



Volume 39 (2009)

Pennsylvania Bulletin
Repository

8-22-2009

August 22, 2009 (Pages 5005-5104)

Pennsylvania Legislative Reference Bureau

Follow this and additional works at: https://digitalcommons.law.villanova.edu/pabulletin_2009

Recommended Citation

Pennsylvania Legislative Reference Bureau, "August 22, 2009 (Pages 5005-5104)" (2009). *Volume 39 (2009)*. 34.

https://digitalcommons.law.villanova.edu/pabulletin_2009/34

This August is brought to you for free and open access by the Pennsylvania Bulletin Repository at Villanova University Charles Widger School of Law Digital Repository. It has been accepted for inclusion in Volume 39 (2009) by an authorized administrator of Villanova University Charles Widger School of Law Digital Repository.

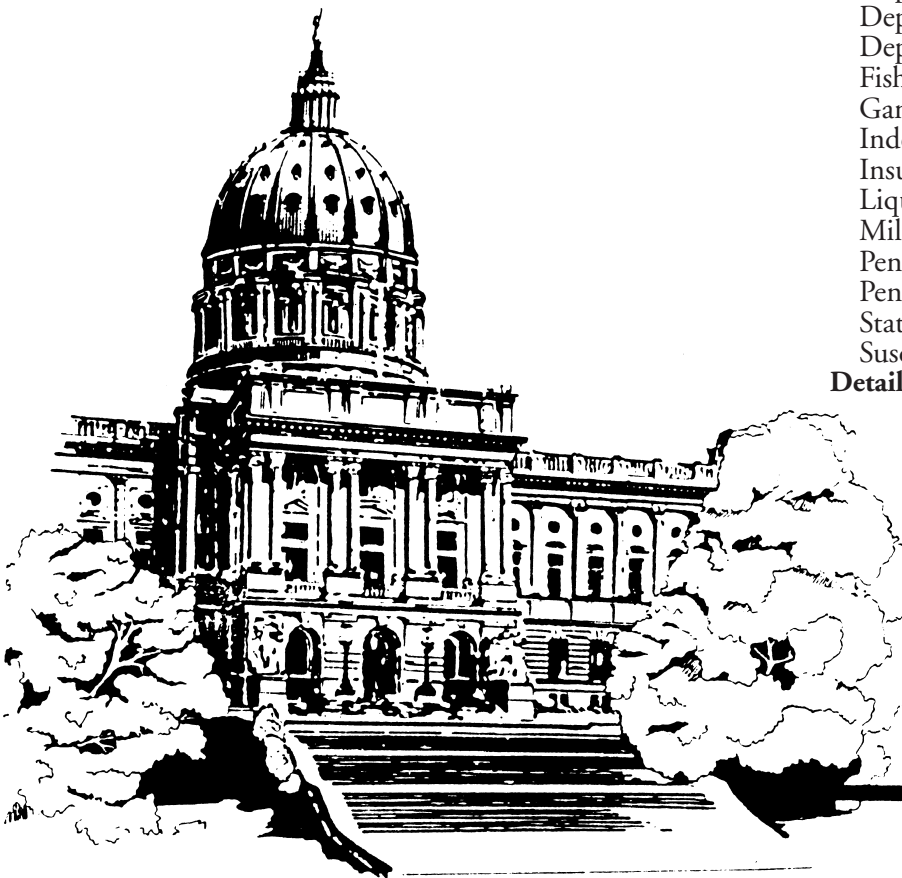
PENNSYLVANIA BULLETIN

Volume 39
Saturday, August 22, 2009 • Harrisburg, PA
Number 34
Pages 5005—5104

Agencies in this issue

The Governor
The General Assembly
The Courts
Department of Agriculture
Department of Banking
Department of Education
Department of Environmental Protection
Department of Health
Department of Labor and Industry
Department of Transportation
Fish and Boat Commission
Game Commission
Independent Regulatory Review Commission
Insurance Department
Liquor Control Board
Milk Marketing Board
Pennsylvania Gaming Control Board
Pennsylvania Public Utility Commission
State Ethics Commission
Susquehanna River Basin Commission

Detailed list of contents appears inside.



PRINTED ON 100% RECYCLED PAPER



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

No. 417, August 2009

CUT ON DOTTED LINES AND ENCLOSE IN AN ENVELOPE

CHANGE NOTICE

If information on mailing label is incorrect, please make changes in space provided below and mail to:

**FRY COMMUNICATIONS, INC.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198**

CUSTOMER NUMBER (6 digit number above name)

NAME OF INDIVIDUAL

OFFICE NAME—TITLE

ADDRESS (Number and Street)

(City) (State) (Zip Code)

TYPE OR PRINT LEGIBLY

PENNSYLVANIA



BULLETIN

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 641 Main Capitol Building, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

Postmaster send address changes to:

FRY COMMUNICATIONS
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, Pennsylvania 17055-3198
(717) 766-0211 ext. 2340
(800) 334-1429 ext. 2340 (toll free, out-of-State)
(800) 524-3232 ext. 2340 (toll free, in State)

Orders for subscriptions and other circulation matters should be sent to:

Fry Communications, Inc.
Attn: *Pennsylvania Bulletin*
800 W. Church Rd.
Mechanicsburg, PA 17055-3198

Copyright © 2009 Commonwealth of Pennsylvania

Editorial preparation, composition, printing and distribution of the *Pennsylvania Bulletin* is effected on behalf of the Commonwealth of Pennsylvania by FRY COMMUNICATIONS, Inc., 800 W. Church Road, Mechanicsburg, Pennsylvania 17055-3198.

CONTENTS

THE GOVERNOR

Amendment no. 1 to proclamation 5013

THE GENERAL ASSEMBLY

Recent actions during the 2009 regular session of the General Assembly 5014

EXECUTIVE AGENCIES

DEPARTMENT OF AGRICULTURE

Notices

Order of quarantine; emerald ash borer 5028

DEPARTMENT OF BANKING

Notices

Actions on applications 5029

DEPARTMENT OF EDUCATION

Notices

Notice of revocation/nonrenewal charges and of hearing Agora Cyber Charter School; public hearing 5031

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Proposed Rulemaking

Comment period extended for the proposed rulemaking on the Administration of Water and Wastewater Systems Operator Certification Program 5015

Notices

Applications, actions and special notices 5031
 Bid opportunity (2 documents) 5086, 5087
 Coastal Zone Grant Application period opens for Federal Fiscal Year 2010 Grants 5087

