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# PENNSYLVANIA BULLETIN

Volume 39

Number 27

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Pages 3311—3418

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for the Subject Index  
for January—June 2009

## Part I

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Department of Environmental Protection  
Department of Public Welfare  
Department of Transportation  
Executive Board  
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State Board of Certification of Sewage  
Enforcement Officers

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

**No. 416, July 2009**

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

## *Pennsylvania Bulletin*

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

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

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

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### **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.

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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 2009.

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# THE COURTS

## Title 237—JUVENILE RULES

### PART I. RULES

#### [ 237 PA. CODE CHS. 3 AND 8 ]

#### Proposed Modifications to Rules 312 and 800

The Juvenile Court Procedural Rules Committee is planning to recommend to the Supreme Court of Pennsylvania that the modification of Rules 312 and 800 be adopted and prescribed. The proposed modified Rule 312 clarifies that informal adjustments may only occur prior to the filing of a petition. This proposal has not been submitted for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the intent of this rule. Note that the Committee's Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Explanatory Reports.

We request that interested persons submit suggestions, comments or objections concerning this proposal to the Committee through counsel,

A. Christine Riscili, Esq.  
Staff Counsel  
Supreme Court of Pennsylvania  
Juvenile Court Procedural Rules Committee  
Pennsylvania Judicial Center  
601 Commonwealth Avenue, Suite 6200  
P. O. Box 62635  
Harrisburg, PA 17106-2635

no later than Monday, August 17, 2009.

*By the Juvenile Court  
Procedural Rules Committee*

CYNTHIA K. STOLTZ, Esq.,  
*Chair*

### Annex A

#### TITLE 237. JUVENILE RULES

### PART I. RULES

#### Subpart A. DELINQUENCY MATTERS

#### CHAPTER 3. PRE-ADJUDICATORY PROCEDURES

#### PART B. INTAKE AND INFORMAL ADJUSTMENT

#### Rule 312. Informal Adjustment.

A. *Participation.* At any time prior to the filing of a petition, the juvenile probation officer may informally adjust the allegation(s) if it appears:

1) an adjudication would not be in the best interest of the public and the juvenile;

2) the juvenile and the juvenile's guardian consent to informal adjustment with knowledge that consent is not obligatory; and

3) the admitted facts bring the case within the jurisdiction of the court.

#### B. *Completion.*

1) If the juvenile successfully completes the informal adjustment, the case shall be dismissed and prosecution is barred.

2) If the juvenile does not successfully complete the informal adjustment, a petition shall be filed.

#### Comment

[ **Informal** ] Pursuant to paragraph (A), informal adjustments may not occur after the filing of a petition. **See Rule 800(12), which suspends 42 Pa.C.S. § 6323(a) only to the extent that it conflicts with this rule. See also Commonwealth v. J.H.B., 760 A.2d 27 (Pa. Super. Ct. 2000). [ See 42 Pa.C.S. § 6323(a). ]**

**In Com. v. C.L., 938 A.2d. 489 (Pa. Super. Ct. 2008), the Superior Court in dictum discusses whether informal adjustments may occur after the filing of the petition. Permitting an informal adjustment after the filing of a petition is inconsistent with this rule; therefore, Com. v. C.L., supra, is of no precedential value on this issue and is superseded by the suspension of 42 Pa.C.S. § 6323(a)(2) in Rule 800(12).**

The juvenile probation officer or other agencies may give "counsel and advice" as to the informal adjustment. See 42 Pa.C.S. § 6323(b). "Counsel and advice" may include referral to a social service agency or other conditions as agreed to by the juvenile probation officer and the juvenile.

A juvenile's participation in an informal adjustment may not exceed six months, unless extended by order of the court for an additional period not to exceed three months. See 42 Pa.C.S. § 6323(c). Any incriminating statements made by the juvenile to the juvenile probation officer and in the discussions or conferences incident thereto are not to be used against the juvenile over objection in any criminal proceeding or hearing under the Juvenile Act. See 42 Pa.C.S. § 6323(e).

Prior to informally adjusting the written allegation, the juvenile probation officer is to give the victim an opportunity to comment. In addition, the victim is to be notified of the final outcome of the hearing. See Victim's Bill of Rights, 18 P. S. § 11.201 *et seq.*

If a petition is filed because the juvenile has not successfully completed the requirements of an informal adjustment, the procedures of Rule 330 are to be followed.

**Official Note:** Rule 312 adopted April 1, 2005, effective October 1, 2005.

*Committee Explanatory Reports:*

Final Report explaining the provisions of Rule 312 published with the Court's Order at 35 Pa.B. 2214 (April 16, 2005).

#### CHAPTER 8. SUSPENSIONS

#### Rule 800. Suspensions of Acts of Assembly.

This rule provides for the suspension of the following Acts of Assembly that apply to delinquency proceedings only:

1) The Act of November 21, 1990, P. L. 588, No. 138, § 1, 42 Pa.C.S. § 8934, which authorizes the sealing of search warrant affidavits, and which is implemented by Pa.R.Crim.P. Rule 211, through Pa.R.J.C.P. Rule 105 is suspended only insofar as the Act is inconsistent with Pa.R.Crim.P. Rules 205, 206 and 211.

2) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6335(c), which provides for the issuance of arrest warrants if the juvenile may abscond or may not attend or be brought to a hearing, is suspended only insofar as the Act is inconsistent with Rules 124 and 140, which requires a summoned person to fail to appear and the court to find that sufficient notice was given.

3) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6336(c), which provides that if a proceeding is not recorded, full minutes shall be kept by the court, is suspended only insofar as the Act is inconsistent with Rule 127(A), which requires all proceedings to be recorded, except for detention hearings.

4) The Public Defender Act, Act of December 2, 1968, P. L. 1144, No. 358, § 1 *et seq.* as amended through Act of December 10, 1974, P. L. 830, No. 277, § 1, 16 P. S. 9960.1 *et seq.*, which requires the Public Defender to represent all juveniles who for lack of sufficient funds are unable to employ counsel is suspended only insofar as the Act is inconsistent with Rules 150 and 151, which requires separate counsel if there is a conflict of interest.

5) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6337, which provides that counsel must be provided unless the guardian is present and waives counsel for the juvenile, is suspended only insofar as the Act is inconsistent with Rule 152, which does not allow a guardian to waive the juvenile's right to counsel.

6) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6305(b), which provides that the court may direct hearings in any case or class or cases be conducted by the master, is suspended only insofar as the Act is inconsistent with Rule 187, which allows masters to hear only specific classes of cases.

7) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6321, which provides for commencement of a proceeding by the filing of a petition, is suspended only insofar as the Act is inconsistent with Rule 200, which provides the submission of a written allegation shall commence a proceeding.

8) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6303(b), which provides that a district judge or judge of the minor judiciary may not detain a juvenile, is suspended only insofar as the Act is inconsistent with Rule 210, which allows Magisterial District Judges to issue an arrest warrant, which may lead to detention in limited circumstances.

9) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6334, which provides that any person may bring a petition, is suspended only insofar as the Act is inconsistent with Rules 231, 233, and 330, which provide for a person other than a law enforcement officer to submit a private written allegation to the juvenile probation office or an attorney for the Commonwealth, if elected for approval; and that only a juvenile probation officer or attorney for the Commonwealth may file a petition.

10) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6304(a)(2), which provides that probation officers may receive and examine complaints for the purposes of commencing proceedings, is suspended only insofar as the Act is inconsistent with Rules 231 and 330, which provide that the District Attorney may file a certification that requires an attorney for the Commonwealth to initially receive and approve written allegations and petitions.

11) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6331, which provides for the filing of a petition with the court within twenty four hours or the next business day of the admission of the juvenile to detention or shelter care, is suspended only insofar as the Act is inconsistent with the filing of a petition within twenty-four hours or the next business day from the detention hearing if the juvenile is detained under Rule 242.

**12) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6323(a)(2), which provides that a delinquent child may be referred for an informal adjustment by a juvenile probation officer, is suspended only insofar as the Act is inconsistent with Rule 312, which provides that only an alleged delinquent child may be referred for an informal adjustment because the filing of informal adjustment shall occur prior to the filing of a petition.**

13) Section 5720 of the Wiretapping and Electronic Surveillance Control Act, Act of October 4, 1978, P. L. 831, No. 164, 18 Pa.C.S. § 5720, is suspended as inconsistent with Rule 340 only insofar as the section may delay disclosure to a juvenile seeking discovery under Rule 340(B)(6); and Section 5721(b) of the Act, 18 Pa.C.S. § 5721(b), is suspended only insofar as the time frame for making a motion to suppress is concerned, as inconsistent with Rules 347 and 350.

[ 13 ] 14) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6340(c), which provides consent decree shall remain in force for six months unless the child is discharged sooner by probation services with the approval of the court, is suspended only insofar as the Act is inconsistent with the requirement of Rule 373 that a motion for early discharge is to be made to the court.

[ 14 ] 15) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6335, which provides for a hearing within ten days of the juvenile's detention unless the exceptions of (a)(1) & (2) or (f) are met, is suspended only insofar as the Act is inconsistent with Rule 391, which provides for an additional ten days of detention if a notice of intent for transfer to criminal proceedings has been filed.

[ 15 ] 16) The Act of July 9, 1976, P. L. 586, No. 142, § 2, 42 Pa.C.S. § 6353(a), which requires dispositional review hearings to be held at least every nine months, is suspended only insofar as it is inconsistent with the requirement of Rule 610, which requires dispositional review hearings to be held at least every six months when a juvenile is removed from the home.

#### Comment

The authority for suspension of Acts of Assembly is granted to the Supreme Court by Article V § 10(c) of the Pennsylvania Constitution. See also Rule 102.

**Official Note:** Rule 800 adopted April 1, 2005, effective October 1, 2005; Amended December 30, 2005, effective immediately, amended March 23, 2007, effective August 1, 2007, amended February 26, 2008, effective June 1, 2008.

*Committee Explanatory Reports:*

Final Report explaining the amendments to Rule 800 published with the Court's Order at 36 Pa.B. 187 (January 14, 2006).

Final Report explaining the amendments to Rule 800 published with the Court's Order at 37 Pa.B. 1485 (April 7, 2007).

Final Report explaining the amendments to Rule 800 published with the Court's Order at 38 Pa.B. 1142 (March 8, 2008).

Final Report explaining the amendments to Rule 800 published with the Court's Order at 39 Pa.B. 1619 (April 4, 2009).

### EXPLANATORY REPORT

The addition to the *Comment* of Rule 312 and the amendment of Rule 800(12) clarifies that an informal adjustment may only occur prior to the filing of a petition. An informal adjustment is a diversionary process used to dispose of the cases that should not come before the court. If a case should go to court, a petition is filed and the normal procedures of a case will follow.

As drafted, the Juvenile Act provides that a delinquent child may be referred for an informal adjustment by a juvenile probation officer. See 42 Pa.C.S. § 6323(a)(2). A child is not delinquent until there has been an adjudication of delinquency, as reiterated in *Com. v. C.L.*, 938 A.2d 489 (Pa. Super. Ct. 2008). If a child is not delinquent until after the adjudication of delinquency, then an informal adjustment would occur after that determination. However, this is not the intent of the diversionary process or an informal adjustment.

The Juvenile Act at 42 Pa.C.S. § 6323(a)(2) is being suspended to clarify that **alleged** delinquents may be referred for an informal adjustment. Once a petition is filed, informal adjustment is precluded as provided in Rule 312. Because of this suspension, the holding in *Com. v. C.L.*, supra, is superseded by the rule addition. See Rule 800(12).

[Pa.B. Doc. No. 09-1189. Filed for public inspection July 2, 2009, 9:00 a.m.]

# Title 25—LOCAL COURT RULES

## BUCKS COUNTY

### In Re: Mortgage Foreclosure Diversion Program; Administrative Order No. 55

And Now, this 5th day of June, 2009, in order to permit the implementation and execution of the Mortgage Foreclosure Diversion Program, it is hereby *Ordered* and *Decreed* that:

1. All Complaints for mortgage foreclosure of residential owner-occupied properties shall be accompanied by the following:

a. A Certification Cover Sheet which includes a certification that the mortgaged property is an owner-occupied residential property. (The Certification Cover Sheet is attached as Exhibit "A.")

b. An Urgent Notice, which shall be served on the Defendant along with the Complaint, directing the Defendant to contact a court-designated Hotline for assistance. (A Copy of the "Urgent Notice" is attached hereto as Exhibit "B.")

c. A Certificate of Service, in the form attached hereto as Exhibit "C."

2. Upon a request from Defendant to the Hotline for assistance and a conciliation conference, an Order for Conference shall be generated by the Court. (A sample copy of a Case Management Order is attached hereto as Exhibit "D.") The Order for Conference will be sent to all parties to the mortgage foreclosure action.

3. The entry of the Order for Conference shall include a stay of other proceedings in the case until at least 20 days following the conciliation conference.

4. As appropriate, any conciliation conference scheduled by the Court shall be conducted by judge *pro tem* designated by the Court.

5. Conciliation conference recommendation: At the conclusion of the conciliation conference, the conciliation moderator may issue a recommendation memorializing the results of the conference and scheduling future deadlines where appropriate. The Court may enter an order based on the recommendation, as appropriate.

6. This Administrative Order shall take effect thirty days from the date of publication in the *Pennsylvania Bulletin* and remain in effect until December 31, 2010, unless extended by the Court.

*By the Court*

SUSAN DEVLIN SCOTT,  
*President*

COURT OF COMMON PLEAS OF BUCKS COUNTY  
PENNSYLVANIA  
CIVIL DIVISION – LAW

Plaintiff : No.  
: :  
v. : :  
: :  
Defendant :

CERTIFICATION REGARDING STATUS OF FORECLOSED PREMISES AS  
RESIDENTIAL AND OWNER OCCUPIED

Pursuant to the Administrative Order dated \_\_\_\_\_, 2009 dealing with  
the Residential Mortgage Foreclosure Diversion Program, I hereby certify that the premises at  
issue in this action known and numbered as:

Premises Address: \_\_\_\_\_  
\_\_\_\_\_, PA \_\_\_\_\_

Check applicable box or boxes:

- is an owner occupied residential premises exposed to judicial sale to enforce a residential mortgage
- is not a residential premises within the meaning of the aforementioned order.

The undersigned verifies that the statements made herein are true and correct. I understand that false statements are made subject the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Plaintiff or Counsel for Plaintiff  
(Address of Plaintiff or Counsel)

Exhibit A

# URGENT NOTICE

Under a new Pilot Project of the Court of Common Pleas of Bucks County

**You May be Able to Get Help to Save Your Home**

**Call the Save Your Home Hotline  
Immediately at  
1-866-760-8911**

You will be put in touch with a Bucks County Housing Counselor. The Housing Counselor will assist you in trying to work out arrangements with your mortgage company. These services are **FREE OF CHARGE**.

Furthermore, if you are low income, you may be able to get free legal counsel. If you think you might be eligible, call the legal services helpline at 877-429-5994.

To get help, you must call the Hotline number above within the next **TEN (10)** days. They will tell you what to do next. Call the Hotline immediately. If you do not call the Hotline, you will not be able to get help under this Project to save your home.

**MAKE THIS CALL TO  
SAVE YOUR HOME.  
THE PROJECT IS FREE.  
1-866-760-8911**

EXHIBIT B



THE COURTS

COURT OF COMMON PLEAS OF BUCKS COUNTY  
PENNSYLVANIA  
CIVIL DIVISION – LAW

|    |           |   |     |
|----|-----------|---|-----|
|    | Plaintiff | : | No. |
|    |           | : |     |
| v. |           | : |     |
|    |           | : |     |
|    | Defendant | : |     |

CERTIFICATE OF SERVICE

The undersigned verifies, subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities, that the attached Certification and Urgent notice were mailed to the Defendant(s) at their last known address and, if different, to the address of the premises subject to sale and to counsel of record if any, and to the owners of the noted premises via first class mail, as noted below:

NAME(S)

ADDRESS(ES)

Date: \_\_\_\_\_

\_\_\_\_\_

Counsel for Plaintiff  
(Address, Telephone number)

EXHIBIT C

COURT OF COMMON PLEAS OF BUCKS COUNTY  
PENNSYLVANIA  
CIVIL DIVISION – LAW

Plaintiff : No.  
v. :  
Defendant :

ORDER FOR CONFERENCE

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2009, pursuant to the terms of the Residential Mortgage Foreclosure Diversion Program, it is hereby ORDERED and DECREED as follows:

1. A Conciliation Conference is scheduled for \_\_\_\_\_, 2009, at \_\_\_\_\_ A.M./P.M. in Room \_\_\_\_\_ (address)
2. Scheduling of the Conference shall stay all further action on the Complaint until at least 20 days following the Conference.
3. Prior to the conference, the Housing Counselor and the Defendant will explore options to address the mortgage delinquency. At Defendant’s request, the Housing Counselor and/or Pro Bono Legal Services shall promptly prepare and submit a written proposal for addressing the mortgage delinquency, payment and any and all supporting financial information to Plaintiff’s attorney at least two weeks before the date of any scheduled Conciliation Conference.
4. The Plaintiff shall evaluate and respond to Defendant’s proposal at the Conciliation Conference.

EXHIBIT D

5. The failure of the Defendant to attend the Conciliation Conference may result in the matter proceeding to judicial disposition whether by default judgment, Sheriff's sale or trial. A Defendant who does not attend the Conciliation Conference shall have 20 days following the conference date to file an answer to the complaint after which time any applicable stay against the Plaintiff shall be lifted.
6. A representative of the Plaintiff or investor who has actual authority to modify mortgages, to enter into alternative payment agreements with the Defendant, or otherwise resolve the action shall be present at the Conciliation Conference. The failure of the Plaintiff or of a representative of the Plaintiff or investor with such authority to appear for the Conciliation Conference may result in the rescheduling of the Conciliation Conference and/or the further postponement of the Sheriff's Sale of property upon proper application for stay by Defendant.

BY THE COURT,

---

J.

EXHIBIT D

[Pa.B. Doc. No. 09-1190. Filed for public inspection July 2, 2009, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

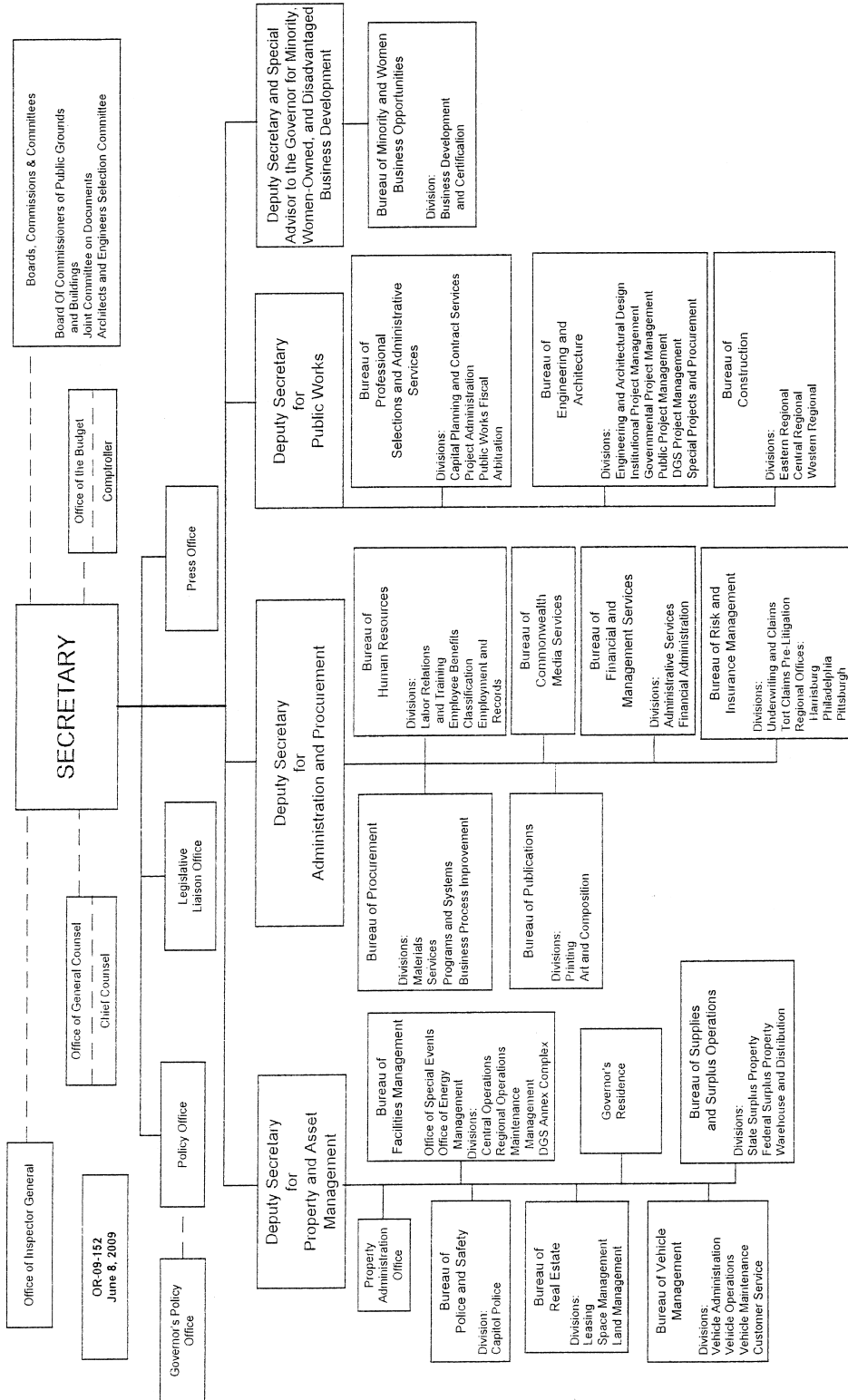
#### Reorganization of the Department of General Services

The Executive Board approved a reorganization of the Department of General Services effective June 8, 2009.

