment plant.

**WQM Permit No. 5607401**, Sewerage, **Conemaugh Township Supervisors**, 1120 Tire Hill Road, Johnstown, PA 15905. This proposed facility is located in Conemaugh Township, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of a 8' gravity sewer, pump station and force main to serve the village of Maple Ridge.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011507010	Harlan Corporation 214 Pond View Drive Chadds Ford, PA 19317	Chester	West Brandywine Township	UNT West Branch Brandywine Creek HQ-TSF
PAI011507011	AMCC Properties III, Inc. P. O. Box 549 Norristown, PA 19404	Chester	East Coventry Township	Pigeon Creek HQ-TSF
PAI011507012	Chester County Fund, Inc. 611 Willowbrook Lane West Chester, PA 19382-5578	Chester	East Whiteland Township	Valley Creek EV
PAI012307002	Anthony Sabatelli 524 Darlington Road Media, PA 19063	Delaware	Middletown Township	Rocky Run/Chester Creek HQ-CWF-TSF-MF

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

*Lehigh County Conservation District: Lehigh Ag. 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>
PAI023907006	David Jandl Jandl Land Co. 3150 Coffeetown Road Orefield, PA 18069	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF
PAI023907007	Keith Kling K Hovnanian 6995 Farmington Drive Macungie, PA 18062	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF
PAI023907008	Tom Williams Taylor Drive, LLC 822 W. Hamilton Street Suite 301 Allentown, PA 18101	Lehigh	Upper Saucon Township	Saucon Creek HQ-CWF
PAI023907009	David Jandl Jandl Land Co. 3160 Coffeetown Road Orefield, PA 18069	Lehigh	North Whitehall Township	Hassen Creek HQ-CWF, MF

*Carbon County Conservation District: 5664 Interchange Road, Lehighton, PA 18235-5114, (610) 377-4894.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI021307001	Coast to Coast Home Buyers, Inc. Attn: Brian Capuraso 1525 S.E. Pratt Street Port Saint Lucie, FL 34983-4042	Carbon	Penn Forest Township	Mud Run HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030507001	Bill Vander-Lyn Texas Eastern Transmission, LP 5400 Westheimer Court Houston, TX 77056-5310	Bedford	Juniata and Harrison Townships	Tributary to Little Wills Creek HQ-CWF Wolf Camp Run HQ-CWF Buffalo Run WWF
PAI033106006	Torrion Group, LP Thomas F. Songer, II 2601 Gateway Drive Suite 175 State College, PA 16801	Huntingdon	Huntingdon Borough	Standing Stone Creek HQ-CWF
PAI033106005	John Gilliland 1 War Path Warriors Mark, PA 16877	Huntingdon	Warriors Mark Township	Warriors Mark Run-Spruce Creek HQ-CWF
PAI030607003	David Werley 600 Locust Street Mertztown, PA 19539-9132	Berks	Longswamp Township	UNT of Toad Creek HQ-CWF
PAI030606011	James Heitman 3251 Seisholtzville Road Barto, PA 19504	Berks	Hereford Township	Perkioman Creek
PAI033104005	Department of Transportation Engineering District 9-0 1620 North Juniata Street Hollidaysburg, PA 16648	Huntingdon	Miller Township	Standing Stone Creek HQ-CWF

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

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

**CAFO Notices of Intent Received**

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

**PAG124806, CAFO, Buffalo Valley Farm**, 269 Meeting House Lane, Lewisburg, PA 17837. This existing facility is located in Buffalo Township, **Union County**.

Description of Size and Scope of Operation/Activity: Finishing swine CAFO with 545.7 AEU's.

The receiving stream, UNT to Buffalo Creek, is in Watershed 10C and classified for CWF.

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

**PUBLIC WATER SUPPLY (PWS) PERMIT**

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

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

Following the comment period, the Department will make a final determination regarding the proposed per-



mit. 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

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

**Permit No. 1807501—Construction** Public Water Supply.

Applicant	<b>Booneville Mutual Water Association</b>
Township or Borough	Logan Township
County	<b>Clinton County</b>
Responsible Official	Martin Tressler, President Booneville Mutual Water Association R. R. 2, Box 80 Loganton, PA 17747
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Jacqueline A. Peleschak, P. E. Alfred Benesch & Company 400 One Norwegian Plaza P. O. Box 1090 Pottsville, PA 17901
Permit Application Date	March 19, 2007
Description of Action	Use of Well No. 1 with chlorination as primary water source. Well No. 1 is located approx. 100 ft. NW of the existing treatment building and 200 ft. N of the finished water storage tank that feeds the distribution system.

**Permit No. 0807501—Construction** Public Water Supply.

Applicant	<b>Sherwood Retirement &amp; Personal Care Home, Inc.</b>
Township or Borough	Canton Borough
County	<b>Bradford County</b>
Responsible Official	Jim Sherwood, Administrator Sherwood Retirement & Personal Care Home, Inc. R. R. 1, Box 35A Canton, PA 17724

Type of Facility	Public Water Supply—Construction
Consulting Engineer	Thomas E. O'Connor, P. E. Hawk Engineering, PC One Progress Plaza, Suite 12 Towanda, PA 18847
Permit Application Date	March 16, 2007
Description of Action	New water storage tank and disinfection system.

#### MINOR AMENDMENT

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

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

**Application No. 0207501MA**, Minor Amendment.

Applicant	<b>Municipal Authority of the Township of Robinson</b> P. O. Box 15539 Pittsburgh, PA 15244
Township or Borough	Robinson Township
Responsible Official	Anthony Lenze, Executive Director Municipal Authority of the Township of Robinson P. O. Box 15539 Pittsburgh, PA 15244
Type of Facility	Intake structure
Consulting Engineer	NIRA Consulting Engineers, Inc. 950 Fifth Avenue Coraopolis, PA 15108
Application Received Date	March 14, 2007
Description of Action	Construction of a submerged intake structure in the Ohio River. Install 240 ft of 24" ductile iron waterline, 4-inch pressurized air backwash line and 1" potassium permanganate feed line beneath the Ohio River bed at a minimum of 3 ft. below the river bed.

**Application No. 0484502MA**, Minor Amendment.

Applicant	<b>Shippingport Borough</b> P. O. Box 76 Shippingport, PA 15077
Township or Borough	Shippingport Borough
Responsible Official	William Green, Borough Secretary Shippingport Borough P. O. Box 76 Shippingport, PA 15077
Type of Facility	Water storage tank
Consulting Engineer	Lennon, Smith, Souleret Engineering, Inc. 846 Fourth Avenue Coraopolis, PA 15108

Application Received Date	March 13, 2007
Description of Action	Interior and exterior cleaning and painting of the existing 150,000 gallon water storage standpipe, sealing of standpipe roofing system and replacement of the existing tank vent.

### WATER ALLOCATIONS

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

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

**WA2-1008**, Water Allocations. **Borough of Sharpsburg**, 1611 Main Street, Pittsburgh, PA 15215, **Allegheny County**. The applicant is requesting the right to withdraw 1,100,000 gallons of water per day, peak day, from their Allegheny River wells.

**WA2-1008A**, Water Allocations. **Borough of Sharpsburg**, 1611 Main Street, Pittsburgh, PA 15215, **Allegheny County**. The applicant is requesting the right to purchase 1,100,000 gallons of water per day, 33,000,000 peak month, on an emergency basis, from the Pittsburgh Water & Sewer Authority.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995

##### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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

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

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

**David Billig Residence**, Lowhill Township, **Lehigh County**. Donald Rood, J. Rockwood & Associates, Inc., P. O. Box 1006, Easton, PA 18044-1006 has submitted a Notice of Intent to Remediate (on behalf of his client David Billig, 7715 Claussville Road, Orefield, PA 18069) concerning the remediation of groundwater impacted by No. 2 fuel oil as a result of an accidental release. The applicant is proposing to meet the Statewide Health Standard. The future use of the property will remain residential. 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.

**David Cardona Property**, Lehigh Township, **Northampton County**. Donald Rood, J. Rockwood & Associates, Inc., P. O. Box 1006, Easton, PA 18044-1006 has submitted a Notice of Intent to Remediate (on behalf of his client David Cardona, 3737 Lehigh Drive, Northampton, PA 18067) concerning the remediation of soils and groundwater found or suspected to have been impacted by fuel oil as a result of an accidental release. The Notice of Intent to Remediate suggests that the applicant will remediate the site to meet the Statewide Health Standard. The future use of the property will remain residential. 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.

**West Side Mall**, Edwardsville Borough, **Luzerne County**. Dale Nat, Colden Corporation, 100 N. 17th Street, Suite 903, Philadelphia, PA 18704 has submitted a Notice of Intent to Remediate (on behalf of his client, Mike Malia, WP Realty, 940 Haverford Road, Bryn Mawr, PA 19010) concerning the remediation of soils found to have been impacted by gasoline from an abandoned UST. The applicant proposes to remediate the site to meet the Residential Statewide Health Standard for soils. A sum-

mary of the Notice of Intent to Remediate was published in *The Times Leader* on March 6, 2007.

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

**Burning Well (690181)**, Sergeant Township, **McKean County**, ATC Associates, Inc., 2200 Garden Drive, Suite 200, Seven Fields, PA 16046 has submitted a Notice of Intent to Remediate on behalf of SOPUS, Inc., 203 Steepleview Drive, Clarion, PA 16214. The site soil was contaminated with 1,3,5 trimethylbenzene above the non-residential medium specific concentrations. The intended future use of the property is commercial and or industrial.

**F. B. Leopold Company, Inc.**, (PF-690441) Zelienople, **Butler County**. ENSR Corporation, 2005 Cabot Boulevard West, Suite 100, Langhorne, PA 19047 has submitted a Notice of Intent to Remediate on behalf of ITT Corporation/FB Leopold Company, 10 Mountainview Road, Upper Saddle River, NJ 07458. The 5 acre site is bisected by Glade Run with the Plastic Operations in the southern area and Leopold Operation Controls in the northern area. Mercury impacted soils were detected at concentrations that exceed the Statewide Health Standard and additional soil and groundwater investigation are ongoing at the site. Constituents of interest are VOCs and SVOCs and metals. The future use of this property is for nonresidential use.

#### DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Application received for Determination of Applicability 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.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

**General Permit Application No. WMGR096SW001. Department of Transportation, Engineering District 10-0**, P. O. Box 429, Indiana, PA 15701. US Route 22 Improvement Project, SR 0022 (William Penn Highway), East and West Wheatfield Townships, PA 15701. An application for a general permit for beneficial use of regulated fill in East and West Wheatfield Townships, **Indiana County** was received in the Regional Office on March 15, 2007.

Comments concerning the application should be directed to David Eberle, Facilities Manager, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. Persons interested in obtaining more information about the general permit application should contact the DEP Southwest Regional Office at (412) 442-4000. TDD users should contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 30 days of this notice and may recommend revisions to, and approval or denial of the application.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

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

#### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

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

**22-03073: Advanced Communications, Inc.** (1000 North Cameron Street, Harrisburg, PA 17103) for instal-

lation of three heatset web offset printing presses controlled by a regenerative thermal oxidizer at their facility in the City of Harrisburg, **Dauphin County**.

**38-03020A: Tech Cast, Inc.** (640 South Cherry Street, Myerstown, PA 17067) for the replacement of burnout ovens in its foundry operation, Myerstown Borough, **Lebanon County**.

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

**49-317-002A: Sensenig Milling Services, Inc.** (10705 SR 44, Watsontown, PA 17777) for installation of air cleaning devices (a cyclone collector and a fabric collector) on a rotary bakery waste dryer as well as for the modification of the respective dryer by using it to process unbaked yeast-containing dough in Lewis Township, **Northumberland County**.

**17-00063A: Bionol Clearfield, LLC** (99 Longwater Circle, Suite 201, Norwell, MA 02061) for the construction of a 108 million gallon per year dry mill ethanol manufacturing facility at a site located in Decatur Township, **Clearfield County**.

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

**04-00235F: FirstEnergy Generation Corp.** (P. O. Box 128, Shippingport, PA 15077) for reactivation of Auxiliary Boiler 1 at Bruce Mansfield Plant in Shippingport Borough, **Beaver County**.

**32-00266B: Evergreen Landfill, Inc.** (P. O. Box 195, Route 119 N. Coral, PA 15731) for expansion of Phase III Disposal Area at Evergreen Landfill in Center Township, **Indiana County**.

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

**25-1010A: American Biodiesel Energy, Inc.** (4680 Iroquois Avenue, Erie, PA 16501) for construction of a new facility to produce biodiesel in Harborcreek Township, **Erie County**.

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

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

**15-0004G: Alcoa Packaging, LLC** (520 Lincoln Avenue, Downingtown, PA 19335) for construction of a 52-inch 10-station flexographic printing press at their facility at 520 Lincoln Avenue, Downingtown Borough, **Chester County**. The press is proposed to install a total enclosure with 100% capture efficiency and use an existing catalytic oxidizer, which also controls Rotogravure Press No. 8. As part of the project, Rotogravure Press No. 7 will be removed. The catalytic oxidizer shall have a minimum destruction and removal efficiency for VOC of 96%. The facility has taken a voluntary cap for VOC and HAP of 29.9 lbs/hr and 38.0 tpy, on a 12-month rolling sum basis. The facility is a major facility for VOC. The press is subject to 40 CFR Part 63 Subpart KK—National Emission Standards for the Printing and Publishing

Industry. The owner/operator will comply with the monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

**09-00016B: Exelon Generation Co., LLC** (3901 North Delaware Avenue, Philadelphia, PA 19137) for modification of Unit 21 combustion turbine at their Croydon Generation Station in Bristol Township, **Bucks County**. The Croydon Generation Station is a Title V facility. This modification will not result in net emission changes of any pollutants. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**35-322-009: Keystone Sanitary Landfill, Inc.** (P. O. Box 249, Dunmore, PA 18512-0249) for installation and operation of one 5,000-scfm capacity enclosed flare for the combustion of landfill gas at the site which is a major facility subject to Title V permitting requirements and is in Dunmore and Throop Boroughs, **Lackawanna County**. The new flare shall have a destruction efficiency of 98% for nonmethane VOC. The company shall comply with 123.31 for malodorous emission. The landfill operation is also subject to NSPS Part 60, Subpart WWW. The company currently has a Title V Permit 35-00014. The Operating Permit will include testing, monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements. The 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. For further details, contact Mark J. Wejkszner at (570) 826-2511 within 30 days after publication date.

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

**67-05024F: Lehigh Cement, Co.** (200 Hokes Mill Road, York, PA 17404) for limited use of postindustrial plastic as fuel in the rotary kiln at the cement plant in West Manchester Township, **York County**. The plastic fuel will not significantly impact emissions from the facility. Emissions of NO<sub>x</sub>, SO<sub>x</sub> and CO will be verified by continuous emissions monitoring systems. The plant is subject to 40 CFR Part 63, Subpart LLL of the National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry. The plan approval will include emission limits and work practice standards along with stack testing, monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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

**08-00016A: Dalrymple Gravel and Contracting Co., Inc.** (2105 South Broadway, Pine City, NY 14871) for the construction and operation of a floating dredge operation (Source ID P201) consisting of one crusher, two screens and associated eight conveyors at the Chemung Plant in Athens Township, **Bradford County**. The proposed floating dredge operation's emissions will be controlled by a water spray dust suppression system (ID C201).

The Department's review of the information contained in the application submitted by Dalrymple Gravel & Contracting Company indicates that the floating dredge operation and associated water spray dust suppression system will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the fugitive air contaminant emission requirement of 25 Pa. Code § 123.1 and the requirements of 40 CFR Part 60, Subpart OOO, 60.670—60.676. The plan approval, if issued, will subsequently be incorporated in an operating permit by means of an administrative amendment in accordance with 25 Pa. Code § 127.450 at a later date.

Based upon this finding, the Department intends to issue a plan approval for the proposed project. The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable regulatory requirements:

1. This plan approval is issued for the construction of a floating dredge operation (Source ID P201), consisting the following sources:

- (a) one 30" by 42" Telsmith model "D" jaw crusher
- (b) one 6' by 12' Diester model BFO-1612-DW sand dewatering screen
- (c) one 6' by 20' double-deck Diester wash screen
- (d) one 30" by 3,000' conveyor
- (e) one 30" by 100' radial stacking conveyor
- (f) two 30" by 100' floating conveyors
- (g) one 30" by 28' conveyor
- (h) one 30" by 180' floating conveyor
- (i) one 30" by 50' conveyor
- (j) one 42" by 54' conveyor
- (k) associated transfer chutes and sand collection tank.

Any of the equipment listed previously may be replaced without obtaining plan approval provided that the replacement equipment is of equal or smaller size as defined in Subpart OOO of the Federal Standard of Performance for New Stationary Sources, 40 CFR 60.670—60.676, and provided that the replacement equipment is of equivalent design and function (such as, a jaw crusher may be replaced with a jaw crusher, and the like). The permittee shall notify the Department, in writing, prior to the replacement.

2. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from the floating dredge operation shall be controlled by a high pressure water spray dust suppression system which shall, at a minimum, incorporate the following spray nozzles:

- One spray nozzle at the discharge end of the 30" by 42" Telsmith model "D" jaw crusher
- Ten spray nozzles on the 6' by 20' double-deck Diester wash screen

Additional spray nozzles may be installed without Department approval but none of those identified above should be omitted, deleted or removed without obtaining Department approval.

3. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the fugitive PM emissions from the equipment of the floating dredge operation shall not exceed the emissions limitations of 25 Pa. Code §§ 123.1 and 123.2.

4. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the material from the 6' by 20' double-deck Diester wash screen shall be delivered to the 30" by 42"

Telsmith model "D" jaw crusher through the telescopic chutes with a minimum possible freefall distance at the transfer point.

5. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not cause any visible fugitive emissions from the wash screens or any subsequent belt conveyors of floating dredge operation up to the material's entry into the next crusher of floating dredge operation.

6. For equipment of floating dredge operation, the permittee shall comply with the test methods and procedures specified in 40 CFR Part 60, 60.675(c), (e) and (h) that verifies compliance with the fugitive PM emission limitations.

7. All equipment of the floating dredge operation shall be powered on direct or commercial electrical lines. The permittee shall not construct or install any fuel-burning generators, stationary engines or engine/generator sets without prior Department approval.

8. The water spray dust suppression system associated with the floating dredge operation shall be operated on any and all occasions that the sources of floating dredge operation are operated, except in those unusual instances where conditions are such that operation of the sources without the simultaneous operation of water spray dust suppression system can take place without creating air contaminant emissions in excess of the limitations specified in 25 Pa. Code §§ 123.1 and 123.2 or in Subpart OOO of the Federal Standards for Performance for New Stationary Sources, 40 CFR Part 60 Subpart OOO 60.670—60.676. If, however, the water spray dust suppression system associated with the sources of floating dredge operation is incapable of operation due to weather conditions or any other reason sources of floating dredge operation may not be operated at all.