DEPARTMENT OF HEALTH

Notices

Application for exception:
 Aestique Ambulatory Surgical Center, Inc. 5087
 Lancaster General Hospital 5087
 Magee Womens Hospital 5088
 Milton S. Hershey Medical Center 5088
 Northwood Surgery Center 5088
 St. Luke's Quakertown Center 5089
 The Surgical Specialty Center 5089
 Turk's Head Surgery Center, Inc. 5089
 28 Pa. Code § 107.62 5089
 28 Pa. Code § 127.32 5090
 UPMC Northwest 5090
 UPMC St. Margaret 5090
 Waynesboro Hospital 5090
 York Hospital 5091
 Immunization practices for children in child care group settings 5091
 Tobacco Use Prevention and Cessation Advisory Committee; public hearing and meeting 5094

DEPARTMENT OF LABOR AND INDUSTRY

Proposed Rulemaking

Propane and Liquefied Petroleum Gas 5015

DEPARTMENT OF TRANSPORTATION

Proposed Rulemaking

Intent to amend regulations 5016

FISH AND BOAT COMMISSION

Notices

Temporary changes to fishing regulations; pumping station dam, Borough of Shenandoath, Schuylkill County 5095
 Triploid grass carp permit application 5095

GAME COMMISSION

Proposed Rulemaking

Seasons and bag limits and hunting and trapping .. 5016

INDEPENDENT REGULATORY REVIEW COMMISSION

Notices

Action taken by Commission 5096

INSURANCE DEPARTMENT

Notices

Application and request of a certificate of authority to provide a continuing care retirement community by Phoebe Richland Health Care Center 5097
 Colin Agster; hearing 5097
 Continental General Insurance Company; rate increase filing for several LTC forms rate filing 5097
 Lancashire Hall; prehearing 5098
 Review procedure hearings; cancellation or refusal of insurance 5098

LIQUOR CONTROL BOARD

Notices

Expiration of leases 5099

MILK MARKETING BOARD

Notices

Hearing and presubmission schedule: milk marketing area no. 3 5099
 Hearing and presubmission schedule: milk marketing area no. 6 5099

PENNSYLVANIA GAMING CONTROL BOARD

Proposed Rulemaking

Employees; slot machines; accounting and internal controls; and compulsive and program gambling 5018
 Jackpot and credit meter payouts 5022

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notices

Service of notice of motor carrier applications 5100
 Telecommunications 5101

STATE ETHICS COMMISSION

Notices

Public meeting 5102

SUSQUEHANNA RIVER BASIN COMMISSION

Notices

Public hearing and meeting 5102

Now Available Online at <http://www.pabulletin.com>

READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

Pennsylvania Bulletin

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

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

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

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

Adoption, Amendment or Repeal of Regulations

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

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

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

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

Citation to the *Pennsylvania Bulletin*

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

Pennsylvania Code

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

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

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

How to Find Documents

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

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

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

**SUBSCRIPTION INFORMATION: (717) 766-0211
GENERAL INFORMATION AND FINDING AIDS: (717) 783-1530**

Printing Format

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

Fiscal Notes

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

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

Reproduction, Dissemination or Publication of Information

Third parties may not take information from the *Pennsylvania Code* and *Pennsylvania Bulletin* and reproduce, disseminate or publish such information except as provided by 1 Pa. Code § 3.44. 1 Pa. Code § 3.44 reads as follows:

§ 3.44. General permission to reproduce content of Code and Bulletin.

Information published under this part, which information includes, but is not limited to, cross references, tables of cases, notes of decisions, tables of contents, indexes, source notes, authority notes, numerical lists and codification guides, other than the actual text of rules or regulations may be reproduced only with the written consent of the Bureau. The information which appears on the same leaf with the text of a rule or regulation, however, may be incidentally reproduced in connection with the reproduction of the rule or regulation, if the reproduction is for the private use of a subscriber and not for resale. There are no other restrictions on the reproduction of information published under this part, and the Commonwealth hereby consents to a reproduction.

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.

4 Pa. Code (Administration)			
Adopted Rules			
6	406	252	3050
191	2947	301	3591
		302	3591, 5015
Statements of Policy		303	3591
1	4760	305	3591
9	427, 1008, 1212, 1970, 2116, 3327, 3471, 4903	806	3467
		808	3467
		901	4892
7 Pa. Code (Agriculture)		Statements of Policy	
Adopted Rules		16	2543, 2594
111	2573		
113	2584	31 Pa. Code (Insurance)	
115	2577	Adopted Rules	
130f	1859	89	2086
143	308	139	996
Proposed Rules		Proposed Rules	
59	4677	147	841
59a	4677		
Statements of Policy		34 Pa. Code (Labor and Industry)	
28	310	Proposed Rules	
		13	4340, 5015
10 Pa. Code (Law)		125	2331
Proposed Rules			
44	2805, 2951	37 Pa. Code (Law)	
Statements of Policy		Adopted Rules	
48	3172	79	2780
		Proposed Rules	
12 Pa. Code (Commerce Trade and Local Government)		411	2591
Proposed Rules		Statements of Policy	
145	4423	96	1674
		96a	3067
Statements of Policy			
31	1306	40 Pa. Code (Liquor)	
		Adopted Rules	
22 Pa. Code (Education)		13	682
Adopted Rules			
14	17, 4750	49 Pa. Code (Professional and Vocational Standards)	
711	4752	Adopted Rules	
		7	219
25 Pa. Code (Environmental Protection)		13 (correction)	414, 523
Adopted Rules		16	1625
78	1982	18	1625
93	2523, 2949	21	2103
109	2334, 2661	25	4754
218	1201	31	1985
260a	201	47	417
261a	201		
262a	201	Proposed Rules	
263a	201	5	1004
264a	201	11	2208
265a	201	13	2210
266a	201	37	2218
266b	201	39	1005
267a	201	41	2211
269a	201	43b	2205, 2206, 2345
270a	201		
806	19	51 Pa. Code (Public Officers)	
Proposed Rules		Adopted Rules	
78	838	31	2204
93	3043	33	2204
121	1636	35	2204
129	1636	37	2204
130	1636	39	2204

41 2204
 43 2204
 45 2204
 51 1939
 53 1939
 55 1939
 57 1939
 59 1939
 61 1939
 63 1939
 65 1939
 67 1939
 69 1939

**52 Pa. Code (Public Utilities)
 Adopted Rules**

54 2707

Proposed Rules

56 925
 62 1657, 1870, 3461

Statements of Policy

69 1676, 3471

55 Pa. Code (Public Welfare)

Proposed Rules

501 1114
 1187 4428
 1189 4428

Statements of Policy

1223 1991
 2600 26, 2346
 3270 1011, 2347
 3280 1011, 2347
 3290 1011, 2347
 6000 3174
 6200 2714