The organization chart at 39 Pa.B. 3328 (July 3, 2009) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of code).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

DEPARTMENT OF GENERAL SERVICES



[Pa.B. Doc. No. 09-1191. Filed for public inspection July 2, 2009, 9:00 a.m.]

# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold a meeting and public hearing on Wednesday, July 15, 2009. The hearing will be part of the Commission's regular business meeting, which is open to the public. The meeting will be held at the Northampton Community College's Fowler Family Southside Center, 511 East 3rd Street, 6th Floor, Room 605, Bethlehem, PA.

No morning conference session is planned in connection with this meeting. The subjects of the public hearing to be held during the 1 p.m. business meeting include the dockets listed as follows:

1. *Borough of Ambler D-75-16 CP-3*. An application for the renewal of the Ambler Borough Wastewater Treatment Plant (WWTP). The existing WWTP will continue to discharge treated effluent at an annual average flow of 6.5 million gallons per day (mgd) and a maximum monthly flow of 8.0 mgd. The WWTP discharges to the Wissahickon Creek, a tributary to the Schuylkill River. The facility is located in Upper Dublin Township, Montgomery County, PA in the Southeastern Pennsylvania Ground Water Protected Area.

2. *Moon Nurseries D-88-28-3*. An application for the renewal of a groundwater withdrawal project to continue the withdrawal of 8 million gallons per thirty days (mg/30 days) to supply the applicant's irrigation supply from existing Well No. 1 in the Stockton Formation. The project is located in the Core Creek Watershed in Lower Makefield Township, Bucks County, PA within the Southeastern Pennsylvania Ground Water Protected Area.

3. *Solvay Solexis D-69-84-3*. An application to renew the withdrawal of water from two existing groundwater wells (Wells Nos. 417 and 418) and four existing groundwater remediation wells (Wells Nos. RW-1, RW-2, RW-3 and RW-4). In addition, pump capacity for remediation Wells Nos. RW-1, RW-2, RW-3 and RW-4 will increase from 48 gallons per minute (gpm), 48 gpm, 141 gpm, and 98 gpm to 60 gpm, 60 gpm, 250 gpm and 250 gpm, respectively. The increased pump capacities for the remediation wells accompany an increase in the 30 day average withdrawal from 14.91 million (mg) to 18.84 mg for the four remediation wells. However, the overall 30 day average and yearly withdrawals will decrease from 74.91 mg and 476.68 mg to 60 mg and 301.13 mg, respectively. The project wells are located in the Upper and Lower Potomac-Raritan-Magothy (PRM) Formation, in the Delaware River Watershed, in West Deptford Township, Gloucester County, NJ.

4. *Waste Management Disposal Services of Pennsylvania, Inc. D-88-54-5*. An application to replace a 0.1 mgd landfill leachate treatment plant (LTP) with a 0.3 mgd treatment facility, which will discharge to the tidal Delaware River by means of a new outfall in Water Quality Zone 2 at River Mile 125.64. The LTP serves the GROWS and Tullytown Sanitary Landfills and is located off Bordertown Road in Falls Township, Bucks County, PA.

5. *BP Oil Company D-91-32-5*. An application for renewal of a groundwater withdrawal project that will decrease the total monthly average and yearly withdrawals of 30 mg/30 days and 365 million gallons per year (mpy), respectively, to 21.6 mg/30 days and 207 mgy, respectively. Withdrawals will occur from existing Wells Nos. R-3, MW-R5, R-4A, R-5A, R-6A, R-8, R-9, R-10, R-11 and R-12. Additionally, this docket will approve the renewal of a discharge of treated remediation water from the docket holder's 1.0 mgd groundwater treatment plant (GWTP). The project wells are located in the Mantua Creek and the Delaware River Watersheds within the PRM Formation, in Paulsboro Borough, Gloucester County, NJ. The contaminated groundwater is treated and discharged to the Delaware River, approximately 2,000 feet downstream of the Mantua Creek confluence, by means of Outfall No. 003A located at River Mile 89.3 in Commission Basin Water Quality Zone 4.

6. *Shoemakersville D-93-74 CP-2*. The purpose of this project is to recognize the increase in capacity of the Shoemakersville WWTP's hydraulic load from 0.60 mgd to 0.75 mgd. Additionally, a TDS determination was submitted, requesting approval of monthly average and instantaneous maximum concentration values of 3,300 mg/l and 4,000 mg/l, respectively. The project is located on the Schuylkill River at River Mile 92.47-92.3, in the Borough of Shoemakersville, Berks County, PA.

7. *Bucks County Water and Sewer Authority D-93-76 CP-2*. An application for approval of a modification to the Bucks County Water and Sewer Authority (BCWSA) Upper Dublin WWTP. The application is for the addition of a ferric chloride chemical feed system. The project also includes the transfer of ownership from Upper Dublin Township to the BCWSA and the rerate of the average annual daily flow rate of the existing WWTP from 0.85 mgd to 1.10 mgd. The WWTP will continue to discharge to Pine Run, a tributary to the Wissahickon Creek, which is a tributary to the Schuylkill River. The facility is located in Upper Dublin Township, Montgomery County, PA.

8. *Richland Township Water Authority D-96-44 CP-3*. An application for approval of a ground water withdrawal project to supply up to 15 mg/30 days of water to the applicant's public water supply from new Well No. QCS-1 and to increase the maximum combined withdrawal from all wells from 31.55 mg/30 days to 46.55 mg/30 days. The project is located in the Brunswick Formation in the Morgan Creek Watershed in Richland Township, Bucks County, PA, in the Southeastern Pennsylvania Ground Water Protected Area. This withdrawal project is located within the drainage area to the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

9. *Borough of Portland D-2003-9 CP-3*. An application to modify the service area of the existing 0.105 mgd Portland WWTP. The project proposes to add the 12.4-acre "Gary Gray parcel" to the Portland Industrial Park. The Gary Gray parcel, located in Upper Mount Bethel Township, will be developed with the Voltaix Land Development project. This project does not propose an increase in allocation of flow due to the development, and all wastewater generated by the development discharged to the WWTP for treatment will be sanitary waste. The



facility will discharge directly to the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters. The project is located in the Borough of Portland, Northampton County, PA.

10. *Penn Estate Utilities, Inc. D-2003-36 CP-2.* An application for approval of a groundwater withdrawal project to supply up to 1.642 mg/30 days of water to the applicant's public water supply system from new Well No. 8 and to increase the existing withdrawal from all wells from 10.80 mg/30 days to 12.025 mg/30 days. The increased allocation is requested to meet current needs in service area demand. The project is located in the Trimmers Rock Formation in the Brodhead Creek Watershed in Stroud Township, Monroe County, PA. The site is located within the drainage area to the section of the nontidal Delaware River known as the Middle Delaware, which is designated as Special Protection Waters.

11. *Diamond Sand and Gravel Inc. D-2007-27-2.* An application for a docket modification to include surface water withdrawals from the onsite washing/settling pond. Water withdrawals from the pond are used to process sand and gravel, and the closed loop operation allows the water to flow back to the pond for reuse. The applicant has requested a surface water withdrawal allocation consisting in part of 22.32 mg/30 days for withdrawals from the pond and in part of the existing 3.0 mg/30 days for withdrawals from onsite groundwater wells, for a combined total water withdrawal allocation of 23.47 mg/30 days. The project wells are constructed in the Hardyston Formation. The project is located in the Paulins Kill Watershed in Sparta Township, Sussex County, NJ. The site is located within the drainage area to the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

12. *CBH20 LP D-2008-26-1.* An application for approval of a ground water withdrawal project to supply up to 5.71 mg/30 days of water to the applicant's public water supply system from existing Well No. PWS-4 and new Wells Nos. PWS-2 and PWS-3. The project is located in the Devonian-age, Long Run Member of the Catskill Formation in the Pocono Creek Watershed in Pocono Township, Monroe County, PA. The site is located within the drainage area to the section of the nontidal Delaware River known as the Middle Delaware, which is designated as Special Protection Waters.

13. *Sunny Side Farms, Inc. D-2008-31-1.* A groundwater withdrawal project to supply a maximum of 61.7 mg/30 days of water for the irrigation of approximately 275 acres of vegetable crops from three wells—Pizzo Farm Well, Pipitone Toni Well and Tedesco Well. The wells are located in the Cohansey Formation in the Maurice River Watershed in Deerfield Township, Cumberland County, NJ.

14. *Exelon Generation Company, LLC D-2008-38-1.* An application for approval of an existing surface water withdrawal project to continue to supply up to 44,064 mg/30 days of water to the applicant's Eddystone Power Generating Station from existing Intakes Nos. 1—4. The project is located on the Delaware River at River Mile 84.42 in Water Quality Zone 4, in Eddystone Borough, Delaware County, PA.

15. *Ag-Mart Produce D-2008-39-1.* A combined surface water and groundwater withdrawal project to supply a maximum of 15.7 mg/30 days of water for the irrigation of approximately 70 acres of tomato plants. Water is withdrawn from an existing groundwater fed pond (Fairton Pond) and an existing groundwater well (Fairton Well). The project intake and well are located in the Cedar Creek Watershed, in the Kirkwood-Cohansey Aquifer in Fairfield Township, Cumberland County, NJ.

16. *City of Wildwood Water Utility D-2008-42 CP-1.* An application for approval of an existing groundwater withdrawal project to supply up to 313.1 mg/30 days of water to the applicant's public water supply system from 13 of 17 total existing wells. Thirteen of the 17 existing wells are located within the Delaware River Basin; the remaining wells are Aquifer Storage and Recovery wells (ASR) located in the Atlantic Basin. The applicant states that approximately 10.096 mgd (302.88 mg/30 days) of water is transferred from the Delaware River Basin into the Atlantic River Basin from the wells located in the Delaware River Basin. Consumptive loss of this water is 100% of the total water withdrawn as wastewater generated from the area served by these wells is discharged entirely to the Atlantic Basin. The existing water withdrawal and interbasin transfer was not previously docketed by the Delaware River Basin Commission. The project withdrawals are located in the Estuarine Sand, Cohansey, Rio Grande and Holly Beach Aquifers in the Cape May West Watershed in Middle Township, Cape May County, NJ.

17. *Buck Hill Falls Co. D-2009-1-1.* An application for renewed approval to discharge 0.20 mgd of treated effluent from the existing Buck Hill Falls WWTP, located at River Mile 213.00—21.11—0.50 (Delaware River—Brodhead Creek—Buck Hill Creek). The project is located within the drainage area to the section of the nontidal Delaware River known as the Middle Delaware, which is designated Special Protection Waters with the classification Outstanding Basin Waters. The project is located in Barrett Township, Monroe County, PA.

18. *Parkland School District D-2009-7 CP-1.* An application for approval of the existing 33,600 gpd WWTP serving the Orefield Middle School in South Whitehall Township, Lehigh County, PA. The project discharges to Jordan Creek, a Migrating Fish/Trout Stocking Fishery (MF/TSF) that flows to the Lehigh River at River Mile 183.66—16.25—11.4 (Delaware River—Lehigh River—Jordan Creek). The WWTP is located within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

19. *Lower Milford Township D-2009-10 CP-1.* An application for approval to construct and operate a new 0.035 mgd WWTP. The WWTP is located in Lower Milford Township, Lehigh County, PA within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters. The facility will discharge to Saucon Creek, a High Quality-Cold Water Fishery that flows to the Lehigh River at River Mile 183.66—9.43—14.64 (Delaware River—Lehigh River—Saucon Creek).

20. *Chesapeake Appalachia, LLC D-2009-20-1.* A surface water withdrawal project to supply a maximum of 29.99 mg/30 days of water for the applicant's exploration and development of natural gas wells in the State of New York and PA. Surface water will be withdrawn from the

West Branch of the Delaware River at a location known as the Curtone site in Buckingham Township, Wayne County, PA. This withdrawal project is located in the Delaware River Watershed within the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters.

The business meeting also will include adoption of the Minutes of the Commission's May 6, 2009, business meeting; announcements of upcoming advisory committee meetings and other events; a report on hydrologic conditions in the basin; a report by the Executive Director; and a report by the Commission's General Counsel. Additional business meeting items will include consideration by the Commission of a resolution authorizing the Executive Director to require point source monitoring to implement the Scenic Rivers Monitoring Program in the nontidal river and a resolution authorizing the Executive Director to accept grant funds from the National Park Service for the Scenic Rivers Monitoring Program. An opportunity for public dialogue will be provided at the end of the meeting.

Draft dockets scheduled for public hearing on July 15, 2009, will be posted on the Commission's web site at <http://www.drbc.net>, when they can be accessed through the Notice of Commission Meeting and Public Hearing. Additional documents relating to the dockets and other items may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221, with any docket-related questions.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act 1990 who wish to attend the informational meeting, conference session or hearings should contact the commission secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services at 711, to discuss how the Commission can accommodate needs.

PAMELA M. BUSH,  
*Secretary*

[Pa.B. Doc. No. 09-1192. Filed for public inspection July 2, 2009, 9:00 a.m.]

## DEPARTMENT OF EDUCATION

### **Agora Cyber Charter School; Nonrenewal Charges and of Hearing Notice of Revocation; Public Hearing**

Notice is hereby given that the Department of Education (Department) will conduct a public hearing before Hearing Officer Debra K. Wallet, Esquire on Notice of Revocation/Nonrenewal Charges and Hearing for the purpose of determining whether the charter of the Agora Cyber Charter School should be revoked and/or not renewed on Monday and Tuesday, August 3 and 4, 2009, at 10 a.m. in Heritage Room B, Lobby Level, 333 Market Street, Harrisburg, PA.

The purpose of the hearing is for the Department to present evidence in support of the grounds for revocation

or nonrenewal stated in its Notice of Charges and to give the charter school reasonable opportunity to offer testimony before taking final action. The Notice of Charges is published on the Department's web site at [http://www.pde.state.pa.us/charter\\_schools/agora](http://www.pde.state.pa.us/charter_schools/agora).

Additionally, before formal action is taken by the Department the public has 30 days to provide comments to the Department. Written comments should be submitted on or before August 3, 2009, to the Office of Chief Counsel, of the Department and sent by regular mail or electronic mail to the Office of Chief Counsel Department of Education, 333 Market Street, 9th Floor, Harrisburg, PA 17126-0333, [ra-edlegal@state.pa.us](mailto:ra-edlegal@state.pa.us).

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

[Pa.B. Doc. No. 09-1193. Filed for public inspection July 2, 2009, 9:00 a.m.]

### **Application of Saint Bonaventure University of Saint Bonaventure, NY to Operate in Warren County**

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

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of Saint Bonaventure University based in Saint Bonaventure, NY to have a Certificate of Authority from the Department approving its offering college courses at a site in Warren County, PA.

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

Petitions to intervene, protest and request for hearing shall be filed with Carol M. D. Gisselquist, Higher 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 M. D. Gisselquist at (717) 787-4448 to discuss how the Department may best accommodate their needs.

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

[Pa.B. Doc. No. 09-1194. Filed for public inspection July 2, 2009, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

#### I. NPDES Renewal Applications

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>                                                                | <i>County &amp;<br/>Municipality</i> | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N ?</i> |
|-----------------------------|-------------------------------------------------------------------------------------------------------|--------------------------------------|--------------------------------------|-----------------------------|
| PA0114049<br>(Sewage)       | Municipal Authority of Lewis<br>Township<br>Lewis Township WWTP<br>P. O. Box 51<br>Millmont, PA 17845 | Lewis Township<br>Union County       | Cold Run<br>TSF                      | Y                           |

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

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

**PA-0026492**, Sewage, **Scranton Sewer Authority**, 307 North Washington Avenue, Scranton, PA 18503. This proposed facility is located in City of Scranton, **Lackawanna County**.

Description of Proposed Activity: Revocation and reissuance of NPDES Permit

The receiving stream, Lackawanna River, is in the State Water Plan Watershed 5A and is classified for: CWF. The nearest downstream public water supply intake for Danville Borough Water Company is located on Susquehanna River over 50 miles below the point of discharge.

The proposed effluent limits for Outfall 001 based on a design flow of 20.0 mgd.

| <i>Parameter</i>        | <i>Average<br/>Monthly (mg/l)</i>       | <i>Average<br/>Weekly (mg/l)</i> | <i>Instantaneous<br/>Maximum (mg/l)</i> |
|-------------------------|-----------------------------------------|----------------------------------|-----------------------------------------|
| CBOD <sub>5</sub>       | 18                                      | 27                               | 36                                      |
| Total Suspended Solids  | 30                                      | 45                               | 60                                      |
| NH <sub>3</sub> -N      |                                         |                                  |                                         |
| (5-1 to 10-31)          | 3.0                                     |                                  | 6.0                                     |
| (11-1 to 4-30)          | 9.0                                     |                                  | 18.0                                    |
| Dissolved Oxygen        | A minimum of 5.0 mg/l at all times.     |                                  |                                         |
| Fecal Coliform          |                                         |                                  |                                         |
| (5-1 to 9-30)           | 200/100 ml as a Geometric Mean          |                                  |                                         |
| (10-1 to 4-30)          | 2,000/100 ml as a Geometric Mean        |                                  |                                         |
| pH                      | 6.0 to 9.0 Standard Units at all times. |                                  |                                         |
| Total Residual Chlorine | 0.06                                    |                                  | 0.20                                    |

### Chesapeake Bay Tributary Strategy Nutrient Requirements

| <i>Parameter</i>     | <i>Concentration (mg/L)</i> |                         | <i>Mass (lbs)</i>      |
|----------------------|-----------------------------|-------------------------|------------------------|
|                      | <i>Monthly<br/>Average</i>  | <i>Monthly<br/>Load</i> | <i>Annual<br/>Load</i> |
| Ammonia-N            | Report                      | Report                  | Report**               |
| Kjeldahl-N           | Report                      | Report                  |                        |
| Nitrate-Nitrate as N | Report                      | Report                  |                        |
| Total Nitrogen       | Report                      | Report                  | Report                 |
| Total Phosphorus     | Report                      | Report                  | Report                 |
| Net Total Nitrogen   |                             | Report                  | 365,292*               |
| Net Total Phosphorus |                             | Report                  | 48,706*                |

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

\* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on April 1, 2013. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2013. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until March 31, 2013.

\*\* Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2013.

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

1. Chesapeake Bay Nutrient Requirements, Industrial pretreatment, Combined Sewer Overflows and Whole Effluent Toxicity testing.

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

**Application No. PA 0044059**, Industrial Waste, SIC Code 0921, **Fish and Boat Commission (Reynoldsdale State Fish Hatchery)**, 450 Robinson Lane, Bellefonte, PA 16823-9620. This facility is located in East Saint Clair Township, **Bedford County**.

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

The receiving stream, Dunning Creek, is in Watershed 11-C, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake is Saxton Municipal Water Authority located on the Rappstown Branch Juniata River, approximately 62 miles downstream. The discharge is not expected to affect the water supply.



The proposed effluent limits for Outfall 001 based on a design flow of 1.67 mgd are:

| Parameter              | Mass (lb/day)   |               | Concentration (mg/l) |                             |                       |
|------------------------|-----------------|---------------|----------------------|-----------------------------|-----------------------|
|                        | Average Monthly | Maximum Daily | Average Monthly      | Maximum Daily               | Instantaneous Maximum |
| CBOD <sub>5</sub>      |                 |               |                      |                             |                       |
| (5-1 to 10-31)         | 111             | 222           | 8.0                  | 16                          | 20                    |
| (11-1 to 4-30)         | 222             | 444           | 16                   | 32                          | 40                    |
| Total Suspended Solids | 417             | 835           | 30                   | 45                          | 60                    |
| NH <sub>3</sub> -N     |                 |               |                      |                             |                       |
| (5-1 to 10-31)         | 34              | 69            | 2.5                  | 5.0                         | 6.5                   |
| (11-1 to 4-30)         | 104             | 208           | 7.5                  | 15                          | 19                    |
| Formaldehyde           | 13.5            | 27            | 0.97                 | 1.94                        | 2.42                  |
| pH                     |                 |               |                      | From 6.0 to 9.0 inclusive   |                       |
| Dissolved Oxygen       |                 |               |                      | Minimum of 5.0 at all times |                       |

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

- Therapeutic Chemical Controls.

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

The EPA waiver is in effect.

**Application No. PA 0246379**, CAFO, **Blevins Blue Mountain Finishing Farm**, 10315 Otterbein Church Road, Newburg, PA 17240. Blevins Blue Mountain Finishing Farm, LLC has submitted an application for an Individual NPDES permit for an existing CAFO known as the Blue Mountain Finishing Farm, located in Lurgan Township, **Franklin County**.