9. If at any time, the Department determines that air contaminant emissions from the equipment of the floating dredge operation are in excess of fugitive emissions limitations, the permittee shall immediately install additional spray nozzles and/or take other control measures as are necessary to reduce the air contaminant emissions to within the applicable limitations.

10. An operable water truck equipped with a pressurized water spray mechanism shall be kept onsite and shall be used, as needed, for the prevention and control of fugitive air contaminant emissions from plant roadways, and the like.

11. The floating dredge operation is subject to Federal Standards of Performance for New Stationary Sources (NSPS), 40 CFR Part 60, Subpart OOO, 60.670—60.676 for nonmetallic mineral processing plant. The permittee shall comply with all applicable requirements of 40 CFR Part 60, 60.670—60.676. Under 60.4 of the Standards of Performance, the submissions of all requests, reports, applications, submittals and other communications required by the Standards of Performance must be made to both the Department of Environmental Protection and the Environmental Protection Agency. The Environmental Protection Agency copies may be sent to Director, Air, Toxics and Radiation Division, U. S. EPA, Region III, 1650 Arch Street, Philadelphia, PA 19103.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at (570) 327-3693. Written comments or

requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

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

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

**54-00038: Hart Metals, Inc.** (1415 East Broad Street, Tamaqua, PA 18252) for operation of a metal processing operation and associated air cleaning devices at their facility in Tamaqua Borough, **Schuylkill County**. This action is a renewal of the State-only (Natural Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

**64-00003: Cherry Ridge Veterinary Clinic** (328 Wanoka Road, Honesdale, PA 18431) for operation of an animal crematory in Cherry Ridge Township, **Wayne County**. This action is a renewal of the State-only (Natural Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

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

**06-03094: K and L Woodworking, Inc.** (440 North Fourth Street, Reading, PA 19601) for operation of a wood working facility in the City of Reading, **Berks County**. This action is a renewal of the State-only operating permit issued in 2002.

**28-03011: Landis Threading Systems—ATI-Landis Threading** (360 South Church Street, Waynesboro, PA 17268) for natural minor operating permit renewal for operation of two natural gas fired boilers, 20.3 mmBtu/hr each, and three blast cabinets controlled by a fabric collector, in Waynesboro Borough, **Franklin County**. The annual emissions of NOx and PM from the operation are 5 tons and less than a ton respectively. The natural minor operating permit renewal shall contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**50-03003: Newport School District** (420 Fickes Lane, P. O. Box 9, Newport, PA 17074) for operation of two anthracite coal-fired boilers and a No. 2 oil fired boiler at the elementary school in Newport Borough, **Perry County**. This is a non-Title V (State-only) facility. This is a renewal of the facility's State-only operating permit issued in March of 2002. The State-only operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**50-05003: Newport School District** (420 Fickes Lane, P. O. Box 9, Newport PA, 17074) for operation of two anthracite coal-fired boilers at the high school in Newport

Borough, **Perry County**. This is a non-Title V (State-only) facility. The permit will limit SOx emissions to less than 100 tons for any consecutive 12-month period. The State-only operating permit shall contain testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the facility's State-only operating permit issued in March of 2002.

**67-03098: Workinger-Semmel Funeral Home, Inc.** (849 East Market Street, York, PA 17403) for operation of their human crematory in City of York, **York County**. The facility has the following annual potential air emissions: 1 ton NOx and 0.3 ton CO. The State-only operating permit will include emission restrictions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit.

**67-05095: Osram Sylvania Products, Inc.** (1128 Roosevelt Avenue, York, PA 17404) on February 12, 2002, for operation of an electronics components manufacturing facility in West Manchester Township, **York County**. This action is a renewal of the previous permit issued in 2002.

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

**41-00043: HRI, Inc.** (1750 West College Avenue, State College, PA 16801-2719) for operation of their hot mix asphalt production facility in the City of Williamsport, **Lycoming County**. The Department intends to issue a State-only (Synthetic Minor) Operating Permit for this facility. This facility's main source includes a batch mix asphalt plant, space heaters, parts washers and No. 2 fuel oil/reprocessed oil tanks. The facility has taken synthetic minor restriction for SOx and CO below the major emission thresholds. The facility has the potential to emit NOx, VOCs, HAPs and PM10 below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

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

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

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

requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

Written comments or objections should contain the name, address and telephone number of the person submitting comments or objections; the application number; and a Statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a Statement whether the requestor wishes to have the conference conducted in the locality of the proposed mining activities.

#### *Coal Applications Received*

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

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

\*The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: (1) surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by coal refuse disposal activities; and mined areas backfilled and revegetated; and (2) drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

**32070103 and NPDES No. PA0262358. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849), commencement, operation and restoration of a bituminous surface, auger and blasting mine in East Mahoning Township, **Indiana County**, affecting 241.7 acres. Receiving streams: Little Mahoning Creek classified for the following uses HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 2, 2007.

**56070103 and NPDES No. PA0262366. PBS Coals, Inc.** (P. O. Box 260, Friedens, PA 15541), commencement, operation and restoration of a bituminous surface mine in Stonycreek Township, **Somerset County**, affecting 338.3 acres. Receiving streams: Schrock Run and UNTs to Schrock Run classified for the following use CWF. The application is proposing to temporarily close a portion of T-695 during mining. A stream variance is being requested for a UNT to Schrock Run. This variance request is to mine through the headwaters of this stream and reconstruct the stream channel postmining. There are no potable water supply intakes within 10 miles downstream. Application received March 2, 2007.

**32020107 and NPDES Permit No. PA0249092. KMP Associates, Inc.** (1094 Lantz Road, Avonmore, PA 15618), permit revision—land use change on Johnston and McIntire property from forest to unmanaged natural habitat in Blacklick Township, **Indiana County**, affecting 59.1 acres. Receiving streams: UNTs to Aultmans Run and Aultmans Run classified for the following use TSF. There are no potable water supply intakes within 10 miles downstream. Application received March 15, 2007.

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

**65970103 and NPDES Permit No. PA0201898. Derry Stone & Lime Co., Inc.** (P. O. Box 459, 1350 Route 30, Laughlintown, PA 15655). Renewal application for continued operation and reclamation of an existing bituminous surface mine, located in Derry Township, **Westmoreland County**, affecting 130.3 acres. Receiving stream: UNT to Stoney Run, classified for the following use CWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: March 13, 2007.

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

**10070101 and NPDES Permit No. PA0258261. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127) Commencement, operation and restoration of a bituminous surface strip operation in Clay Township, **Butler County**, affecting 7.7 acres. Receiving streams: UNT A and UNT B to Muddy Creek, classified for the following use HQ-CWF. There are no potable surface

water supply intakes within 10 miles downstream. Application received: March 13, 2007.

*Noncoal Applications Returned*

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

**7775SM2A1C9. Berks Products Corporation**, P. O. Box 421, Reading, PA 19603, incidental boundary correction for a quarry operation in Ontelaunee Township,

**Berks County**, affecting 7.0 acres, receiving stream: Maiden Creek. Application received February 6, 2007. Application returned March 15, 2007.

*Noncoal Applications Received*

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

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

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

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

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

**56070301 and NPDES No. PA0262340. Keystone Lime Company, Inc.**, P. O. Box 278, Springs, PA 15562, commencement, operation and restoration of a bituminous surface mine in Elk Lick Township, **Somerset County**, affecting 9.5 acres. Receiving streams: UNT to Laurel Run classified for the following use CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 27, 2007.

**8060801. Scott's Hauling and Excavating, Inc.**, 5823 Race Track Road, St. Thomas, PA 17252, commencement, operation and restoration of a small noncoal (industrial minerals) operation in St. Thomas Township, **Franklin County**, affecting 5.0 acres, receiving streams: UNT to Campbell Run. Application received October 27, 2006.

**29070801, Harry S. Heiser**, 1077 Log Cabin Road, Fort Littleton, PA 17223, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Todd Township, **Fulton County**, affecting 5.0 acres, receiving stream: UNT to Licking Creek. Application received March 12, 2007.

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

**26800401 and NPDES Permit No. PA125920. Carbon Fuel Resources, Inc.** (200 College Drive, Suite 300, Lemont Furnace, PA 15456). NPDES renewal of an existing noncoal surface mine, located in Georges Township, **Fayette County**, affecting 91.1 acres. Receiving stream: Brownfield Hollow, classified for the following use CWF. There is not potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: March 15, 2007.

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

**10020307 and NPDES Permit No. PA0242411. Parker Sand & Gravel Co.** (P. O. Box O, Parker, PA

16049). Transfer of an existing sand and gravel operation in Parker Township and Parker City, **Butler and Armstrong Counties**, affecting 46.0 acres. Receiving streams: three UNT to Allegheny River and Allegheny River, classified for the following use CWF. There are no potable surface water supply intakes within 10 miles downstream. Transfer from Parker Sand & Gravel Co. (Sole Proprietorship) to Parker Sand & Gravel Co. (Incorporated). Application received: March 13, 2007.

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

**58070301. B. S. Quarries, Inc.**, (R. R. 3, Box 324A-1, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County**, affecting 401.4 acres, receiving stream: Wellmans Creek and Meylert Creek, classified for the following use HQ-CWF. Application received: March 13, 2007.

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

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

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Individuals will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the com-



ment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on each working day at the regional office noted before the application.

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

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

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**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E39-477. Jandl Land Company**, 3150 Coffeetown Road, Orefield, PA 18069, in Lower Macungie Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To reauthorize the construction and maintenance of the following water obstructions and encroachments associated with the development of a proposed 700-lot residential subdivision known as the Hills at Lock Ridge. The water obstructions and encroachments were previously authorized by Permit No. E39-381, which expired prior to commencement of construction. Other water obstructions were previously authorized and constructed under permit: 1) a road crossing of a tributary to Swavia Creek (HQ-CWF) (tributary B), consisting of a 6.0-foot by 3.5-foot concrete box culvert, with its invert depressed 6-inches, for the construction of Stack Road; 2) relocation of approximately 1,720 linear feet of a tributary to Swavia Creek (tributary B) for widening of Orchard Road; 3) recreational facilities (including soccer and playground equipment and a 6-foot wide bituminous path) in the floodway of Swavia Creek. The project is located on a 272 acre tract of land on the south side of the Norfolk Southern Railroad, adjacent to T-480, T-482, T-484 and Lock Ridge Park and Furnace Museum (Allentown West, PA Quadrangle N: 2.0 inches; W: 11.0 inches).

**E39-478. HomePro Enterprises, Inc.**, 112 Elm Road, Allentown, PA 18104, in Upper Macungie Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a roadcrossing of a tributary to Little Cedar Creek (HQ-CWF) consisting of a 20-foot by 4.5-foot concrete box culvert depressed 6-inches below streambed elevation and the placement of fill in 0.05 acre of PSS wetlands; to construct and maintain a nonjurisdictional dam in the floodway of the tributary; and to construct and maintain two utility line crossings of the tributary consisting of an 8-inch diameter DIP waterline and an 8-inch diameter PVC sanitary line, both incased in 18-inch diameter steel casing. The project is associated with Blue Barn EStates Residential Development located on the west side of Blue Barn Road approximately 0.6 mile north of its intersection with Tilghman Street (Allentown West, PA Quadrangle N: 18.2 inches; W: 11.8 inches).

**E39-475. First Star Bank Corp.**, 418 West Broad Street, Bethlehem, PA 18018, in Heidleberg Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To place fill in 0.07 acre of EV, EM wetlands and in the floodway of a tributary to Jordon Creek (CWF/MF) for the purpose of constructing a parking area associated with Star Bank. The project is located immediately southwest of the intersection of SR 0309 and SR 0100 (Slatedale, PA Quadrangle N: 9.13 inches; W: 12.57 inches).

**E52-206. Wild Acres Lakes POA**, R. R. 1, Box 500, Dingmans Ferry, PA 18328, in Delaware Township, **Pike County**, United States Army Corps of Engineers, Philadelphia District.

To remove two existing structures in a tributary to Hornbecks Creek (HQ-CWF); to construct and maintain two roadcrossings of the same tributary, the first consisting of two 40-foot long, 24-inch diameter HDPE culverts and the second consisting of four 40-foot long, 30-inch diameter HDPE culvert; and to construct and maintain a channel change in the tributary consisting of regrading and stabilizing approximately 510 feet of road side channel. The project will impact 0.01 acre of PEM wetlands. The purpose of the project is to alleviate road flooding. The project is located along Wild Acres Drive and Penn Court within the Wild Acres Lakes Residential Development (Lake Masconosa, PA-NJ Quadrangle N: 14.6 inches; W: 10.1 inches).

**E40-670. Andrew Kopczynski**, 51 Sterling Avenue, Dallas, PA 18612, in Lehman Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a roadcrossing consisting of a 36-inch diameter CMP culvert in a tributary to Browns Creek (CWF) and 0.7 acre of adjacent PSS/FO wetlands for the purpose of providing access to a 21-lot planned residential development known as Amber Woods II. The project is located on the east side of Township Road T-812, approximately 0.5 mile southeast of Market Street (Kingston, PA Quadrangle N: 14.0 inches; W: 8.0 inches).

**E40-671. Hanover LP—c/o Verus Partners**, 9450 West Bryn Mawr Avenue, Suite 150, Rosemont, IL 60018, in Hanover Township, **Luzerne County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a roadcrossing in Sugar Notch Run (CWF) for access to a proposed parking lot that will service an adjacent warehouse facility. The project is located approximately 400 feet southwest of the intersection of South Main Street and Rose Lane (Wilkes-Barre West, PA Quadrangle N: 8.7 inches; W: 11.8 inches).

**E39-476. Eagle Custom Builder, Inc.**, 15 Springwood Drive, Allentown, PA 18104, in North Whitehall Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a roadcrossing of a tributary to Coplay Creek (HQ-CWF) consisting of a 50-foot long, 16-foot by 2.5-foot concrete box culvert; to construct and maintain a stormwater line consisting of the same tributary consisting of a 48-inch diameter HDPE pipe and to construct and maintain an outfall in the floodway of the tributary consisting of 36-inch diameter HDPE pipe, endwall and riprap apron. The project is located along Schneck Road (T-665) approximately 0.25 mile west of the I-476 underpass (Cementon, PA Quadrangle N: 9.2 inches; W: 14.3 inches).

**E52-207. PPL Holtwood, LLC C/PPL Generation, LLC**, P. O. Box 122, Hawley, PA 18428, in Palmyra Township, **Pike County**, United States Army Corps of Engineers, Philadelphia District.

To maintain a 159-foot long concrete retaining wall, varying in height from 6 feet to 13.5 feet, along the right bank of Wallenpaupack Creek (HQ-CWF). This project was constructed under Emergency Permit No. EP5206402. The project is located approximately 400 feet upstream of the SR 0006 bridge (Hawley, PA Quadrangle N: 15.4 inches; W: 7.9 inches).

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

**E32-481. Indiana County Commissioners**, 825 Philadelphia Street, Indiana, PA 15701. To place fill in a wetland in White Township, **Indiana County**, Pittsburgh ACOE District (Clymer, PA Quadrangle N: 3.6 inches; W: 13.6 inches; Latitude: 40° 38' 39"; Longitude: 79° 5' 55"). The applicant proposes to place and maintain fill in a de minimis wetland, on a UNT to Two Lick Creek (CWF). The project is located on the north side of Hood School Road east of the intersection with Fyock Road.

**ENVIRONMENTAL ASSESSMENTS**

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D06-034EA. Ken R. Gehris**, 1500 Conrad Weiser Parkway, Womelsdorf, PA 19567. Centre Township **Berks County**, ACOE Philadelphia District.

To remove remnants of the previously breached Dauberville Dam across Irish Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The dam is located approximately 300 feet north of the intersection of Railroad Road and Bellemans Church Road (Temple, PA Quadrangle; Latitude: 40° 27' 30"; Longitude: 75° 58' 53").

**D49-027EA and D49-028EA. Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110. Lewis Township, **Northumberland County**, ACOE Baltimore District.

Project proposes to breach an unnamed dam and Intake Dam across a tributary to Glade Run (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 100 linear feet of stream channel. The dams are located approximately 1 1/4 mile southwest of the intersection of Glade Run Road and Muncy Exchange Road (Muncy, PA Quadrangle Latitude: 41° 10' 15"; Longitude: 76° 46' 18") (Muncy, PA Quadrangle Latitude: 41° 10' 6"; Longitude: 76° 46' 20").

**D42-001EA. Brendan Ring**, 12262 Route 59, Smethport, PA 16749. Keating Township, **McKean County**, ACOE Pittsburgh District.

Project proposes to breach and remove Smethport Reservoir Dam and the associated upstream check dam across Blacksmith Run (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 625 linear feet of stream channel. The project will also involve the replacement of a driveway culvert that will be authorized under BWM-GP-11. The culvert replacement will impact 22 linear feet of stream channel. The project is located approximately 2.2 miles west of the intersection of SR 59 and US 6 (Smethport, PA Quadrangle; Latitude: 41° 48' 35"; Longitude: 78° 29' 39").

**DAM SAFETY**

*Central Office: Bureau of Waterways Engineering, 400 Market Street, Floor 3, P. O. Box 8554, Harrisburg, PA 17105-8554.*

**D15-400. Chester County Prison Storage Lagoon**, 14 East Biddle Street, West Chester, PA 19380-0991. To modify, operate and maintain Chester County Prison Storage Lagoon Dam located on the watershed of Pocopson Creek for the purpose of providing increased wastewater storage capacity as a part of the proposed expansion of the wastewater treatment plant at the Chester County Prison (Unionville, PA Quadrangle N: 6.05 inches; W: 4.5 inches) Pocopson Township, **Chester County**.