58 Pa. Code (Recreation)

Adopted Rules

29 523
 51 1860
 53 1860
 56 1860
 61 1201
 63 1860
 65 1860
 69 1859, 1860
 75 1202, 1860, 3442
 101 1860
 113 1860
 131 2791
 139 2792
 141 1110, 2798, 2800, 2801
 143 1388, 1990, 2802
 147 1205, 1388, 2802
 401 2113
 401a 235, 2588, 3446
 403a 3446
 405a 3446
 431a 2588
 435a 2588
 437a 2588, 4891
 439a 1868, 2113
 441a 3451
 443a 21
 451a 2588
 461a 4338, 4422
 463a 4338, 4422

465a 1868, 2113, 2588
 491a 3446
 493a 3446
 494a 3446
 495a 3446
 497a 3446
 499a 3446
 511a 3446

Proposed Rules

53 1870
 61 3455
 73 3458
 91 1870
 97 1870
 101 1870
 105 1870
 109 1870
 111 1870
 131 1531
 135 2811, 2812, 2951
 139 1532, 5016
 141 1391, 1392, 1393, 1668, 2809, 5016
 143 1529
 147 1529, 2809, 2813
 401a 2113, 3459
 403a 418
 435a 418, 3459, 4894, 5018
 437a 1003, 4894
 439a 1662, 2113
 441a 418, 3459
 461a 418, 423, 1662, 5018
 463a 423, 1662, 5018
 465a 418, 1662, 2113, 5018, 5022
 499a 1662
 501a 5018

Statements of Policy

461b 685

61 Pa. Code (Revenue)

Proposed Rules

53 1209
 151 1207
 153 1207

67 Pa. Code (Transportation)

Proposed Rules

171 5016
 229 997
 231 999
 233 4435
 427 4104

201 Pa. Code (Judicial Administration)

Proposed Rules

40 1293
 50 1293

204 Pa. Code (Judicial System General Provisions)

Adopted Rules

71 2433
 81 1980, 3431
 83 1846, 1980, 2193, 2318, 4737, 4887
 85 4725
 87 2687
 89 4725
 91 2687, 4725
 93 2687, 4725

207 Pa. Code (Judicial Conduct)

Adopted Rules
 5 4419
 51 675

210 Pa. Code (Appellate Procedure)

Adopted Rules
 1 508, 1094
 9 508, 1094
 11 508, 1094
 19 508, 1094
 21 508, 1094
 25 508, 1094
 37 508, 1094
 65 1615

Proposed Rules

9 2693
 15 2691
 17 2691

225 Pa. Code (Rules of Evidence)

Adopted Rules
 ART. I 410

231 Pa. Code (Rules of Civil Procedure)

Adopted Rules
 200 304, 4738
 1000 676
 2950 304

Proposed Rules

200 4739
 1000 4740
 3000 1849
 4000 4742

234 Pa. Code (Rules of Criminal Procedure)

Adopted Rules
 1 829, 1106, 2434, 2567
 4 8
 10 2568

Proposed Rules

4 983, 2318, 2435, 4332
 5 991
 6 2324
 7 983, 4332
 9 2694
 10 2435

237 Pa. Code (Juvenile Rules)

Adopted Rules
 1 4743
 2 676
 3 676, 4743
 5 4743
 8 1614
 11 1614
 13 1614
 16 4887
 18 1614

Proposed Rules

3 3319
 4 1850
 8 3319
 16 (correction) 9, 1854, 1981

246 Pa. Code (Minor Court Civil Rules)

Proposed Rules
 100 1856

249 Pa. Code (Philadelphia Rules)

Unclassified 189, 192, 830, 1199, 2327, 2571, 2929

252 Pa. Code (Allegheny County Rules)

Unclassified 994

255 Pa. Code (Local Court Rules)

Unclassified ... 10, 16, 306, 306, 513, 514, 517, 520, 679, 680, 832, 833, 835, 994, 995, 1107, 1199, 1200, 1386, 1478, 1522, 1523, 1524, 1525, 1526, 1527, 1621, 1857, 1981, 2084, 2200, 2201, 2438, 2439, 2571, 2696, 2699, 2703, 2705, 2929, 2946, 3040, 3041, 3165, 3321, 4096, 4102, 4337, 4419, 4420, 4749, 4889

THE GOVERNOR

Amendment No. 1 to Proclamation

August 10, 2009

Whereas, On June 29, 2009, I declared a State of Disaster Emergency in Allegheny and Westmoreland Counties due to localized and unusually high winds and heavy rains that resulted in extensive damage to private homes and caused other adverse impacts upon the general population of Southwestern Pennsylvania; and

Whereas, additional information provided by local officials finds that Erie County was also adversely impacted by the same weather system consisting of high winds and heavy rains, that similarly caused damage to private homes and caused other adverse impacts upon the general population of Erie County.

Now Therefore, Pursuant to the provisions of Subsection 7301(c) of the Emergency Management Services Code (35 Pa.C.S.A. Section 7101 et seq. *as amended*), I do hereby amend my Proclamation of June 29, 2009, as follows:

1. Erie County is declared to be in a state of disaster emergency and is added to the previously designated disaster emergency area.
2. This Amendment to Proclamation shall take effect immediately.

Given under my hand and the Seal of the Governor, at the City of Harrisburg, on this tenth day of August in the year of our Lord two thousand nine, and of the Commonwealth the two hundred and thirty-fourth.

rendell

Governor

[Pa.B. Doc. No. 09-1554. Filed for public inspection August 21, 2009, 9:00 a.m.]

THE GENERAL ASSEMBLY

Recent Actions during the 2009 Regular Session of the General Assembly

The following is a summary of recent actions of the General Assembly during the 2009 Regular Session.

<i>Doc. No.</i>	<i>Date of Action</i>	<i>Bill Number</i>	<i>Printer's Number</i>	<i>Effective Date</i>	<i>Subject Matter</i>
2009 GENERAL ACTS OF REGULAR SESSION ENACTED—ACT 030 through 036					
030	Aug 4	HB1770	PN2515	Immediately	Unemployment Compensation Law—extended benefit amount
031	Aug 5	HB1654	PN2448	Immediately	Banks and Banking (7 Pa.C.S.)—omnibus amendments
032	Aug 7	HB1648	PN2294	Immediately	Interbranch Commission on Juvenile Justice Act—enactment
033	Aug 11	SB0112	PN1091	60 days	Judicial Code (42 Pa.C.S.) and Prisons and Parole (61 Pa.C.S.)—omnibus amendments and codification
034	Aug 11	SB0563	PN1355	60 days	Mechanics' Lien Law of 1963—waiver of lien by claimant and waiver by contractor and effect on subcontractor
035	Aug 11	SB0852	PN1143	Immediately	Conveyance—Commonwealth property in Pottsville, Schuylkill County
036	Aug 11	SB0862	PN1370	Immediately	Conveyance—Commonwealth property in Benner Township, Centre County
2009 APPROPRIATION ACTS OF REGULAR SESSION ENACTED—ACT 001A					
001A	Aug 5	SB0850	PN0953	Immediately	General Appropriation Act of 2009—enactment (line item veto)

* denotes an effective date with exceptions

Effective Dates of Statutes

The effective dates specified previously for laws and appropriation acts were contained in the applicable law or appropriation act. Where no date is specified or where the effective date specified is prior to the date of enactment, the effective date is 60 days after final enactment except for statutes making appropriations or affecting budgets of political subdivisions. See 1 Pa.C.S. §§ 1701—1704 (relating to effective dates of statutes).