The CAFO is situated near a UNT of Clippingers Run, which is classified as a CWF. The CAFO includes four animal housing units designed to maintain an animal population of approximately 638 animal equivalent units consisting of 4,800 finishing swine and a small beef herd. Liquid manure is stored in a high-density polyethylene-lined earthen impoundment with a capacity of approximately 4.1 million gallons. Manure produced at the operation is applied onsite or exported to local farmers in accordance with an approved Nutrient Management Plan. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

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

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

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

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

**PA0233811**, Industrial Waste, SIC 22, **Ulster Municipal Authority**, P. O. Box 157, Ulster, PA 18850. This proposed facility is located in Ulster Township, **Bradford County**.

Description of Proposed Activity: This permit is for the backwash discharge from the water supply filter plant.

The receiving stream, Toad Hollow Run, is in the State Water Plan Watershed 4B and is classified for: WWF. The nearest downstream public water supply intake for the Borough of Danville is located on the Susquehanna River and is 142.5 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0144 mgd.

| Parameter        | Mass (lb/day)   |               | Concentration (mg/l) |               |                              |
|------------------|-----------------|---------------|----------------------|---------------|------------------------------|
|                  | Average Monthly | Maximum Daily | Average Monthly      | Maximum Daily | Instantaneous Maximum (mg/l) |
| Suspended Solids |                 |               | 30                   | 60            | 75                           |
| Iron (total)     |                 |               | 1.5                  | 3             | 3.8                          |

| Parameter               | Mass (lb/day)   |               | Concentration (mg/l)         |               |                              |
|-------------------------|-----------------|---------------|------------------------------|---------------|------------------------------|
|                         | Average Monthly | Maximum Daily | Average Monthly              | Maximum Daily | Instantaneous Maximum (mg/l) |
| Manganese (total)       |                 |               | 1                            | 2             | 2.5                          |
| Total Residual Chlorine |                 |               | 0.20                         |               | 0.66                         |
| pH                      |                 |               | Between 6 and 9 at all times |               |                              |

The EPA waiver will be in effect.

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

**PA0111759**, Industrial Waste, SIC 2011 and 2077, **Cargill Meat Solutions, Inc.**, P. O. Box 188, Route 706, Wyalusing, PA 18853. This existing facility is located in Wyalusing Township, **Bradford County**.

Description of Proposed Activity: The application is for the renewal of the major NPDES permit which authorizes discharge from the slaughter and rendering facility.

The receiving stream, Wyalusing Creek, is in the State Water Plan Watershed SWP 4D and is classified for: WWF. The nearest downstream public water supply intake is the Danville Municipal Water Authority (Danville, PA), located on the Susquehanna River 120 miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on the long term flow average of 0.528 mgd:

| Parameter               | Mass (lb/day)   |               | Concentration (mg/L)           |               |                       |
|-------------------------|-----------------|---------------|--------------------------------|---------------|-----------------------|
|                         | Average Monthly | Maximum Daily | Average Monthly                | Daily Maximum | Instantaneous Maximum |
| pH                      |                 |               | Within the range of 6.0 to 9.0 |               |                       |
| BOD <sub>5</sub>        | 377             | 755           | 86                             | 171           | 215                   |
| Total Suspended Solids  | 449             | 898           | 102                            | 201           | 255                   |
| Ammonia-N               | 18              | 35            | 4                              | 8             | 10                    |
| Total Nitrogen          | 590             | 854           | 134                            | 194           | 335                   |
| Oil and Grease          | 66              | 101           | 15                             | 23            | 30                    |
| Fecal Coliforms         |                 |               |                                |               | 400 MPN/100 mL        |
| Total Chlorine Residual |                 |               | 0.5                            |               | 1.6                   |
| Total Dissolved Solids  | Report          | Report        | Report                         | Report        |                       |

| Parameter            | Mass Load (lb) |        | Concentration (mg/L) |                 |         |
|----------------------|----------------|--------|----------------------|-----------------|---------|
|                      | Monthly        | Annual | Minimum              | Average Monthly | Maximum |
| Ammonia-N            | Report         |        |                      | Report          |         |
| Kjeldahl-N           | Report         |        |                      | Report          |         |
| Nitrate-Nitrite as N | Report         |        |                      | Report          |         |
| Total Nitrogen       | Report         | Report |                      | Report          |         |
| Total Phosphorus     | Report         | Report |                      | Report          |         |

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

1. Chemical Additives Usage.

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

**PAS206101**, Industrial Waste, SIC 3499, **Dynamic Materials Corporation**, 1138 Industrial Park Drive, P. O. Box 317, Mount Braddock, PA 15465. This application is for renewal of an NPDES permit to discharge untreated stormwater from the Dunbar Mine Facility in Dunbar Township, **Fayette County**.

The following effluent limitations are proposed for discharge to the receiving waters, Dunbar Creek, classified as a HQ-CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the Municipal Authority of Westmoreland County, located at McKeesport, 48.93 miles below the discharge point.

Outfall 001: existing discharge of stormwater.

| Parameter              | Mass (lb/day)      |               | Concentration (mg/l) |               |                       |
|------------------------|--------------------|---------------|----------------------|---------------|-----------------------|
|                        | Average Monthly    | Maximum Daily | Average Monthly      | Maximum Daily | Instantaneous Maximum |
| Flow (mgd)             | Monitor and Report |               |                      |               |                       |
| Total Suspended Solids |                    |               | 30                   |               | 60                    |
| Oil and Grease         |                    |               | 15                   |               | 30                    |
| BOD <sub>5</sub>       |                    |               | Monitor and Report   |               |                       |



| Parameter                    | Mass (lb/day)   |               | Concentration (mg/l) |               |                       |
|------------------------------|-----------------|---------------|----------------------|---------------|-----------------------|
|                              | Average Monthly | Maximum Daily | Average Monthly      | Maximum Daily | Instantaneous Maximum |
| Nitrate and Nitrite Nitrogen |                 |               | Monitor and Report   |               |                       |
| Aluminum                     |                 |               | 0.75                 |               | 1.5                   |
| Iron                         |                 |               | 1.0                  |               | 2.0                   |
| Zinc                         |                 |               | 0.117                |               | 0.234                 |

Other Conditions: Conditions for stormwater control including a concentration goal for nitrate and nitrite nitrogen and a requirement to develop a Stormwater Pollution Prevention Plan.

The EPA waiver is in effect.

*Outfall 002*: existing discharge of stormwater.

| Parameter                    | Mass (lb/day)      |               | Concentration (mg/l) |               |                       |
|------------------------------|--------------------|---------------|----------------------|---------------|-----------------------|
|                              | Average Monthly    | Maximum Daily | Average Monthly      | Maximum Daily | Instantaneous Maximum |
| Flow (mgd)                   | Monitor and Report |               |                      |               |                       |
| Total Suspended Solids       |                    |               | 30                   |               | 60                    |
| Oil and Grease               |                    |               | 15                   |               | 30                    |
| BOD <sub>5</sub>             |                    |               | Monitor and Report   |               |                       |
| Nitrate and Nitrite Nitrogen |                    |               | Monitor and Report   |               |                       |
| Aluminum                     |                    |               | 0.75                 |               | 1.5                   |
| Iron                         |                    |               | 1.0                  |               | 2.0                   |
| Zinc                         |                    |               | 0.117                |               | 0.234                 |

**PA0026212-A1**, Sewage, **The Washington-East Washington Joint Authority**, 60 East Beau Street, P. O. Box 510, Washington, PA 15301-4514. This application is for amendment of an NPDES permit to discharge treated sewage from Washington-East Washington Sewage Treatment Plant in South Strabane Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Chartiers 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 West View Municipal Authority located on the Ohio River.

*Outfall 001*: existing discharge, design flow of 6.2 mgd. The permittee proposes to rerate their STP from 6.2 mgd to 9.77 mgd. The proposed effluent limitations are as follows:

| Parameter               | Concentration (mg/l)                   |                |               |                       |
|-------------------------|----------------------------------------|----------------|---------------|-----------------------|
|                         | Average Monthly                        | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD <sub>5</sub>       |                                        |                |               |                       |
| (5-1 to 10-31)          | 15                                     | 22.5           |               | 30                    |
| (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)          | 5.0                                    | 7.5            |               | 10.0                  |
| Fecal Coliform          |                                        |                |               |                       |
| (5-1 to 9-30)           | 200/100 ml as a Geometric Mean         |                |               |                       |
| (10-1 to 4-30)          | 2,000/100 ml as a Geometric Mean       |                |               |                       |
| Total Residual Chlorine | 0.06                                   |                |               | 0.20                  |
| Dissolved Oxygen        | not less than 6.0 mg/l                 |                |               |                       |
| pH                      | not less than 6.0 nor greater than 9.0 |                |               |                       |

The EPA waiver is not in effect.

**PA0216631**, Sewage, **Regis J. Kraisinger**, 139 Quarry Street, Mount Pleasant, PA 15664. This application is for renewal of an NPDES permit to discharge treated sewage from Kraisinger Reception Hall Sewage Treatment Plant in East Huntingdon Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT of Jacobs 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 Westmoreland County Municipal Authority-McKeesport.

*Outfall 001*: existing discharge, design flow of 0.0036 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<br>(5-1 to 10-31) | 7.0                                    |                |               | 14.0                  |
| (11-1 to 4-30)                     | 21.0                                   |                |               | 42.0                  |
| Fecal Coliform<br>(5-1 to 9-30)    | 200/100 ml as a Geometric Mean         |                |               |                       |
| (10-1 to 4-30)                     | 2,000/100 ml as a Geometric Mean       |                |               |                       |
| Total Residual Chlorine            | 1.4                                    |                |               | 3.3                   |
| pH                                 | not less than 6.0 nor greater than 9.0 |                |               |                       |

The EPA waiver is in effect.

**PA0215945**, Sewage, **Trinity Area School District**, 231 Park Avenue, Washington, PA 15301. This application is for renewal of an NPDES permit to discharge treated sewage from Trinity South Elementary School WWTP in Amwell Township, **Washington County**.

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

*Outfall 001*: existing discharge, design flow of 0.006 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<br>(5-1 to 10-31) | 8.0                                    |                |               | 16.0                  |
| (11-1 to 4-30)                     | 24.0                                   |                |               | 48.0                  |
| Fecal Coliform<br>(5-1 to 9-30)    | 200/100 ml as a Geometric Mean         |                |               |                       |
| (10-1 to 4-30)                     | 2,000/100 ml as a Geometric Mean       |                |               |                       |
| Total Residual Chlorine            | 0.7                                    |                |               | 1.7                   |
| Dissolved Oxygen                   | not less than 3.0 mg/l                 |                |               |                       |
| pH                                 | not less than 6.0 nor greater than 9.0 |                |               |                       |

The EPA waiver is in effect.

**PA0022306**, Sewage, **Brownsville Municipal Authority**, P. O. Box 330, Brownsville, PA 15417-0330. This application is for renewal of an NPDES permit to discharge treated sewage from Shady Avenue STP in Brownsville Borough, **Fayette County**.

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

*Outfall 001*: existing discharge, design flow of 0.96 mgd.

| Parameter                          | Concentration (mg/l)                   |                |               |                       |
|------------------------------------|----------------------------------------|----------------|---------------|-----------------------|
|                                    | Average Monthly                        | Average Weekly | Maximum Daily | Instantaneous Maximum |
| CBOD <sub>5</sub>                  | 25                                     | 38             |               | 50                    |
| Suspended Solids                   | 30                                     | 45             |               | 60                    |
| Ammonia Nitrogen<br>(5-1 to 10-31) | 8.0                                    | 12.0           |               | 16.0                  |
| (11-1 to 4-30)                     | 24.0                                   | 36.0           |               | 48.0                  |
| Fecal Coliform<br>(5-1 to 9-30)    | 200/100 ml as a Geometric Mean         |                |               |                       |
| (10-1 to 4-30)                     | 2,000/100 ml as a Geometric Mean       |                |               |                       |
| pH                                 | not less than 6.0 nor greater than 9.0 |                |               |                       |

The EPA waiver is in effect.

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

**PA0028428**, Sewage, **Brockway Area Sewage Authority Jefferson County**, 501 Main Street, Brockway, PA 15824. This existing facility is located in Borough of Brockway, **Jefferson County**.

Description of Proposed Activity: Renewal of an existing NPDES permit to discharge treated sewage.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the PA American Water Company is located on the Clarion River and is approximately 45.0 miles below point of discharge.

The receiving stream, the Little Toby Creek, is in Watershed 17-A and classified for: CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 1.5 mgd.

*Interim Limits*

| <i>Parameters</i>      | <i>Loadings</i>                 |                                        |                               | <i>Concentrations</i>        |                                     |
|------------------------|---------------------------------|----------------------------------------|-------------------------------|------------------------------|-------------------------------------|
|                        | <i>Average Monthly (lb/day)</i> | <i>Average Weekly (lb/day)</i>         | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
| Flow (mgd)             | XX                              | XX                                     |                               |                              |                                     |
| CBOD <sub>5</sub>      | 237                             | 356                                    | 19                            | 28.5                         | 38                                  |
| Total Suspended Solids | 375                             | 562                                    | 30                            | 45                           | 60                                  |
| NH <sub>3</sub> -N     |                                 |                                        |                               |                              |                                     |
| (5-1 to 10-31)         | 81                              |                                        | 6.5                           |                              | 13.0                                |
| (11-1 to 4-30)         | 243                             |                                        | 19.5                          |                              | 39.0                                |
| Fecal Coliform         |                                 |                                        |                               |                              |                                     |
| (5-1 to 9-30)          |                                 | 200/100 ml as a Geometric Average      |                               |                              |                                     |
| (10-1 to 4-30)         |                                 | 2,000/100 ml as a Geometric Average    |                               |                              |                                     |
| pH                     |                                 | 6.0 to 9.0 Standard Units at all times |                               |                              |                                     |
| Total Dissolved Solids |                                 |                                        | 4,000                         |                              | 10,000                              |
| Total Copper           |                                 |                                        | XX                            |                              | XX                                  |
| Sulfates               |                                 |                                        | XX                            |                              | XX                                  |
| Chlorides              |                                 |                                        | XX                            |                              | XX                                  |
| Strontium              |                                 |                                        | XX                            |                              | XX                                  |

XX—Monitor and report on monthly DMRs.

*Final Limits*

| <i>Parameters</i>      | <i>Loadings</i>                 |                                        |                               | <i>Concentrations</i>        |                                     |
|------------------------|---------------------------------|----------------------------------------|-------------------------------|------------------------------|-------------------------------------|
|                        | <i>Average Monthly (lb/day)</i> | <i>Average Weekly (lb/day)</i>         | <i>Average Monthly (mg/l)</i> | <i>Average Weekly (mg/l)</i> | <i>Instantaneous Maximum (mg/l)</i> |
| Flow (mgd)             | XX                              | XX                                     |                               |                              |                                     |
| CBOD <sub>5</sub>      | 237                             | 356                                    | 19                            | 28.5                         | 38                                  |
| Total Suspended Solids | 375                             | 562                                    | 30                            | 45                           | 60                                  |
| NH <sub>3</sub> -N     |                                 |                                        |                               |                              |                                     |
| (5-1 to 10-31)         | 81                              |                                        | 6.5                           |                              | 13.0                                |
| (11-1 to 4-30)         | 243                             |                                        | 19.5                          |                              | 39.0                                |
| Fecal Coliform         |                                 |                                        |                               |                              |                                     |
| (5-1 to 9-30)          |                                 | 200/100 ml as a Geometric Average      |                               |                              |                                     |
| (10-1 to 4-30)         |                                 | 2,000/100 ml as a Geometric Average    |                               |                              |                                     |
| pH                     |                                 | 6.0 to 9.0 Standard Units at all times |                               |                              |                                     |
| Total Dissolved Solids |                                 |                                        | 4,000                         |                              | 10,000                              |
| Total Copper           |                                 |                                        | 0.048                         |                              | 0.096                               |
| Sulfates               |                                 |                                        | XX                            |                              | XX                                  |
| Chlorides              |                                 |                                        | XX                            |                              | XX                                  |
| Strontium              |                                 |                                        | XX                            |                              | XX                                  |

XX—Monitor and report on monthly DMRs.

The EPA waiver is not in effect.

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

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

**WQM Permit No. WQM0809201**, Industrial Waste 22, **Ulster Municipal Authority**, P. O. Box 157, Ulster, PA 18850. This proposed facility is located in Ulster Township, **Bradford County**.

Description of Proposed Action/Activity: This application is for the backwash treatment from the water supply filter plant. The treatment consists of a holding/settling tank and sludge drying beds.

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

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


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


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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                                                                         | <i>County</i> | <i>Municipality</i>     | <i>Receiving Water/Use</i>           |
|-------------------------|-------------------------------------------------------------------------------------------------------------|---------------|-------------------------|--------------------------------------|
| PAI01<br>1503114-R      | Telvil Corporation<br>528 Main Street<br>Harleysville, PA 19428                                             | Chester       | North Coventry Township | UNT Schuylkill River<br>HQ-TSF       |
| PAI01<br>1509024        | Kennett Business Park, LP<br>Kennett Square Realty, LP<br>649 West South Street<br>Kennett Square, PA 19348 | Chester       | Kennett Square Borough  | West Branch Red<br>Clay Creek<br>TSF |

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

*Pike County Conservation District: 556 Route 402, Suite 1, Hawley, PA 18428, (570) 226-8220.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                                | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--------------------------------------------------------------------|---------------|---------------------|----------------------------|
| PAI025208013(1)         | Pike County Commissioners<br>506 Broad Street<br>Milford, PA 18337 | Pike          | Milford Township    | Billings Creek<br>HQ-CWF   |

*Wyoming County Conservation District: One Hollowrest Complex, Tunkhannock, PA 18657, (570) 836-2589.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                                       | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---------------------------------------------------------------------------|---------------|---------------------|----------------------------|
| PAI026609001            | Wal-Mart Stores East<br>2001 SE 10th Street<br>Bentonville, AR 72716-0550 | Wyoming       | Eaton Township      | Bowman Creek<br>HQ-CWF     |

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

*Somerset County Conservation District: Somerset County AG Center, 6024 Glades Pike, Suite 103, Somerset, PA 15501, (814) 445-4652.*

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                                                              | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i>        |
|-------------------------|--------------------------------------------------------------------------------------------------|---------------|---------------------|-----------------------------------|
| PAI055609003            | HMS Host Corporation<br>National Processing Center<br>6905 Rockledge Drive<br>Bethesda, MD 20817 | Somerset      | Somerset Township   | East Branch Coxes<br>Creek<br>TSF |

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


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

**STATE CONSERVATION COMMISSION**

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

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

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

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

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

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

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

| <i>Agricultural Operation<br/>Name and Address</i>                                | <i>County</i> | <i>Total<br/>Acres</i> | <i>Animal<br/>Equivalent<br/>Units</i> | <i>Animal<br/>Type</i> | <i>Special<br/>Protection<br/>Waters (HQ<br/>or EV or NA)</i> | <i>Renewal/New</i> |
|-----------------------------------------------------------------------------------|---------------|------------------------|----------------------------------------|------------------------|---------------------------------------------------------------|--------------------|
| Benner Family Farms<br>Dan Benner<br>R. R. 1<br>Box 377<br>Thompsontown, PA 17094 | Juniata       | 389.1                  | 532.3                                  | Swine                  | N/A                                                           | Renewal            |
| Kenneth R. Martin<br>1397 Robert Fulton Highway<br>Quarryville, PA 17566          | Lancaster     | 130                    | 7.69                                   | Dairy/<br>Swine        | HQ                                                            | Renewal            |

## 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 pub-

lished in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a Site-Specific Standard or as a special industrial area, the municipality within which the site is located may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified as the remediator of the site develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

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

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

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

**Apollo Metals**, 1001 14th Avenue, Bethlehem City, **Lehigh County**. Jeremy Bolyn and Charles McGuth, Environmental Maintenance Company, Inc., 1420 East Mermaid Lane, Glenside, PA 19038 have submitted a Notice of Intent to Remediate (on behalf of their client, Apollo Metals, Ltd. (Corus Group), 1001 14th Avenue, Bethlehem, PA 18018), concerning the remediation of soil and groundwater found to have been impacted by metals as a result of historical operations at this metal plating facility and a VOC, potentially as a background contaminant. The applicant proposes to remediate the site to meet the Site-Specific Standard. The future use of the property and the immediately adjacent properties is expected to remain commercial and industrial. 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.



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

**Former Wolf's Head Prop North Parcel**, Sugar Creek Borough, **Venango County**. URS Corporation, Foster Plaza 4, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company, d/b/a SOPUS Products, 12700 Northborough, Suite 300 E11, Houston, TX 77067 has submitted a Notice of Intent to Remediate. This property functioned primarily as a petroleum product storage facility, storing such materials as crude oil, natural lube oil, fuel oil and kerosene. The property use is currently vacant but nonresidential and is expected to be nonresidential into the foreseeable future. The Notice of Intent to Remediate was published in *The News-Herald* on April 18, 2009.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

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

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable

requirements in 25 Pa. Code Chapters 121—143, the Federal Clean Air Act (act) and regulations adopted under the act.

### PLAN APPROVALS

**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.**

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

**36-03115A: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17105) for installation of one vibrating pan feeder, one tertiary crusher and one 36" wide conveyor belt to the wet portion of the processing plant for their facility in West Hempfield Township, **Lancaster County**. The plan approval will include conditions designed to keep the facility operating within all applicable air quality requirements.