**ACTIONS**

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

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

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

Sections I—VI contain actions related to industrial, animal or sewage wastes discharges, discharges to groundwater and discharges associated with municipal separate storm sewer systems (MS4), stormwater associated with construction

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

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

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

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

#### **I. NPDES Renewal Permit Actions**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0013064 (Industrial Wastewater)	Elementis Pigments, Inc. 1525 Wood Avenue Easton, PA 18042-1497	Northampton Easton City	Bushkill Creek 1F	N
PA0020745	Nescopeck Borough 501 Raber Avenue Nescopeck, PA 18635-1102	Nescopeck Township Luzerne County	Nescopeck Creek 5D	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0031313 Sewage	Intermediate Unit 1 One Intermediate Unit Drive Coal Center, PA 15423-9642	Fayette County Redstone Township	UNT of Colvin Run	Y
PA0032212 Sewage	Lawrence J. and Pamela K. Nelson 144 Silver Lake Lane Fombell, PA 16123	Beaver County Marion Township	UNT of Connoquenessing Creek	Y
PA0217654 Sewage	Seward/St. Clair Township Sanitary Authority	Westmoreland County St. Clair Township	Conemaugh River	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0033448	Pennwood Estates, LLC 1826 South Main Street Akron, OH 44301	Lackawannock Township Mercer County	West Branch Little Neshannock Creek 20-A	Y
PA0221627	Tri-Lane Estates Mobile Home Park STP 4004 Wynwood Drive Sharpsville, PA 16150-9024	Lackawannock Township Mercer County	UNT to Neshannock Creek 20-A	Y
PA0222208	Bowers, Chase, Chrzanowki SFTF Subdivision 3949 Knoyle Road Erie, PA 16510-4926	Greene Township Erie County	UNT to Four Mile Creek 15-FM	Y

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

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

**NPDES Permit No. PAS802224**, Industrial Stormwater, 1121 Bordentown Road, Morrisville, PA 19067. This proposed facility is located in Berlin Township, **Wayne County**.

Description of Proposed Action/Activity: Issuance of NPDES Industrial Stormwater Permit.

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

**NPDES Permit No. PA0259918**, CAFO, **Don Risser, Meadow Vista Farms, LLC**, 166 Risser Road, Bainbridge, PA 17502. This proposed facility is located in Conoy Township, **Lancaster County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 996-AEU dairy operation located in Watershed 7-G.

**NPDES Permit No. PA0248478**, CAFO, **Stephen R. Burkholder, Greater Vision Farms**, 144 Five Points Road, Mertztown, PA 19539. This proposed facility is located in Richmond Township, **Berks County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 487-AEU swine operation located in Watershed 3-B.

*Northcentral Region: Water Management Program Manager; 208 West Third Street, Williamsport, PA 17701, (570) 327 3664.*

**PA0229059**, Industrial Waste SIC, 2899, **Sunnyside Ethanol, LLC**, 5000 McKnight Road, Pittsburgh, PA 15237. This proposed facility is located in Curwensville Borough, **Clearfield County**.

Description of Proposed Activity: This proposed action is for issuance of an NPDES permit for a new discharge of treated industrial wastewater, stormwater, cooling tower and boiler blow down waters.

The receiving stream, West Branch Susquehanna River, is in the State Water Plan Watershed 8B and classified for WWF. The nearest downstream public water supply intake for Reliant Energy is located on West Branch Susquehanna River is 20 miles below the point of discharge.

The proposed effluent limits for Outfall 101 based on a design flow of 0.117 mgd cooling tower and boiler blow down waters.

Parameter	Mass Units lbs/day			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
pH			6.0			9.0
Total Halogen				0.2		0.5
Temperature °F				Report	Report	

The proposed effluent limits for Outfall 102 based on a design flow of 0.098 mgd cooling tower blow down water.

pH			6.0			9.0
Total Halogen				0.2		0.5
Temperature °F				Report	Report	

The proposed effluent limits for Outfall 103 based on a design flow of 0.163 mgd treated industrial wastewater.

pH			6.0			9.0
TSS				30	60	
Total Iron				2.0	4.0	
Total Aluminum				4.0	8.0	
Total Manganese				1.0	2.0	
Total Residual Chlorine				0.5		

The proposed effluent limits for Outfalls 002, 003 and 006 based on stormwater discharge.

pH	Report
COD	Report
CBOD <sub>5</sub>	Report
TSS	Report
Total Recoverable Petroleum Hydrocarbons	Report
Ammonia-N	Report
Total Phosphorus	Report

The proposed effluent limits for Outfalls 004 and 005 based on stormwater discharge.

Parameter	Mass Units lbs/day			Concentration (mg/l)		
	Average Monthly	Maximum Daily	Minimum	Average Monthly	Daily Maximum	Instantaneous Maximum
pH			6.0			9.0
TSS						50
Total Phosphorus					Report	
Total Iron					Report	
Total Aluminum					Report	
Total Arsenic					Report	
Total Zinc					Report	

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

**NPDES Permit No. PA0204862-A1**, Industrial Waste, **Guardian Industries Corporation**, 1000 Glasshouse Road, Jefferson Hills, PA 15025. This existing facility is located in Jefferson Hills Borough, **Allegheny County**.

Description of Proposed Action/Activity: Permit amendment issuance to add Outfall 012 for discharges of uncontaminated stormwater.

**NPDES Permit No. PA0252921-A1**, Sewage, **Dana Mining Company of PA, Inc.**, P. O. Box 1170, Morgantown, WV 26507. This existing facility is located in Dunkard Township, **Greene County**.

Description of Proposed Action/Activity: Permit amendment issuance for discharge from a facility located at 4-West Deep Mine Portal STP to receiving waters named Dunkard Creek.

**NPDES Permit No. PA0253332**, Sewage, **Etna Borough**, 437 Butler Street, Etna, PA 15223. This proposed facility is located in Borough of Etna, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance of CSO related discharges.

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

**NPDES Permit No. PA 0239933**. Concentrated Animal Feeding Operation. **Lakeland Dairy**, 272 Angel Road, New Wilmington, PA 16142. Permission granted for the handling and application of the contents to be controlled under Nutrient Management Plan approved by the Mercer County Conservation District. There shall be no discharge to surface waters under normal operating conditions. Facility located at Wilmington Township, **Mercer County**.

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

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

**WQM Permit No. 4506202**, Industrial Waste, **Sanofi Pasteur, Inc.**, Discovery Drive, Swiftwater, PA 18370-0187. This proposed facility is located in Pocono Township, **Monroe County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit.

**WQM Permit No. 4506201**, Industrial Waste, **Sanofi Pasteur, Inc.**, Discovery Drive, Swiftwater, PA 18370-0187. This proposed facility is located in Pocono Township, **Monroe County**.

Description of Proposed Action: Issuance of Water Quality Management Permit. Rerate of the existing wastewater treatment plant from 350,000 gpd to 450,000 gpd.

**WQM Permit No. 5206408**, Sewerage, **David Holbert**, 125 Rocky Riff Farm Road, Lackawaxen, PA 18435. This proposed facility is located in Lackawaxen Township, **Pike County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for the construction of a treatment facility to replace an existing malfunctioning system for a single-family residence.

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

**WQM Permit No. 0471412-A1**, Sewerage, **Economy Borough Municipal Authority**, 2860 Conway-Wallrose Road, Baden, PA 15005. This existing facility is located in Economy Borough, **Beaver County**.

Description of Proposed Action/Activity: Permit amendment issuance to construct pump station upgrades.

**WQM Permit No. WQG016133**, Sewerage, **Jack Schweiger**, 259 Church Road, Fombell, PA 16123. This proposed facility is located in Franklin Township, **Beaver County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a single-residence sewage treatment plant.

**WQM Permit No. WQG026112**, Sewerage, **Burrell Township Sewer Authority**, P. O. Box 454, Black Lick, PA 15716. This proposed facility is located in Burrell Township, **Indiana County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sewer, force main and pump station.

**IV. NPDES Stormwater Discharges from MS4 Permit Actions****V. NPDES Waiver Stormwater Discharges from MS4 Actions****VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI010906028	Jeffery Sacks 338 Grape Street Warminster, PA 18974	Bucks	West Rockhill Township	Unami Creek HQ

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q200R(1)	Davis-Mushko Partnership 4870 Raymond Court Emmaus, PA 18049	Lehigh	Upper Milford and Lower Macungie Townships	Little Lehigh Creek HQ-CWF

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

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

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

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

*General Permit Type—PAG-02*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Doylestown Township Bucks County	PAG2000907004	Shawn E. Touhill 35 Chapman Road Doylestown, PA 18901	UNT Neshaminy Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Falls Township Bucks County	PAG2000907012	Fleck Realty Holdings, LP 242 Wood Street Doylestown, PA 18901	Delaware River South WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Richland Township Bucks County	PAG2000906196	William Brickajilk 216 Landis Street Coopersburg, PA 18036	Morgan Creek Tributary/ Tohickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
East Marlborough and Kennett Townships Chester County	PAG2001506053	Chevrolet of Kennett Square 32 West State Street Kennett Square, PA 19348	East Branch Red Clay Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Oxford Township Chester County	PAG2001506037	Wilkinson Affinity, LP 1020 Broad Run Road Landenburg, PA 19350	Octoraro Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Trainer Borough Delaware County	PAG2002307003	A & R Ironworks 22 Nealy Boulevard Trainer, PA 19061	Marcus Hook Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Chichester Township Delaware County	PAG2002307007	St. John Fisher Church 4225 Chichester Avenue Boothwyn, PA 19061	East Branch Naaman's Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Chester Delaware County	PAG2002306070	Premiere Properties 1102 Baltimore Pike Glen Mills, PA 19342	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015106065	Temple University Facilities Management 422 Bell Building 1101 West Montgomery Avenue Philadelphia, PA 19122	Delaware River CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015106070	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406-1525	Cresheim Creek— Wissahickon Watershed TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Duryea Borough Luzerne Co.	PAG2004006039	CCON Dev. Co., LLC Attn: Gary Grossman Route 522, R. D. No. 1 Box 131K Selinsgrove, PA 17870	Mill Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Nanticoke City Luzerne Co.	PAG2004006050	CPS Direct Wayne and Caryn Oplinger 311 Chase Road Shavertown, PA 18708	Newport Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Bethlehem Township Northampton Co.	PAG2004807001	Wright Veterinary Medical Center Attn: G. Wright Butztown Road and 3247 Wimmer Road Bethlehem Township, PA 18020	Nancy Run CWF-MF	Northampton Co. Cons. Dist. (610) 746-1971
Jessup Borough Lackawanna Co.	PAG2003506039	Joseph Occhipinti Petroleum Services, LLC 104 Lake Street Dunmore, PA 18510	Sterry Creek CWF	Lackawanna Co. Cons. Dist. (570) 281-9495
South Londonderry Township Lebanon County	PAG2003806015	Mike Blouch Mark Propoerties 81 Augusta Drive Annville, PA 17003	Spring and Killinger Creek WWF and TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4

## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
North Cornwall Township Lebanon County	PAG2003807001	Jonathan Beers City of Lebanon Authority 2311 Ridgeview Road Lebanon, PA 17042	Quittapahilla Creek TSF	Lebanon County Conservation District 2120 Cornwall Road Suite 5 Lebanon, PA 17042 (717) 272-3908, Ext. 4
Middletown Borough Dauphin County	PAG2002207009	ABBCO Real Properties P. O. Box 442 Hershey, PA 17033	Swatara Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018
Hampden Township Cumberland County	PAG2002107009	Faith Tabernacle Congregation Faith Church and School Addition 1410 Good Hope Road Mechanicsburg, PA 17050	Conodoguinet Creek WWF	Cumberland County Conservation District 43 Brookwood Avenue Carlisle, PA 17013 (717) 240-7812
Allegheny Township Blair County	PAG2000707005	New Enterprise S & L Co. P. O. Box 77 New Enterprise, PA 16664	Sugar Run-Spencer Run CWF-WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Juniata and Allegheny Townships Blair County	PAG000707007	Allegheny Portage Railroad National Historic Site 110 Federal Park Road Gallitzin, PA 16641	UNT and Blair Gap Run CWF-TSF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Antis Township and Bellwood Borough Blair County	PAG2000707001	Bellwood-Antis School District 400 Martin Street Bellwood, PA 16611	Little Juniata River TSF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877
Hereford Township Berks County	PAG200060696	Dave Kriebel 11 Westfield Drive Barto, PA 19504	Perkiomen Creek TSF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Muhlenberg Township Berks County	PAG2000606103	Antonio Galantuomo 1134 Liberty Lane Reading, PA 19607	Bernhart Creek Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Centre County Penn Township	PAG2001407003	Joseph Hicks Phoenix on Stover Subdivision Phase II 344 Siglerville-Milheim Pike Spring Mills, PA 16875	Penns Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Clearfield County Boggs Township	PAG2001706020	D. J. Wisor and Sons c/o Delbert J. Wisor 25 Cycle Club Road West Decatur, PA 16878	Laurel Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629



<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Montour County Mahoning Township	PAG2004706014	Geisinger Health System 100 North Academy Drive Danville, PA 17821	Sechler Run CWF	Montour County Conservation District 112 Woodbine Lane Suite 2 Danville, PA 17821 (570) 271-1140
Tioga County Wellsboro Borough	PAG2005907003	Robert W. English 170 Meade Street Wellsboro, PA 16901-6798	Morris Creek CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3
Tioga County Wellsboro Borough	PAG2005907004	Craig A. Webster 8 Sturrock Street Wellsboro, PA 16901	Morris Creek CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3
Tioga County Wellsboro Borough	PAG2005907005	Kevin G. Cavanaugh 20 Meade Street Wellsboro, PA 16901	Morris Creek CWF	Tioga County Conservation District 50 Plaza Lane Wellsboro, PA 16901 (570) 724-1801, Ext. 3
Union County Hartley Township	PAG2006007001	John Hoover 854 Weikert Road Milmont, PA 17845	UNT to Pells Creek CWF	Union County Conservation District Union County Government Center 155 North 15th Street Lewisburg, PA 17837 (570) 524-3860
Crawford County Vernon Township	PAG2002006004	Meadville Medical Center Cancer Care Center Emerald Development Group P. O. Box 418 Meadville, PA 16335	UNT Van Horne Run WWF	Crawford Conservation District (724) 763-5269
Crawford County Spring Township	PAG2002006008	Crawford County Commissioners 903 Diamond Park Meadville, PA 16335	Conneaut Creek WWF	Crawford Conservation District (724) 763-5269
Crawford County Meadville City	PAG2002007001	Keystone Group 360 Corporate Circle 30050 Chagrin Boulevard Pepper Lake, OH 44124-5704	Mill Run WWF	Crawford Conservation District (724) 763-5269
Venango County Sandy creek Township	PAG2006107001	James Cochran 114 Hershey Road Franklin, PA 16323	Sandy Creek WWF	Venango Conservation District (814) 676-2832

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Upper Macungie Township Lehigh County	PAR232206	BASF Construction Chemicals, LLC 23700 Chagrin Boulevard Cleveland, OH 44122-5506	Lehigh River	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511

NOTICES

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*Facility Location:  
Municipality &  
County*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAR228317	Clarion Boards, Inc. P. O. Box 340 Shippenville, PA 16245-0340	UNTs to the Clarion River	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
PAR238303	Owens Brockway Closures, Inc. 316 West 16th Street Erie, PA 16502-1807	Municipal stormwater sewers to Presque Isle Bay	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
PAR208338	Flow Line Division Markovitz Enterprises, Inc. P. O. Box 7027 New Castle, PA 16101-7027	UNT to Big Run	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
PAR508301	Waste Management of Pennsylvania, Inc. 851 Robison Road East Erie, PA 16509-5339	UNT to Walnut Creek	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
PAR208318	Zurn Industries, Inc. 1301 Raspberry Street Erie, PA 16502-1543	Municipal stormwater sewers to Presque Isle Bay	DEP NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4*

*Facility Location  
County &  
Municipality*

<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
PAG046126	George Williams 100 Williams Lane Pittsburgh, PA 15238	Tributary to Little Pine Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
PAG046142	Catherine M. Garris 164 Androscopic Road Derry, PA 15627	Union Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
PAG046340	Albert Kowalewski 3752 Pitner Drive Allison Park, PA 15101	UNT of Little Deer Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*Facility Location  
County &  
Municipality*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water/Use*

*Contact Office &  
Phone No.*

Indiana Township  
Allegheny County

PAG046342

Doreen Tumminello  
2854 Anderson Road  
Allison Park, PA 15101

Little Pine Creek

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

Summit Township  
Erie County

PAG048901

Amy M. Powers  
8850 Parson Road  
Erie, PA 16509

LeBoeuf Creek  
16-A

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

*General Permit Type—PAG-9*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Site Name &  
Location*

*Contact Office &  
Phone No.*

Perry Township  
Mercer County

PAG098308

Scott Peterman  
26 Everbreeze Drive  
Hadley, PA 16130

Peterman Septic Services  
2495 Perry Highway  
Hadley, PA 16130

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

*General Permit Type—PAG-12*

*Facility Location &  
Municipality*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water/Use*

*Contact Office &  
Phone No.*

Lancaster County  
Pequea Township

PAG123623

Jeffrey Frey  
13 Radcliff Road  
Willow Street, PA 17584

Watershed  
7-K

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

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

### SAFE DRINKING WATER

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

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

**Permit No. 0606509, Public Water Supply.**

Applicant	<b>Borough of Fleetwood</b>
Municipality	Richmond Township
County	<b>Berks</b>
Type of Facility	Construction of Well No. 15 and associated treatment building for disinfection and flouridation.
Consulting Engineer	Michael Krasley, P. E. 2126 West Allen Street Allentown, PA 18104-4310

Permit to Construct 3/7/2007  
Issued:

### SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

##### Plan Location:

Borough or Township	Borough or Township Address	County
Jim Thorpe Borough	421 North Street Jim Thorpe, PA 18229	Carbon

*Plan Description:* The approved Plan Update provides for gravity sewer extensions to serve the following areas: Chipmunk Trail, White Lane and Center Avenue in the Western District and Reservoir Road/Gun Club Road in the Eastern District. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal.

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

##### Plan Location:

Borough or Township	Borough or Township Address	County
Center Township	1212 Neal Road Homer City, PA 15758	Indiana

*Plan Description:* The approved plan provides for a proposal to install a new sewage treatment facility located along Fenton Road in Center Township, Indiana County. The proposed treatment facility will service 59 new single-family dwellings as well as three existing single-family dwellings. 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.

### HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

#### Public Notice of Proposed Consent Order and Agreement Pennsylvania Department of Environmental Protection Polyclean Dry Cleaners Site West Hazleton Borough and Hazle Township, Luzerne County

Under section 1113 of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101–6020.1305) (HSCA), notice is hereby provided that the Department of Environmental Protection (Department) has entered into a Prospective Purchaser Agreement (PPA) in the form of a Consent Order and Agreement (CO&A) with WP Valmont Associates, LP (Developer). The PPA addresses the continued investigation and/or remediation of VOCs in soils and groundwater by the Developer. The Developer will demon-

strate attainment with one or a combination of remediation standards established under Act 2, and will reimburse the Department a portion of the costs incurred to perform the initial site investigation/response activities at the Polyclean Dry Cleaners Site (Site).

The Site consists of commercial properties that formerly included a dry cleaning facility between the late 1960s and the 1980s. A prior environmental investigation, conducted on behalf of the Department, identified environmental impacts from the prior dry cleaning operations at the Site. Specifically, soils at the Site and groundwater at and potentially migrating from the Site have been found to be impacted by VOCs, primarily chlorinated solvents including perchloroethylene (PCE), as well as by various metals. The results of the investigation performed for the Department was summarized in a report for the Department entitled "Final Site Investigation Report Former Polyclean Dry Cleaning Site," dated August 30, 2006.