Advance Copies of Statutes

Section 1106 of Title 1 of the *Pennsylvania Consolidated Statutes* provides that the prothonotaries of each county shall file advance copies of statutes in their offices for public inspection until the *Laws of Pennsylvania* are generally available. Section 2406(h) of The Administrative Code of 1929 provides that the Department of General Services (Department) shall distribute advance sheets of the *Laws of Pennsylvania* to each law judge of the courts, to every county and public library of this Commonwealth and to each member of the General Assembly. These copies shall be furnished without charge. The Department shall also mail one copy of each law enacted during any legislative session to any person who pays to it the sum of \$20.

Requests for annual subscriptions for advance copies of statutes should be sent to the State Bookstore—PHMC, Commonwealth Keystone Building, 400 North Street, Harrisburg, PA 17120-0053, accompanied by a check or money order in the sum of \$20, payable to the “Commonwealth of Pennsylvania.”

ROBERT W. ZECH, Jr.,
Director
Legislative Reference Bureau

[Pa.B. Doc. No. 09-1555. Filed for public inspection August 21, 2009, 9:00 a.m.]

PROPOSED RULEMAKING

DEPARTMENT OF ENVIRONMENTAL PROTECTION

[25 PA. CODE CH. 302]

Comment Period Extended for the Proposed Rulemaking on the Administration of Water and Wastewater Systems Operator Certification Program

The proposed rulemaking regarding 25 Pa. Code Chapter 302 (relating to administration of Water and wastewater systems operator certification program) was published at 39 Pa.B. 3591 (July 11, 2009). The e-mail address to submit electronic comments was published incorrectly. The correct email address is: regcomments@state.pa.us.

To allow the public the opportunity to provide written comments the Department of Environmental Protection (Department) is extending the public comment period to September 9, 2009. The proposed rulemaking is available by going to the Department's web site at www.depweb.state.pa.us, Keyword: Public Participation, and then selecting Proposals Currently Open for Comment.

Written Comments. Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. The Environmental Quality Board (Board) must receive any comments, suggestions or objections by September 9, 2009. Interested persons may also submit a summary of their comments to the Board by September 9, 2009. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulation will be considered.

Electronic Comments. Comments may be submitted electronically to the Board at regcomments@state.pa.us and must also be received by the Board by September 9, 2009. A subject heading of the proposal and a return name and address must be included in each transmission. If the sender does not receive an acknowledgement of electronic comments within 2 working days, the comments should be retransmitted to ensure receipt.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1556. Filed for public inspection August 18, 2009, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

[34 PA. CODE CH. 13]

Propane and Liquefied Petroleum Gas

An error occurred in a proposal to amend 34 Pa. Code § 13.54(a) at 39 Pa.B. 4340, 4350 (July 25, 2009). The correct version appears in Annex A.

Annex A

TITLE 34. LABOR AND INDUSTRY

PART I. DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 13. [GAS, LEAD AND NITRO AMIDO COMPOUNTS] PROPANE AND LIQUEFIED PETROLEUM GAS REGULATIONS

[VAPORIZERS]

Subchapter D. ADMINISTRATION

§ 13.54. [Liquid discharge] Municipal preemption.

[Vaporizers shall be provided with suitable automatic means to prevent liquid passing from the vaporizers to the gas discharge piping] The Department has the sole right and ability to regulate all matters related to the operation of the LPG industry under section 15 of the act (35 P. S. § 1329.15).

(1) No municipality or other political subdivision may adopt or enforce an ordinance or regulation which differs from or conflicts in whole or in part with the act or this chapter regarding permits, licensing standards, fees, construction, installation, maintenance, operation, inspection, location or placement of LPG containers or LPG facilities or other matters related to this industry within this Commonwealth.

(2) A municipality may not prohibit placement of an LPG container in an existing yard setback area except to establish an absolute setback of 10 feet from a residential property line.

(3) A municipality may retain the right, under local zoning ordinances, to require an LPG facility to locate within approved residential, industrial commercial or other zones and to require an LPG facility to obtain zoning permits, pay zoning fees and undergo inspections related to the zoning of the LPG facility. A building at an LPG facility must comply with the municipal standards applied to primary structures.

[Pa.B. Doc. No. 09-1320. Filed for public inspection July 24, 2009, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

[67 PA. CODE CH. 171]

Intent to Amend Regulations

The Department of Transportation (Department) hereby gives notice of its intent to amend 67 Pa. Code Chapter 171 (relating to school bus and school vehicle equipment standards). The Department has identified the following sections within Chapter 171 that are inconsistent with the Federal Motor Vehicle Safety Standards (FMVSS) for school buses and require immediate clarification:

- In 67 Pa. Code § 171.50(b) (relating to doors and emergency exits), the first sentence states that “Each school bus shall comply with FMVSS No. 217.” This defines the Department’s original intent; however, § 171.50(b) goes on to recite the minimum requirements to the incorrect subsection (49 CFR 571.217 S.5.2.1) that applies to all buses except school buses. It is the Department’s intent to amend § 171.50(b) to adopt the minimum requirements for school buses outlined in 49 CFR 571.217 S5.2.3.

- In 67 Pa. Code § 171.68(b) (relating to seat belts), for the driver and all other designated seating positions, the first sentence states that “Every Type A school bus shall be equipped with an integral Type 2 seat belt assembly at the driver’s designated seating position and at the right front passenger’s designated seating position, if any.” At the time this regulation was amended, it was the Department’s intent to recite the minimum requirement outlined in FMVSS No. 208, which only requires Type A1 school buses (GVWR < 10,000 pounds) to be equipped with an integral Type 2 seat belt assembly. It is the Department’s intent to amend § 171.68(b) to adopt the minimum requirements for school buses outlined in 49 CFR 571.208 S.4.4.3.3.