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

**42-028C: Saint-Gobain Containers, Inc.** (1 Glass Place, Port Allegany, PA 16743) for installation of three new dust collection systems and reconfigure an existing dust collection system to vent exhaust outdoors for the Batch House Feed (Source 104) as described in the applicant's application of April 9, 2009.

Under 25 Pa. Code §§ 127.44(a) and 127.424(b), the Department of Environmental Protection (Department) intends to issue a Plan Approval for their plant in Port Allegany, **McKean County**. This plan approval will authorize the applicant to install three new dust collection systems and reconfigure an existing dust collection system to vent exhaust outdoors for the Batch House Feed (Source 104) as described in the applicant's application of April 9, 2009. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

The control units shall not exceed the PM emissions of 0.02 gr/dscf. Each unit has an estimated removal efficiency of 99.9%. The individual source is not considered major precontrolled, therefore, CAM is not applicable. The facility will demonstrate compliance with the restrictions by performing weekly visible observation and preventative maintenance.

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

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

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

2. Identification of the proposed Plan Approval; No. 42-028C.

3. Concise statement regarding the relevancy of the information or any objections to issuance of the Plan Approval.

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

### OPERATING PERMITS

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

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-9476.*

**V05-006: Calpine Philadelphia, Inc.—Northeast Water Pollution Control Plant** (3895—3899 Richmond Street, Philadelphia, PA 19137) for operation of a cogeneration facility in the City of Philadelphia, **Philadelphia County**. The Title V facility's air emissions sources include seven 2,340 hp Detroit Diesel Engines, 650 kW, 500 kW, and 225 kW Caterpillar Gas Engines, and a selective catalytic reduction control system for the diesel engines.

The operating permit will be reissued under 25 Pa. Code, Philadelphia Code Title 3 and Air Management Regulation XIII. Permit copies and other supporting information are available for public inspection at AMS, 321 University Avenue, Philadelphia, PA 19104. For further information, contact Edward Wiener (215) 685-9426.

Persons wishing to file protest or comments on the previous operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

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

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

**32-00311: IA Construction Corp.** (158 Lindsay Road, Zelienople, PA 16063-2812) for renewal of the 2004 synthetic minor operating permit for their Homer City Hot Mix Asphalt Batch Plant in Center Township, **Indiana County**.

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

**24-00111: Elk Regional Health Center** (763 Johnsonburg Road, Saint Marys, PA 15857-3417) to issue a new State-only Operating Permit for the Saint Marys Health Center in the City of Saint Marys, **Elk County**. The facility is a Natural Minor. The primary sources at the facility include a wood fired biomass boiler (18.5 mmBtu/hr), two dual fired (gas/oil) backup boilers rated approximately 8 mmBtu/hr each, and two emergency generators.

### PLAN APPROVALS

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

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104, Edward Braun, Chief, (215) 685-9476.*

**V05-003: Plains Products Terminals, LLC**—(6850 Essington Avenue, Philadelphia, PA 19134) for modification of an operating permit issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices for the following facilities to: 1) Remove the Barge Cleaning and Wastewater Operations from the operating permit; 2) Change name from Pacific Atlantic Terminals to Plains Products Terminals, LLC; 3) Remove South Terminal 10 tons per rolling 12-month period (tpr12m) of single HAPS and 25 tpr12m of total HAPs limit since the facility now operates under one owner, PPT wants to be considered a major source of HAPs; 4) Remove the condition that the Vapor Recovery Unit needs to be operated during distillate loading as per Installation Permit No. 08043 dated February 25, 2008; 5) Remove Thermal Fluid Heater A, no longer in operation from the operating permit; 6) Change requirement that Marine Loading operation shall only load No. 2 and No. 6 oil at the dock transfer station from only loading petroleum products less than 4.0 Reid Vapor Pressure; 7) Remove CAM plan from Operating Permit. Vapor Incinerator was applicable to CAM only because it was used to comply with the 17 tpr12m VOC limit and Barge cleaning Operation. Vapor Recovery Unit was applicable to CAM only because it was used to comply with South Terminal 10 tpr12m single HAPs and 25 tpr12m Total HAPs limit and is no longer since the HAPs limit has been removed; 8) Monitoring for Marine loading changed to provide verification that potential emissions from marine loading are less than 10 tpr12m for any singular HAP and 25 tpr12m of total HAPs; 9) Recordkeeping for Marine loading changed to keep records that of HAP Potential emissions from the marine loading are less than 10 tpr12m for any singular HAP and 25 tpr12m of 0 total HAP. The operating permit was originally issued February 13, 2006, and amended June 16, 2009.

Persons wishing to file protest or comments on the previous operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance

and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least 30 days before the hearing.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

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

When a National Pollutant Discharge Elimination System (NPDES) number is listed, the mining activity permit application was accompanied by an application for an individual NPDES permit. The Department has made a

tentative determination to issue the NPDES permit in conjunction with the mining activity permit, but the issuance of the NPDES permit is contingent upon the approval of the associated mining activity permit.

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

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

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

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

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

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

### *Coal Applications Received*

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



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

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

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

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

**11051301 and NPDES Permit No. PA0235652, AMFIRE Mining Company, LLC**, (One Energy Place, Latrobe, PA 15650), to renew the permit for the Cresson Mine in Cresson Township, **Cambria County** and related NPDES permit. No additional discharges. Application received March 25, 2009.

**30001301 and NPDES Permit No. NA, Dana Mining Company of PA, LLC**, (308 Dents Run Road, Morgantown, WV 26501), to revise the permit for the Crawdad Portal B Mine in Dunkard and Perry Townships, **Greene County** to add underground permit and subsidence control plan area acres and to delete 71.6 acres in a separate area from the underground permit and subsidence control plan boundary. Underground Acres Proposed 11.3, Subsidence Control Plan Acres Proposed 11.3. No additional discharges. Application received March 27, 2009.

**30831303 and NPDES Permit No. PA0013511, Cumberland Coal Resources, LP**, (P. O. Box 1020, Waynesburg, PA 15370), to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County** to add surface acres for the installation of Gob Ventilation Borehole 57-2A. Surface Acres Proposed 0.09. No additional discharges. Application received May 8, 2009.

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

**56703107 and NPDES No. PA0605956, Hoffman Mining, Inc.**, P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and auger mine in Paint Township, **Somerset County**, affecting 863 acres. Receiving streams: UNT to Paint Creek, UNT to/and Kauffman Run, Stonycreek, Shade Creek classified for the following uses: CWF, WWF. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWI. Application received June 12, 2009.

**56030108 and NPDES No. PA0249530, Hoffman Mining, Inc.**, P. O. Box 130, 118 Runway Road, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 33.3 acres. Receiving

stream: Dark Shade Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 12, 2009.

**56823066 and NPDES No. PA0608611, Action Mining, Inc.**, 1117 Shaw Mines Road, Meyersdale, PA 15552, permit renewal for reclamation only of a bituminous surface and auger mine in Elk Lick Township, **Somerset County**, affecting 224.5 acres. Receiving streams: UNTs to Elk Lick Creek, UNT to Casselman River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received December 1, 2008.

**56890102 and NPDES No. PA0598372, Svonavec, Inc.**, 150 West Union Street, Suite 201, Somerset, PA 15501, permit renewal for reclamation only of a bituminous surface and auger mine in Lower Turkeyfoot Township, **Somerset County**, affecting 92.5 acres. Receiving streams: UNTs to/and Casselman River classified for the following use: WWF The first downstream potable water supply intake from the point of discharge is Ohiopele Borough Municipal Waterworks Youghiogheny River SWW. Application received June 17, 2009.

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

**03940113 and NPDES Permit No. PA0201031, Thomas J. Smith, Inc.** (2340 Smith Road, Shelocta, PA 15774). Renewal application for reclamation only of a bituminous surface mine, located in Washington Township, **Armstrong County**, affecting 68.7 acres. Receiving streams: UNTs to Huling Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received June 17, 2009.

**03880122 and NPDES Permit No. PA0591742, Thomas J. Smith, Inc.** (2340 Smith Road, Shelocta, PA 15774). Renewal application for reclamation only of a bituminous surface mine, located in Cowanshannock and South Mahoning Townships, **Armstrong and Indiana Counties**, affecting 488 acres. Receiving streams: UNTs to the North Branch of Plum Creek, 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 June 17, 2009.

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

**33090104 and NPDES Permit No. PA0258741, Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Commencement, operation and restoration of a bituminous surface strip operation in Pinecreek Township, **Jefferson County** affecting 41.1 acres. Receiving streams: One UNT to Mill Creek, classified for the following use: CWF. There will be no point source dis-

charges to UNTs to North Fork. There are no potable surface water supply intakes within 10 miles downstream. Application received June 11, 2009.

**61980103 and NPDES Permit No. PA0227846. Bedrock Mines, LP** (111 Freeport Road, Aspinwall, PA 15215). Transfer of an existing bituminous surface strip and limestone processing operation in Irwin Township, **Venango County** affecting 111.0 acres. Receiving streams: Five UNTs to Scrubgrass Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Transfer from Ben Hal Mining Company. Application received June 12, 2009.

**61970101 and NPDES Permit No. PA0227358. Bedrock Mines, LP** (111 Freeport Road, Aspinwall, PA 15215). Transfer of an existing bituminous surface strip, limestone and shale removal operation in Irwin Township, **Venango County** affecting 71.5 acres. Receiving streams: Four UNTs to Scrubgrass Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Transfer from Ben Hal Mining Company. Application received June 12, 2009.

**61040102 and NPDES Permit No. PA0242560. Bedrock Mines, LP** (111 Freeport Road, Aspinwall, PA 15215). Transfer of an existing bituminous surface strip and beneficial use of fluidized bed ash operation in Irwin Township, **Venango County** affecting 58.0 acres. Receiving streams: UNTs to Scrubgrass Creek, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Transfer from Ben Hal Mining Company. Application received June 12, 2009.

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

**17663136 and NPDES No. PA0126870. EnerCorp, Inc.** (1686 Allport Cutoff, Morrisdale, PA 16858), permit renewal for the continued operation and restoration of a bituminous surface mine in Graham Township, **Clearfield County**, affecting 202.0 acres. Receiving streams: Flat Run and Mons Run to Alder Run to West Branch Susquehanna, classified for the following uses: CWF-WWF. There are no potable water supply intakes within 10 miles downstream. Application received April 22, 2009.

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

**40920102R3. Susquehanna Coal Company**, (P. O. Box 27, Nanticoke, PA 18634), renewal of an existing anthracite surface mine operation in Newport Township, **Luzerne County** affecting 1,325.0 acres, receiving stream: none. Application received June 8, 2009.

**54-305-013GP12. South Tamaqua Coal Pockets, Inc.**, (804 West Penn Pike, Tamaqua, PA 18252), application to operate a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Surface Mining Permit No. 54070104 in Blythe Township, **Schuylkill County**. Application received June 8, 2009.

*Noncoal Applications Received*

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

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

\*The parameter is applicable at all times.

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

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

**34092801. National Quarries, LLC**, 470 Norristown Road, Suite 201, Blue Bell, PA 19422, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Milford Township, **Juniata County**, affecting 5 acres. Receiving stream: Juniata River. Application received June 1, 2009.

**32092802. Force, Inc.**, 1077 Route 119 Highway North, Indiana, PA 15701, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Rayne Township, **Indiana County**, affecting 5.0 acres, receiving stream: McKee Run. Application received June 11, 2009.

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

**37090302 and NPDES permit No. PA 028768. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Commencement, operation and restoration of a limestone, sandstone, shale, clay and incidental coal extraction operation in Slippery Rock Township, **Lawrence County** affecting 79.1 acres. The Department of Environmental Protection has made a tentative determination to impose effluent limitations, within the ranges specified in Table 1 for Iron and Manganese. Receiving streams: UNT A to Slippery Rock Creek and Slippery Rock Creek, classified for the following use: CWF. The first downstream potable water supply intakes from the point of discharge are Camp Allegheny and Pennsylvania American Ellwood City. Application received June 11, 2009.

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

**4873SM5T4 and NPDES Permit No. PA0009695. Kinsley Construction, Inc.**, (2700 Water Street, York,

PA 17405), transfer of an exiting quarry operation from O-N Minerals (PenRoc) Co., LP in West Manchester Township, **York County** affecting 148.9 acres, receiving stream: UNT to Codorus Creek. Application received June 3, 2009.

**4873SM8T4 and NPDES Permit No. PA0594644.**  
**Kinsley Construction, Inc.**, (2700 Water Street, York, PA 17405), transfer of an exiting quarry operation from O-N Minerals (PenRoc) Co., LP in West Manchester Township, **York County** affecting 413.0 acres, receiving stream: UNT to Codorus Creek. Application received June 3, 2009.

**6475SM10C and NPDES Permit No. PA0224391.**  
**Penssy Supply, Inc.**, (P. O. Box 3331, Harrisburg, PA 17105), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Jenkins Township, **Luzerne County**, receiving stream: Lamplack Creek, classified for the following use: CWF. Application received June 10, 2009.

**40930302C3 and NPDES Permit No. PA0223280.**  
**Linde Enterprises, Inc.**, (P. O. Box A, Honesdale, PA 18431), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Pittston Township, **Luzerne County**, receiving stream: Mill Creek, classified for the following use: CWF. Application received June 10, 2009.

**67990301C2 and NPDES Permit No. PA0223999.**  
**Glen-Gery Corporation**, (P. O. Box 7001, Wyomissing, PA 19610), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Dover Township, **York County**, receiving stream: UNT to Little Conewago Creek, classified for the following use: TSF. Application received June 11, 2009.

### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the State to certify that the involved projects will not violate the applicable provisions of sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA or to the issuance of a Dam Permit, Water

Obstruction and Encroachment Permit or the approval of an Environmental Assessment must submit comments, suggestions or objections within 30 days of the date of this notice, as well as questions, to the regional office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

**Application 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)).**

#### DAM SAFETY

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

**D48-165A. PPL Martins Creek, LLC, PPL Martins Creek, LLC, c/o Andrew Spear**, P. O. Box 257, Martins Creek, PA 18063. To close the Martins Creek Ash Basin No. 1 located in the watershed of the Oughoughton Creek, impacting 0 acre of wetlands and 0 feet of stream channel for the purpose of deregulating the basin using existing soil, providing additional plantings and flattening steep slopes inside the basin (Belvidere, NJ, PA Quadrangle N: 7.7 inches; W: 16 inches) in Lower Mount Bethel Township, **Northampton 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 |



| <i>Location</i> | <i>Permit Authority</i> | <i>Application Type or Category</i>          |
|-----------------|-------------------------|----------------------------------------------|
| Section IV      | NPDES                   | MS4 individual permit                        |
| Section V       | NPDES                   | MS4 permit waiver                            |
| Section VI      | NPDES                   | Individual permit stormwater construction    |
| Section VII     | NPDES                   | NOI for coverage under NPDES general permits |

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

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

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

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

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

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

| <i>NPDES No.<br/>(Type)</i> | <i>Facility Name &amp;<br/>Address</i>   | <i>County &amp;<br/>Municipality</i>      | <i>Stream Name<br/>(Watershed #)</i> | <i>EPA Waived<br/>Y/N</i> |
|-----------------------------|------------------------------------------|-------------------------------------------|--------------------------------------|---------------------------|
| PA0217964<br>Sewage         | Keith Vay<br>Box 204<br>Lowbar, PA 15660 | Westmoreland County<br>Sewickley Township | UNT of Little<br>Sewickley Creek     | Y                         |

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

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

**NPDES Permit No. PA0260932**, CAFO, **Stanley Burkholder, Burk-Lea Farms**, 3099 Grand Point Road, Chambersburg, PA 17201. This proposed facility is located in Greene Township, **Franklin County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization of operation of a 1,809-Animal Equivalent Units dairy operation in Watershed 13-C.

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

**NPDES Permit No. PA0104353**, Sewage, **Lemick, Inc.**, 9 Corporation Center, Broadview Heights, OH 44147. This proposed facility is located in Shenango Township, **Mercer County**.

Description of Proposed Action/Activity: New NPDES permit replacing an expired permit for treated sewage.

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

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

**WQM Permit No. WQG01360902**, Sewage, **Martin Leasing, Inc.**, 303 Middle Creek Road, Lititz, PA 17543. This proposed facility is located in Elizabeth Township, **Lancaster County**.

Description of Proposed Action/Activity: Construction/Operation of a small flow sewage treatment system to serve the existing Mountain View Mobile Home Park.

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

**WQM Permit No. 6309403**, Sewerage, **Cecil Township Municipal Authority**, 3599 Millers Run Road, Suite 104, Cecil Township, PA 15321. This proposed facility is located in Cecil Township, **Washington County**.

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

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


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


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


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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                                      | <i>County</i> | <i>Municipality</i>         | <i>Receiving Water/Use</i>                   |
|-------------------------|--------------------------------------------------------------------------|---------------|-----------------------------|----------------------------------------------|
| PAI01<br>1508032        | Brandywine Ridge, Inc.<br>901 Glenbrook Avenue<br>Bryn Mawr, PA 19010    | Chester       | Willistown Township         | Ridley Creek<br>HQ                           |
| PAI01<br>1508060        | Herbert and Helen Mosteller<br>P. O. Box 69<br>Brandamore, PA 19316      | Chester       | West Brandywine<br>Township | West Branch<br>Brandywine Creek<br>HQ-TSF-MF |
| PAI01<br>1509018        | Avon Grove Charter School<br>110 East State Road<br>West Grove, PA 19390 | Chester       | Franklin Township           | Big Elk Creek<br>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>                      |
|-------------------------|----------------------------------------------------------------------------------------------------------|---------------|-------------------------------|-------------------------------------------------|
| PAI024509003            | Turkey Hill<br>257 Centerville Road<br>Lancaster, PA 17063                                               | Monroe        | Middle Smithfield<br>Township | Tributary to<br>Bushkill Creek<br>HQ-CWF        |
| PAI025208001            | Masthope Mountain<br>Communities Property<br>Owners Council<br>HC 1<br>Box 1A353<br>Lackawaxen, PA 18435 | Pike          | Lackawaxen Township           | Tributary to<br>Delaware River<br>HQ-CWF        |
| PAI025409001            | Robert W. Fox<br>22 Oak Court<br>Nesquehoning, PA 18240                                                  | Schuylkill    | Rush Township                 | Nesquehoning Creek<br>HQ-CWF                    |
| PAI024807001(1)         | Weis Markets Forks, Inc.<br>1000 South Second Street<br>Sunbury, PA 17801                                | Northampton   | Forks Township                | Bushkill Creek<br>HQ-CWF, MF                    |
| PAI024508001            | Steve Parisi<br>P. O. Box 665<br>Brodheads ville, PA 18322                                               | Monroe        | Polk Township                 | Pohopoco Creek<br>HQ-CWF<br>Middle Creek<br>CWF |

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

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                                                 | <i>County</i> | <i>Municipality</i>                   | <i>Receiving Water/Use</i>                                                                                                   |
|-------------------------|-------------------------------------------------------------------------------------|---------------|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| PAI041709001            | Glenn O. Hawbaker, Inc.<br>1952 Waddle Road<br>Suite 201<br>State College, PA 16803 | Clearfield    | Lawrence, Pine and<br>Union Townships | Stony Run<br>HQ-CWF<br>Anderson Creek<br>HQ-CWF<br>Dressler Run<br>HQ-CWF<br>Fork Run<br>HQ-CWF<br>UNT to Lick Run<br>HQ-CWF |

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

| <i>NPDES Permit No.</i> | <i>Applicant Name &amp; Address</i>                   | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|-------------------------------------------------------|---------------|---------------------|----------------------------|
| PAI045909003            | Robert Miller<br>486 Desing Road<br>Liberty, PA 16930 | Tioga         | Liberty Township    | Zimmerman Creek<br>HQ-CWF  |