The settlement proposed in the PPA/CO&A referenced above would resolve certain potential claims of the Department solely against the Developer, for future enforcement and reimbursement of response costs incurred by the Department in addressing the release or threat of release of hazardous substances at the Site. The claims originated under the authority of HSCA. The proposed settlement would require the Developer to pay the Department \$40,000 within 30 days of the effective date of the PPA/CO&A.

The specific terms of this settlement are set forth in the PPA/CO&A between the Department and the Developer, which is available for public review and comment. The Department will receive and consider comments relating to the CO&A for 60 days from the date of this Public Notice. The Department has the right to withdraw its consent to the CO&A if the comments concerning the CO&A disclose facts or considerations which indicate that the CO&A is inappropriate, improper, or not in the public interest. After the public comment period, the Department's settlement with the Developer shall be effective upon the date that the Department notifies the Developer, in writing, that this CO&A is final and effective in its present form, and that the Department has filed a response to significant written comments to the CO&A, or that no such comments were received.

Copies of the CO&A are available for inspection at the Department's Northeast Regional Office. Comments may be submitted, in writing, to Karen Unruh, Department of Environmental Protection, Hazardous Sites Cleanup, 2 Public Square, Wilkes-Barre, PA 18711. Further information may be obtained by contacting Karen Unruh, at (570) 826-2511. TDD users should contact the Department through the Pennsylvania Relay Services at (800) 645-5984.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995

##### PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of

submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a site-specific standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**West Side Mall**, Edwardsville Borough, **Luzerne County**. Dale Nat, Colden Corporation, 42 Yates Street, Forty Fort, PA 18704 has submitted a Final Report (on behalf of his client, Mike Malia, WP Realty, 940 Haverford Road, Bryn Mawr, PA 19010) concerning the remediation of soils found to have been impacted by gasoline from an abandoned UST. The applicant proposes to meet the Residential Statewide Health Standard for soils. A public notice was published in *The Times Leader* on March 6, 2007.

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

**Fort Indiantown Gap Army National Guard Training Center Area 11-17**, East Hanover Township, **Lebanon County**. Converse Consultants, 2783 West College Avenue, State College, PA 16801, on behalf of Department of Military and Veteran Affairs, Environmental Section, Building 11-19, Fort Indiantown Gap, Annville, PA 17003-5002, submitted a Final Report concerning remediation of site soils and groundwater contaminated with No. 2 heating oil from an underground storage tank. The report is intended to document remediation of the site to the Residential Statewide Health Standard.

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

**Your Building Centers, Formerly Champion Parts, Inc.**, Beech Creek Township, **Clinton County**. Conestoga-Rovers & Assoc., 410 Eagleview Boulevard,

Suite 110, Exton, PA 19341 on behalf of Champion Parts, Inc., 2500 West Avenue B, Hope, AZ 16822 has submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with trichloroethene, 1,1-dichloroethene, cis-1,2-dichloroethene, tetrachloroethene and vinyl chloride. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Sallach Residence**, Old Lycoming Township, **Lycoming County**. Lewis Environmental Group, P. O. Box 639, Royersford, PA 19488 on behalf of Pickelner Fuel Company, 210 Locust Street, Williamsport, PA 17701 has submitted a Final Report concerning remediation of the site soil contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Ambridge Area Brownfields Multiple Properties (11th—19th Streets)**, Borough of Ambridge, **Beaver County**. Frank W. Benacquista, P. G., CEI, KU Resources Inc., 22 South Linden Street, Duquesne, PA 15110 (on behalf of Ambridge Borough, 600 11th Street, Ambridge, PA 15003) has submitted a Remedial Investigation Report concerning remediation of site soil contaminated with PCBs, lead, heavy metals, PAHs, SVOCs and VOCs above Act 2 Standards and groundwater contaminated with lead, heavy metals, SVOCs and VOCs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Wilkinsburg Save-A-Lot**, Wilkinsburg Borough, **Allegheny County**. Dennis Guthrie, URS Corporation, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 (on behalf of Wesley Johnson, Wilkinsburg Borough Manager, 713 South Avenue, Wilkinsburg, PA 15221 and Fred Ralston, Allegheny County Department of Economic Development, 425 Sixth Street, Pittsburgh, PA 15219) has submitted a Final Report concerning remediation of site soil contaminated with lead and arsenic and site groundwater contaminated with petroleum compounds (benzene, ethylbenzene, toluene and xylenes). The report is intended to document remediation of the site to meet the Site-Specific Standard.

**First Commonwealth Bank**, Borough of Ebensburg, **Cambria County**. Heather W. Gawne, CORE Environmental Services, Inc., 4068 Mount Royal Boulevard, Suite 225, Gamma Building, Allison Park, PA 15101 (on behalf of Don Verobish, First Commonwealth Professional Resources, Inc., Route 220 and North Juniata Street, Hollidaysburg, PA 16648) has submitted a Cleanup Plan concerning remediation of site soil and groundwater contaminated with analytes of leaded and unleaded gasoline that is, benzene, toluene, ethylbenzene, xylenes, methyl tertiary-butyl ether and 1,2-ethylene dibromide. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Groveton Reducing Station—Columbia Gas**, Robinson Township, **Allegheny County**. Christopher H. Kupfer, P. G., Michael Baker Jr., Inc., 100 Airside Drive, Moon Township, PA 15108 (on behalf of Marc B. Okin, Columbia Gas of Pennsylvania, 501 Technology Drive, 3rd Floor, Canonsburg, PA 15317) has submitted a Final Report concerning remediation of site soil contaminated with benzene, PCBs, lead and arsenic. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Kirby I-79 Off-Ramp Toluene Spill**, Whitely Township, **Greene County**. Peggy Carpenter, CP Environmen-

tal Group, Inc., 1092 Fifth Avenue, New Kensington, PA 15068 (on behalf of Richard Marker, Department of Transportation, District 12, P. O. Box 459, Uniontown, PA 15401 and Mark Ritts, Distribution Technologies, Inc., 14841 Sperry Road, Newbury, OH 44065) has submitted a Final Report concerning remediation of site soil and groundwater contaminated with other organics. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

**Accuride Erie**, (688452) City of Erie, **Erie County**, MACTEC Engineering and Consulting, 700 North Bell Avenue, Suite 200, Pittsburgh, PA 15106, on behalf of Erie Land Holding, Inc. and Accuride-Erie, LP, 7140 Office Circle, Evansville, IN 47725 and Greater Erie Industrial Development Corporation, 5240 Knowledge Parkway, Erie, PA 16510-4658 has submitted a Request for Determination of Nonuse Aquifer.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

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

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

approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

**Former Gehman's Dairy Farm**, Lower Macungie Township, **Lehigh County**. John Checchio, Brinkerhoff Environmental Services, Inc., 1913 Atlantic Avenue, Suite R5, Manasquan, NJ 08736, submitted a Final Report (on behalf of his client, Mack Truck, Inc., 2100 Mack Boulevard, Allentown, PA 18103) concerning the remediation of soils and groundwater found contaminated with unleaded gasoline during the removal of an underground storage tank. The report demonstrated attainment of the Statewide Health Standard for soils and groundwater and was approved on March 16, 2007.

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

**Lot 1A, Former Teledyne Readco Holdings, LLC**, Spring Garden Township, **York County**. Gannett Fleming, Inc., 805 Estelle Drive, Suite 102, Lancaster, PA 17601, on behalf of York College of Pennsylvania, 439 Country Club Road, York, PA 17403, submitted a Remedial Investigation and Risk Assessment Report concerning the remediation of site soils and groundwater contaminated with metals and chlorinated solvents. The reports were approved by the Department on March 14, 2007.

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

**U. S. Steel Carrie Furnace Property**, Swissvale, Rankin, Whitaker, Munhall and City of Pittsburgh **Allegheny County**. Michael R. Dowling, KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Redevelopment Authority of Allegheny County, 425 Sixth Avenue, Suite 800, Pittsburgh, PA 15219 has submitted a Remedial Investigation Report concerning the remediation of site soil contaminated with lead, heavy metals and PAHs. The Remedial Investigation Report was approved by the Department on March 5, 2007

**Hopewell Shopping Center**, Hopewell Township **Beaver County**. Mark L. Orzechowski, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Marvin Schreiber, The Schreiber Company, 235 Alpha Drive, Pittsburgh, PA 15235 and Doug Schreiber, The Schreiber Company, 235 Alpha Drive, Pittsburgh, PA 15235 has submitted a Final Report concerning the remediation of site soil contaminated with tetrachloethene and vinyl chloride in the groundwater. The Final report demonstrated attainment of the Site-Specific Standard and was approved by the Department on February 9, 2007.

**Hopewell Shopping Center**, Hopewell Township **Beaver County**. Mark L. Orzechowski, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Marvin Schreiber, The Schreiber Company, 235 Alpha Drive, Pittsburgh, PA 15235 and Doug Schreiber, The Schreiber Company, 235 Alpha Drive, Pittsburgh, PA 15235 has submitted a Remedial Investigation Report and Risk Evaluation concerning the remediation of site soil contaminated with tetrachloethene and vinyl chloride in the groundwater. The Remedial Investigation Report and Risk Evaluation were approved by the Department on February 9, 2007.

**Eichelberger & Sons Heating and Air Conditioning (Irwin Penn Manor, LLC)**, Hempfield Township **Westmoreland County**. William A. McGill, The GeoEnvironmental Consortium, Inc., 701 Freeport Road, South Building, Pittsburgh, PA 15238 on behalf of Paul and Steve Eichelberger, Eichelberger and Sons, Heating and Air Conditioning, 10321 Center Highway, Irwin, PA 15642 has submitted a Final Report concerning the remediation of site soil contaminated with fuel oil No. 1. The Final Report demonstrated attainment of the State-wide Health Standard and was approved by the Department on February 16, 2007.

#### HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

**Draft permits issued, revised or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage or Disposal Facility.**

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

**PAR000514182. National Standard, LLC**, 1000 East Main Street, Mount Joy, PA 17552-9337, Rapho Township, **Lancaster County**. Draft permit issued on March 30, 2007. This permit application is for the postclosure care, including groundwater monitoring, cap maintenance and the like, at National Standard's closed hazardous waste disposal impoundment. The Department has completed its review of the permit application and has issued a draft permit on March 30, 2007. As required by 25 Pa. Code § 270a.80(d)(2), the Department is providing public notice of this action.

Persons wishing to comment on the draft permit are invited to submit a statement to the Southcentral Regional Office within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer; and a concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this action will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

## AIR QUALITY

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

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

**09-310-070GP: Kerns Krushing, Inc.** (180 Bran Road, Sinking Spring, PA 19608) on March 14, 2007, to operate a portable mineral processor in Richland Township, **Bucks County**.

**09-310-071GP: Kerns Krushing, Inc.** (180 Bran Road, Sinking Spring, PA 19608) on March 14, 2007, to operate a portable nonmetallic mineral processor in Richland Township, **Bucks County**.

**09-329-001GP: Kerns Krushing, Inc.** (180 Bran Road, Sinking Spring, PA 19608) on March 14, 2007, to operate a No. 2 fuel-fired internal combustion in Richland Township, **Bucks County**.

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

**40-323-017GP4: Harvey Powder Coating, LLC** (P. O. Box 123, Rear Apollo Drive, Wyoming, PA 18644) on March 13, 2007, to construct and operate a burnoff oven and associated air cleaning device at the facility in Wyoming Borough, **Luzerne County**.

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

**GP1-01-03027: Oxford Container Co.** (Commerce Street, P. O. Box 98, New Oxford, PA 17350) on March 9, 2007, for Small Gas and No. 2 Oil Fired Combustion Units under GP1 in New Oxford Borough, **Adams County**.

**GP3-2-44-03017: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on March 13, 2007, for Portable Nonmetallic Mineral Processing Plants under GP3 in Armagh Township, **Mifflin County**.

**GP11-2-44-03017: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on March 13, 2007, for Nonroad Engines under GP11 in Armagh Township, **Mifflin 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, Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**48-322-007: Chrin Brothers, Inc.** (635 Industrial Road, Easton, PA 18042) on March 13, 2007, to install an air cleaning device (gas flare) at the facility in Williams Township, **Northampton County**.

**40-303-029: Reading Materials, Inc.** (P. O. Box 1467, 2052 Lucon Road, Skippack, PA 19474) on March 12, 2007, to modify a batch asphalt plant to increase the

amount of recycled asphalt pavement in the product mix and installation an air cleaning device at the Pikes Creek Asphalt Plant in Lehman Township, **Luzerne County**.

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

**06-05069J: East Penn Manufacturing Co., Inc.** (Deka Road, P. O. Box 147, Lyon Station, PA 19536) on March 14, 2007, to modify their battery assembly operation controlled by various control devices in Richmond Township, **Berks County**.

**28-05029A: Fayetteville Contractors, Inc.** (3185 Lincoln Way East, Fayetteville, PA 17222) on March 15, 2007, to install a recycled asphalt paving system and the use of reclaimed oil fuel in the company's asphalt plant in Antrim Township, **Franklin County**.

**36-03135D: Doodad** (72 Industrial Circle, Lancaster, PA 17601-5928) on March 12, 2007, to construct a heatset printing press at their facility in Upper Leacock Township, **Lancaster County**.

**36-03161A: Compass Quarries, Inc.** (P. O. Box 130, 47 McIlvaine Road, Paradise, PA 17562) on March 12, 2007, to modify the material dryer to utilize No. 4 and No. 6 fuel oil and waste derived liquid fuel in Paradise Township, **Lancaster County**.

**38-05037A: Zimmerman Chair Shop** (1486 Colebrook Road, Lebanon, PA 17042-9507) on March 16, 2007, to install four booths and a curing tunnel in North Cornwall Township, **Lebanon County**.

**44-05001B: STD Steel, LLC** (500 North Walnut Street, Burnham, PA 17009-1644) on March 12, 2007, to construct a continuous wheel heat treating line with two furnaces in Burnham Borough, **Mifflin County**.

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

**47-00003A: Department of Public Welfare** (1401 North 7th Street, Harrisburg, PA 17105) on March 5, 2007, to construct and operate a dual-fired, anthracite coal/No. 2 fuel oil boiler (Source ID 037) and an anthracite coal fired boiler (Source ID 038), each controlled by independent flue gas recirculation systems with multiclone collectors (IDs C037 and C038) to control the NOx and PM/PM10 emissions from the boilers at their Danville State Hospital facility in Mahoning Township, **Montour County**.

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

**62-0170: United Refining Co.** (Bradley and Dobson Streets, Warren, PA 16365) on March 13, 2007, plan approval for modification of the Naphtha Hydrotreater and installation of NOx controls on the number 4 boiler in the City of Warren, **Warren County**. The facility is a Title V Facility.

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**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.**

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

**15-0004D: Alcoa Packaging, LLC** (520 Lincoln Avenue, Downingtown, PA 19335) on March 13, 2007, to operate four film seaming machines in Downingtown Borough, **Chester County**.

**15-0009B: AGC Chemicals Americas, Inc.** (255 South Bailey Road, Downingtown, PA 19335) on March 13, 2007, to operate a fluid bed dryer in Caln Township, **Chester County**.

**23-0024D: Hanson Aggregates PA, Inc.** (P. O. Box 231, Easton, PA 18044) on March 13, 2007, to operate two baghouses in Middletown Township, **Delaware County**.

**46-0108A: Highway Materials, Inc.** (1750 Walton Road, Blue Bell, PA 19422) on March 14, 2007, to operate a cyclone and baghouse-asphalt in Marlborough Township, **Montgomery County**.

**46-0155D: Sermatech International, Inc.** (159 South Limerick Road, Royersford, PA 19468) On March 13, 2007, to operate a spray booth in Limerick Township, **Montgomery County**.

**09-0157A: Barrett Asphalt, Inc.** (7503 Weymouth Road, Hammonton, NJ 08037) on March 15, 2007, to operate a No. 2 fuel oil fireburner in Falls Township, **Bucks County**.

**23-0003H: ConocoPhillips Co.** (1400 Park Avenue, Linden, NJ 07036) on March 13, 2007, to operate an isocraker expansion/sour water drum in Trainer Borough, **Delaware County**.

**23-0003F: ConocoPhillips Co.** (1400 Park Avenue, Linden, NJ 07036) on March 13, 2007, to operate an internal scrubber platformer unit in Trainer Borough, **Delaware County**.

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

**60-399-002: Ritz-Craft Corp.** (15 Industrial Park Road, Mifflinburg, PA 17844) on March 16, 2007, to operate two mobile/modular home assembly plants and a surface coating operation on a temporary basis until July 14, 2007, in Mifflinburg Borough, **Union County**. The plan approval has been extended.

**47-00001B: PPL Montour, LLC** (P. O. Box 128, Washingtonville, PA 17884) on March 16, 2007, to construct two 183 horsepower diesel engines instead of two 500 horsepower diesel engines and to revise the annual air contaminant emission limits for the engines accordingly at the Montour Steam Electric Station in Derry Township, **Montour County**.

**49-00005B: Hoeganaes Corp.** (4330 Paradise Road, Watsontown, PA 17777) on March 12, 2007, to operate the insulated particles process identified in the respective plan approval on a temporary basis until June 24, 2007, at the Watsontown Plant in Delaware Township, **Northumberland 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.*

**10-062D: Slippery Rock University** (Keister Road, Maintenance Center, Slippery Rock, PA 16057) on March 31, 2007, to modify boiler No. 4 in Slippery Rock, **Butler County**.

**24-083G: Carbone of America—Graphite Materials Division** (1032 Trout Run Road, St. Marys, PA 15857) on March 31, 2007, to construct a CBH Kiln in Benzinger Township, **Elk County**.



**24-0831: Carbone of America Graphite—Materials Division** (1032 Trout Run Road, St. Marys, PA 15857) on March 31, 2007, for Scrubber A emission limits in Benzinger Township, **Elk County**.

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

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

**46-00010: Montenay Montgomery, LTD** (1155 Conshohocken Road, Conshohocken, PA, 19428-1028) on March 19, 2007, for permit renewal to Title V Operating Permit 46-00010 in Plymouth Township, **Montgomery County**. No changes have taken place at the facility since the previous permit was last amended on September 22, 2006 and no sources are subject to CAM at this time. The Title V permit renewal will contain monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

**09-00027: Fres-Co System USA, Inc.** (3005 State Road, Telford, PA 18969) on March 19, 2007, for a renewal of the Title V Operating Permit in West Rockhill Township, **Bucks County**. The initial permit was issued on December 28, 2001, and was amended on July 24, 2002. The facility is primarily involved commercial printing. Fres-co operates boilers, Rotogravure and Flexographic presses. No changes have taken place at this facility that were not previously permitted. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. The sources at this facility are subject to Compliance Assurance Monitoring under 40 CFR Part 64.