- In 67 Pa. Code § 171.69(6) (relating to seats and crash barriers), the regulation states that “Each school bus passenger seat shall have a minimum seat back height of 24 inches measured from the top of the seat cushion.” This requirement is not consistent with FMVSS No. 222 because the Federal standard begins the measurement of the seat back height from the Seating Reference Point (SRP), not the top of the seat cushion. To eliminate any unnecessary confusion relating to whether an acceptable school bus seat is used, it is the Department’s intent to amend § 171.69(6) to adopt the minimum requirements outlined in 49 CFR 571.222 S.5.1.2.

- In 67 Pa. Code § 171.74a(3) (relating to the crossing control arm), the regulation states that “The crossing control arm shall extend a minimum of 60 inches from the front bumper when in the extended position.” To eliminate any unnecessary confusion relating to whether the length of the crossing control arm meets the minimum standards, it is the Department’s intent to amend § 171.74a(3) to include language to clarify that the measurement of the crossing control arm should begin at the pivot point.

The Department is developing a proposed rulemaking to formally effectuate these amendments. It is anticipated that the proposed rulemaking will be published for formal public comment in the fall of this year. The purpose of this notice is to provide outreach to the regulated and affected communities during the development of the rulemaking. The contact person for questions or concerns

relating to this notice of intent to amend Chapter 171 is R. Scott Shenk, Manager, Driver Safety Division, Bureau of Driver Licensing, 1101 South Front Street, 4th Floor, Harrisburg, PA 17104, (717) 787-2977.

ALLEN D. BIEHLER, P. E.,
Secretary

[Pa.B. Doc. No. 09-1557. Filed for public inspection August 21, 2009, 9:00 a.m.]

GAME COMMISSION

[58 PA. CODE CHS. 139 AND 141]

Seasons and Bag Limits and Hunting and Trapping

To effectively manage the wildlife resources of this Commonwealth, the Game Commission (Commission) proposed the following rulemaking at its July 9, 2009, meeting:

Amend §§ 139.4, 141.43 and 141.44 (relating to seasons and bag limits for the license year; deer; and bear) to resume restrictions on crossbow usage during archery deer and archery bear seasons to only persons possessing a valid disabled persons permit, reauthorize the lawful use of crossbows during the muzzleloading deer seasons and create a 2-week crossbow deer season that is shorter but runs concurrent with the early deer archery season.

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

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

The proposed rulemaking was made public at the July 9, 2009, meeting of the Commission. Comments can be sent to the Director, Information and Education, Game Commission, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797, until September 25, 2009.

1. Purpose and Authority

The use of crossbows in the archery seasons has been a difficult issue for the Commission to address. The open use of crossbows was recently included in all archery seasons for the first time on January 27, 2009. Since that time, the composition of the Commission’s Board of Commissioners has changed and some Commissioners believe the vote in January does not reflect the views of the current Board. As a result, the Commission is proposing to amend §§ 139.4, 141.43 and 141.44 to resume restrictions on crossbow usage during archery deer and archery bear seasons to only persons possessing a valid disabled persons permit, reauthorize the lawful use of crossbows during the muzzleloading deer seasons and create a 2-week crossbow deer season that is shorter but runs concurrent with the early deer archery season.

Section 2102(d) of the code (relating to regulations) authorizes the Commission to “promulgate regulations stipulating the size and type of traps, the type of firearms and ammunition and other devices which may be used, the manner in which and the location where the devices may be used, the species the devices may be used for and the season when the devices may be used.” Section 2102(a) of the code provides that “The commission shall promulgate such regulations as it deems necessary and appropriate concerning game or wildlife and hunting or furtaking in this Commonwealth, including regulations

relating to the protection, preservation and management of game or wildlife and game or wildlife habitat, permitting or prohibiting hunting or furtaking, the ways, manner, methods and means of hunting or furtaking, and the health and safety of persons who hunt or take wildlife or may be in the vicinity of persons who hunt or take game or wildlife in this Commonwealth." The amendments to §§ 139.4, 141.43 and 141.44 were proposed under this authority.

2. Regulatory Requirements

The proposed rulemaking will amend §§ 139.4, 141.43 and 141.44 to resume restrictions on crossbow usage during archery deer and archery bear seasons to only persons possessing a valid disabled persons permit, reauthorize the lawful use of crossbows during the muzzleloading deer seasons and create a 2-week crossbow deer season that is shorter but runs concurrent with the early deer archery season.

3. Persons Affected

Persons wishing to utilize a crossbow while hunting deer during the 2009-2010 hunting license year will be affected by the proposed rulemaking.

4. Cost and Paperwork Requirements

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

5. Effective Date

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

6. Contact Person

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

CARL G. ROE, Executive Director

Fiscal Note: 48-290. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 139. SEASONS AND BAG LIMITS

§ 139.4. Seasons and bag limits for the license year.

(SEASONS AND BAG LIMITS TABLE)

2009-2010 OPEN HUNTING AND FURTAKING SEASONS, DAILY LIMIT, FIELD POSSESSION LIMIT AND SEASON LIMIT OPEN SEASON INCLUDES FIRST AND LAST DATES LISTED

* * * * *

WHITE-TAILED DEER

Species	First Day	Last Day	Season Limit
Deer, Crossbow (Antlered and Antlerless) ² (Statewide)	Oct. 3	Oct. 16	One antlered and an antlerless deer with each required antlerless license.
	* * * * *		

CHAPTER 141. HUNTING AND TRAPPING

Subchapter C. BIG GAME

§ 141.43. Deer.

(a) Archery deer season.

(1) Permitted devices. [It] Except as otherwise provided in paragraph (2), it is lawful to hunt deer during the archery deer season with any of the following devices:

* * * * *

(2) Prohibitions. While hunting deer during the archery deer season, it is unlawful to:

* * * * *

(iii) Except in Wildlife Management Units 2B, 5C and 5D, hunt or take deer with a crossbow without a valid disabled persons permit.

(b) Crossbow deer season.

(1) Permitted devices. It is lawful to hunt deer during the crossbow deer season with any of the following devices:

(i) A bow and arrow. A bow must have a peak draw weight of at least 35 pounds. An arrow must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch with at least two cutting edges located on the same plane throughout the length of the cutting surface, and may not exceed 3 inches in length.

(ii) A crossbow and bolt. A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch with at least two cutting edges located on the same plane throughout the length of the cutting surface, and may not exceed 3 inches in length.

(2) Prohibitions. While hunting deer during the crossbow deer season, it is unlawful to:

(i) Use or possess a firearm, except a person may possess certain firearms during the crossbow deer season under the authorizations of section 2525 of the act (relating to possession of firearm for protection of self or others).

(ii) Use a device not provided for in the act or in this subsection.