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

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

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

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

#### *General Permit Type—PAG-2*

##### *Facility Location:*

| <i>Municipality &amp; County</i>     | <i>Permit No.</i> | <i>Applicant Name &amp; Address</i>                                                        | <i>Receiving Water/Use</i>           | <i>Contact Office &amp; Phone No.</i>                                                     |
|--------------------------------------|-------------------|--------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------------------------------------|
| Northampton Township<br>Bucks County | PAG200<br>0909050 | Northampton Bucks County<br>Municipal Authority<br>111 Township Road<br>Richboro, PA 18954 | UNT Little Neshaminy Creek<br>WWF-MF | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Bedminster Township<br>Bucks County  | PAG200<br>0907078 | Slotter Road<br>Associates, LP<br>1630 Meetinghouse Road<br>Hartsville, PA 18974           | East Branch Perkiomen Creek<br>TSF   | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Middletown Township<br>Bucks County  | PAG200<br>0909045 | Mike Smyth and Ben Palmarini<br>874 Highpoint Circle<br>Langhorne, PA 19047                | Tributary Neshaminy Creek<br>WWF-MF  | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Middletown Township<br>Bucks County  | PAG200<br>0909046 | Busch Entertainment Corporation<br>100 Sesame Road<br>Langhorne, PA 19047                  | Queen Ann Creek<br>WWF               | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |
| Buckingham Township<br>Bucks County  | PAG200<br>0909061 | Our Lady of Guadalupe Church<br>P. O. Box 406<br>Buckingham, PA<br>18912-0406              | UNT Pine Run<br>TSF-MF               | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900 |

| <i>Facility Location:<br/>Municipality &amp;<br/>County</i> | <i>Permit No.</i>    | <i>Applicant Name &amp;<br/>Address</i>                                                                                     | <i>Receiving<br/>Water / Use</i>                               | <i>Contact Office &amp;<br/>Phone No.</i>                                                                                     |
|-------------------------------------------------------------|----------------------|-----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Bristol Township<br>Bucks County                            | PAG200<br>0909026    | Harkins Builders, Inc.<br>2201 Warwick Way<br>Marriottsville, MD 21104                                                      | Neshaminy Creek<br>WWF                                         | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900                                     |
| Warminster<br>Township<br>Bucks County                      | PAG200 0906042-<br>1 | Centennial School<br>District<br>433 Centennial Road<br>Warminster, PA<br>18974-5448                                        | UNT Pennypack Creek<br>TSF-MF                                  | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900                                     |
| City of Philadelphia<br>Philadelphia<br>County              | PAG201<br>5109016    | SYSCO Food Services of<br>Phila, LLC<br>600 Packer Avenue<br>Philadelphia, PA 19148                                         | Delaware River<br>WWF                                          | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900                                     |
| Cheltenham<br>Township<br>Montgomery County                 | PAG200<br>4609042    | Arcadia University<br>450 South Glenside Road<br>Glenside, PA 19038                                                         | Tacony Creek<br>WWF                                            | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900                                     |
| Upper Merion<br>Township<br>Montgomery County               | PAG200<br>4609023    | RWK Enterprises, Inc.<br>127 South Gulph Road<br>King of Prussia, PA<br>19406                                               | Abrams Run—aka—<br>Crow Creek<br>WWF                           | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900                                     |
| Upper Salford<br>Township<br>Montgomery County              | PAG200<br>4608039    | John Campbell<br>866 Allentown Road<br>Telford, PA 18969                                                                    | UNT East Branch<br>Perkiomen Creek<br>TSF                      | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900                                     |
| Horsham Township<br>Montgomery County                       | PAG200<br>4609015    | Horsham Township<br>1025 Horsham Road<br>Horsham, PA 19044                                                                  | Park Creek<br>WWF, MF                                          | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900                                     |
| Lower Merion<br>Township<br>Montgomery County               | PAG200<br>4609025    | Department of<br>Transportation<br>District 6-0<br>7000 Geerdes Boulevard<br>King of Prussia, PA<br>19406                   | Schuylkill River,<br>Plymouth and<br>Gulph Creeks<br>WWF, MF   | Southeast Regional Office<br>2 East Main Street<br>Norristown, PA 19401<br>(484) 250-5900                                     |
| Centre County<br>Potter Township                            | PAG20014090<br>02    | Potter Township<br>124 Short Road Spring<br>Mills, PA 16875                                                                 | Trib to Cedar Run<br>CWF                                       | Centre County<br>Conservation District<br>414 Holmes Avenue<br>Suite 4<br>Bellefonte, PA 16823<br>(814) 355-6817              |
| Clearfield County<br>Lawrence Township                      | PAG20017008<br>018-1 | Mark Austin<br>Department of Military<br>and Veterans Affairs<br>Building 0-10<br>Fort Indiantown Gap<br>Annville, PA 17003 | UNT to West Branch<br>Susquehanna River<br>WWF                 | Clearfield County<br>Conservation District<br>650 Leonard Street<br>Clearfield, PA 16830<br>(814) 765-2629                    |
| Clearfield County<br>City of DuBois<br>Sandy Township       | PAG20017090<br>04    | Department of<br>Transportation District<br>2-0<br>P. O. Box 342<br>Clearfield, PA<br>16830-0342                            | UNT to Pentz Run<br>CWF                                        | Clearfield County<br>Conservation District<br>650 Leonard Street<br>Clearfield, PA 16830<br>(814) 765-2629                    |
| Columbia County<br>Scott Township                           | PAG20019090<br>03    | Susan Keefer<br>Competitive Edge<br>Sports Academy<br>2820 Shaffer Road<br>Bloomsburg, PA 17815                             | UNT to Susquehanna<br>River<br>CWF<br>Susquehanna River<br>WWF | Columbia County<br>Conservation District<br>702 Sawmill Road<br>Suite 204<br>Bloomsburg, PA 17815<br>(570) 784-1310, Ext. 102 |



**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

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

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

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

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

**SAFE DRINKING WATER**

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

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

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

|                            |                                                                                                                    |
|----------------------------|--------------------------------------------------------------------------------------------------------------------|
| Applicant                  | <b>Pennsylvania American Water</b><br>800 West Hersheypark Drive<br>Hershey, PA 17033<br>Hamilton Township         |
| County                     | <b>Monroe</b>                                                                                                      |
| Type of Facility           | Public Water Supply                                                                                                |
| Consulting Engineer        | Daniel G. Rickard, P. E.<br>Pennsylvania American Water<br>100 North Pennsylvania Avenue<br>Wilkes-Barre, PA 18701 |
| Permit to Construct Issued | June 15, 2009                                                                                                      |

**Permit No. 3480055, Operations Permit, Public Water Supply.**

|           |                                                                                       |
|-----------|---------------------------------------------------------------------------------------|
| Applicant | <b>Pennsylvania American Water</b><br>800 West Hersheypark Drive<br>Hershey, PA 17033 |
|-----------|---------------------------------------------------------------------------------------|

|                            |                                                                                                   |
|----------------------------|---------------------------------------------------------------------------------------------------|
| County                     | Hamilton Township                                                                                 |
| Type of Facility           | <b>Monroe</b><br>Public Water Supply                                                              |
| Consulting Engineer        | Scott Thomas, P. E.<br>Pennsylvania American Water<br>852 Wesley Drive<br>Mechanicsburg, PA 17055 |
| Permit to Construct Issued | June 8, 2009                                                                                      |

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

**Permit No. 0608514, Minor Amendment, Public Water Supply.**

|                             |                                                                                               |
|-----------------------------|-----------------------------------------------------------------------------------------------|
| Applicant                   | <b>Borough of Boyertown</b>                                                                   |
| Municipality                | Earl Township                                                                                 |
| County                      | <b>Berks</b>                                                                                  |
| Type of Facility            | Installation of two additional booster pumps at the existing water filtration plant.          |
| Consulting Engineer         | Steven R. Henning, P. E.<br>The Pidcock Company<br>2451 Parkwood Drive<br>Allentown, PA 18103 |
| Permit to Construct Issued: | June 10, 2009                                                                                 |

**Permit No. 0609503 MA, Minor Amendment, Public Water Supply.**

|                             |                                                                                                                          |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------|
| Applicant                   | <b>Western Berks Water Authority</b>                                                                                     |
| Municipality                | Lower Heidelberg Township                                                                                                |
| County                      | <b>Berks</b>                                                                                                             |
| Type of Facility            | Updated chemical feed equipment.                                                                                         |
| Consulting Engineer         | Russell M. Smith, P. E.<br>Spotts Stevens and McCoy, Inc.<br>345 North Wyomissing<br>Boulevard Reading, PA<br>19610-0307 |
| Permit to Construct Issued: | June 10, 2009                                                                                                            |

**Permit No. 6709501, Public Water Supply.**

|                             |                                                                                      |
|-----------------------------|--------------------------------------------------------------------------------------|
| Applicant                   | <b>CHR Corporation</b>                                                               |
| Municipality                | Fawn Township                                                                        |
| County                      | <b>York</b>                                                                          |
| Type of Facility            | Nitrate reduction treatment.                                                         |
| Consulting Engineer         | Eric Thomas, P. E.<br>LSC Design, Inc.<br>111 East Princess Street<br>York, PA 17403 |
| Permit to Construct Issued: | June 10, 2009                                                                        |

**Permit No. 0709504 MA, Minor Amendment, Public Water Supply.**

|              |                                    |
|--------------|------------------------------------|
| Applicant    | <b>Bellmeade Civic Association</b> |
| Municipality | Antis Township                     |

County **Blair**  
 Type of Facility Interconnection with Altoona Water Authority.  
 Consulting Engineer Mark V. Glenn, P. E.  
 Gwin, Dobson & Foreman, Inc.  
 3121 Fairway Drive  
 Altoona, PA 16602-4475  
 Permit to Construct June 10, 2009  
 Issued:

**Operations Permit** issued to **Crestview Mobile Home Park**, 4050007, East Providence Township, **Bedford County** on June 19, 2009, for the operation of facilities approved under Construction Permit No. 0507505.

**Operations Permit** issued to **The Caernarvon Township Authority**, 3060052, Caernarvon Township, **Berks County** on June 10, 2009, for the operation of facilities approved under Construction Permit No. 0607518 MA.

**Operations Permit** issued to **Bloomfield Borough Water Authority**, 7500012, Bloomfield Borough, **Perry County** on June 10, 2009, for the operation of facilities approved under Construction Permit No. 5007505 MA.

**Operations Permit** issued to **Creekview Farms Mobile Home Park**, 7500006, Carroll Township, **Perry County** on June 10, 2009, for the operation of facilities approved under Construction Permit No. 5008501.

**Operations Permit** issued to **Denver Borough**, 7360017, Denver Borough, **Lancaster County** on June 15, 2009, for the operation of facilities approved under Construction Permit No. 3608512 MA.

**Operations Permit** issued to **Irish Creek Village MHP**, 3060113, Centre Township, **Berks County** on June 10, 2009, for the operation of facilities approved under Construction Permit No. 0608510 MA.

**Operations Permit** issued to **Pennsylvania American Water Co.**, 7220017, South Hanover Township, **Dauphin County** on June 17, 2009, for the operation of facilities approved under Construction Permit No. 2208509 MA.

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

**Pennsylvania American Water, Berwick District (Public Water Supply), Columbia County:** On June 17, 2009, the Department of Environmental Protection (Department) approved the Source Water Protection (SWP) program for this community water system. The Pennsylvania Water Company, Berwick Division SWP Steering Committee personnel involved with the development of this program are to be commended for taking these proactive steps to protect these water sources for their community. Development of the program was funded by the Department (David W. Garg, (570) 321-6581).

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

**Transfer of Operations Permit** issued to **Tomcats, LLC, Permit No. 1095504-T1**, PWSID No. 5100037, Mercer Township, **Butler County**, June 18, 2009, for operation of the community water system, source and treatment servicing Crystal Springs Mobile Home Park, as permitted under construction permit No. 1095504, issued September 3, 1997.

**Operations Permit** issued to **Bradford City Water Authority**, PWSID No. 6420014, Bradford City/Township, **McKean County**, June 19, 2009, for the change to Polyaluminum Chloride coagulant feed system as a replacement to Ferric Chloride, under permit modification No. 4283501-MA1.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

*Plan Location:* on the south side of Back Road, 4000 feet east of Rummel Road, Jefferson Township, Dauphin County.

| <i>Borough or Township</i> | <i>Borough or Township Address</i>            | <i>County</i>  |
|----------------------------|-----------------------------------------------|----------------|
| Jefferson Township         | 3155 Powells Valley Road<br>Halifax, PA 17032 | Dauphin County |

*Plan Description:* The approved plan, in the name of Randy S. Macko, provides for a Small Flow Treatment Facility to serve one single-family residential dwelling, as a repair for a malfunctioning onlot sewage disposal system. The SFTF will discharge to the Powell Creek. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the owner.

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

#### *Plan Location:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i>      | <i>County</i>    |
|----------------------------|-----------------------------------------|------------------|
| Madison Township           | 764 Madison Road<br>Templeton, PA 16259 | Armstrong County |

*Plan Description:* The approved plan provides for the use of a temporary holding tank until all permits are secured and a small flow sewage treatment facility is constructed and put online.

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

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

#### SEWAGE FACILITIES ACT PLAN DISAPPROVAL

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

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



*Plan Location:*

| <i>Borough or Township</i> | <i>Borough or Township Address</i>         | <i>County</i> |
|----------------------------|--------------------------------------------|---------------|
| Douglass Township          | 1068 Douglass Drive<br>Boyertown, PA 19512 | Berks County  |

*Plan Description:* The Brookwood Estates Subdivision (DEP Code No. A3-06930-104-2) is a 21 lot residential subdivision (one lot is to remain open space) that will generate a total of 12,000 gallons of sewage per day with each to be served by individual onlot septic systems. This plan was disapproved because five of the proposed lots did not meet the minimum lot size established by the preliminary hydrogeologic study. Also, the site suitability testing did not fully define the proposed absorptions areas on some of the proposed lots.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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

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Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

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

**Miller Bros. Construction, Inc.**, 112 Claude A. Lord Boulevard, Pottsville City, **Schuylkill County**. Justin Shappell, United Environmental Services, Inc., 86 Hillside Drive, Drums, PA 18222 has submitted a Final Report (on behalf of his client, James L. Miller, P. O. Box 472, Schuylkill Haven, PA 17972), concerning the remediation of soil and groundwater found to have been impacted by No. 2 fuel oil as a result of a release during the excavation of an underground storage tank, which exhibited visible holes. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submission of the Final Report was published in the *Pottsville Republican* and *The Evening Herald* on April 13, 2009. A Notice of Intent to Remediate was simultaneously submitted.

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

**Goodyear Farm**, Colerain Township, **Lancaster County**. Mulry and Cresswell Environmental, Inc., 1691 Horseshoe Pike, Manor Professional Building, Suite 3, Glenmoore, PA 19343, on behalf of Goodyear Farm Associates, c/o William Freehling, 2730 Hunt County Lane, Charlottesville, VA 22901, submitted a Final Report concerning remediation of site soils contaminated with VOCs and SVOCs from an unpermitted dump. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Former Rouse's Market**, Hampden Township, **Cumberland County**. Herbert, Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Martin Rouse, 2707 Walnut Street, Camp Hill, PA 17011, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with petroleum fuel products released from underground storage tanks. The report is intended to document remediation of the site to meet a combination of Residential Statewide Health and Site-Specific Standards.

**Palmyra Recycling Center/Waste Management**, Palmyra Borough, **Lebanon County**. Penn Environmental & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, on behalf of Waste Management of PA, Inc., 123 East High Street, Palmyra, PA 17078, submitted a Final Report concerning remediation of soils and groundwater contaminated with metals and PCBs. The report is intended to document remediation of the site to meet a combination of Nonresidential Statewide Health and Site-Specific Standards.

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

**Renovo Rail Property**, Renovo Borough, **Clinton County**. Chambers Environmental Group, 629 East Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of Renovo Rail Industries, LLC, 504 Erie Avenue, Renovo, PA 17764 has submitted a Remedial Investigation Report concerning remediation of soil and groundwater contaminated with tetrachloroethene, trichloroethene, 1,2 dichloroethene and metals. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**Former National Transit Company Pipeyard Site**, Cornplanter Township, **Venango County**. URS Corpora-

tion, Foster Plaza 4, 501 Holiday Drive, Suite 300, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company, 12700 Northborough, Suite 300 E11, Houston, TX 77067 has submitted a Combined Remedial Investigation/Risk Assessment/Final Report concerning remediation of site soil contaminated with anthracene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[g,h,i]perylene, chrysene, cumene, 1,2-dibromoethane, 1,2-dichloroethane, fluorene, indeno[1,2,3-cd]pyrene, methyl tert-butyl ether, naphthalene, phenanthrene, pyrene, toluene, lead, benzene, ethylbenzene, o-Xylene, m-Xylene, and p-Xylene; and site groundwater contaminated with anthracene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[g,h,i]perylene, chrysene, cumene, 1,2-dibromoethane, 1,2-dichloroethane, fluorene, indeno[1,2,3-cd]pyrene, naphthalene, phenanthrene, pyrene, toluene, ethylbenzene, o-Xylene, m-Xylene, p-Xylene, lead, methyl tert-butyl ether, and benzene. The report is intended to document remediation of the site to meet the Site-Specific and Statewide Health Standards.

**Metal Powder Products Washington Street Div.**, St. Marys Borough, **Elk County**. GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011 on behalf of Metal Powder Product Company, 879 Washington Street, St. Marys, PA 15857 has submitted a Cleanup Plan concerning remediation of site soil and site groundwater contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

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

The Department has received the following plans and reports:

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

**Former S.O.L.I.D.A. Property**, Off PA Route 171, Oakland Township, **Susquehanna County**. Martin P. Gilgallon, P. G., Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 submitted a Final Report and an addendum (on behalf of his client, The Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, 50 East North Temple Street, 12th Floor, Salt Lake City, UT 84150-6320), concerning the remediation of soil located in an area containing historic fill material at the property that was found to have been impacted by lead and copper. The report documented attainment of the Residential Statewide Health Standard for soil and was approved on June 17, 2009.

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

**Shipley Energy/Skimski Residence**, West Manchester Township, **York County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Chris Skimski, 1237 Taxville Road, York, PA 17403, submitted a Final Report concerning remediation of site soils contaminated with heating oil. The final report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on June 16, 2009.

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

**American Rock Salt Co., LLC**. City of Dubois and Sandy Township, **Clearfield County**. EnSol, Inc., 661 Main Street, Niagara Falls, NY 14302 on behalf of American Rock Salt Co., LLC, P. O. Box 190, Mt. Morris, PA 14510 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with volatile and semi-volatile compounds. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on June 17, 2009.

## 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.

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

**GP5-30-00185: CNX Gas Co., LLC** (200 Evergreen Drive, Waynesburg, PA 15370-9999) on June 16, 2009, to install and operate the operation of a Caterpillar G3408 CLE compressor engine rated at 425 bhp-hr and a Waukesha F18GL compressor engine rated at 400 bhp-hr at their Graysville Compressor Station in Richhill Township, **Greene County**.

**GP5-30-00186: CNX Gas Co., LLC** (200 Evergreen Drive, Waynesburg, PA 15370-9999) on June 16, 2009, to install and operate the operation of two Caterpillar G3408CLE compressor engines each rated at 425 bhp-hr and two Caterpillar 3306 compressor engines each rated at 195 bhp-hr and equipped with a Miratech catalytic converter at their Deer Lick Compressor Station in Morris Township, **Greene County**.

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

**GP-62-168B: Lion Energy Company, LLC—Trisket Station** (Route 6, Grand Valley, PA 16354) on June 17, 2009, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) in Columbus Township, **Warren County**.

### Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

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

**21-05031C: Community Refuse Service, Inc.** (135 Vaughn Road, Shippensburg, PA 17257) on June 17, 2009, to expand the existing landfill and the landfill gas collection system at their Cumberland County Landfill in Hopewell and North Newton Townships, **Cumberland County**. This plan approval was extended.

**36-03067A: Covance Research Products, Inc.** (310 Swamp Bridge Road, Denver, PA 17517) on June 17, 2009, to install an animal crematory in West Cocalico Township, **Lancaster County**. This plan approval was extended.

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

**PA-26-00562A: Coastal Lumber Co.** (3302 Lobban Place, Charlottesville, VA 22903-7069) on June 4, 2009, to extend the period of temporary operation of sources and controls at their Hopwood Sawmill in South Union Township, **Fayette County** until December 4, 2009. The Plan Approval has been extended.

**PA-63-00549A: Arden Landfill, Inc.** (625 Cherrington Parkway, Coraopolis, PA 15108-4321) on July 15, 2009, to extend completion of stack testing of the Caterpillar engines and enclosed flare at their landfill in Chartiers Township, **Washington County** until January 15, 2010. The Plan Approval has been extended.

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

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

**22-03030: Pennsy Supply, Inc.** (1001 Paxton Street, P. O. Box 3331, Harrisburg, PA 17105) on June 15, 2009, for their stone crushing operations at 2090 Union Street in Lower Swatara Township, **Dauphin County**. This is a renewal of the State-only operating permit.

**38-05024: Pennsy Supply, Inc.** (1 Clear Spring Road, Annville, PA 17003) on June 15, 2009, for their stone crushing operations and cement plant at 200 Prescott Road in South Lebanon Township, **Lebanon County**. This is a renewal of the State-only operating permit.

### Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

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

**32-00101: Halliburton Energy Services** (P. O. Box 42810, Houston, TX 77242) on June 18, 2009, the State-only operating permit was administratively amended to change the owner's mailing address, responsible official's title and permit contact person for Halliburton Energy Service's bulk cement handling plant located in Homer City Borough, **Indiana County**.

### Operating Permits Denied, Terminated, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.431 and 127.461.

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

**46-00070: Haley Paint Co.** (901 Washington Street, Conshohocken, PA 19428) on June 16, 2009, to revoke a Title V Operating Permit issued November 30, 2007 for a paint and lacquer manufacturing facility in Whitemarsh Township, **Montgomery 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 Applications Returned*

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

**54930102T3. No. 1 Contracting Corp.**, (49 South Main Street, Ashley, PA 18706), transfer of an existing anthracite surface mine operation from Harriman Coal Corp. in Porter Township, **Schuylkill County** affecting 460.0 acres, receiving stream: none. Application received September 20, 2006. Application withdrawn June 17, 2009.

#### *Coal Permits Actions*

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

**56880103 and NPDES Permit No. PA0598143, Future Industries, Inc.**, P. O. Box 157, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface mine in Summit Township, **Somerset County**, affecting 110.2 acres. Receiving streams: UNTs to/and Casselman River, UNTs to/and Lick Run, UNTs to Bigby Creek and UNTs to Cranberry Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received March 27, 2008. Permit issued June 18, 2009.