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

**06-05065: Glen-Gery Corp.** (423 South Pottsville Pike, Shoemakersville, PA 19555-9742) on March 12, 2007, to operate brick manufacturing plant (Mid-Atlantic Plant) in Perry Township, **Berks County**. This is a renewal of the Title V Operating Permit.

**28-05040: Industrial Power Generating Co., LLC—INGENCO** (2250 Dabney Road, Richmond, VA 23230-3323) on March 13, 2007, this Title V Operating Permit was administratively amended to incorporate Plan Approval 28-05040A for their electric generating facility in Peters Township, **Franklin County**. This is revision No. 1.

**36-05009: J. L. Clark, Inc.** (303 North Plum Street, Lancaster, PA 17602-2401) on March 15, 2007, to operate a lithographic decorative metal can coating/graphic art manufacturing facility in the City of Lancaster, **Lancaster County**. This Title V Operating Permit was administratively amended to incorporate Plan Approval 36-05009A. This is revision No. 1.

**36-05146: PPL Distributed Generation, LLC** (2 North 9th Street, GENPL8, Allentown, PA 18101-1139) on March 16, 2007, to operate two landfill gas-fired engines at the Frey Farm-Creswell Landfill in Manor Township, **Lancaster County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701, Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.*

**19-00003: Bloomsburg University** (400 East Second Street, Bloomsburg, PA 17815) on March 9, 2007, issued a renewal Title V operating permit to operate their heating plant and campus in Bloomsburg Borough, **Columbia County**. This renewal Title V operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**10-00021: INDSPEC Chemical Corp.** (113 Main Street, P. O. Box 307, Petrolia, PA 16050) on March 9, 2007, the Department reissued the Title V Operating Permit for this chemical manufacturing facility in Petrolia Borough, **Butler County**. The facility is a major facility due to its potential to emit PM<sub>10</sub>, SO<sub>x</sub>, NO<sub>x</sub>, VOCs and HAPs.

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

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

**46-00194: Freedom Alloys, Inc.** (155 Railroad Plaza, Royersford, PA 19468) on March 16, 2007, for a non-Title V, State-only, Natural Minor Operating Permit in Royersford Borough, **Montgomery County**. Freedom Alloys, Inc. is a facility that produces Beryllium and Copper Alloy ingots. Beryllium, Nickel and PM pollutants are emitted from the facility. A dust collector is used as a control device. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations. There are no other sources of emissions.

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

**40-00018: Exopack, LLC** (3 Mapelwood Drive, Hazelton, PA 18201) on January 3, 2007, to issue a State-only (Synthetic Minor) Operating Permit to operate multicolor flexographic printing presses and patch printers at their facility in Hazle Township, **Luzerne County**.

**48-00022: ConAgra, Inc.—Martins Creek Flour Mill** (P. O. Box 193, Route 611, Martins Creek, PA 18063) on January 4, 2007, to issue a State-only (Synthetic Minor) Operating Permit to operate a wheat processing operation, flour mill and a boiler at their facility in Lower Mount Bethel Township, **Northampton County**.

**48-00023: ConAgra, Inc.—Martins Creek Grain Elevator** (P. O. Box 193, Route 611, Martins Creek, PA 18063) on January 4, 2007, to issue a State-only (Synthetic Minor) Operating Permit to operate a wheat processing operation at their facility in Lower Mount Bethel Township, **Northampton County**.

**48-00024: ConAgra, Inc.—Treichlers Flour Mill** (321 East Breadfruit Drive, Treichlers, PA 18086) on December 31, 2006, to issue a State-only (Synthetic Minor) Operating Permit to operate a wheat/grain processing, flour mill and a boiler at their facility in Lehigh Township, **Northampton County**.

**54-00069: Papetti's Hygrade Egg Products** (68 Spain Road, Klingerstown, PA 17941) on February 28, 2007, to issue a State-only (Synthetic Minor) Operating Permit to operate a boiler and a spray dryer with

associated air cleaning device at their facility in Hubley Township, **Schuylkill County**.

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

**34-03006: Tangent Rail Products, Inc.** (P. O. Box 251, McAlisterville, PA 17049-0251) on March 14, 2007, to operate a wood waste/sawdust-fired boiler in Fayette Township, **Juniata County**. This action is a renewal of the State-only operating permit.

**36-03152A: Wenger's Feed Mill, Inc.** (101 West Harrisburg Avenue, Rheems, PA 17570) on March 13, 2007, to operate a soybean processing plant at Wenger's Rheems facility in West Donegal Township, **Lancaster County**.

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

**65-00912: Babcock Lumber** (2220 Palmer Street, Pittsburgh, PA 15218) on March 14, 2007, to operate the hardwood manufacturing plant in Dongegal Township, **Westmoreland County**. The facility burns waste sawdust from the mill in a wood fired boiler to provide steam to heat the kilns in the plant.

**65-00891: Firestone Building Products Co.** (Building 102 Avenue A, Buncher Commerce Park, Youngwood, PA 15697) on March 13, 2007, to operate a foam product manufacturing facility in Youngwood Borough, **Westmoreland County**.

**04-00704: Buckeye Pipe Line Co., LP** (5002 Buckeye Road, P. O. Box 368, Emmaus, PA 18049) on March 13, 2007, to operate a pipeline break out station in Midland Borough, **Beaver County**.

**03-00206: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) on March 14, 2007, for a State-only operating permit to operate the Tracy Lynne Mine Coal Preparation Plant in Kiskiminetas Township, **Armstrong County**.

**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.**

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

**46-00191: Merck and Co. Inc.** (351 North Sumneytown Pike, North Wales, PA 19454) on March 19, 2007, to operate their office complex in Upper Gwynedd Township, **Montgomery County**. This amendment is to address the incorporation of a previously permitted boiler under General Permit, number 46-302-232GP. Administrative Amendment of State-only Operating Permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.450. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**06-05104: H. B. Mellott Estate, Inc.** (100 Mellott Drive, Suite 100, Warfordsburg, PA 17267-8555) on March 13, 2007, to operate crushing equipment in their Lehigh Cement Company quarry in Maiden creek Township,

**Berks County**. This operating permit was administratively amended to incorporate the new sources constructed at the facility. This is revision No. 1.

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

**41-318-045: High Steel Structures, Inc.** (3501 West Fourth Street, Williamsport, PA 17701) on March 19, 2007, in accordance with the administrative amendment requirements of 25 Pa. Code § 127.450, to incorporate the conditions of Plan Approval 41-318-045C, issued on December 12, 2006, to revise the coating VOC content limitations for a structural steel surface coating operation in the City of Williamsport, **Lycoming County**.

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

**25-00946: PSB Industries, Inc.** (1202 West 12th Street, Erie, PA 16501) on March 12, 2007, a Natural Minor Operating Permit was amended for an administrative change of the responsible official for the permit in the City of Erie, **Erie County**.

**42-00197: M & M Royalty, Ltd.—Irishtown Plant** (Route 307, Kane, PA 16735) on March 15, 2007, a Natural Minor Operating Permit was amended in Lafayette Township, **McKean County** for an administrative amendment to incorporate plan approval 42-197D and 42-197E into the permit.

**42-00198: Elkhorn Gas Processing, LLC** (Box 60B, Kinzua Road, Warren, PA 16365) on March 14, 2007, a Natural Minor Operating Permit was amended in Wetmore Township, **McKean County**. The facility is permitted to operate a process which removes moisture from a natural gas pipeline and separates out propane and butane. This amendment was for a change of ownership and responsible official.

**De Minimis Emissions Increases Authorized under 25 Pa. Code § 127.449.**

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

**11-00318: Ebensburg Power** (2840 New Germany Road, Ebensburg, PA 15931) on March 16, 2007, for de minimis emission increase of 0.47 tons PM<sub>10</sub>, 0.7 ton SO<sub>x</sub>, 0.1 ton CO, 1.0 ton NO<sub>x</sub> and 0.1 ton VOC per year resulting from the installation on March 22, 2007, of a new diesel-powered screen processing 500,000 tons waste coal per year at the Ebensburg Cogeneration Plant located in Cambria Township, **Cambria County**.

**ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS**

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications**

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

*Coal Permits Actions*

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

**Permit Number: 17841607 and NPDES Permit No. PA0100803, Energy Resources, Inc.,** (P. O. Box 259, Brockway, PA 15824), to renew the permit for the Bigler Prep Plant in Bradford Township, **Clearfield County** and related NPDES permit. No additional discharges. Application received January 6, 2006. Permit issued: March 12, 2007.

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

**Permit No. 56860105 and NPDES No. 0597686. Croner Inc.,** P. O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface/ auger mine in Brothersvalley Township, **Somerset County**, affecting 184.2 acres. Receiving streams: UNTs to Blue Lick Creek and Swamp Creek, classified for the following use CWF. There are no potable water supply intakes within 10 miles downstream. Application received February 8, 2007. Permit issued: March 12, 2007.

**11060102 and NPDES No. PA0262200. E. P. Bender Coal Company, Inc.,** P. O. Box 594, Carrolltown, PA 15722 commencement, operation and restoration of a bituminous surface-auger mine in Reade Township, **Cambria County**, affecting 73.0 acres. Receiving streams: Fallentimber Run and UNTs to Fallentimber Run classified for the following use CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 20, 2006. Permit issued: March 12, 2007.

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

**02050101 and NPDES Permit No. PA0250791. NBL Mining Co., LLC** (P. O. Box 369, Atlasburg, PA 15004). Transfer of permit formerly issued to Robert B. Goodall for continued operation and reclamation of a bituminous surface mining site located in North Fayette Township, **Allegheny County**, affecting 75.5 acres. Receiving streams: North Branch Robinson's Run and UNTs to North Branch Robinson Run. Transfer application received: October 13, 2006. Transfer permit issued: March 12, 2007.

**03860111 and NPDES Permit No. PA0589144. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Revision for adding and deleting acres to an existing bituminous surface mine, located in East Franklin Township, **Armstrong County**, affecting 667.4 acres. Receiving stream: UNTs to Allegheny River. Revision application received: November 6, 2006. Revision permit issued: March 16, 2007.

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

**16060107 and NPDES Permit No. PA0258199. Ancient Sun, Inc.** (P. O. Box 129, Shippenville, PA 16254) Commencement, operation and restoration of a bituminous strip operation in Ashland Township, **Clarion County**, affecting 62.0 acres. Receiving streams: UNT to

Little Sandy Creek. Application received: August 25, 2006. Permit Issued: March 13, 2007.

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

**54940202R2. Dizenzo Coal Company,** (1389 Bunting Street, Pottsville, PA 17901), renewal of an anthracite coal refuse reprocessing, disposal and preparation plant operation in Branch Township, **Schuylkill County** affecting 30.3 acres, receiving stream: none. Application received August 29, 2006. Renewal issued: March 13, 2007.

**54060103 and NPDES Permit No. PA0224545. Gale Mining Company,** (1441 Oak Road, Pottsville, PA 17901), commencement, operation and restoration of an anthracite surface mine and coal refuse disposal in Tremont Township, **Schuylkill County** affecting 308.0 acres, receiving stream: Lorberrry Creek. Application received March 15, 2006. Permit issued: March 16, 2007.

*Noncoal Permits Actions*

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

**4275SM14(T) and NPDES No. PA0124532. New Enterprise Stone & Lime Company, Inc.,** P. O. Box 77, New Enterprise, PA 16664, revision of an existing noncoal (industrial minerals) operation to deepen the quarry, add additional mining and support area, add an additional sediment pond, add an NPDES discharge point and change the postmining land use on New Enterprise Stone & Lime Company's property from forest and cropland to unmanaged natural habitat (251.4 acres) and permanent water impoundment (137.4 acres) in Warriors Mark and Snyder Townships, **Huntingdon and Blair Counties**, affecting 415.3 acres. Receiving streams: Logan Spring Run; UNT to Little Juniata River; and to Little Juniata River. Logan Spring Run and the UNT to Logan Spring Run are classified for the use of WWF; the Little Juniata River is classified for the use of CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 3, 2006. Permit issued: March 13, 2007.

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

**37010301. Quality Aggregates, Inc.** (200 Neville Road, Neville Island, PA 15225) Renewal of NPDES Permit No. PA0241881 in Slippery Rock Township, **Lawrence County** affecting 197.0 acres. Receiving streams: Nine UNTs to Slippery Rock Creek. Application received: January 24, 2007. Permit Issued: March 12, 2007.

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

**52060801. Duane C. Schmidt,** (90 Dew Berry Drive, Hawley, PA 18428), commencement, operation and restoration of a quarry operation in Blooming Grove Township, **Pike County** affecting 5.0 acres, receiving stream: none. Application received January 30, 2006. Permit issued March 12, 2007.

**7775SM10C and NPDES Permit No. PA011789. Lehigh Cement Company,** (537 Evansville Road, Fleetwood, PA 19522), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Maiden Creek Township, **Berks County**, receiving stream: Maiden Creek. Application received January 23, 2007. Renewal issued: March 13, 2007.

**7874SM2A2C6 and NPDES Permit No. PA0612880.** **Eastern Industries, Inc.**, (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in North Whitehall Township, **Lehigh County**, receiving stream: Coplay Creek. Application received January 25, 2007. Renewal issued: March 13, 2007.

**21060801. Mark Reiff**, (360 Running Pump Road, Newville, PA 17241), commencement, operation and restoration of a quarry operation in Hopewell Township, **Cumberland County**, affecting 1.0 acre, receiving stream: none. Application received August 30, 2006. Permit issued: March 14, 2007.

**45900303C2 and NPDES Permit No. PA0595276.** **Middle Smithfield Materials, Inc.**, (P. O. Box 674 Bushkill, PA 18324), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Middle Smithfield Township, **Monroe County**, receiving stream: Suise Creek. Application received January 30, 2007. Renewal issued: March 14, 2007.

**58070801. Russell D. Williams**, (R. R. 1, Box 264 A1, Wyalusing, PA 18853), commencement, operation and restoration of a quarry operation in Auburn Township, **Susquehanna County**, receiving stream: none. Application received December 29, 2006. Permit issued: March 16, 2007.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

#### BLASTING PERMITS ACTIONS

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

**21074115. Dyno Nobel, Inc.**, 1320 Galiffa Drive, Donora, PA 15033, blasting activity permit issued for commercial development in Carlisle Borough and South Middleton Township, **Cumberland County**. Blasting activity permit end date is March 30, 2008. Permit issued: March 6, 2007.

**21074114. M & J Explosives, Inc.**, P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for residential development in Carlisle Borough, **Cumberland County**. Blasting activity permit end date is March 31, 2008. Permit issued: March 6, 2007.

**21074118. Dyno Nobel, Inc.**, 1320 Galiffa Drive, Donors, PA 15033, blasting activity permit issued for residential development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is March 30, 2008. Permit issued: March 8, 2007.

**21074117. Warrens Excavating & Drilling, Inc.**, P. O. Box 189, Bowmansville, PA 17507-0189, blasting activity permit issued for residential development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is March 1, 2008. Permit issued: March 8, 2007.

**21074116. Warrens Excavating & Drilling, Inc.**, P. O. Box 189, Bowmansville, PA 17507-0189, blasting activity permit issued for residential development in

South Middleton Township, **Cumberland County**. Blasting activity permit end date is March 1, 2008. Permit issued: March 8, 2007.

**21074119. Dyno Nobel, Inc.**, 1320 Galiffa Drive, Donora, PA 15033, blasting activity permit issued for residential development in Middlesex and North Middleton Townships, **Cumberland County**. Blasting activity permit end date is March 30, 2008. Permit issued: March 8, 2007.

**21074120. M & J Explosives, Inc.**, P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for two single dwellings development in Carlisle Borough, **Cumberland County**. Blasting activity permit end date is March 31, 2008. Permit issued: March 9, 2007.

**21074121. Newville Construction Services, Inc.**, 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for commercial development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is March 7, 2008. Permit issued: March 9, 2007.

**21074122. Newville Construction Services, Inc.**, 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for commercial development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is March 7, 2008. Permit issued: March 9, 2007.

**01074105. Newville Construction Services, Inc.**, 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for residential development in Straban Township, **Adams County**. Blasting activity permit end date is March 30, 2008. Permit issued: March 9, 2007.

**01074106. Warrens Excavating & Drilling, Inc.**, P. O. Box 189, Bowmansville, PA 17507-0189, blasting activity permit issued for residential development in Hamilton Township, **Adams County**. Blasting activity permit end date is March 15, 2008. Permit issued: March 9, 2007.

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

**02074002. KESCO, Inc.** (P. O. Box 95, Adrian, PA 16210). Blasting activity permit issued for demolition of a US Steel Corp. building, located in Penn Hills Township, **Allegheny County**, with an expected duration of 180 days. Blasting activity permit issued: March 12, 2007.

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

**46074107. Austin Powder Company**, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for Gateway Shopping Center in Montgomery Township, **Montgomery County** with an expiration date of March 6, 2008. Permit issued: March 13, 2007.

**46074001. Explo-Craft, Inc.**, (P. O. Box 1332, West Chester, PA 19380), construction blasting at the Wal-Mart Site in Upper Moreland Township, **Montgomery County** with an expiration date of December 31, 2007. Permit issued: March 14, 2007.

**36074125. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for David King Project in Strasburg Township, **Lancaster County** with an expiration date of April 30, 2007. Permit issued: March 15, 2007.

**36074126. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting

for Ben Stoltzfus Manure Storage in East Lampeter Township, **Lancaster County** with an expiration date of April 30, 2007. Permit issued: March 15, 2007.

**36074127. Gerlach's Drilling & Blasting**, (172 Bender Mill Road, Lancaster, PA 17603), construction blasting for a single dwelling in East Donegal Township, **Lancaster County** with an expiration date of March 15, 2008. Permit issued: March 15, 2007.

**45074115. Ed Wean Drilling & Blasting, Inc.**, (112 Ravine Road, Stewartsville, NJ 08886), construction blasting for Timber Hills Development in Price and Paradise Townships, **Monroe County** with an expiration date of March 12, 2008. Permit issued: March 15, 2007.

**45074116. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Timber Hills Development in Price and Paradise Townships, **Monroe County** with an expiration date of March 31, 2007. Permit issued: March 15, 2007.

**45074119. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Blue Mountain Lake Development in Stroud Township, **Monroe County** with an expiration date of March 31, 2008. Permit issued: March 15, 2007.