(c) *Flintlock muzzleloading deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the flintlock muzzleloading deer season with [a flintlock muzzleloading firearm. The firearm must be an original or similar reproduction of muzzleloading firearm manufactured prior to 1800. The firearm's ignition mechanism must consist of a hammer containing a naturally occurring stone that is spring propelled onto an iron or steel frizzen which, in turn, creates sparks to ignite a priming powder. The firearm must have open sights and be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single projectile ammunition.] any of the following devices:

(i) *A muzzleloading firearm.* The firearm must be an original or similar reproduction of muzzleloading firearm manufactured prior to 1800. The firearm's ignition mechanism must consist of a hammer containing a naturally occurring stone that is spring propelled onto an iron or steel frizzen which, in turn, creates sparks to ignite a priming powder. The firearm must have open sights and be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single projectile ammunition.

(ii) *A crossbow and bolt.* A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch with at least two cutting edges located on the same plane throughout the length of the cutting surface, and may not exceed 3 inches in length.

* * * * *

[(c)] (d) *Muzzleloading deer season.*

(1) *Permitted devices.* It is lawful to hunt deer during the muzzleloading deer seasons with [a muzzleloading firearm. The firearm's ignition mechanism must consist of a percussion cap, primer or flintlock fired design. The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single projectile ammunition.] any of the following devices:

(i) *A muzzleloading firearm.* The firearm's ignition mechanism must consist of a percussion cap, primer or flintlock fired design. The firearm must be a .44 caliber or larger single-barrel long gun or a .50 caliber or larger single-barrel handgun that propels single projectile ammunition.

(ii) *A crossbow and bolt.* A crossbow must have a peak draw weight of at least 125 pounds. A bolt must be equipped with a broadhead that has an outside diameter or width of at least 7/8 inch with at least two cutting edges located on the same plane throughout the length of the cutting surface, and may not exceed 3 inches in length.

* * * * *

[(d)] (e) *Regular and special firearms deer seasons.*

(1) *Permitted devices.* It is lawful to hunt deer during the regular and special firearms deer seasons with any of the following devices:

* * * * *

(iv) A muzzleloading firearm as permitted under subsection [(b)(1)] (c)(1) or [(c)(1)] (d)(1).

* * * * *

[(e)] (f) *Cooperating while hunting during any deer season.* Holders of any of the appropriate licenses or stamps may cooperate while hunting antlered or antlerless deer if pertinent provisions of the act and this section are met.

[(f)] (g) *.22 caliber or less rimfire required for furbearers.* When using a firearm only a rimfire rifle or handgun .22 caliber or less may be used to dispatch legally trapped furbearers during the regular or special firearms deer seasons.

§ 141.44. Bear.

(a) *Archery bear season.*

(1) *Permitted devices.* [It] Except as otherwise provided in paragraph (2), it is lawful to hunt bear during the archery bear season with any of the following devices:

* * * * *

(2) *Prohibitions.* While hunting bear during the archery bear season, it is unlawful to:

* * * * *

(v) **Except in Wildlife Management Units 2B, 5C and 5D, hunt or take bear with a crossbow without a valid disabled persons permit.**

* * * * *

[Pa.B. Doc. No. 09-1558. Filed for public inspection August 21, 2009, 9:00 a.m.]

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 435a, 461a, 463a, 465a AND 501a]

Employees; Slot Machines; Accounting and Internal Controls; and Compulsive and Problem Gambling

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1207(3), (5) and (7), 1321 and 1322 (relating to regulatory authority of the Board; additional licenses and permits and approval of agreements; and slot machine accounting controls and audits), proposes to amend Chapters 435a, 461a, 463a, 465a and 501a to read as set forth in Annex A.

Purpose of the Proposed Rulemaking

The proposed rulemaking contains a number of amendments that are designed to clarify various reporting

requirements, add some additional flexibility and conform the Board's regulations to industry practice.

Explanation of Amendments to Chapters 435a, 461a, 463a, 465a and 501a

In § 435a.1 (relating to general provisions), subsection (i) has been amended by adding the phrase "of a slot machine licensee" after "employee" to clarify that the bar on wagering at a licensed facility does not apply to employees of vendors who work at the licensed facility if the employees are not required to obtain a gaming permit or nongaming registration.

Subsection (m) in § 461a.4 (relating to submission for testing and approval), has been amended to require that the notification of any known or suspected defect or malfunction in any slot machine or associated equipment be made to the Bureau of Gaming Laboratory Operations and the casino compliance representatives at the licensed facility instead of to the "Board." Similarly, the Bureau of Gaming Laboratory Operations, not the Board, will provide the direction to the slot machine licensee regarding the continued operation of the slot machine or associated equipment.

A similar amendment has been made in subsection (o) in § 461a.8 (relating to gaming vouchers) which will require that the notification of any malfunction in a gaming voucher system be provided to the Bureau of Gaming Laboratory Operations and the casino compliance representatives at the licensed facility within 24 hours of the malfunction instead of being provided to the Board.

Sections 461a.7(y), 461a.10(b) and 461a.22(b) (relating to slot machine minimum design standards; automated gaming voucher and coupon redemption machines; and automated jackpot payout machines), have been amended to allow the Bureau of Gaming Operations to approve alternate sizes for the signs that are required on the top and front of these machines. This will allow slot machine licensees some additional flexibility concerning the signs to accommodate the particular location or design of these machines.

In § 461a.25 (relating to disputes), the phrase "concerning the payment of alleged winnings" has been deleted to broaden the application of this provision to any dispute between a patron and a slot machine licensee. This change recognizes the fact that the Board's casino compliance representatives work with patrons and the slot machine licensees to resolve a wide range of potential disputes.

In § 463a.5 (relating to slot machine master list), subsection (a) has been amended to replace "Office" with "Bureau" to reflect the name change from the Office of Gaming Operations to the Bureau of Gaming Operations.

In § 465a.2 (relating to internal control systems and audit protocols), a new subsection (a)(9) has been added which requires slot machine licensees to include procedures to ensure that their employees comply with the requirements in Chapter 435a (relating to employees) in their internal controls. This provision has been added to clarify that the slot machine licensees are expected to be proactive about having their employees comply with the various reporting requirements.

In § 465a.8 (relating to licensed facility), subsection (c) has been amended to allow the Bureau of Gaming Operations to designate additional doors which must be alarmed instead of just the emergency exits from the gaming floor. Because the design of each licensed facility is unique, this is needed to ensure both patron safety and for security reasons.