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

**03060103 and NPDES Permit No. PA0250911. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Permit renewal issued for continued operation and reclamation of a bituminous surface/auger mining site located in Burrell Township, **Armstrong County**, affecting 75.3 acres. Receiving streams: UNT "C" to Crooked Creek and Crooked Creek. Application received April 13, 2009. Permit renewal issued June 15, 2009.

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

**54860204R4 and NPDES Permit No. PA0593486. Premium Fine Coal, Inc.**, (P. O. Box 268, Tamaqua, PA 18252), renewal of an existing anthracite coal refuse reprocessing operation in Walker Township, **Schuylkill County** affecting 57.0 acres, receiving stream: Little Schuylkill River. Application received September 8, 2008. Renewal issued June 18, 2009.

**54910206R3 and NPDES Permit No. PA0595390. Meadowbrook Coal Co., Inc.**, (6690 SR 209, Lykens, PA 17048), renewal of an existing anthracite coal refuse reprocessing operation in Tremont Township, **Schuylkill County** affecting 190.0 acres, receiving stream: Stumps Run to Lorberry Creek. Application received January 14, 2009. Renewal issued June 18, 2009.

**40-305-006GP12. Silverbrook Anthracite, Inc.**, (1 Market Street, Laflin, PA 18702), general operating permit to operate a coal preparation plant on Surface Mining

Permit No. 40850203 in Newport Township, **Luzerne County**. Application received May 26, 2009. Permit issued June 18, 2009.

#### *Noncoal Permits Actions*

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

**33090802. Brooks Services, LLC** (423 John M. Road, Falls Creek, PA 15840) commencement, operation and restoration of a small shale operation in Washington Township, **Jefferson County** affecting 5.0 acres. Receiving streams: Wolf Run. Application received April 8, 2009. Permit issued June 15, 2009.

**37080305 and NPDES Permit No. PA0258636. Terra Resources, LLC** (267 Gilmore Road, Enon Valley, PA 16120) commencement, operation and restoration of a large limestone operation in Slippery Rock Township, **Lawrence County** affecting 83.8 acres. Receiving streams: UNT to Slippery Rock Creek. Application received August 15, 2008. Permit issued June 15, 2009.

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

**06980301C3 and NPDES Permit No. PA0223883. Highway Materials, Inc.**, (P. O. Box 1650, Blue Bell, PA 19422), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Alsace Township, **Berks County**, receiving stream: UNT to Bernhart Creek. Application received April 13, 2009. Renewal issued June 17, 2009.

**PA0224138. Stoudt's Ferry Preparation Co., Inc.**, (P. O. Box 279, St. Clair, PA 17970), renewal of NPDES Permit for the Auburn Basin Processing Plant in Landingville Borough, **Schuylkill County**, receiving stream: Schuylkill River. Application received April 15, 2009. Renewal issued June 17, 2009.

**58082818. B. S. Quarries, Inc.**, (R. R. 3, Box 324 A-1, Montrose, PA 18801), commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received November 25, 2008. Permit issued June 18, 2009.

**58082819. B. S. Quarries, Inc.**, (R. R. 3, Box 324 A-1, Montrose, PA 18891), commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received November 25, 2008. Permit issued June 18, 2009.

**58090806. Shelly Stanton**, (18245 SR 92, Susquehanna, PA 18847), commencement, operation and restoration of a quarry operation in Lenox Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received March 11, 2009. Permit issued June 18, 2009.

**58080836. Gregory D. Rockefeller**, (R. R. 2, Box 2165, Friendsville, PA 18818), commencement, operation and restoration of a quarry operation in Middletown Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received May 28, 2008. Permit issued June 19, 2009.

#### **ACTIONS ON BLASTING ACTIVITY APPLICATIONS**

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P. S. §§ 151—161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a**

**coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

*Blasting Permits Actions*

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

**56094002. Wampum Hardware Company**, 533 Old Lincoln Highway, Stoystown, PA 15563, blasting activity permit issued for landfill expansion development in Conemaugh Township, **Somerset County**. Blasting activity permit end date is June 15, 2010. Permit issued June 16, 2009.

**32094001. Waste Management**, P. O. Box 165, Coral, PA 15731, blasting activity permit issued for landfill expansion development in Center Township, **Indiana County**. Blasting activity permit end date is June 15, 2010. Permit issued June 16, 2009.

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

**65094005. Wampum Hardware Co.** (636 Paden Road, New Galilee, PA 16141). Blasting activity for construction at the Allied Waste Landfill, located in East Huntingdon Township, **Westmoreland County**. The duration of blasting is expected to be 6 months. Permit issued June 18, 2009.

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

**35094106. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for Greenwood Estates in Moosic Borough, **Lackawanna County** with an expiration date of July 31, 2010. Permit issued June 15, 2009.

**40094111. Hayduk Enterprises, Inc.**, (257 Riverside Drive, Factoryville, PA 18419), construction blasting for College Crest Colony in Sugarloaf Township, **Luzerne County** with an expiration date of July 31, 2010. Permit issued June 15, 2009.

**39094111. Schlouch, Inc.**, (P. O. Box 69, Blandon, PA 19510), construction blasting for Plaza on 8th in the City of Bethlehem, **Lehigh County** with an expiration date of May 1, 2010. Permit issued June 16, 2009.

**39094112. Silver Valley Drilling & Blasting, Inc.**, (R. R. 4, Box 4196, Saylorsburg, PA 18353), construction blasting for Hidden Meadows in Upper Macungie Township, **Lehigh County** with an expiration date of June 10, 2010. Permit issued June 16, 2009.

**36094132. Warren's Excavating & Drilling, Inc.**, (P. O. Box 214, Myerstown, PA 17067), construction blasting for a single dwelling at 1320 Sylvan Road in East Hempfield Township, **Lancaster County** with an expiration date of June 16, 2010. Permit issued June 17, 2009.

**38094114. Keystone Blasting Service**, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for The Gables of Jackson in Jackson Township, **Lebanon County** with an expiration date of December 30, 2010. Permit issued June 17, 2009.

**36094133. M & J Explosives, Inc.**, (P. O. Box 608, Carlisle, PA 17013), construction blasting for The Worship Center in Upper Leacock Township, **Lancaster County** with an expiration date of June 30, 2010. Permit issued June 18, 2009.

**52094109. Holbert Explosives, Inc.**, (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for Sugar Mountain in Lackawaxen Township, **Pike County** with an expiration date of June 1, 2010. Permit issued June 18, 2009.

**FEDERAL WATER POLLUTION CONTROL ACT SECTION 401**

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

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

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

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

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E46-1031. 131 and 151 Rock Hill Associates, LP**, 2701 Renaissance Boulevard, 4th Floor, King of Prussia,



PA 19406, Lower Merion Township, **Montgomery County**, United States Army Corps of Engineers, Philadelphia District.

To perform the following water obstruction and encroachment activities across Gulley Run (WWF) associated with the proposed Rock Hill residential development project:

1. To relocate, construct and maintain an approximately 300-foot section of an existing open concrete flume.

2. To relocate, construct and maintain an approximately 600-foot section of closed concrete flume. This work includes enclosing an approximately 100-foot section of an existing open concrete flume.

The proposed concrete flume will have a 14-foot minimum span and an 8-foot minimum under clearance. The site is located approximately 700 feet northeast of the intersection of Conshohocken State (SR 0023) and Rock Hill Roads (Germantown, PA USGS Quadrangle N: 4.03 inches; W: 15.50 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E15-787. Chester County Commissioners**, 2 North High Street, Suite 512, West Chester, PA 19380, East Coventry, East Vincent, East Pikeland Townships and Spring City Borough, **Chester County**, United States Army Corps of Engineers, Philadelphia District.

To construct, repair and maintain the Schuylkill River Trail Project extending 9.3 miles from Township Line Road (East Pikeland Township) and the proposed SR 0422 Bridge (East Coventry Township) over the Schuylkill River. This project is for Phase 1 which extends 5.3 miles from Township Line Road to Linfield Road (East Coventry Township) (Phoenixville, PA Quad N: 4.1 inches; W: 4.0 inches, N: 17.2"; W: 13.5").

The project will include the construction of a 14-foot wide 5.8 mile long paved trail located mainly on the existing path consisting of 24 culverts, bridges, and outfalls; 18 to remain, four to be replaced and two to be removed. Seven new structures are proposed. Approximately 4,100 linear feet of the trail will be situated within the 100-year floodplain of the Schuylkill River (3,200 linear feet within the floodway). There are no permanent impacts to wetlands proposed. The project will impact approximately 0.50 acre of floodplain and 0.81 acre of floodway. No net fill is proposed for this project. Future phases of trail construction are anticipated to amend this permit.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

**E09-932. Department of Transportation**, 7000 Geerdes Boulevard, King of Prussia, PA 19406, Warrington, New Britain and Doylestown Townships, **Bucks County**, United States Army Corps of Engineers, Philadelphia District.

To an overall project for associated impacts, to construct and maintain the proposed approximately 9-mile segment of SR 6202 Parkway. This project has been divided into three design/construction sections (701, 711 and 721). The limit for the entire project is between Welsh Road (SR 0063) in Montgomery Township, Mont-

gomery County (Ambler, PA USGS Quadrangle N: 17.0 inches; W: 14.75 inches) and the existing SR 0611 Bypass in Doylestown Township, Bucks County (Doylestown, PA USGS Quadrangle N: 7.5 inches; W: 2.5 inches) and traverses through Montgomery Township in Montgomery County and Warrington, New Britain and Doylestown Townships in Bucks County. The Parkway includes a four-lane roadway between Welsh and Horsham Roads (SR 0463) and a two-lane roadway between Horsham Road and the SR 0611 Bypass. In addition, a 12-foot-wide shared-use path will be constructed within the right-of-way of the parkway. The project proposes to permanently impact a total of approximately 6.33 acres of wetland (PEM/PSS/PFO). The construction of a total of 9.30 acres of wetland replacement is proposed at the Kansas Road mitigation site located near the intersection of County Line and Kansas Roads in Warrington Township, Bucks County.

This permit is for section 721 and it is the third submission for SR 6202 construction project. The limit of work for this 3.34-mile section extends between Pickertown Road in Warrington Township to the existing SR 0611 Bypass in Doylestown Township, Bucks County.

The construction work in section 721 includes the following water obstruction and encroachment activities:

1. To excavate for a stormwater management basin and place fill for an earth berm and provide conveyance to maintain surface runoff and wetland hydrology by installing 36 feet of 18-inch RCP within a UNT to Neshaminy Creek at Station 102+50 (Doylestown, PA Quadrangle N: 4.4 inches; W: 8.7 inches, Latitude: 40° 16' 28"; Longitude: 75° 11' 12"). Permanent impact of 152 linear feet and temporary impact of 70 linear feet of intermittent channel (WUSD-22).

2. To place fill for the parkway and an earth berm and provide conveyance to maintain surface runoff and wetland hydrology by installing a diversion channel across a UNT to Neshaminy Creek at Station 103+75 (Doylestown, PA Quadrangle N: 4.5 inches; W: 8.7 inches, Latitude: 40° 16' 30"; Longitude: 75° 11' 12"). Permanent impact of 288 linear feet of intermittent channel (WUSD-23).

3. To cross a perennial stream and impact a forested wetland and provide conveyance to maintain surface hydrology and wetland hydrology by installing 55 feet of 36-inch RCP that will be depressed 0.5 feet and installing a 28-foot by 10-foot bottomless precast concrete arch culvert with a length of 56 feet 6 inches, partially embedded resulting in a hydraulic opening (width) 28 feet upstream, 28 feet downstream and (height) 7.03 feet upstream, 6.73 feet downstream with a UNT to Neshaminy Creek at Station 105+00 (Doylestown, PA Quadrangle N: 4.6 inches; W: 8.6 inches, Latitude: 40° 16' 31"; Longitude: 75° 11' 10"). Permanent impact of 35 linear feet of intermittent stream channel (WUS-NT1C3); temporary impact of 142 linear feet of perennial stream channel (WUS-NT1C); permanent impact of 0.13 acre and temporary impact of 0.09 acre of forested wetland (NTIC). The proposed crossing will result in the discharge (that is, placement) of 564 SY and 2,727 CY of fill in the 100-year floodplain of the UNT to Neshaminy Creek.

4. To provide conveyance to maintain surface runoff and wetland hydrology by installing a diversion channel across a UNT to Neshaminy Creek and installing 130 feet each of two 18-inch RCP under the Parkway at Station 119+50 (Doylestown, PA Quadrangle N: 5.2 inches;



W: 8.2 inches, Latitude: 40° 16' 42"; Longitude: 75° 10' 59"). Permanent impact of 323 linear feet of intermittent channel (WUSD-24).

5. To place fill for the Parkway and impact an emergent wetland which drains to a UNT to Neshaminy Creek at Station 119+75 (Doylestown, PA Quadrangle N: 5.1 inches; W: 8.1 inches, Latitude: 40° 16' 41"; Longitude: 75° 10' 58"). Permanent impact of 0.09 acre and temporary impact of 0.01 acre of emergent wetland (R-4), temporary impact of 10 feet of WUSD-26.

6. To provide conveyance to maintain surface runoff and wetland hydrology by installing a diversion channel across a UNT to Neshaminy Creek and installing 130 feet each of two 18-inch RCP under the parkway at Station 121+85 (Doylestown, PA Quadrangle N: 5.3 inches; W: 8.1 inches, Latitude: 40° 16' 44"; Longitude: 75° 10' 58"). Permanent impact of 120 linear feet of intermittent channel (WUSD-25).

7. To place fill for the parkway and impact an emergent wetland and provide conveyance to maintain surface runoff and wetland hydrology by installing 27 feet of 18-inch RCP within a UNT to Neshaminy Creek at Station 123+50 (Doylestown, PA Quadrangle N: 5.3 inches; W: 8.0 inches, Latitude: 40° 16' 44"; Longitude: 75° 10' 55"). Permanent impact of 42 linear feet of intermittent channel (WUSD-27); permanent impact of 0.27 acre and temporary impact of 0.04 acre of emergent wetland (R-4A), temporary impact of 10 linear feet of WUSD-28.

8. To excavate for Bristol Road and impact an emergent wetland and provide conveyance to maintain surface hydrology by installing a parallel drainage channel at Station 19+63 (Doylestown, PA Quadrangle N: 5.4 inches; W: 7.8 inches, Latitude: 40° 16' 47"; Longitude: 75° 10' 49"). Permanent impact of 204 linear feet of intermittent channel (WUSD-29) and permanent impact of 0.01 acre of emergent wetland (R-4B).

9. To cross Neshaminy Creek and impact a forested wetland and provide conveyance to maintain surface hydrology and wetland hydrology by installing a 524-foot, four-span composite prestressed concrete PA Bulb-Tee bridge with a width of 48 feet 9 inches resulting in a hydraulic opening (width) 98.7 feet, 150 feet, 150 feet and 98.7 feet from span 1 to 4, respectively on both the upstream and downstream ends and minimum under clearance of 6.26' located at the eastern abutment within Neshaminy Creek at Station 152+00 (Doylestown, PA Quadrangle N: 6.0 inches; W: 7.0 inches, Latitude: 40° 16' 58"; Longitude: 75° 10' 27"). Permanent impact of 62 linear feet and temporary impact of 73 linear feet of perennial stream channel (WUS-MS1); temporary impact of 144 linear feet of intermittent stream channel (WUS-MS1-3); permanent impact of 0.03 acre and temporary impact of 0.26 acre of forested wetland (MS-1). The proposed crossing will result in the discharge (that is, placement) of 300 SY and 930 CY of permanent fill in the 100-year floodplain of Neshaminy Creek. A temporary partial causeway and bridge will be used at the upstream face of the bridge during construction. A temporary access road leading from SR 6202 to the temporary causeway is also proposed. The temporary causeway will result in the discharge (that is, placement) of 2,680 SY and 1,950 CY of temporary fill in the 100-year floodplain of Neshaminy Creek.

10. To place fill for the Parkway and impact a forested wetland which drains to Neshaminy Creek at Station 156+75 (Doylestown, PA Quadrangle N: 6.0 inches;

W: 6.8 inches, Latitude: 40° 16' 59"; Longitude: 75° 10' 22"). Permanent impact of 0.07 acre of forested wetland (R-5).

11. To cross a perennial stream and impact a forested/scrub-shrub wetland and provide conveyance to maintain surface hydrology and wetland hydrology by installing 57-feet each of three 36-inch RCP that will be depressed 0.5 feet and installing a 42-foot by 11-foot bottomless precast concrete arch culvert with a length of 56 feet 0.25 inch, partially embedded resulting in a hydraulic opening (width) 28 feet upstream, 28 feet downstream and (height) 12.23 feet upstream, 12.73 feet downstream with a UNT to Neshaminy Creek at Station 181+00 (Doylestown, PA Quadrangle N: 6.5 inches; W: 5.7 inches, Latitude: 40° 17' 08"; Longitude: 75° 09' 55"). Temporary impact of 106 linear feet of perennial stream channel (WUS-NT4A); permanent impact of 0.24 acre and temporary impact of 0.20 acre of forested/scrub-shrub wetland (NT4A). The proposed crossing will result in the discharge (that is, placement) of 1,371 SY and 6,766 CY of fill in the 100-year floodplain of the UNT of Neshaminy Creek. A temporary stream crossing will also be used during construction. The crossing will consist of one 64-inch by 43-inch corrugated steel pipe arch with a length of 36 feet.

12. To place fill for the Parkway and provide conveyance to maintain surface runoff and wetland hydrology by installing 35 feet of 18-inch RCP within a UNT to Neshaminy Creek at Station 209+75 (Doylestown, PA Quadrangle N: 7.3 inches; W: 4.7 inches, Latitude: 40° 17' 25"; Longitude: 75° 09' 28"). Permanent impact of 233 linear feet of intermittent channel (WUSD-33).

13. To cross a perennial stream and impact a forested/emergent wetland and provide conveyance to maintain surface hydrology and wetland hydrology by installing 59-feet each of four 36-inch RCP that will be depressed 0.5 feet and installing a 118-foot, single-span composite prestressed concrete PA Bulb-Tee bridge with a width of 48 feet 9 inches resulting in a hydraulic opening (width) 64 feet 10 1/4 inches upstream, 64 feet 10 1/4 inches downstream and (height) 10.17 feet upstream, 10.52 feet downstream within a UNT to Neshaminy Creek at Station 230+50 (Doylestown, PA Quadrangle N: 7.2 inches; W: 3.7 inches, Latitude: 40° 17' 22"; Longitude: 75° 09' 02"). Temporary impact of 144 linear feet of perennial stream channel (WUS-NT5A); permanent impact of 0.39 acre and temporary impact of 0.18 acre of forested/emergent wetland (NT5A). The proposed crossing will result in the discharge (that is, placement) of 1,193 SY and 9,197 CY of fill in the 100-year floodplain of a UNT to Neshaminy Creek.

14. To place fill for Ramp Q and provide conveyance to maintain surface runoff by installing 158 feet of 18-inch RCP, 52 feet of 18-inch RCP, 104 feet of 18-inch RCP, and installing 153 feet of 24-inch RCP at Station 13+20 (Doylestown, PA Quadrangle N: 7.6 inches; W: 2.2 inches, Latitude: 40° 17' 31"; Longitude: 75° 08' 25"). Permanent impact of 534 linear feet of intermittent channel (WUSD-35), 57 linear feet of intermittent channel (WUSD-35A), 104 linear feet of intermittent channel (WUSD-35B), 21 linear feet of intermittent channel (WUSD-35C) and 221 linear feet of intermittent channel (WUSD-36). This section is located in Warrington Township, Bucks County.

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401(a) of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).

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

**E14-520. Shem Swarey**, 149 Back Road, Rebersburg, PA 16872. Shem's Pasture Fields Bridge, in Miles Township, **Centre County**, United States Army Corps of Engineers, Baltimore District (Millheim, PA Quadrangle Latitude: 40° 56' 26.9"; Longitude: 77° 26' 2.1").

To construct and maintain a steel I-beam, wood deck, concrete wingwall abutment bank-to-bank bridge having a 24-foot clear span and a 6-foot underclearance for private agricultural-use-only bridge located 1,900 feet northeast of the intersection of Town Lane and Back Road (Smullton Road) (Millheim, PA Quadrangle Latitude: 40° 56' 26.9"; Longitude: 77° 26' 2.1") in Miles Township,

Centre County. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes Section 401 Water Quality Certification.

**E17-450. City of DuBois**, 16 West Scribner Avenue, P. O. Box 408, DuBois, PA 15801. City of DuBois Water Supply Pipeline Repair, Operation and Maintenance, Sandy and Union Townships, **Clearfield County**, United States Army Corps of Engineers, Pittsburgh District (Luthersburg, PA Quadrangle Latitude: 41° 05' 48.42"; Longitude: 78° 39' 03.92").