**45074120. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Franklin Hills Estates in Smithfield Township, **Monroe County** with an expiration date of March 31, 2008. Permit issued: March 15, 2007.

**52074105. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Masthope Rapids in Lackawaxen Township, **Pike County** with an expiration date of March 20, 2008. Permit issued: March 15, 2007.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board

at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

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

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

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

**E22-510: Trout Unlimited, Don Fritchey Chapter**, 2319 Valley Road, Harrisburg, PA 17104, Swatara Township, **Dauphin County**, ACOE Baltimore District.

To construct and maintain a stream restoration project on 2,200 feet of Spring Creek (CWF), including rock and log structures and bank grading for the purpose of correcting the stream pattern and improving streambank stabilization, sediment transport and aquatic habitat. The project is located just downstream of the Route 441 (Harrisburg East, PA Quadrangle N: 0.25 inch; W: 12.2 inches; Latitude: 40° 15' 5"; Longitude: 76° 50' 14" to N: 0.3 inch, W: 13.1 inches; Latitude: 40° 15' 6"; Longitude: 76° 50' 39") in Swatara Township, Dauphin County. No wetland impacts are proposed.

**E07-406: Warnaco, Inc.**, Routes 22 and 220, Duncansville, PA 16635 in Blair and Allegheny Townships, **Blair County**, ACOE Baltimore District.

To place and maintain fill in a de minimis area of wetlands equal to 0.02 acre for the purpose of constructing a commercial warehouse/distribution center. The project is located West of PA Route 764 and South of Old PA Route 22 (Hollidaysburg, PA Quadrangle N: 7.4 inches, W: 9.5 inches; Latitude: 40° 24' 59"; Longitude: 78° 26' 39") in Blair and Allegheny Townships, Blair County.

**E05-340: Department of Transportation**, 1620 North Juniata Street, Hollidaysburg, PA 16648, in East Saint Clair Township, **Bedford County**, ACOE Baltimore District.

Engineering District 9-0 requests authorization for stream and wetland impacts associated with the reconstruction and widening of SR 56 Section 10 in East Saint Clair Township, Bedford County. This phase of the project, which will significantly improve traffic safety along the Route 56 corridor, involves the following 105 impacts:

1. Remove an existing 48-inch RCP (length of 46.0 feet) and construct and maintain a 48-inch by 76-inch RCP (length of 92.0 feet) at Station 498+00 (Alum Bank, PA Quadrangle N: 11.57 inches; W: 3.33 inches, Latitude: 40° 08' 36"; Longitude: 78° 34' 58"). PEM wetlands,

associated with a UNT to Stone Creek (WWF) currently exist at the downstream invert of the culvert. The proposed extension will permanently impact 0.04-acre and temporarily impact 0.02-acre of PEM wetland;

2. Construct and maintain a 30-inch pipe outfall and associated riprap apron to a UNT to Stone Creek (WWF) at Station 513+00 (Alum Bank, PA Quadrangle N: 11.61 inches; W: 2.57 inches, Latitude: 40° 08' 21"; Longitude: 78° 34' 59"). The proposed outfall and scour protection will permanently impact 37.0 lineal feet of stream channel and temporarily impact another 25.0 lineal feet of channel;

3. Relocate and maintain 100.0 feet of a UNT to Stone Creek (WWF) between Stations 530+00 and 531+00 (Alum Bank, PA Quadrangle N: 11.61 inches; W: 1.77 inches, Latitude: 40° 08' 05"; Longitude: 78° 34' 59"). The proposed extension will permanently impact 0.01-acre and temporarily impact 0.04-acre of PEM wetland;

4. Remove an existing 18-inch RCP with 24-inch CMP end sleeve (total in-stream length of 60.0 feet) at Station 530+00 (Alum Bank, PA Quadrangle N: 11.61 inches; W: 1.77 inches, Latitude: 40° 08' 05"; Longitude: 78° 34' 59"); and construct and maintain an 18-inch CMP (in-stream length of 100.0-feet) with associated riprap apron at Station 531+00 (Alum Bank, PA Quadrangle N: 11.61 inches; W: 1.64 inches, Latitude: 40° 11' 20"; Longitude: 78° 30' 42"). Net permanent channel impact is 76.0 lineal feet, with temporary impacts to another 30.0 feet. The proposed pipe and roadway fill will permanently impact 0.15-acre and temporarily impact 0.01-acre of PEM wetland;

5. Maintain fill within 0.53-acre of PEM wetland to widen the intersection of SR 56 and T-548 at Station 534+00 (Alum Bank, PA Quadrangle N: 11.51 inches; W: 1.53 inches, Latitude: 40° 08' 00"; Longitude: 78° 34' 57");

6. Enhance and maintain 0.34-acre of PEM wetland at Station 534 (Alum Bank, PA Quadrangle N: 11.51 inches; W: 1.53 inches, Latitude: 40° 08' 00"; Longitude: 78° 34' 57");

7. Relocate and maintain 402.0 lineal feet of an ephemeral UNT to Stone Creek (WWF) between Stations 532+00 and 535+50 (Alum Bank, PA Quadrangle N: 11.49 inches; W: 1.46 inches, Latitude: 40° 08' 01"; Longitude: 78° 34' 59"). The relocation will temporarily impact 402 lineal feet of stream channel;

8. Remove an existing 36-inch RCP (in-stream length of 75.0-feet) and construct and maintain a 48-inch RCP (in-stream length of 90.0-feet) within a UNT to Stone Creek (WWF) at Station 535+50 (Alum Bank, PA Quadrangle N: 11.49 inches; W: 1.46 inches, Latitude: 40° 07' 59"; Longitude: 78° 34' 56"). The pipe replacement will permanently impact 40.0 lineal feet of stream channel. Channel stabilization downstream of the proposed culvert, consisting of bank grading and vegetative matting, will temporarily impact 180.0 lineal feet of stream channel;

9. Construct and maintain an 18-inch pipe outfall to UNT to Stone Creek (WWF) at Station 535+50 (Alum Bank, PA Quadrangle N: 11.49 inches; W: 1.26 inches, Latitude: 40° 07' 55"; Longitude: 78° 34' 56"). The outfall is located immediately downstream of the 48-inch RCP;

10. Remove an existing 4-foot by 6-foot concrete arch culvert (in-stream length of 62.0 feet) and construct and maintain a 78-inch by 78-inch concrete box culvert (in stream length of 98.0 feet) within the channel of Stone

Creek (WWF) at Station 540+50 (Alum Bank, PA Quadrangle N: 11.53 inches; W: 1.26 inches, Latitude: 40° 07' 55"; Longitude: 78° 34' 57"). Net permanent channel impact is 40.0 lineal feet;

11. Construct and maintain an 18-inch pipe outfall to Stone Creek (WWF) at Station 540+00 (Alum Bank, PA Quadrangle N: 11.53 inches; W: 1.26 inches, Latitude: 40° 07' 55"; Longitude: 78° 34' 57"). The outfall is located immediately downstream of the 78-inch by 78-inch box culvert;

12. Construct and maintain a levee within the 100-Year Floodway located on the left downstream bank of Stone Creek at Station 540+50 (Alum Bank, PA Quadrangle N: 11.53 inches; W: 1.26 inches, Latitude: 40° 07' 55"; Longitude: 78° 34' 57") beginning immediately upstream of SR 56 and extending upstream 150-feet. Top width of the levee is 5.0 feet with 2:1 side slopes. Levee height ranges from 0.0 to 6.0 feet.

The applicant proposes to create a minimum of 0.73-acre of compensatory palustrine emergent wetland at a preapproved offsite location (Fetter property, Alum Bank, PA Quadrangle N: 6.00 inches; W: 15.6 inches, Latitude: 40° 09' 28.8"; Longitude: 78° 36' 45.7"). The applicant met stream channel compensation requirements by removing an abandoned dam located on Blacklog Creek in Huntingdon County (Orbisonia, PA Quadrangle N: 19.6 inches; W: 1.5 inches, Latitude: 40° 14' 9.9"; Longitude: 77° 53' 9.9") in June 2006.

**E50-236, Little Buffalo State Park**, 1579 State Park Road, Newport, PA 17074, in Juniata Township, **Perry County**, ACOE Baltimore District.

To install and maintain a dry hydrant in Holman Lake for the purpose of fire protection. The project is located along Little Buffalo Road (Newport, PA Quadrangle; North: 14.6 inches, West: 8.2 inches; Latitude: 40° 27' 18", Longitude: 77° 10' 29") in Juniata Township, Perry County.

**E28-337: Robert L. Johnson**, 8597 Path Valley Road, Fort Loudon, PA 17224-9714 in Metal Township, **Franklin County**, ACOE Baltimore District

To install an 8.0-inch SDR-35 drainpipe from a spring 600.0-feet to an existing culvert to alleviate any groundwater pressure and to relocate approximately 300.0-feet of stream channel for the construction of a 90.0-foot diameter by 10.0-foot deep agricultural waste storage facility; and to construct and maintain a 15.0-foot wide by 30.0-foot long agricultural crossing, a 15.0-foot wide by 40.0-foot long agricultural crossing and a 15.0-foot wide by 35.0-foot long agricultural crossing; all impacts are associated with a UNT to Conococheague Creek (CWF). The project is located off of Route 75 South, approximately 4 miles from Fannettsburg (Fannettsburg, PA Quadrangle N: 7.21 inches; W: 15.82 inches; Latitude: 40° 2' 23"; Longitude: 77° 51' 47") in Metal Township, Franklin County.

**E22-504: Washington Township**, 185 Manors Road, Elizabethville, PA 17023, In Washington Township, **Dauphin County**, ACOE Baltimore District.

To install and maintain bank stabilization devices on a 1,029-foot section of a UNT of Wiconisco Creek (CWF) including the installation of Pyromat geotextile reinforced turf on the bank slopes and some limited rip rap bank toe protection from a point east of the intersection of Oakdale Station Road and Johns Street, west to Maple Avenue (Loyalton) (Elizabethville, PA Quadrangle, from an upstream starting point to the east, N: 12.46 inches,

W: 1.62 inches; Latitude: 40° 34' 07"; Longitude: 76° 45' 42", to a downstream ending point at the western end, N: 12.46 inches, W: 1.97 inches; Latitude: 40° 34' 07"; Longitude: 76° 45' 51"), to replace a 52.0-foot long by 2.3-foot wide by 4.5-foot high concrete retaining wall with gabion baskets (51.0-foot long by 3.25-foot wide by 4.5-foot high—Elizabethville, PA Quadrangle N: 12.46 inches, W: 1.62 inches; Latitude: 40° 34' 07"; Longitude: 76° 45' 42"), to replace an existing 34.0-foot long, 18-inch CMP culvert with a 30.0-foot long 18-inch CMP culvert (Elizabethville, PA Quadrangle N: 12.41 inches, W: 1.93 inches; Latitude: 40° 34' 6"; Longitude: 76° 45' 50"), to replace an existing 26.0-foot long, 48-inch RCP culvert with a 25.0-foot long, 48-inch RCP culvert (Elizabethville, PA Quadrangle N: 12.41 inches, W: 1.93 inches; Latitude: 40° 34' 6"; Longitude: 76° 45' 50") and to replace a 47.0-foot long, 15-inch CIP culvert with a 47.0-foot long, 15-inch CMP culvert (Elizabethville, PA Quadrangle N: 12.41 inches, W: 1.62 inches; Latitude: 40° 34' 6"; Longitude: 76° 45' 42") in Washington Township, Dauphin County.

**E07-405: Altoona Blair County Development Corporation, Devorris Center**, 39900 Industrial Park, Altoona, PA 16602.

To fill in a 0.655 acre of a wetland to construct the proposed Walter Business Park and related improvements located in Sproul village about 1,800 feet southwest of the US 220 and T-312 intersection (Roaring Spring, PA Quadrangle N: 5.42 inches; W: 12.2 inches; Latitude: 40° 16' 47"; Longitude: 78° 27' 45") in Greenfield Township, Blair County. The applicant will provide 1.31 acres of replacement wetland located 4,000 feet northeast of site.

**E05-342: Woodbury Township**, 4100 Woodbury Pike, Woodbury, PA 16695 in Woodbury Township, **Bedford County**, ACOE Baltimore District.

To construct and maintain additional two units of 7-foot diameter by 100-foot long pipe culvert in Hickory Bottom Creek on Smith Road (T-678) to improve the discharge capacity located at a point 1.4 miles south of Woodbury Borough (Hopewell, PA Quadrangle N: 14.18 inches; W: 15.95 inches; Latitude: 40° 12' 11"; Longitude: 78° 21' 51") in Woodbury Township, Bedford County.

**E50-233: Robert H. Snyder**, R. D. 4, Box 4267, Duncannon, PA 17020 in Watts Township, **Perry County**, ACOE Baltimore District.

To operate and maintain an existing 0.5-acre pond on a UNT to Susquehanna River (WWF) (Duncannon, PA Quadrangle; Latitude: 40° 27' 0"; Longitude: 77° 0' 0"; North: 13.75", West: 0") in Watts Township, Perry County. The pond was constructed for the purpose of recreation, irrigation and fire protection. Construction of the pond resulted in the permanent impact of approximately 300 linear feet of intermittent stream channel and approximately 0.10 acre of PEM/PSS wetland complex.

**E05-341: Department of Transportation Engineering District 9-0**, 1020 North Juniata Street, Hollidaysburg, PA 16648 in East Saint Clair Township, **Bedford County**, ACOE Baltimore District

To reconstruct and widen SR 56 Section 12 in East Saint Clair Township, Bedford County (Bedford, PA Quadrangle N: 22.2 inches; W: 11.0 inches, Latitude: 40° 00' 00"; Longitude: 76° 30' 00"); for the purpose of improving traffic safety involving the following:

1. Remove an existing 42-inch RCP and construct and maintain a 54-inch RCP carrying SR 4028 over a UNT to Adams Run (WWF) at the intersection of SR 4028 and SR 0056;

2. Relocate and maintain four separate reaches of UNT to Adams Run (WWF) between Stations 572+00 and 578+50; 587+00 and 589+70; 590+60 and 591+15; 600+50 and 602+25. Relocation will result in permanent impacts to 25 lineal feet of stream and temporary impacts to 219 feet of stream.

3. Maintain fill within a total of 0.47-acre of PEM wetlands and temporarily impact another 0.20-acre of PEM wetland associated with UNTs to Adams Run at Stations 586+00; 587+00; 592+00; 589+00; 577+00; 595+00; and 599+00;

The applicant is required to provide 0.47-acre of replacement PEM wetland. The applicant met stream channel compensation requirements by funding the removal of an abandoned dam located on Blacklog Creek in Huntingdon County.

**E07-404: Wal-Mart Stores Inc.**, 2001 Southeast 10th Street, Bentonville, AR 71216 in Freedom Township, **Blair County**, ACOE Baltimore District.

To fill in 0.047 acre of de minimis wetland to construct a shopping center called Wal-Mart and related improvements located on the north side of the US 220 and I-99 intersection (Roaring Spring, PA Quadrangle N: 21.78 inches; W: 8.0 inches; Latitude: 40° 22' 12"; Longitude: 78° 25' 57") in Freedom Township, Blair County. The applicant will provide a 0.07 acre of wetland replacement.

**E44-127: Derry Township Sanitary Sewer Authority**, 15 West Mill Street, P. O. Box 465, Yeagertown, PA 17090 in Derry Township, **Mifflin County**, ACOE Baltimore District.

To construct and maintain 34,425 linear feet of 8-inch gravity sewer; 7,560 linear feet of 10-inch gravity sewer; 12,925 linear feet of 12-inch gravity sewer; 900 linear feet of low pressure sewer; 6,600 linear feet of 8-inch force main sewer; and 5,700 linear feet of 10-inch force main sewer in Derry Township, Mifflin County, involving:

1. Two crossings of Jacks Creek (TSF) impacts: a.) 56-feet of 10-inch D.I. force main (Latitude: 40° 36' 48"; Longitude: 77° 31' 55"); and b.) 69 feet of 12-inch PVC (Latitude: 40° 37' 55"; Longitude: 77° 30' 19"); and

2. Twenty-three trench crossings of UNTs to Jacks Creek: a.) 10 feet of 12-inch PVC (Latitude: 40° 37' 00"; Longitude: 77° 31' 36"); b.) 3 feet of 10-inch PVC (Latitude: 40° 37' 52"; Longitude: 77° 30' 05"); c.) 3 feet of 10-inch PVC (Latitude: 40° 37' 55"; Longitude: 77° 29' 55"); d.) 5 feet of 10-inch PVC (Latitude: 40° 37' 56"; Longitude: 77° 29' 50"); e.) placing an 8-inch PVC below a 24-inch RCP (Latitude: 40° 37' 49"; Longitude: 77° 29' 47"); f.) 8 feet of 12-inch PVC and 8-inch D.I. (Latitude: 40° 37' 34"; Longitude: 77° 30' 39"); g.) placing an 8-inch PVC and 8-inch D.I. force main under an existing 24-inch CMP storm pipe (Latitude: 40° 37' 32"; Longitude: 77° 30' 43"); h.) 4.5 feet of 8-inch D.I. force main (Latitude: 40° 37' 17"; Longitude: 77° 31' 07"); i.) placing an 8-inch D.I. force main under an existing 30-inch CMP storm pipe (Latitude: 40° 37' 08"; Longitude: 77° 31' 23"); j.) 10 feet of 12-inch PVC (Latitude: 40° 37' 54"; Longitude: 77° 30' 17"); k.) 16 feet of 12-inch PVC (Latitude: 40° 37' 56"; Longitude: 77° 30' 22"); l.) 32 feet of 12-inch PVC (Latitude: 40° 38' 00"; Longitude: 77° 30' 23"); m.) placing 12-inch PVC below an existing 24-inch CCP storm pipe (Latitude: 40° 38' 11"; Longitude: 77° 30' 30"); n.) 12 feet of 12-inch PVC encased in 22-inch steel casing pipe (Latitude: 40° 38' 18"; Longitude: 77° 30' 27"); o.) 8 feet of

12-inch PVC (Latitude: 40° 38' 16"; Longitude: 77° 30' 26"); p.) 120 feet of 12-inch PVC encased in 22-inch steel casing pipe (Latitude: 40° 38' 24"; Longitude: 77° 30' 21"); q.) 10 feet of 10-inch PVC (Latitude: 40° 38' 24"; Longitude: 77° 30' 18"); r.) placing an 8-inch PVC over an existing 18-inch CCP storm pipe (Latitude: 40° 38' 42"; Longitude: 77° 29' 25"); s.) 6 feet of 8-inch PVC (Latitude: 40° 38' 10"; Longitude: 77° 30' 48"); t.) 3.5 feet of 8-inch PVC (Latitude: 40° 38' 06"; Longitude: 77° 30' 57"); u.) 3 feet of 8-inch PVC (Latitude: 40° 38' 03"; Longitude: 77° 31' 02"); v.) 3 feet of 8-inch PVC (Latitude: 40° 37' 55"; Longitude: 77° 31' 17"); and w.) 3 feet of 8-inch PVC (Latitude: 40° 37' 55"; Longitude: 77° 31' 23").