In § 465a.9 (relating to surveillance system; surveillance department control; surveillance department restrictions), subsection (c)(5)(iv) has been amended to require slot machine licensees to include photographs of individuals who are on the self-exclusion list in surveillance system's photo library. Most, if not all, of the slot machine licensees already do this so that their employees will be able to identify self-excluded individuals and prevent them from engaging in any gaming activities. Additionally, subsection (e)(7) has been amended to require that surveillance recordings be made of the entrances and exits to the main bank, vault and satellite cages in addition to the gaming floor, cashiers' cage and count room to monitor access to these sensitive areas.

In § 465a.15 (relating to cashiers' cage), subsection (c) has been revised to incorporate provisions for the use of computerized access systems for the double entry and exit system. As this technology has improved, more slot machine licensees are shifting away from keys and implementing electronic access systems.

In § 465a.16 (relating to accounting controls for the cashiers' cage) three changes have been made. First, the term "slot cashier" has been replaced with "cage cashier" in various subsections, since "cage cashier" is the more generally used term. Next, the issuance of gaming vouchers has been added as a function of cage cashiers. At some of the licensed facilities, patrons may request the cage cashier to issue a gaming voucher instead of cash as a matter of convenience. Lastly, the responsibility for the issuance, receipt and reconciliation of cash and gaming vouchers to and from automated bill breaker, automated gaming voucher and coupon redemption and automated jackpot payout machines, and preparation of related documentation has been moved from the list of responsibilities of cage cashiers to the list of responsibilities of main bank cashiers. This reflects current practice in the licensed facilities.

In § 465a.31 (relating to gaming day), the general language stating that the gaming day will be uniform and determined by the Board has been replaced with the actual time being used, which is 6 a.m. to 5:59.59 a.m.

In § 501a.5 (relating to signage requirements), subsection (a)(2) has been amended by replacing the requirement that the gambling problem toll free assistance message be posted within 50 feet of each ATM, cash dispensing or change machine in each facility with the requirement that the message be above or below the cash dispensing opening on all ATMs, automated gaming voucher and coupon redemption machines and any other machine that dispenses cash to patrons in the licensed facility. Having the information posted within 50 feet was not an effective way to provide this information to patrons.

Affected Parties

Slot machine licensees will be required to comply with the revised requirements contained in this rulemaking.

Fiscal Impact

Commonwealth

This proposed rulemaking will have no fiscal impact on the Board or other Commonwealth agencies.

Political Subdivisions

This proposed rulemaking will have no fiscal impact on political subdivisions of this Commonwealth.

Private Sector

Slot machine licensees may incur some slight costs to comply with the revised requirements. However, because most of these revisions simply clarify existing requirements or reflect current practices, the Board does not anticipate that slot machine licensees will experience any significant expense.

General Public

This proposed rulemaking will have no fiscal impact on the general public.

Paperwork requirements

This proposed rulemaking will not create or eliminate any paperwork requirements for slot machine licensees or the Board.

Effective Date

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

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking, within 30 days after the date of publication in the Pennsylvania Bulletin to Richard Sandusky, Director of Regulatory Review, Pennsylvania Gaming Control Board, P.O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-103.

Contact Person

The contact person for questions about this proposed rulemaking is Richard Sandusky, Director of Regulatory Review at (717) 214-8111.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 10, 2009, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request and is available on the Board's web site at www.pgcb.state.pa.us.

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

GREGORY C. FAJT,
Chairperson

Fiscal Note: 125-103. No fiscal impact; (8) recommends adoption.

Annex A
TITLE 58. RECREATION
PART VII. GAMING CONTROL BOARD
CHAPTER 435A. EMPLOYEES

Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION

§ 435a.1. General provisions.

* * * * *

(i) A registrant or employee of a slot machine licensee who is not required to obtain a license or permit may not wager at the licensed facility in which the registrant or employee is employed.

* * * * *

Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT

CHAPTER 461a. SLOT MACHINE TESTING AND CONTROL

§ 461a.4. Submission for testing and approval.

* * * * *

(m) A slot machine licensee shall immediately notify the [Board] Bureau of Gaming Laboratory Operations and the casino compliance representatives at the licensed facility of any known or suspected defect or malfunction in any slot machine or associated equipment installed in its licensed facility. The slot machine licensee shall comply with instructions issued by the [Board] Bureau of Gaming Laboratory Operations with regard to the continued operation of the slot machine or associated equipment.

* * * * *

§ 461a.7. Slot machine minimum design standards.

* * * * *

(y) A slot machine on the gaming floor must have a label on the top of the slot machine and on the front of the slot machine near the bill validator that displays the asset number and the gaming floor plan location number of the slot machine. The labels must have white lettering on a black background or other color combination approved by the [Office] Bureau of Gaming Operations, may not be easily removed and must be easily visible to the surveillance department. The label on the top of the slot machine must be at least 1.5 inches by 5.5 inches and the label on the front of the slot machine must be at least 1 inch by 2.5 inches or other sizes approved by the Bureau of Gaming Operations.

§ 461a.8. Gaming vouchers.

* * * * *

(o) A gaming voucher system must be configured to alert a slot machine licensee to any malfunction. Following a malfunction of a system, a slot machine licensee shall notify the [Board] Bureau of Gaming Laboratory Operations and the casino compliance representatives at the licensed facility within 24 hours of the malfunction and may not utilize the system until the malfunction has been successfully eliminated. Notwithstanding the foregoing, the [Board] Bureau of Gaming Laboratory Operations may permit a slot machine licensee to utilize the system prior to its being successfully restored, for a period not to exceed 72 hours, provided that:

* * * * *

§ 461a.10. Automated gaming voucher and coupon redemption machines.

* * * * *

(b) Automated gaming voucher and coupon redemption machines may be located on or proximate to the gaming floor of a licensed facility and must be subject to surveillance coverage under § 465a.9 (relating to surveillance system; surveillance department control; surveillance department restrictions). Each automated gaming voucher

and coupon redemption machine must have a label on the top of the automated gaming voucher and coupon redemption machine and on the front of the automated gaming voucher and coupon redemption machine that displays the asset number of the automated gaming voucher and coupon redemption machine. The labels must have white lettering on a black background or other color combination approved by the [Office] Bureau of Gaming Operations and may not be easily removed. The label on the top of the automated gaming voucher and coupon redemption machine must be at least 1.5 inches by 5.5 inches and the label on the front of the automated gaming voucher and coupon redemption machine must be at least 1 inch by 2.5 inches or other sizes approved by the Bureau of Gaming Operations.

* * * * *

§ 461a.22. Automated jackpot payout machines.