DuBois City is seeking authorization to replace, repair, operate and maintain 30,000 linear feet of existing public water supply transmission pipeline within a 30-foot right-of-way that requires encroachment of the following of 18 wetlands and 21 streams:

| <i>Permit ID</i> | <i>Resource Name</i>    | <i>Water Quality</i> | <i>Latitude</i> | <i>Longitude</i> |
|------------------|-------------------------|----------------------|-----------------|------------------|
| UT19             | Tributary to Laborde    | CWF                  | 41° 05' 46.36"  | 78° 40' 28.43"   |
| UT18             | Tributary to Laborde    | CWF                  | 41° 05' 46.65"  | 78° 39' 20.07"   |
| UT17             | Tributary to Laborde    | CWF                  | 41° 05' 46.23"  | 78° 39' 23.13"   |
| W18              | Wetland                 | CWF                  | 41° 05' 46.77"  | 78° 39' 23.94"   |
| UT15             | Tributary to Laborde    | CWF                  | 41° 05' 46.86"  | 78° 39' 23.67"   |
| UT14             | Tributary to Laborde    | CWF                  | 41° 05' 50.24"  | 78° 39' 48.54"   |
| UT13             | Tributary to Laborde    | CWF                  | 41° 05' 54.27"  | 78° 40' 0.42"    |
| W17              | Wetland                 | CWF                  | 41° 05' 55.49"  | 78° 40' 3.81"    |
| W16              | Wetland                 | CWF                  | 41° 05' 56.69"  | 78° 40' 7.25"    |
| W15              | Wetland                 | CWF                  | 41° 05' 57.79"  | 78° 40' 9.67"    |
| UT12             | Tributary to Laborde    | CWF                  | 41° 05' 58.27"  | 78° 40' 10.74"   |
| W14              | Wetland                 | CWF                  | 41° 05' 59.59"  | 78° 40' 13.39"   |
| W13              | Wetland                 | CWF                  | 41° 06' 2.09"   | 78° 40' 19.50"   |
| UT11             | Tributary to Laborde    | CWF                  | 41° 06' 3.92"   | 78° 40' 23.67"   |
| W12              | Wetland                 | CWF                  | 41° 06' 3.91"   | 78° 40' 24.91"   |
| CR               | Tributary to Laborde    | CWF                  | 41° 06' 4.70"   | 78° 40' 25.33"   |
| W11              | Wetland                 | CWF                  | 41° 06' 7.03"   | 78° 40' 30.97"   |
| W10              | Wetland                 | CWF                  | 41° 06' 11.88"  | 78° 40' 43.54"   |
| UT10             | Tributary to Laborde    | CWF                  | 41° 06' 11.82"  | 78° 40' 43.57"   |
| UT9              | Tributary to Laborde    | CWF                  | 41° 06' 15.45"  | 78° 40' 49.94"   |
| UT8              | Tributary to Laborde    | CWF                  | 41° 06' 16.61"  | 78° 40' 52.98"   |
| UT7              | Tributary to Laborde    | CWF                  | 41° 06' 19.71"  | 78° 41' 0.10"    |
| UT6              | Tributary to Laborde    | CWF                  | 41° 06' 20.07"  | 78° 41' 1.08"    |
| UT5              | Tributary to Laborde    | CWF                  | 41° 06' 20.15"  | 78° 41' 3.75"    |
| W9               | Wetland                 | CWF                  | 41° 06' 21.67"  | 78° 41' 3.87"    |
| W8               | Wetland                 | CWF                  | 41° 06' 22.84"  | 78° 41' 5.96"    |
| UT4              | Tributary to Laborde    | CWF                  | 41° 06' 23.06"  | 78° 41' 7.60"    |
| UT3              | Tributary to Laborde    | CWF                  | 41° 06' 24.94"  | 78° 41' 11.27"   |
| W7               | Wetland                 | CWF                  | 41° 06' 25.95"  | 78° 41' 12.11"   |
| W6               | Wetland                 | CWF                  | 41° 06' 25.95"  | 78° 41' 13.81"   |
| UT2              | Tributary to Laborde    | CWF                  | 41° 06' 25.92"  | 78° 41' 13.82"   |
| W5               | Wetland                 | CWF                  | 41° 06' 26.67"  | 78° 41' 15.56"   |
| UT1              | Tributary to Laborde    | CWF                  | 41° 06' 26.96"  | 78° 41' 16.48"   |
| LB               | Tributary to Sandy Lick | CWF                  | 41° 06' 41.98"  | 78° 42' 57.73"   |
| LB               | Tributary to Sandy Lick | CWF                  | 41° 06' 42.25"  | 78° 42' 59.68"   |

| <i>Permit ID</i> | <i>Resource Name</i>    | <i>Water Quality</i> | <i>Latitude</i> | <i>Longitude</i> |
|------------------|-------------------------|----------------------|-----------------|------------------|
| W4               | Wetland                 | CWF                  | 41° 06' 42.29"  | 78° 43' 0.33"    |
| LB               | Tributary to Sandy Lick | CWF                  | 41° 06' 42.78"  | 78° 43' 3.83"    |
| W3               | Wetland                 | CWF                  | 41° 06' 43.11"  | 78° 43' 5.58"    |
| W2               | Wetland                 | CWF                  | 41° 06' 44.88"  | 78° 43' 20.77"   |
| UT19             | Tributary to Laborde    | CWF                  | 41° 06' 44.77"  | 78° 43' 19.55"   |
| W1               | Wetland                 | CWF                  | 41° 06' 46.14"  | 78° 43' 30.77"   |

All in-stream pipeline repair and maintenance work shall be conducted in dry work conditions by boring, dam and pumping or fluming stream flow around work areas. Since the tributaries to Laborde Branch and Sandy Lick Creek are WTF, no repair work shall be done in or along the stream channels between October 1 and December 31 without prior written approval from the Fish and Boat Commission. Laborde Branch is also a stock fishery, so no repair work shall be done in or along Laborde Branch stream channel between March 31 and June 15 without prior written approval of the Fish and Boat Commission. This permit also authorizes the construction, operation, maintenance and removal of any temporary stream diversions, flumes, cofferdams, roadways and causeways. All stream and wetland impacts incurred for the activities authorized herein shall be temporary, and the permittee shall perform all activities strictly in accordance with the maps, plans profiles, specifications provided for this authorization.

**E57-113. Charles and Ruth Baumunk**, 76 Route 4008, Forksville, PA 18616. Water Obstruction and Encroachment Joint Permit, in Laporte Township, **Sullivan County**, United States Army Corps of Engineers, Susquehanna River Basin District (Laporte, PA Quadrangle N: 41° 26' 43.7"; W: 76° 26' 16.4").

To construct and maintain a steel I-beam bridge having a span of 30 feet, a width of 14 feet and an average underclearance of 4 feet over Floodwood Creek, located 0.64 mi. west of the intersection of SR 0220 and Thorndale Lane. This project proposes to permanently impact 14 linear feet of Floodwood Creek, which is designated a CWF stream and does not propose to impact any jurisdictional wetlands.

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

**E02-1603. Shaler Township**, 300 Wetzel Road, Glenshaw, PA 15116. To remove accumulated landslide material from the channel in Shaler Township, **Allegheny County**. United States Army Corps of Engineers, Pittsburgh District (Pittsburgh East, PA Quadrangle N: 22.1 inches; W: 13.8 inches, Latitude: 40° 29' 49"; Longitude: 79° 58' 33"). To remove accumulated landslide material from the channel of Girty's Run (WWF) for a distance of approximately 150 feet; to construct and

maintain a soldier pile and lagging wall approximately 150 feet long and approximately 12 feet high along the left bank of Girty's Run; to construct and maintain riprap along the bank for approximately 27 feet on the upstream end of the proposed wall; to place and maintain fill in the left bank flood plain of Girty's Run behind the proposed wall; and reconstruct and maintain approximately 245 feet of a UNT to Girty's Run, for the purpose of stabilizing the hill side along the left bank of Girty's Run. The project is located along the east side of Walter Avenue approximately 150 feet south of its intersection with Marvin Street.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

Any person aggrieved by these actions may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. Chapter 5, Subchapter A (relating to practice and procedure of Commonwealth agencies), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If individuals want to challenge this action, their appeal must reach the Board within 30 days. Individuals do not need a lawyer to file an appeal with the Board. Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. If individuals cannot afford a lawyer, individuals may qualify for free pro bono representation. Call the Secretary to the Board (717) 787-3483 for more information.

*Southwest Region: Oil and Gas Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

ESCGP-1 No. ESX09-125-0010  
 Applicant Name Range Resources—Appalachia, LLC  
 Contact Person Carla Suszkowski  
 Address 380 Southpointe Boulevard, Suite 300  
 City Canonsburg State PA Zip Code 15317  
 County Washington Township(s) Mt. Pleasant  
 Receiving Stream(s) and Classification(s) UNT to Cross Creek, HQ



ESCGP-1 No. ESX09-051-0014  
 Applicant Name Atlas Resources, LLC  
 Contact Person Jeremy Hirtz  
 Address 800 Mountain View Drive  
 City Smithfield State PA Zip Code 15478  
 County Fayette Township(s) Bullskin  
 Receiving Stream(s) and Classification(s) Breakneck Run, White's Run, Other

ESCGP-1 No. ESX09-051-0015  
 Applicant Name Atlas Resources, LLC  
 Contact Person Jeremy Hirtz  
 Address 800 Mountain View Drive  
 City Smithfield State PA Zip Code 15478  
 County Fayette Township(s) Bullskin  
 Receiving Stream(s) and Classification(s) UNT Polecat Hollow, Other

ESCGP-1 No. ESX09-059-0014  
 Applicant Name Atlas Resources, LLC  
 Contact Person Jeremy Hirtz  
 Address 800 Mountain View Drive  
 City Smithfield State PA Zip Code 15478  
 County Greene Township(s) Cumberland  
 Receiving Stream(s) and Classification(s) UNT to Muddy Creek, Other

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

| <i>ESCP No.</i> | <i>Applicant Name &amp; Address</i>                                                | <i>County</i>     | <i>Municipality</i> | <i>Receiving Water/Use</i>                                  |
|-----------------|------------------------------------------------------------------------------------|-------------------|---------------------|-------------------------------------------------------------|
| 6609801         | Chief Oil and Gas, LLC<br>6051 Wallace Road Ext.<br>Suite 210<br>Wexford, PA 15090 | Wyoming<br>County | Nicholson Township  | Field Brook,<br>secondary water<br>Tunkhannock Creek<br>CWF |

## SPECIAL NOTICES

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### PUBLIC HEARING INVITATION TERRAQUA RESOURCE MANAGEMENT, LLC NPDES INDUSTRIAL WASTEWATER PERMIT APPLICATION

The Department of Environmental Protection (Department) will conduct a public hearing on an NPDES Industrial Wastewater permit application (PA0233650) submitted by Terraqua Resource Management, LLC to process 400,000 gpd of wastewater generated from the drilling, development and use of natural gas wells and discharge the treated effluent to the West Branch Susquehanna River in Williamsport at 41° 14' 43", 76° 59' 9" (River Mile Index 38.2). The applicant's address is 1000 Commerce Park Drive, P. O. Box 487, Williamsport, PA 17703, also known as Water Tower Square Gas Well Wastewater Processing Facility. Notification of the Department's intent to issue this NPDES permit has been published in *The Pennsylvania Bulletin* on May 2, 2009.

The public hearing will be held at 7 p.m. on August 10, 2009, at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. The public hearing is being held due to a number of concerns raised regarding the Department's permitting strategy for oil and gas well wastewater discharges, the accompanying technology required and water quality concerns.

During the public hearing, individuals may present oral testimony for a maximum of 5 minutes regarding the draft NPDES industrial wastewater permit. Written testimony of any length also will be accepted that evening and until August 24, 2009. The testimony will be recorded by a court reporter and transcribed into a written document.

the Department will respond in writing to all relevant comments at the time it makes a final decision on the application.

The application is available for public review at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, Monday through Friday between 8 a.m. and 4 p.m. An appointment must be made by calling Kathy Arndt at (570) 327-3693.

Individuals in need of an accommodation as provided for in the Americans With Disabilities Act of 1990 should contact Daniel Spadoni at (570) 327-3659 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

[Pa.B. Doc. No. 09-1195. Filed for public inspection July 2, 2009, 9:00 a.m.]

### Certification Program Advisory Committee Meeting Notice

The Certification Program Advisory Committee will hold a special conference call meeting on Wednesday, July 15, 2009, at 10 a.m. in the 11th Floor Conference Room, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. This meeting is being held to finalize draft surveys of the Operator Certification Program.

Questions concerning the agenda or meeting materials may be directed to Cheri Sansoni at (717) 772-5158 or csansoni@state.pa.us.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Cheri Sansoni at (717) 772-5158 or through the

Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department of Environmental Protection may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-1196. Filed for public inspection July 2, 2009, 9:00 a.m.]

### **Coal and Clay Mine Subsidence Insurance Board; Rescheduling of Meeting**

The June 25, 2009, meeting of the Coal and Clay Mine Subsidence Insurance Board has been rescheduled to July 29, 2009. The meeting will begin at 10:30 a.m. in the 14th Floor Conference Room, of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting should be directed to Lawrence Ruane at (717) 783-9590 or lruane@state.pa.us. The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 783-9590 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-1197. Filed for public inspection July 2, 2009, 9:00 a.m.]

### **Measures Under Consideration by the Ozone Transport Commission; Public Meetings and Comment Period**

The Department of Environmental Protection (Department) is seeking comments on potential control measures under consideration by the Ozone Transport Commission (OTC). The Department has scheduled three public meetings to present an overview of the Federal Clean Air Act (CAA) requirements, the need for Pennsylvania to adopt additional measures for the achievement and maintenance of the ozone and fine particulate standards, and the potential control measures under consideration by the OTC. The Department will also be accepting public comments for 30 days, consistent with the requirements of section 7.4 of the Pennsylvania Air Pollution Control Act (35 P. S. § 4007.4).

The OTC is a multi-state organization created under the CAA that is responsible for advising the United States Environmental Protection Agency (EPA) on pollution transport issues and for developing and implementing regional solutions to the ground-level ozone problem in the Northeast and Mid-Atlantic regions. The Commonwealth is a member of the OTC. The OTC intends to take action on the adoption of a model rule for control of emissions from automobile repair and refinishing; therefore, the Department is asking for comment on this model

rule. The OTC may also take action at its November 2009 meeting to approve a list of stationary and area control measures for evaluation by the organization and eventual consideration for adoption by its member states.

The EPA has the responsibility to establish National Ambient Air Quality Standards (NAAQS) to protect human health and the environment. When the EPA establishes a NAAQS, States must submit State Implementation Plans (SIPs) to demonstrate attainment of the NAAQS in a timely fashion. In October 2006, the EPA promulgated a revised fine particulate standard and, in March 2008, a revised ozone standard. This Commonwealth is likely to have a number of areas that do not meet these revised standards, so the Department will likely have to submit SIPs to EPA to meet the Commonwealth's CAA obligations. Pennsylvania will work cooperatively with OTC and other regional organizations to develop cost-effective strategies for attaining the NAAQS and to develop the necessary air quality attainment demonstrations.

OTC has adopted resolutions setting forth the process and schedules for developing these strategies and attainment demonstrations, including work by modeling, stationary and area source, and modeling committees. The OTC held a public meeting for stakeholders on February 4, 2009, on potential control measures and intends to continue consultation with stakeholders as it develops its inventory, modeling and potential control measures. The resolutions, materials describing the potential control measures, and the text of the model motor vehicle and mobile equipment refinishing and recoating rule can be found on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us), choose Air Quality. Additional materials can be found at the OTC web site, [www.otcair.org](http://www.otcair.org), choose "Meetings."

Potential Federal and State control measures are being discussed from stationary and area sources to help achieve and maintain the ozone and fine particulate NAAQS, including the following:

- Additional reductions of volatile organic compound (VOC) emissions from motor vehicle and mobile equipment refinishing and recoating (model rule available)
- Additional controls on boilers serving electric generating units
- Controls based on ultra-low nitrogen oxides burners for natural gas boilers
- Additional controls on municipal waste incinerators
- Stationary distributed generator regulation
- Additional reductions of VOC emissions from:
  - architectural and industrial maintenance coatings
  - solvents and degreasers
  - gasoline refueling stations
  - large gasoline storage tanks

The OTC is also evaluating and quantifying the emission effects of a number of Federal, regional and state mobile source sector measures. For information on these measures, see the papers posted for the OTC February 4, 2009, stakeholders meeting.

Adoption by the OTC of any of these measures as a model rule, or agreement by any state to consider promulgation of any of these measures as a state regulation, is not a Pennsylvania rulemaking. Any control measure considered by Pennsylvania for promulgation as a state regulation would be subject to the Commonwealth's notice

and comment rulemaking process under sections 201 and 202 of the act of July 31, 1968 (45 P.S. §§ 1201 and 1202) known as the Commonwealth Documents Law, the Regulatory Review Act (71 P.S. §§ 745.1—745.12) and Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506).

The public meetings will be held as follows:

August 11, 2009, 1 p.m., Waterfront A,  
DEP Southwest Regional Office,  
400 Waterfront Drive, Pittsburgh, PA.

August 12, 2009, 1 p.m., Susquehanna A,  
DEP Southcentral Regional Office,  
909 Elmerton Avenue, Harrisburg, PA.

August 13, 2009, 1 p.m., Delaware River Room,  
Southeast Regional Office,  
2 East Main Street, Norristown, PA 19401

Written comments should be sent by August 14, 2009, to Arleen Shulman, Chief, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 or ashulman@state.pa.us. The Department will consider and retain all comments, but will not prepare a comment and response document.

Persons with a disability who wish to attend a meeting and require an auxiliary aid, service or other accommodation to participate in the meeting should contact Yvette House at (717) 787-9495 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-1198. Filed for public inspection July 2, 2009, 9:00 a.m.]

### Solar Workgroup Meeting

The Solar Workgroup will hold a meeting on July 9, 2009, at 10 a.m. in the 14th Floor Conference Room of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The agenda and materials for the July 9, 2009, meeting will be available at the meeting. Questions concerning this meeting should be directed to Becky Campbell, Pennsylvania Energy Development Authority, 400 Market Street, Harrisburg, PA 17101, (717) 772-8907, recampbell@state.pa.us.

Persons with a disability who require accommodations to attend the July 9, 2009, meeting should contact Angela Rothrock at (717) 772-8911 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department of Environmental Protection may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-1199. Filed for public inspection July 2, 2009, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Payment for Nursing Facility Services Provided by County Nursing Facilities; Medicaid Day One Incentive Payments to County Nursing Facilities for Fiscal Years 2009-2010 and 2010-2011

#### *Purpose*

This announcement is to provide advance notice that the Department of Public Welfare (Department) intends to make changes in its methods and standards for payment of Medical Assistance (MA) nursing facility services for qualified county nursing facilities for Fiscal Years (FY) 2009-2010 and 2010-2011.

#### *Background*

On October 22, 2008, the Department entered into an agreement with the County Commissioners Association of Pennsylvania that authorizes the transfer of funds to the Commonwealth from several counties as authorized under 42 U.S.C.A. § 1396b(w)(6)(A) (relating to payment to States) and 42 CFR 433.51(b) (relating to funds from units of government as the State share of financial participation). Funds from the intergovernmental transfer (IGT) will be used as the State share for a portion of the Medicaid Day One Incentive Payments (MDOI) to qualified county nursing facilities during FYs 2009-2010 and 2010-2011.

For FYs 2006-2007 through 2008-2009 the Department provided MDOI payments to qualified county nursing facilities. The qualifying criteria and formula used to determine these payments, as set forth in the Commonwealth's approved State Plan, are:

To qualify for MDOI payments the nursing facility must be a county nursing facility both during the entire quarter for which the MDOI installment payment is being made and at the time the MDOI installment payment is made.

The Department will calculate each qualified county nursing facility's MDOI quarterly installment payment based on the following formula:

(i) The total funds allocated for the MDOI payments for the rate year will be divided by the total MA days for all county nursing facilities to determine the MDOI per diem for the rate year. The total MA days used for each county nursing facility will be the MA days identified on the most recent PROMISE data file used to determine the facility's eligibility for disproportionate share incentive payments.

(ii) The MDOI per diem for the rate year will be multiplied by each qualified county nursing facility's paid MA days identified on the most recent PROMISE data file used to determine eligibility for disproportionate share incentive payments, to determine its annual MDOI amount.

(iii) Each qualified county nursing facility's annual MDOI amount will be divided by four to determine the facility's MDOI quarterly installment payments for the rate year.



The MDOI installment payments for each quarter of the rate year will be paid in the first month of the following quarter.

In accordance with the IGT agreement of October 22, 2008, the MDOI payments for FYs 2009-2010 and 2010-2011 will continue to be made based on the formula in the Commonwealth's currently approved State Plan. In addition, for FY 2009-2010, the Department will use a portion of the revenues generated from the FY 2009-2010 Nursing Facility Assessment Program (The Act of June 30, 2007, P. L. 49 No. 16 (Act 16)) to increase the funding level for the county nursing facility MDOI.

To authorize the continuance of the MDOI payments for FYs 2009-2010 and 2010-2011, and the increase in the funding level for the MDOI payments for FY 2009-2010, the Department will submit a State Plan Amendment (SPA) to the Federal Centers for Medicare and Medicaid Services (CMS).

If CMS approves the SPA the Department will have the authority to continue to make MDOI payments to county nursing facilities for FYs 2009-2010 and 2010-2011, and increase the funding level for the MDOI for FY 2009-2010.