3. Two crossings of Exceptional Value PEM wetlands located on the floodplains of UNTs to Jacks Creek resulting in 0.11 acre of temporary wetland impacts: a) 135-foot by 20-foot (Latitude: 40° 38' 18.7"; Longitude: 77° 30' 25.4") and b) 95-foot by 20-foot (Latitude: 40° 38' 16.9"; Longitude: 77° 30' 32.6"); and

4. Less than 0.01 acre of permanent impacts to Exceptional Value PEM wetlands located on the floodplain of a UNT to Jacks Creek (Latitude: 40° 38' 18.7"; Longitude: 77° 30' 25.4"); and

The amount of permanent wetland impact is considered de minimis and wetland replacement is not required.

**STORAGE TANKS**

**SITE-SPECIFIC INSTALLATION PERMITS**

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

SSIP Permit No.	Applicant Name & Address	County	Municipality	Tank Type	Tank Capacity
07-17-003	Sunnyside Ethanol, LLC 5000 McKnight Road Suite 405 Pittsburgh, PA 15237 Attn: Richard DeCesar	Clearfield	Curwensville Borough	4 ASTs storing petroleum products	1,264,400 gallons total
				4 ASTs storing hazardous substances	90,200 gallons total

**SPECIAL NOTICE**

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

**EGS65005. Loyalhanna Watershed Association, 110 Andi Lane, Ligonier, PA 15658.** A project to abate mine drainage pollution in Derry Township and Latrobe Borough, **Westmoreland County**, affecting 3 acres. Receiving stream: Loyalhanna Creek. Project proposal received: December 22, 2006.

[Pa.B. Doc. No. 07-543. Filed for public inspection March 30, 2007, 9:00 a.m.]

**Bid Opportunities**

**BOGM 07-6, Cleaning Out and Plugging Ten Abandoned and Orphan Oil and Gas Wells (Raymond Golonka, Steven Ostop, Robert G. Fratini, Cynthia L. Nace, Richard S. Mowel, Richard A. Opfermann and Edwin L. Popeck Properties).** The principal items of work include cleaning out and plugging ten abandoned and orphan oil and gas wells, estimated to be 2,500 feet each in depth, to Department specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on March 30, 2007, and bids will be opened on May 3, 2007. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for this project but a date has not been set.

Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information regarding this bid.

KATHLEEN MCGINTY,  
Secretary

[Pa.B. Doc. No. 07-544. Filed for public inspection March 30, 2007, 9:00 a.m.]

**Composting Infrastructure Development Grant Program for 2007**

Applications for the 2007 Composting Infrastructure Development Grant Program (program) are now available from the Department of Environmental Protection (Department). Under the program, for-profit business entities, whether established or start-up, or nonprofit organizations operating a composting facility located in this Commonwealth will be awarded grants on a competitive basis to increase the quantity of yard and/or food wastes collected and processed in this Commonwealth. The goal of this program is to increase the quantity of organic materials collected and composted to further increase the Commonwealth's recycling rate. Four-hundred thousand dollars are available for this initiative. The Department will award grants of up to \$100,000 to any one project. Additional consideration will be given to applications that are developed in consultation with the Pennsylvania Recycling Markets Center (717) 948-6660, www.parmc.org. The Department will accept applications for the program until 4 p.m. on June 28, 2007.



The municipal waste stream in Pennsylvania consists of over 30% organic materials that could be recycled and diverted from the waste stream and managed by composting. These organic waste streams, such as yard and food wastes, can become a resource to compost facilities that use these materials as feedstocks. Composting of organic wastes helps to lessen the burden on landfill capacity and creates a beneficial soil conditioner that can be marketed.

Applications for the 2007 program may be obtained by contacting Charles Scheidler, Bureau of Waste Management, (717) 787-7382, cscheidler@state.pa.us. Applications are also available electronically on the Department's website at www.depweb.state.pa.us (DEP Keyword: "Compost").

KATHLEEN A. MCGINTY,  
Secretary

[Pa.B. Doc. No. 07-545. Filed for public inspection March 30, 2007, 9:00 a.m.]

### NOx Budget Trading Program; New Source Set-Aside 2007 NOx Allocations

Under 25 Pa. Code § 145.41(d) (relating to timing requirements for NOx allowance allocations), the Department of Environmental Protection (Department) is publishing the NOx allowance allocations from the new source set-aside for the 2007 control period (May 1, 2007, through September 30, 2007). The new source set-aside contains 2,542 NOx allowances, 1,920 of which are available for new sources after allocation corrections. For each NOx budget unit, Table 1 lists: 1) the NOx allowances applied for under the "request" column; 2) the maximum potential number of NOx allowances authorized by the regulation under the "maximum" column; and 3) the final, pro rata NOx allocation under the "allocation" column.

New source operators are advised that this allocation is for one control period only. To receive NOx allocations from the new source set-aside for future control periods, source operators must submit new requests to the Department by January 1 each year.

Notice of the proposed NOx allowance allocations from the new source set-aside for the 2007 control period, including a request for comment, was published at 37 Pa.B. 850 (February 17, 2007). The Department did not receive comments during the 15-day public comment period that concluded on March 5, 2007.

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

For individuals who wish to challenge an action, appeals must reach the Board within 30 days of the publication of this notice. 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. The Secretary to the Board should be contacted at (717) 787-3483 for additional information.

Questions concerning this notice should be directed to Jane Mahinske, Bureau of Air Quality, Division of Air Resource Management, 400 Market Street, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 783-8949, jmahinske@state.pa.us.

**Table 1—2007 New Source Set-Aside Allocations**

Facility	ORIS	Point ID	Request	Maximum	Allocation
AES Ironwood, LLC	55337	1	92	92	35
AES Ironwood, LLC	55337	2	92	92	35
Allegheny Energy 1	55196	1	41	42	16
Allegheny Energy 2	55196	2	41	42	16
Allegheny Energy 3	55710	1	37	38	15
Allegheny Energy 4	55710	2	37	38	15
Allegheny Energy 8	55377	8	50	52	20
Allegheny Energy 9	55377	9	50	52	20
Allegheny Energy 12	55654	12	49	51	20
Allegheny Energy 13	55654	13	49	51	20
Allegheny Hunlock 4	56397	4	39	39	15
Conectiv Bethlehem	55690	1	26	26	10
Conectiv Bethlehem	55690	2	26	26	10
Conectiv Bethlehem	55690	3	26	26	10
Conectiv Bethlehem	55690	5	26	26	10
Conectiv Bethlehem	55690	6	26	26	10
Conectiv Bethlehem	55690	7	26	26	10

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<i>Facility</i>	<i>ORIS</i>	<i>Point ID</i>	<i>Request</i>	<i>Maximum</i>	<i>Allocation</i>
Williams Gen. Hazelton	10870	2	39	39	15
Williams Gen. Hazelton	10870	3	39	39	15
Williams Gen. Hazelton	10870	4	39	39	15
Armstrong Energy LLC	55347	1	278	278	106
Armstrong Energy LLC	55347	2	278	278	106
Armstrong Energy LLC	55347	3	278	278	106
Armstrong Energy LLC	55347	4	278	278	106
Fairless Energy, LLC	55298	1A	39	39	15
Fairless Energy, LLC	55298	1B	39	39	15
Fairless Energy, LLC	55298	2A	39	39	15
Fairless Energy, LLC	55298	2B	39	39	15
PPL (Lower Mount Bethel)	55667	1	49	49	19
PPL (Lower Mount Bethel)	55667	2	49	49	19
Merck & Co. (Turbine #3)	52149	40	35	35	13
Liberty Electric Power	55231	1	76	76	31
Liberty Electric Power	55231	2	76	76	31
Reliant Energy (Seward)	313	CFB1	697	697	267
Reliant Energy (Seward)	313	CFB2	697	697	267
Reliant (Hunterstown LLC)	55976	CT101	52	52	20
Reliant (Hunterstown LLC)	55976	CT201	52	52	20
Reliant (Hunterstown LLC)	55976	CT301	52	52	20
Duke Energy Armaugh	880071	31301	52	52	20
Duke Energy Entriiken	880072	31601	53	53	20
Ontelaunee Energy Center	55193	CT1	27	27	10
Ontelaunee Energy Center	55193	CT2	27	27	10
FPL Energy (Marcus Hook)	55801	CT1	54	54	21
FPL Energy (Marcus Hook)	55801	CT2	54	54	21
FPL Energy (Marcus Hook)	55801	CT3	54	54	21
FPL Energy (Marcus Hook)	55801	AB1	43	43	16
FPL Energy (Marcus Hook)	55801	AB2	43	43	16
FPL Energy (Marcus Hook)	55801	AB3	43	43	16
FPL Energy (Marcus Hook)	55801	AB4	43	43	16
Handsome Lake Energy	55233	EUZ1A	55	55	21
Handsome Lake Energy	55233	EUZ1B	55	55	21
Handsome Lake Energy	55233	EUZ2A	55	55	21
Handsome Lake Energy	55233	EUZ2B	55	55	21
Handsome Lake Energy	55233	EUZ3A	55	55	21
Handsome Lake Energy	55233	EUZ3B	55	55	21
Handsome Lake Energy	55233	EUZ4A	55	55	21
Handsome Lake Energy	55233	EUZ4B	55	55	21
Handsome Lake Energy	55233	EUZ5A	55	55	21
Handsome Lake Energy	55233	EUZ5B	55	55	21
		<b>Totals:</b>	<b>4,996</b>	<b>5,020</b>	<b>1,920</b>

KATHLEEN A. MCGINTY,  
Secretary

[Pa.B. Doc. No. 07-546. Filed for public inspection March 30, 2007, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Altoona Regional Health System for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Altoona Regional Health System 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 *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 5.3.1.2, 5.3.2.1, 5.3.5.4, 5.3.5.8, 5.3.5.15 and 5.3.6.2 (relating to the surgical 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, ra-paexcept@state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons, V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-547. Filed for public inspection March 30, 2007, 9:00 a.m.]

### Application of Carlisle Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Carlisle Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-548. Filed for public inspection March 30, 2007, 9:00 a.m.]

### Application of Carlisle Regional Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Carlisle Regional Surgery Center has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-549. Filed for public inspection March 30, 2007, 9:00 a.m.]

### Application of Children's Hospital of Pittsburgh North Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Hospital of Pittsburgh North Surgery Center has requested an exception to the requirements of 28 Pa. Code § 569.35(7) (relating to general safety precautions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-550. Filed for public inspection March 30, 2007, 9:00 a.m.]

### **Application of Children's Hospital of Pittsburgh South Surgery Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Hospital of Pittsburgh South Surgery Center has requested an exception to the requirements of 28 Pa. Code § 569.35(7) (relating to general safety precautions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-551. Filed for public inspection March 30, 2007, 9:00 a.m.]

### **Application of Children's Hospital of Pittsburgh of UPMC for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Hospital of Pittsburgh of UPMC has requested an exception to the requirements of 28

Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-552. Filed for public inspection March 30, 2007, 9:00 a.m.]

### **Application of Dubois Regional Medical Center for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Dubois Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

The facility has also requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 3.1.3 (relating to exam/treatment room).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons,

V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-553. Filed for public inspection March 30, 2007, 9:00 a.m.]

### **Application of Magee Womens Hospital of UPMC for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Magee Womens Hospital of UPMC has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-554. Filed for public inspection March 30, 2007, 9:00 a.m.]

### **Application of Mercy Hospital of Pittsburgh for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mercy Hospital of Pittsburgh has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-555. Filed for public inspection March 30, 2007, 9:00 a.m.]

### **Application of Montgomery Hospital for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Montgomery Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-556. Filed for public inspection March 30, 2007, 9:00 a.m.]

### **Application of Mountain Laurel Surgery Center, LLC for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mountain Laurel Surgery Center, LLC has requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 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 for exception and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-557. Filed for public inspection March 30, 2007, 9:00 a.m.]

### Application of Three Rivers Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Three Rivers Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 555.31(a) (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-558. Filed for public inspection March 30, 2007, 9:00 a.m.]

### Application of UPMC Northwest for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Northwest has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

The request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request for exception and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-559. Filed for public inspection March 30, 2007, 9:00 a.m.]

### Application of UPMC St. Margaret for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC St. Margaret 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 *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exception from the following standard contained in this publication: 2.3.5 (relating to nourishment area).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-560. Filed for public inspection March 30, 2007, 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 §§ 201.17, 205.6(a), 205.25(a) and 205.26(a).

Skilled Care Center at Utz Terrace  
300 Sunset Drive  
Hanover, PA 17331

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

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

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

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotope, Braille), should contact the Division at the address listed previously or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

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

[Pa.B. Doc. No. 07-561. Filed for public inspection March 30, 2007, 9:00 a.m.]

### Patient Safety Trust Fund Surcharge for Fiscal Year 2006-2007 Under the Medical Care Accountability and Reduction of Error Act

On March 20, 2002, the Medical Care Accountability and Reduction of Error Act (MCARE Act) (40 P.S. §§ 1301.101—1301.910) was signed into law. Among other provisions, the MCARE Act established the Patient Safety Authority (Authority) to collect, analyze and evaluate data regarding reports of serious events and incidents occurring in certain medical facilities and to make recommendations to those facilities regarding changes, trends and improvements in health care practices and procedures for the purpose of reducing the number and severity of serious events and incidents.

Section 305(a) of the MCARE Act (40 P.S. § 1301.305(a)) authorizes the establishment of a Patient Safety Trust Fund (Fund) for the operations of the Authority. Section 305(c) of the MCARE Act states that commencing July 1, 2002, and for every fiscal year thereafter, each medical facility covered by the MCARE Act shall pay the Department of Health (Department) a surcharge on its licensing fee as necessary to provide sufficient revenues to operate the Patient Safety Authority. Section 305(c) of the MCARE Act also states that the total assessment amount for Fiscal Year (FY) 2002-2003 shall not exceed \$5 million and that the Department shall transfer the total assessment amount to the Fund within 30 days of receipt.

Section 305(d) of the MCARE Act provides that for each succeeding calendar year, the Department shall determine and assess each medical facility a proportionate share of the Authority's budget. The base amount of \$5 million provided for in FY 2002-2003 shall be increased no more than the Consumer Price Index in each succeeding fiscal year. With the cooperation of Pennsylvania hospitals, birthing centers and ambulatory surgery facilities, the surcharge for FYs 2002-2003 and 2003-2004 was implemented, and provided resources for the implementation of the web-based Pennsylvania Patient Safety Reporting System and the operation of the Authority.

The Authority has recommended that the FY 2006-2007 surcharge assessment total \$2.5 million, approximately one-half of the amount that may be assessed under the MCARE Act.

This notice sets forth the procedure that the Department will follow in assessing and collecting the surcharge for 2006-2007. The MCARE Act states that the surcharge shall be collected from medical facilities, which are defined as ambulatory surgical facilities (ASFs), birth centers and hospitals licensed under either the Health Care Facilities Act (35 P.S. §§ 448.101—448.904) or Article X of the Public Welfare Code (62 P.S. §§ 1001—1087).

To assess the surcharge in an equitable manner, the Department continues to use a common denominator in these facilities. For ASFs and birth centers, the Department has chosen the number of operating and procedure rooms; for hospitals, the Department has chosen the number of beds contained on the license of each hospital, whether by the Department (general and special acute care hospitals) or the Department of Public Welfare (privately-owned psychiatric hospitals). It was also necessary to pick a point in time to make this assessment; the Department has chosen January 1, 2007.

The amount of operating/procedure rooms (for ASFs and birth centers) and the amount of licensed beds (for hospitals) was totaled and that amount was divided into \$2.5 million to arrive at a charge per unit. The total number of units (operating rooms, procedure rooms and licensed beds) is 44,060. Dividing this number into \$2.5 million results in a per unit assessment of approximately \$56.74. To obtain a copy of the assessment for all facilities, send an email to paexcept@health.state.pa.us, and request the 2006-2007 MCARE surcharge assessment list.

Each facility will receive notification from the Department setting forth the amount due, date due and the name and address to which the payment should be sent. Payment will be due by May 27, 2007. The MCARE Act authorizes the Department to assess an administrative penalty of \$1,000 per day on facilities who fail to pay the surcharge by the due date.

The Authority and Governor's Office of Health Care Reform has advised the Department that, because of the additional role of the Authority in the Governor's Health Care Reform Plan, the Authority may require that, to meet its budget needs, an additional assessment be levied on all facilities, not to exceed in the aggregate the total assessment allowed by law for this current year (\$5 million plus cost of living increases). Should an additional surcharge be levied, notice shall be published in the *Pennsylvania Bulletin* and invoices provided to individual facilities.

If a medical facility has any questions concerning this notice, a representative from that facility should contact Sandra Knoble, Director, Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980.

Persons with a disability who require an alternative format of this document (for example, large print, audiotape or Braille) should contact the Division of Acute and Ambulatory Care at the previously listed address or phone number or for speech and/or hearing impaired persons, V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

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

[Pa.B. Doc. No. 07-562. Filed for public inspection March 30, 2007, 9:00 a.m.]

### Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (42 U.S.C.A. § 300d-52) will hold a public meeting on Thursday, April 5, 2007, from 10 a.m. to 3 p.m., in the ballroom of the National Civil War Museum, 1 Lincoln Circle at Reservoir Park, Harrisburg, PA 17103.

For additional information or if you are a person with a disability and wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Danielle M. Tedesco, Public Health Program Administrator, Division of Child and Adult Health Services at (717) 772-2762 or for speech and/or hearing impaired persons V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

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

[Pa.B. Doc. No. 07-563. Filed for public inspection March 30, 2007, 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, March 15, 2007, and announced the following:

#### *Regulations Approved:*

Department of Public Welfare #14-490: Special MA Eligibility Provisions (amends 55 Pa. Code Chapter 140)

Department of Public Welfare #14-491: Home Health Agency Services (amends 55 Pa. Code Chapter 1249)

### Approval Order

Public Meeting held  
March 15, 2007

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; David M. Barasch, Esq.; David J. DeVries, Esq.; John F. Mizner, Esq.

*Department of Public Welfare—Special MA Eligibility Provisions; Regulation No. 14-490 (#2449)*

On November 16, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Public Welfare (Department). This rulemaking amends 55 Pa. Code Chapter 140. The proposed regulation was published in the November 27, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 16, 2007.