The MDOI payments to county nursing facilities will provide incentives to county nursing facilities to admit individuals who are MA eligible on the day of admission. Nursing facilities are often reluctant to admit residents whose only source of coverage for nursing facility services is MA. County nursing facilities have traditionally acted as the safety net for those residents who have been denied admission to other nursing facilities. The MDOI payments are intended to assure that county nursing facilities continue to provide access to care for these individuals. These payments provide an incentive to county nursing facilities to continue to operate as safety net providers for the poor and indigent citizens of Pennsylvania.

#### *Fiscal Impact*

The estimated increase in annual aggregate expenditures during FY 2009-2010 is \$13.916 million in State funds and during FY 2010-2011 is \$14.701 million in State funds.

#### *Public Comment*

Interested persons are invited to submit written comments regarding this notice to the Department of Public Welfare, Office of Long-Term Living, Attention Tom Jayson, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

Persons with a disability who require an auxiliary aid or service may submit comments using Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users).

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-606. (1) General Fund; (2) Implementing Year 2009-10 is \$13.916 M; (3) 1st Succeeding Year 2010-11 is \$14.701 M; 2nd Succeeding Year 2011-12 is \$0 M; 3rd Succeeding Year 2012-13 is \$0 M; 4th Succeeding Year 2013-14 is \$0 M; 5th Succeeding Year 2014-15 is \$0 M; (4) 2007-08 Program—\$692.585 M; 2006-07 Program—\$695.279 M; 2005-06 Program—

\$817.890 M; (7) Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover this increase.

[Pa.B. Doc. No. 09-1200. Filed for public inspection July 2, 2009, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Sale of Land No Longer Required for Transportation Purposes

#### Lehigh County, SR 0309, Section 25

The Department of Transportation (Department), under section 2003(3)(7) of The Administrative Code of 1929 (71 P. S. § 513(e)(7)) intends to sell certain land owned by the Department. The parcel is irregular in shape, located at the intersection of Lanark and Camp Meeting Roads and Route 309 in Upper Saucon Township, Lehigh County. The parcels consist of approximately 0.181 acre of unimproved land. The sale of the property is in a as is condition.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to Bruce Kern, District Property Manager, Department of Transportation, Engineering District 5-0, 1002 Hamilton Street, Allentown, PA 18101, (610) 871-4179.

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

[Pa.B. Doc. No. 09-1201. Filed for public inspection July 2, 2009, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Autism Review Process; Insurance Department Notice 2009-06

This notice is issued to all persons and entities impacted by section 635.2 of the act of Insurance Company Law of 1921 (P. L. 682, No. 284), added by section 2 of Act 62 of 2008 (40 P. S. § 764h) concerning the review process for any "denial or partial denial by an insurer of a claim for diagnostic assessment of autism spectrum disorders or a claim for treatment of autism spectrum disorders" ("autism related issues"). As specified in Act 62, "a covered individual or an authorized representative [a "challenger"] shall be entitled to an expedited internal review process pursuant to the procedures set forth in Article XXI, followed by an expedited independent external review process established and administered by the Insurance Department."

Unless Act 62 regulations are promulgated, the Insurance Department intends to utilize procedures for internal review and independent external review parallel to those set forth in Article XXI (specified in 40 P. S. § 991.2101 and 28 Pa. Code Ch. 9, Subch. I (relating to complaints and grievances)). However, there will be two

exceptions with respect to requests for an expedited independent external review. First, there will be no provision for direct access by a plan to a Certified Utilization Review Entity (CRE) on weekends and State holidays. Second, the Insurance Department will assign a CRE within 2 business days of receiving the request for an expedited review.

Further, the Insurance Department interprets Act 62 to entitle the challenger to an expedited review process for autism related issues, but not to preclude the challenger from a nonexpedited review process. A nonexpedited review process will be used if the challenger does not meet the expedited time frames or if the challenger opts for a nonexpedited review. For purposes of autism related issues, the Insurance Department will oversee both nonexpedited and expedited reviews.

Requests for external reviews for autism related issues, whether expedited or nonexpedited, should be submitted to Office of Consumer Liaison, Attn: Autism Review, Insurance Department, 13th Floor, Strawberry Square, Harrisburg, PA 17120 by letter or ra-in-consumer liaison@state.pa.us.

Questions regarding this notice may be addressed to Cynthia Fillman, Director, Office of Consumer Liaison, Insurance Department, 13th Floor, Strawberry Square, Harrisburg, PA 17120 by letter or ra-in-consumer liaison@state.pa.us.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1202. Filed for public inspection July 2, 2009, 9:00 a.m.]

### **HealthAmerica—Base Rates for HMO and HSA HMO for Eastern, South-Eastern and Western Pennsylvania; Rate Filing**

On June 9, 2009, HealthAmerica submitted a filing to change its base rates for HMO and HSA HMO. The overall rate changes by service area are as follows:

| <i>Service Area</i> | <i>Rate Change</i> | <i>Members Affected</i> | <i>Additional Annual Income</i> |
|---------------------|--------------------|-------------------------|---------------------------------|
| Eastern PA          | 14.3%              | 8,000                   | 2,609,000                       |
| South-Eastern       | 26.7%              | 150                     | 321,000                         |
| Western PA          | 6.6%               | 12,000                  | 134,000                         |

An effective date of November 1, 2009, is requested.

Unless formal administrative action is taken prior to September 10, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at <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 available for public inspection during normal working hours, by appointment, at the Department's Harrisburg Regional Office.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1203. Filed for public inspection July 2, 2009, 9:00 a.m.]

### **Nationwide Property and Casualty Insurance Company; Homeowners; Rate and Rule Filing; Rate Filing**

On June 8, 2009, the Insurance Department (Department) received from Nationwide Property and Casualty Insurance Company a filing for rate level changes for Homeowners Insurance.

The company requests an overall rate increase of 15.4% amounting to \$13.78 million annually, to be effective on November 22, 2009.

Unless formal administrative action is taken prior to August 7, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site 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."

Interested parties are invited to submit written comments, suggestions or objections to Gang (Eric) Zhou, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [gzhou@state.pa.us](mailto:gzhou@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-1204. Filed for public inspection July 2, 2009, 9:00 a.m.]

### **United Services Automobile Association, USAA Casualty Insurance Company, USAA General Indemnity Company and Garrison Property and Casualty Insurance Company; Homeowners; Rate and Rule Revision; Rate and Rule Filing**

On May 29, 2009, the Insurance Department (Department) received from United Services Automobile Association, USAA Casualty Insurance Company, USAA General Indemnity Company and Garrison Property and Casualty Insurance Company a filing for a rate level change for homeowners insurance.

The companies request an overall 9.2% increase amounting to \$4,912,529 annually, to be effective November 30, 2009, for new business and January 30, 2010, for renewal business.

Unless formal administrative action is taken prior to June 28, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site 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."

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney, Insurance Department, Office of Insurance Product Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, [mmckenney@state.pa.us](mailto:mmckenney@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 09-1205. Filed for public inspection July 2, 2009, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Order

Public Meeting held  
June 18, 2009

*Commissioners Present:* James H. Cawley, Chairperson;  
Tyrone J. Christy, Vice-Chairperson, Kim Pizzigrilli;  
Wayne E. Gardner; Robert F. Powelson

*Extension of the Fuel Cost Recovery Surcharge;*  
*R-2009-2108518; S.P. 28209*

### Order

*By the Commission:*

The Pennsylvania Public Utility Commission (Commission) by its Fuel Cost Recovery Surcharge Order at Special Permission Number 28209, ratified June 1, 2006, authorized call or demand, paratransit, and airport transfer carriers under the jurisdiction of this Commission to adjust rates and fares to offset significant increases in the cost of fuel. The fuel surcharge became effective on July 1, 2006, and was extended on June 24, 2008. It is currently scheduled to terminate on June 30, 2009.

In a letter dated May 14, 2009, the Pennsylvania Taxicab and Paratransit Association (PTPA), on behalf of its members, has requested that this Commission extend the fuel cost recovery surcharge for a period of 1 year. PTPA cites the ongoing instability of retail gasoline prices as the reason for this request.

Initially, all call or demand, paratransit and airport transfer carriers were authorized to collect the surcharge found on the Fuel Surcharge page of the Commission's web site. The average price of fuel was posted on the third Friday of each month, with the effective date of the surcharge being the first day of the subsequent month. The Commission determined the average cost of unleaded regular gasoline based upon gasoline prices in the index of the Energy Information Administration of the United States Department of Energy (Department). The amount of the fuel surcharge was determined by locating the average price of gasoline on a chart, also displayed on that page, and selecting the corresponding fuel surcharge in the column for the respective type of transportation.

Determination of the amounts to be charged was based on the cost of gasoline per trip. The constants used for calculations were those based upon statistics from the

Taxicab, Limousine and Paratransit Association: The average trip length of 6.8 miles for call or demand carriers and 13.61 miles for paratransit and airport transfer carriers; the average miles per gallon per vehicle of 15.04 for call or demand carriers and 13.01 for paratransit and airport transfer carriers; and \$1.35 per gallon of unleaded regular gasoline (the average cost in 2002 according to Energy Information Administration of the Department). The cost per trip was calculated by multiplying the price of gasoline by the ratio of miles per trip to miles per gallon. The cost per trip at \$1.35 per gallon would serve as the base line. The results are tabulated in the chart to follow.

### PASSENGER CARRIER FUEL SURCHARGE CHART

| <i>FUEL (\$/Gal)</i> | <i>TAXICABS*</i> | <i>PARATRANSIT/<br/>AIRPORT<br/>TRANSFER**</i> |
|----------------------|------------------|------------------------------------------------|
| \$3.00 - \$3.09      | \$0.75           | \$1.70                                         |
| \$3.10 - \$3.19      | \$0.80           | \$1.80                                         |
| \$3.20 - \$3.29      | \$0.85           | \$1.95                                         |
| \$3.30 - \$3.39      | \$0.90           | \$2.05                                         |
| \$3.40 - \$3.49      | \$0.95           | \$2.15                                         |
| \$3.50 - \$3.59      | \$1.00           | \$2.25                                         |
| \$3.60 - \$3.69      | \$1.05           | \$2.35                                         |
| \$3.70 - \$3.79      | \$1.10           | \$2.45                                         |
| \$3.80 - \$3.89      | \$1.15           | \$2.55                                         |
| \$3.90 - \$3.99      | \$1.20           | \$2.65                                         |
| \$4.00 - \$4.09      | \$1.25           | \$2.75                                         |
| \$4.10 - \$4.19      | \$1.30           | \$2.85                                         |
| \$4.20 - \$4.29      | \$1.35           | \$2.95                                         |
| \$4.30 - \$4.39      | \$1.40           | \$3.05                                         |
| \$4.40 - \$4.49      | \$1.45           | \$3.15                                         |
| \$4.50 - \$4.59      | \$1.50           | \$3.25                                         |
| \$4.60 - \$4.69      | \$1.55           | \$3.35                                         |
| \$4.70 - \$4.79      | \$1.60           | \$3.45                                         |
| \$4.80 - \$4.89      | \$1.65           | \$3.55                                         |
| \$4.90 - \$4.99      | \$1.70           | \$3.65                                         |
| \$5.00 - \$5.09      | \$1.75           | \$3.75                                         |
| \$5.10 - \$5.19      | \$1.80           | \$3.85                                         |
| \$5.20 - \$5.29      | \$1.85           | \$3.95                                         |
| \$5.30 - \$5.39      | \$1.90           | \$4.05                                         |
| \$5.40 - \$5.49      | \$1.95           | \$4.15                                         |
| \$5.50 - \$5.59      | \$2.00           | \$4.25                                         |
| \$5.60 - \$5.69      | \$2.05           | \$4.35                                         |
| \$5.70 - \$5.79      | \$2.10           | \$4.45                                         |
| \$5.80 - \$5.89      | \$2.15           | \$4.55                                         |
| \$5.90 - \$5.99      | \$2.20           | \$4.65                                         |
| \$6.00 - \$6.09      | \$2.25           | \$4.75                                         |
| \$6.10 - \$6.19      | \$2.30           | \$4.85                                         |
| \$6.20 - \$6.29      | \$2.35           | \$4.95                                         |
| \$6.30 - \$6.39      | \$2.40           | \$5.05                                         |
| \$6.40 - \$6.49      | \$2.45           | \$5.15                                         |
| \$6.50 - \$6.59      | \$2.50           | \$5.25                                         |



| FUEL (\$/Gal)   | TAXICABS* | PARATRANSIT/<br>AIRPORT<br>TRANSFER** |
|-----------------|-----------|---------------------------------------|
| \$6.60 - \$6.69 | \$2.55    | \$5.35                                |
| \$6.70 - \$6.79 | \$2.60    | \$5.45                                |
| \$6.80 - \$6.89 | \$2.65    | \$5.55                                |
| \$6.90 - \$6.99 | \$2.70    | \$5.65                                |
| \$7.00 - \$7.09 | \$2.75    | \$5.75                                |

\* The amount is per trip.

\*\* The amount is per paying passenger per trip.

The Commission's intention was to create flexibility for both the carriers and the Commission. By establishing gasoline prices which would "trigger" a change in the surcharge, it would no longer be necessary to monitor the surcharge at different intervals. This flexibility would also aid in eliminating the need for emergency petitions, as was the case following Hurricane Katrina in 2005.

In the process of considering this request, the Commission has analyzed current information available from the Energy Information Administration of the Department, the American Automobile Association and OPIS Energy Group. Data from these groups indicate that the retail price of gasoline will continue to increase throughout the summer months and even beyond, due to increased demand and the uncertainty of supply.

Many refineries have failed to return from unplanned outages and maintenance. Should more unplanned outages occur, there will be a significant impact on the future path of prices. Several analysts expect to see refinery maintenance remain relatively high even into June. High import volumes also play a part in keeping supplies adequate. Additionally, there remain many trouble spots across the globe that could affect the crude oil supply, prices and gasoline prices (such as, Venezuela, Nigeria, Iran, and the like). Projections such as this indicate that the cost of gasoline will remain a problem for the transportation industry.

Based on our review, it appears that an extension of the Fuel Cost Recovery is an appropriate way to address the high costs and instability of gasoline prices at the present time. However, the industry should not continue to rely on this measure as a means of relief. Members of the industry will have the responsibility of taking appropriate measures.

After due consideration, we have determined that fuel costs are not likely to decrease. Based upon the evidence available, we are of the opinion that the passenger motor carrier industry continues to have a need for the Fuel Cost Recovery Surcharge to permit the recovery of fuel expenditures; *Therefore,*

*It Is Ordered that:*

1. The Fuel Cost Recovery Surcharge established at Special Permission No. 28209 be and is hereby extended until June 30, 2010, unless changed, cancelled or extended by the Commission.

2. On the third Friday of every month, the Commission shall post on its web site at [www.puc.state.pa.us/transport/motor/fuel\\_surcharge.aspx](http://www.puc.state.pa.us/transport/motor/fuel_surcharge.aspx) the average cost of un-

led regular gasoline upon which the surcharge will be determined.

3. Call or demand, paratransit, and airport transfer carriers rendering transportation service under the jurisdiction of the Pennsylvania Public Utility Commission shall notify the public by placing a notice in all vehicles, which shall read: "The PA Public Utility Commission has authorized a fuel surcharge under Special Permission No. 28209. The surcharge has been extended and shall terminate on June 30, 2010. The current surcharge is (**insert current charge here**) per trip for each paying passenger."

4. The Fuel Cost Recovery Surcharge established at Special Permission No. 28209 be continued until midnight, June 30, 2010, at which time it will expire.

5. The Secretary of this Commission shall duly certify this order and deposit same with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*.

*By the Commission*

JAMES J. MCNULTY  
*Secretary*

[Pa.B. Doc. No. 09-1206. Filed for public inspection July 2, 2009, 9:00 a.m.]

**Re: CTC/ITC Audit for the Twelve Months Ended January 31, 2008; Doc. No. D-2009-2108192 (to be closed)**

The Bureau of Audits' prepared report on PECO Energy Company's Competitive Transition Charge (CTC) and Intangible Transition Charge (ITC) for the twelve months ended January 31, 2008. The report was approved for release by the Commission at its Public Meeting of June 18, 2009. No other formal action was taken.

The report did not disclose any findings:

There is no further action required by the Company at this time. The Commission appreciates the cooperation of your officers and employees in conjunction with this audit.

JAMES J. MCNULTY,  
*Secretary*

Contact Person: Lou Mazza  
(570) 963-4552

[Pa.B. Doc. No. 09-1207. Filed for public inspection July 2, 2009, 9:00 a.m.]

**Re: Electric Universal Service Fund Charge Audit for the Twelve Months Ended December 31, 2007; Doc. No. D-2008-2071431 (to be closed)**

The Bureau of Audits' prepared a report on PECO Energy Company's Electric Universal Service Fund Charge for the year ended December 31, 2007. The report was approved for release by the Commission at its Public Meeting of June 18, 2009. No other formal action was taken.

The report did not disclose any findings:



There is no further action required by the Company at this time. The Commission appreciates the cooperation of your officers and employees in conjunction with this audit.

JAMES J. MCNULTY,  
*Secretary*

Contact Person: Lou Mazza  
(570) 963-4552

[Pa.B. Doc. No. 09-1208. Filed for public inspection July 2, 2009, 9:00 a.m.]

### Telecommunications

**A-2009-2114073 and A-2009-2114080. Pymatuning Independent Telephone Company and P. T. Communications Corporation.** Joint application of Pymatuning Independent Telephone Company and P. T. Communications Corporation for approval of the Transfer of Stock to Townes Telecommunications, Inc.

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 July 14, 2009. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Pymatuning Independent Telephone Company and P. T. Communications Corporation

*Through and By Counsel:* Norman J. Kennard, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, Suite 500, Harrisburg, PA 17101

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-1209. Filed for public inspection July 2, 2009, 9:00 a.m.]

### Water Service

**A-2009-2115195. Pennsylvania American Water Company.** Application of Pennsylvania American Water Company for approval of: 1) the transfer, by sale, of the water works property and rights of the Saxonburg Area Authority to Pennsylvania American Water Company; and 2) the commencement by Pennsylvania American Water Company of water service to the public in Saxonburg Borough and portions of Jefferson and Clinton Townships, Butler County, presently being served by the Saxonburg Area Authority.

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 July 20, 2009. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Pennsylvania American Water Company

*Through and By Counsel:* 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. 09-1210. Filed for public inspection July 2, 2009, 9:00 a.m.]

## STATE BOARD FOR CERTIFICATION OF SEWAGE ENFORCEMENT OFFICERS

### 2009 Revised Academy and Examination Announcement

The State Board for Certification of Sewage Enforcement Officers (Board) and the Department of Environmental Protection (Department) has cancelled the July Sewage Enforcement Officers (SEO) academy due to lack of interest and changed the location of the July SEO exam. An additional academy and exam have been scheduled for October. To qualify to sit for the certification examination, all SEO candidates must complete the Precertification Academy, which consists of 6 days of training over 2 weeks. Examination applications must be received (not postmarked) by the Board, complete and correct by close of business on the deadlines indicated. Applications received after these dates will not be considered for examination. Applications that do not contain all the necessary required information will be returned and will not be considered eligible for the examination. The 2009 examinations are as follows:

*July Academy Cancelled*  
July 7—9 and July 14—16, 2009  
State College

*July Exam Location Change:* July 17, 2009  
10th Floor Conference room, DEP, RCSOB  
400 Market Street, Harrisburg, PA 17105  
Exam time 9 a.m. to 12:30 p.m. Registration at 8:30  
Examination Application Deadline: June 17, 2009

*Additional Academy Dates*  
October 6—8 and October 13—15, 2009  
PA State Association of Township Supervisors  
4855 Woodland Drive, Enola PA 17025

*Additional Exam Date: October 16, 2009*  
PA State Association of Township Supervisors  
4855 Woodland Drive, Enola, PA 17025  
Exam time 8:30 a.m. to 12 p.m. Registration at 8  
Examination Application Deadline: September 16, 2009

The July 2009, Precertification Academy in State College has been cancelled. The July 17, 2009, exam location has been changed from State College to the Department of Environmental Protection, RCSOB, 10th Floor Conference Room, 400 Market Street, Harrisburg, PA.

To qualify to sit for the certification exam, all SEO candidates must complete the SEO Precertification Academy, which consists of 6 days of training spread over 2 weeks.

For information on SEO training, contact the Pennsylvania State Association of Township Supervisors, 4855 Woodland Drive, Enola, PA 17025, (717) 763-0930.

The SEO written examination contains multiple-choice questions covering planning requirements, administration and enforcement of the permit program and technical criteria for soils and disposal systems with a 3.5-hour time limit. The passing grade is 50% correct responses in each subject area and an overall minimum of 70 correct answers on the entire examination. This is an open book exam; however, you are not permitted to bring your own materials. All necessary reference materials will be provided at the test site.

Exam applications may be obtained by contacting the Department of Environmental Protection, Certification and Licensing Section, Rachel Carson State Office Build-

ing, 400 Market Street, P. O. Box 8454, Harrisburg, PA 17105-8454, (717) 787-6045.

Approximately 2 weeks prior to an examination, applicants will receive an admittance letter from the Certification Board.

Persons who anticipate the need for a testing accommodation due to a disability, contact the Board at (717) 787-6045 or through Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss their request. This request must be submitted with your application form.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-1211. Filed for public inspection July 2, 2009, 9:00 a.m.]