This final-form regulation adopts an option contained in the federal Breast and Cervical Cancer Prevention and Treatment Act of 2000 (BCCPT). The BCCPT permits states to provide Medicaid coverage to low-income, uninsured women under 65 years of age who have been screened and determined to need treatment for breast or cervical cancer through the Centers for Disease Control and Prevention's National Breast and Cervical Cancer Early Detection Program.

We have determined this regulation is consistent with the statutory authority of the Department (62 P. S. §§ 201(2) and 403(b)) 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  
March 15, 2007

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; David M. Barasch, Esq.; David J. DeVries, Esq.; John F. Mizner, Esq.

*Department of Public Welfare—Home Health Agency Services; Regulation No. 14-491 (#2452)*

On November 30, 2004, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Public Welfare. This rulemaking amends 55 Pa. Code Chapter 1249. The proposed regulation was published in the December 11, 2004 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 16, 2007.

This regulation deletes requirements from Chapter 1249 that require a recipient of Medical Assistance (MA) to be "homebound" to qualify for Home Health Agency (HHA) services. This regulation also moves HHA service visit limitations from regulation to the MA program fee schedule.



We have determined this regulation is consistent with the statutory authority of the Department of Public Welfare (62 P. S. § 403) 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. 07-564. Filed for public inspection March 30, 2007, 9:00 a.m.]

## INSURANCE DEPARTMENT

### American Progressive Life & Health Insurance Company of New York; Application for Approval of Revised Rates for Standardized and Select Medicare Supplement Policy Forms

American Progressive Life & Health Insurance Company of New York has filed for approval increased rates for its individual standardized and select Medicare supplement policy forms. The filing requests an aggregate rate increase of 10.5%, which varies by form as follows:

<i>Plan</i>	<i>Form Numbers</i>	<i>Percentage</i>
Standardized A	MS-602 (9/97)-PLAN A PA, PRMS-06-PLAN A PA	9.5%
Standardized B	MS-602 (9/97)-PLAN B PA, PRMS-06-PLAN B PA	9.5%
Select B	PRMS-S-04-PLAN B PA, PRMS-S-06 PLAN B PA	9.5%
Standardized C	MS-602 (9/97)-PLAN C PA, PRMS-06-PLAN C PA	14.5%
Select C	PRMS-S-04-PLAN C PA, PRMS-S-06 PLAN C PA	14.5%
Standardized D	MS-602 (9/97)-PLAN D PA, PRMS-06-PLAN D PA	6.5%
Select D	PRMS-S-04-PLAN D PA, PRMS-S-06 PLAN D PA	6.5%
Standardized E	MS-602 (6/03)-PLAN E PA, PRMS-06-PLAN E PA	9.5%
Select E	PRMS-S-04-PLAN E PA, PRMS-S-06 PLAN E PA	9.5%
Standardized G	MS-602 (6/03)-PLAN G PA, PRMS-06-PLAN G PA	9.5%
Select G	PRMS-S-04-PLAN G PA, PRMS-S-06 PLAN G PA	9.5%
Standardized Fhd	MS-602 (6/03)-PLAN F+ PA, PRMS-06-PLAN F+ PA	9.5%

These rate adjustments will affect approximately 13,642 insureds in this Commonwealth, and will generate approximately \$2.9 million in additional premium annually. The company requests that the revised rates take effect on June 15, 2007.

Unless formal administrative action is taken prior to June 13, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at [www.ins.state.pa.us](http://www.ins.state.pa.us).

Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's offices in Harrisburg, Philadelphia and Pittsburgh.

Interested parties are invited to submit written comments, suggestions or objections to Michael Gurgiolo, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, [mgurgiolo@state.pa.us](mailto:mgurgiolo@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-565. Filed for public inspection March 30, 2007, 9:00 a.m.]

### Application for Approval to Acquire Control

MGIC Investment Corporation has filed an application to acquire control of Radian Guaranty, Inc. and Radian Insurance, Inc., Pennsylvania domiciled stock casualty insurance companies. The filing was made under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413). Persons wishing to comment on the acquisition are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [rbrackbill@state.pa.us](mailto:rbrackbill@state.pa.us).

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-566. Filed for public inspection March 30, 2007, 9:00 a.m.]

### Application and Request for a Certificate of Authority

Asbury Atlantic, Inc. has applied for a continuing care provider Certificate of Authority to operate a facility located in Tyrone, PA. The filing was received on March 15, 2007, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to

Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@state.pa.us.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-567. Filed for public inspection March 30, 2007, 9:00 a.m.]

### Application and Request for a Certificate of Authority

Brightview of East Norriton, LLC has applied for a continuing care provider Certificate of Authority to operate a facility located in East Norriton, PA. The filing was received on March 16, 2007, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure Act (40 P. S. §§ 3201—3225). Persons wishing to comment on the application are invited to submit a written statement to the Insurance Department (Department) within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@state.pa.us.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-568. Filed for public inspection March 30, 2007, 9:00 a.m.]

### Annesley, Flanagan, Fischer, Stefanyszyn & Associates; Prehearing

#### **Appeal of Annesley, Flanagan, Fischer, Stefanyszyn & Associates under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-01-022**

On or before February 23, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's December 29, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for March 15, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before March 9, 2007. 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 March 1, 2007, with the Hearings Administrator, Administrative Hearings Office,

Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before March 8, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-569. Filed for public inspection March 30, 2007, 9:00 a.m.]

### Brian P. Connolly, M. D.; Prehearing

#### **Appeal of Brian P. Connolly, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-01-023**

On or before February 23, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's December 29, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for March 15, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before March 9, 2007. 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 March 1, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before March 8, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-570. Filed for public inspection March 30, 2007, 9:00 a.m.]

### Flora Flores, CNM; Prehearing

#### **Appeal of Flora Flores, CNM under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-01-020**

On or before March 6, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's December 4, 2006, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for March 27, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before March 23, 2007. 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 March 13, 2007, 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 March 20, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-571. Filed for public inspection March 30, 2007, 9:00 a.m.]

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**Luther Miller, Inc.; Prehearing**

**Appeal of Luther Miller, Inc. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 06-011(F); Doc. No. UT07-02-019**

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

A preliminary prehearing telephone conference shall be held on April 16, 2007. A hearing shall occur on May 1, 2007, in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before April 20, 2007. Answers to petitions to intervene, if any, shall be filed on or before April 27, 2007.

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 should contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-572. Filed for public inspection March 30, 2007, 9:00 a.m.]

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**James McCabe, Jr., M. D.; Prehearing**

**Appeal of James McCabe, Jr., M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-01-021**

On or before March 6, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's January 11, 2007, 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 March 27, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before March 23, 2007. 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 March 13, 2007, with the

Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before March 20, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-573. Filed for public inspection March 30, 2007, 9:00 a.m.]

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**Physicians' Alliance, Ltd.; Prehearing**

**Appeal of Physicians' Alliance, Ltd. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-02-001**

On or before April 11, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's January 10, 2007, 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 May 2, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 30, 2007. 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 18, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before April 25, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-574. Filed for public inspection March 30, 2007, 9:00 a.m.]

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**Progressive Specialty Insurance Company Private Passenger Automobile Rate and Rule Revisions**

On March 19, 2007, the Insurance Department (Department) received from Progressive Specialty Insurance Company a filing for rate level changes for private passenger automobile insurance.

The company requests an overall 0.0% rate change to be effective June 15, 2007, for new business and July 25, 2007, for renewal business.

Unless formal administrative action is taken prior to May 18, 2007, the subject filing may be deemed approved by operation of law.

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

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

Interested parties are invited to submit written comments, suggestions or objections to Mike McKenney, Insurance Department, Insurance Product Regulation and Market Enforcement, 1311 Strawberry Square, Harrisburg, PA 17120, mckenney@state.pa.us within 15 days after publication of this notice in the *Pennsylvania Bulletin*.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-575. Filed for public inspection March 30, 2007, 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. 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, 910 N. Seventh Street, Harrisburg, PA 17102.

Appeal of Robert W. Geigley; file no. 07-177-31862; Farmers New Century Insurance Company; doc. no. P07-03-007; April 18, 2007, 1 p.m.

Appeal of Darlene Lewis; file no. 07-188-31436; Esurance Insurance Company; doc. no. P07-03-006; April 17, 2007, 1 p.m.

Appeal of Roy Mark Sudduth; file no. 06-210-29966; Geico Insurance Company, doc. no. P07-03-013; May 3, 2007, 10 a.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 Alvianette K. Kennedy; file no. 07-267-31820; AAA Mid-Atlantic Insurance Company; doc. no. P07-03-014; April 27, 2007, 4 p.m.

Appeal of Omayra Melendez; file no. 06-266-30226; State Farm Insurance Company; doc. no. PH07-02-003; April 27, 2007, 1 p.m.

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

Appeal of Jason T. and Theresa L. Toth; file no. 07-188-31884; Travco Insurance Company; doc. no. P07-03-016; April 24, 2007, 1 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 an above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-576. Filed for public inspection March 30, 2007, 9:00 a.m.]

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insurers 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. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

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

Appeal of Erie Insurance Exchange; file no. 07-177-31506; Lori J. Leary; doc. no. P07-02-022; April 24, 2007, 10 a.m.

Appeal of Geico Direct Insurance; file no. 06-130-29087; Margo L. Royer; doc. no. P07-01-018; April 24, 2007, 11 a.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 an above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-577. Filed for public inspection March 30, 2007, 9:00 a.m.]

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 above-referenced administrative hearing, and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Kathryn Culbertson, Agency Coordinator at (717) 705-4194.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-578. Filed for public inspection March 30, 2007, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

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

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

Appeal of The Estate of Mary Guarnieri; file no. 06-210-29277; Nationwide Insurance Company; doc. no. P07-02-002; April 27, 2007, 11 a.m.

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

Appeal of Sylvester and Rita Westphal; file no. 06-210-30460; Centennial Insurance Company; doc. no. P07-01-019; April 3, 2007, 10 a.m.

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

### Iraj Shariat, M. D.; Prehearing

#### Appeal of Iraj Shariat, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-02-015

On or before April 11, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's January 16, 2007, 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 May 2, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 30, 2007. 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 18, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before April 25, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-579. Filed for public inspection March 30, 2007, 9:00 a.m.]

Henry G. Dela Torre, M. D.; Prehearing

**Appeal of Henry G. Dela Torre, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-02-013**

On or before March 27, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's January 24, 2007, 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 April 17, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 13, 2007. 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 3, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before April 10, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-580. Filed for public inspection March 30, 2007, 9:00 a.m.]

West Penn Orthopedics, Inc.; Prehearing

**Appeal of West Penn Orthopedics, Inc. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM07-02-014**

On or before March 27, 2007, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's January 16, 2007, 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 April 17, 2007. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before April 13, 2007. 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 3, 2007, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before April 10, 2007.

RANDOLPH L. ROHRBAUGH,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-581. Filed for public inspection March 30, 2007, 9:00 a.m.]

## OFFICE OF ATTORNEY GENERAL

### Public Meeting

A meeting of the Lobbying Disclosure Regulation Committee (Committee) established under the act of November 1, 2006 (P.L. 1213, No. 134) (Act 134) effective January 1, 2007, will be held on Thursday, April 5, 2007, at 9 a.m. in Hearing Room 1 of the North Office Building, Harrisburg, PA.

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

THOMAS CORBETT,  
*Attorney General*

[Pa.B. Doc. No. 07-582. Filed for public inspection March 30, 2007, 9:00 a.m.]

## PENNSYLVANIA GAMING CONTROL BOARD

### Fees for Copies

The Pennsylvania Gaming Control Board, under 58 Pa. Code § 407.2 (relating to minutes of public meeting and annual report), is amending the fee schedule for copies of Board minutes or annual reports requested by the public.

In the fee schedule published at 36 Pa.B. 4804 (August 26, 2006), the Board stated that Pennsylvania Sales Tax would be assessed on the cost of all copies and computer disks. As a result of the passage of the act of November 29, 2006 (P.L. 1630, No. 189), these materials are no longer subject to Pennsylvania Sales Tax. Therefore, the Board will no longer charge sales tax on these copies.

THOMAS A. DECKER,  
*Chairperson*

[Pa.B. Doc. No. 07-583. Filed for public inspection March 30, 2007, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Sale of Buildings

**A-310200F0012. Verizon Pennsylvania, Inc.** Application of Verizon Pennsylvania, Inc., for approval of the sale of three Pennsylvania buildings to GHP Office Purchasing, LLC.

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 April 16, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary

between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Verizon Pennsylvania, Inc.

*Through and by Counsel:* Thomas J. Sniscak, Esquire, Hawke, McKeon, Sniscak & Kennard, LLP, 100 North Tenth Street, P. O. Box 1778, Harrisburg, PA 17015-1778

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-584. Filed for public inspection March 30, 2007, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by April 23, 2007. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

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

**A-00123110, F2. Harold Leroy Shipman, t/d/b/a Shipman Van Service** (R. R. 1, Box 185-S, Dornsife, Northumberland County, PA 17823)—persons, in paratransit service, from points in the Counties of Dauphin and Northumberland, to points in Pennsylvania, and return; limited to the transportation of persons whose personal convictions prevent them from owning or operating motor vehicles.

**A-00123555. Supreme Transportation Service, LLC** (344 McVile Road, Freeport, Armstrong County, PA 16229), a limited liability company of the Commonwealth—persons, in paratransit service, from points in the Counties of Armstrong and Butler, to points in Pennsylvania, and return.

### Application of the following for the approval of the right and privilege to *discontinue/abandon* operating as *common carriers* by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

**A-00103941, F2. SMP, Inc.** (402 Route 519, Phillipsburg, Warren County, NJ 08865), a corporation of the Commonwealth for the discontinuance of service and cancellation of its certificate as a common carrier, by motor vehicle, authorizing the transportation of persons in limousine service, for Victaulic Company of America, Inc., between points in the Counties of Lehigh, Northampton, Bucks and Monroe.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Erskine Xpress, Inc., Doc. No. A-00112510C0701*

### 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 the principal place of business of Erskine Xpress, Inc., respondent, is P. O. Box 122, Lowellville, OH 44436.

2. That respondent was issued a certificate of public convenience by this Commission on 11/16/1995, at Docket No. A-00112510.

3. That, on August 21, 2006, respondent was sent an initial assessment of \$135. Respondent failed to pay this assessment; therefore, a balance was due in the amount of \$135.

4. That respondent has an outstanding assessment of \$135.

5. That respondent failed to file objections to the assessment, pursuant to 66 Pa.C.S. § 510(c).

6. That respondent, by failing to pay the assessment, violated the Public Utility Code at 66 Pa.C.S. § 510(c).

*Wherefore*, unless respondent pays the overdue assessment in full within twenty days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission issue an Order which (1) cancels the Certificate of Public Convenience issued to respondent, (2) requests the Pennsylvania Department of Transportation to put an administrative hold on the respondent's motor vehicle registrations, (3) notifies the Pennsylvania Department of Revenue that respondent's Certificate of Public Convenience has been revoked, (4) notifies respondent's insurance carrier that respondent's Certificate of Public Convenience has been revoked and (5) imposes, when necessary, an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_ Wendy J. Keezel, Chief of Enforcement

### NOTICE

A. You must file an answer within twenty 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). 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 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 days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include 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 paying your outstanding assessment within twenty (20) days. Your certified check or money order for the assessment should be payable to the Commonwealth of Pennsylvania and should be forwarded to:

Administrative Services, Attention  
 Stanley A. Heintzelman  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

D. If you file an answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request the Commission to issue an Order imposing a penalty (see Paragraph B). 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 penalty set forth in Paragraph B.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Bureau of Administrative Services (717) 772-0316.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-585. Filed for public inspection March 30, 2007, 9:00 a.m.]

### Telecommunications

**A-310943F7000. Verizon Pennsylvania, Inc. and Lightship Telecom, LLC.** Joint petition of Verizon Pennsylvania, Inc. and Lightship Telecom, LLC for approval of amendment no. 2 to the interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Lightship Telecom, LLC, by its counsel, filed on March 12, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of amendment no. 2 to the interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Verizon Pennsylvania, Inc. and Lightship Telecom, LLC joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-586. Filed for public inspection March 30, 2007, 9:00 a.m.]

### Water Service

**A-212285F0144. 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 Boggs Township and Wallaceton Borough, Clearfield 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 April 16, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Pennsylvania-American Water Company

*Through and By Counsel:* Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-587. Filed for public inspection March 30, 2007, 9:00 a.m.]

### Water Service

**A-210128. Sand Springs Water Company, Inc.** Application of Sand Springs Water Company, Inc. for approval to offer, render, furnish or supply water service to the public in a portion of Butler Township, Luzerne 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, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before April 16, 2007. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.



*Applicant:* Sand Springs Water Company, Inc.

*Through and By Counsel:* Michael D. Klein, Esquire, Carl R. Shultz, Esquire, LeBoeuf, Lamb, Greene and MacRae, LLP, 200 North Third Street, Suite 300, Harrisburg, PA 17108-2105

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-588. Filed for public inspection March 30, 2007, 9:00 a.m.]

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## STATE BOARD OF NURSING

Bureau of Professional and Occupational Affairs v.  
Jane Lorraine Anderson, R. N.; Doc. No. 1423-51-06

On January 9, 2007, Jane Lorraine Anderson, license no. RN-206269-L, of Berlin, NJ, was suspended indefinitely, retroactive to November 13, 2006, based on findings that she is unable to practice nursing with reasonable skill and safety to patients by reason of mental or physical illness or condition or physiological or psychological dependence upon alcohol, hallucinogenic or narcotic drugs or other drugs which tend to impair judgment or coordination.

Individuals may obtain a copy of the adjudication by writing to Carole L. Clarke, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

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

monwealth Court, must serve the Board with a copy of your petition for review. The Board contact for receiving service of such appeals is the previously named Board counsel.

MARY BOWEN, R. N., CRNP,  
*Chairperson*

[Pa.B. Doc. No. 07-589. Filed for public inspection March 30, 2007, 9:00 a.m.]

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## STATE BOARD OF VEHICLE MANUFACTURERS, DEALERS AND SALESPERSONS

Bureau of Professional and Occupational Affairs v.  
Robert M. Morris; Doc. No. 0159-60-07

On January 24, 2007, Robert M. Morris, license no. MV139389L, of Pittsburgh, Allegheny County, was suspended under the Order of the Court of Common Pleas of Allegheny County dated December 4, 2006, which the Court issued under section 4355 of the Domestic Relations Code. The suspension is effective immediately.

Individuals may obtain a copy of the order by writing to Herbert Abramson, Senior Counsel in Charge, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

GARY M. BARBERA,  
*Chairperson*

[Pa.B. Doc. No. 07-590. Filed for public inspection March 30, 2007, 9:00 a.m.]