* * * * *

(b) An automated jackpot payout machine must have a label on the top of the automated jackpot payout machine and on the front of the automated jackpot payout machine that displays the asset number of the automated jackpot payout machine. The labels must have white lettering on a black background or other color combination approved by the [Office] Bureau of Gaming Operations, may not be easily removed and must be easily visible to the surveillance department. The label on the top of the automated jackpot payout machine must be at least 1.5 inches by 5.5 inches and the label on the front of the automated jackpot payout machine must be at least 1 inch by 2.5 inches or other sizes approved by the Bureau of Gaming Operations.

* * * * *

§ 461a.25. Disputes.

(a) If a dispute arises with a patron [concerning payment of alleged winnings], the slot machine licensee shall attempt to resolve the dispute. If the dispute can not be resolved, the slot machine licensee shall notify the casino compliance representatives at the licensed facility who will attempt to resolve the dispute. If the dispute is not resolved, the casino compliance representative will provide the patron with a Board Patron Dispute/Complaint Form and Instructions for Submitting a Patron Dispute/Complaint and assist the patron in completing the Board Patron Dispute/Complaint Form.

* * * * *

CHAPTER 463a. POSSESSION OF SLOT MACHINES

§ 463a.5. Slot machine master lists.

(a) Prior to the commencement of operations at a licensed facility, a slot machine licensee shall file the following with the Bureau of Gaming Laboratory Operations and the [Office] Bureau of Gaming Operations, in an electronic format approved by the Bureau of Gaming Laboratory Operations:

* * * * *

CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

§ 465a.2. Internal control systems and audit protocols.

(a) An applicant for, or holder of, a slot machine license shall submit to the Board and the Department a written description of its initial system of administrative and

accounting procedures, including its internal control systems and audit protocols (collectively referred to as its "internal controls") at least 90 days before gaming operations are to commence. A written system of internal controls must include:

* * * * *

(9) Procedures to ensure that the slot machine licensee's employees comply with Chapter 435a (relating to employees).

(10) Other items the Board may request in writing to be included in the internal controls.

* * * * *

§ 465a.8. Licensed facility.

* * * * *

(c) Emergency exits from the gaming floor and any other doors designated by the Bureau of Gaming Operations must be equipped with an audible alarm system that produces a loud, distinguishable warning sound, discernable in the vicinity of the exit, whenever the emergency door is opened. The alarm system shall be designed to require deactivation and reset by means of a key. The key is to be maintained by the security department.

* * * * *

§ 465a.9. Surveillance system; surveillance department control; surveillance department restrictions.

* * * * *

(c) The surveillance system required in this section must include the following:

* * * * *

(5) One or more monitoring rooms in the licensed facility which shall be staffed by employees of the slot machine licensee's surveillance department who shall at all times monitor the activities enumerated in paragraph (1). Each monitoring room shall be equipped with or serviced by:

* * * * *

(iv) An updated photo library, consisting of photographs that are no more than 4 years old, of all current employees of the slot machine licensee [, which] and photographs of individuals who are on the Board's self-exclusion list. This photo library shall be available to the Board and the State Police.

* * * * *

(e) A slot machine licensee's surveillance system must continuously record, during the times and in the manner indicated in this subsection, transmissions from cameras used to observe the following locations, persons, activities or transactions:

* * * * *

(7) The entrances and exits to the licensed facility, the gaming floor, the main bank, the vault, the cashiers' cage and any satellite cages and the count room.

* * * * *

§ 465a.15. Cashiers' cage.

* * * * *

(c) The cashiers' cage must be designed and constructed to provide maximum security for the materials

housed therein and the activities performed therein. Its design and construction must include:

* * * * *

(3) Separate manual locks on each door of the double door entry and exit system, the keys to which must be different from each other. **If a Board-approved computerized access system is used, the manual locks on each door shall be designed to function when the computerized access system is not functioning.**

(4) **If a Board-approved computerized access system is used, access for the first door shall be controlled by the security department or surveillance department and access for the second door shall be controlled by the cashiers' cage.**

* * * * *

§ 465a.16. Accounting controls for the cashiers' cage.

(a) The assets for which [slot] cage cashiers are responsible shall be maintained on an imprest basis. At the end of each shift, [slot] cage cashiers assigned to the outgoing shift shall record on a cashiers' count sheet the face value of each cage inventory item counted and the total of the opening and closing cage inventories and shall reconcile the total closing inventory with the total opening inventory. Each cashiers' count sheet shall be signed by the preparing cage cashier attesting to the accuracy of the information thereon.

(b) At the opening of every shift, in addition to the imprest funds normally maintained by [slot] cage cashiers, each slot machine licensee shall have in the cashiers' cage, a reserve cash bankroll sufficient to pay winning patrons.

(c) The cashiers' cage and any satellite cage shall be physically segregated by personnel and function as follows:

(1) [Slot] Cage cashiers shall operate with individual imprest inventories of cash and their functions include the following:

* * * * *

(viii) The issuance of [cash to automated bill breaker, gaming voucher, coupon redemption and jackpot payout machines in exchange for proper documentation] gaming vouchers.

(2) Main bank cashier functions include the following:

(i) The receipt of cash, cash equivalents, gaming vouchers, jackpot payout slips and personal checks received for gaming purposes from [slot] cage cashiers in exchange for cash.

* * * * *

(iii) The receipt of personal checks accepted for gaming purposes from [slot] cage cashiers for deposit.

* * * * *

(vii) The receipt from [slot] cage cashiers of documentation with signatures thereon, required to be prepared for the segregation of functions in the cashiers' cage.

* * * * *

(x) **The issuance, receipt and reconciliation of cash and gaming vouchers to and from automated bill breaker, automated gaming voucher and coupon redemption and automated jackpot payout machines and preparation of related documentation.**

pon redemption and automated jackpot payout machines and preparation of related documentation.

(d) At the end of the gaming day a copy of the cage cashiers' count sheets and related documentation shall be forwarded to the accounting department for agreement of opening and closing inventories, agreement of amounts thereon to other forms, records and documents required by this subpart and recording of transactions.

§ 465a.31. Gaming day.

(a) The beginning and ending times of the gaming day will be [determined by the Board and will be uniform for all slot machine licensees for the purposes of determining gross terminal revenue] 6:00 a.m. to 5:59.59 a.m.

* * * * *

Subpart I. COMPULSIVE AND PROBLEM GAMBLING

CHAPTER 501a. COMPULSIVE AND PROBLEM GAMBLING REQUIREMENTS

§ 501a.5. Signage requirements.

(a) Under section 1509(c) of the act (relating to compulsive and problem gambling program), each slot machine licensee shall post signs that include a statement that is similar to the following: "If you or someone you know has a gambling problem, help is available. Call (toll-free telephone number)." The complete text of the sign shall be submitted for approval to the Director of OCPG utilizing the process contained in § 501a.2(g)(relating to compulsive and problem gambling plan). The signs shall be prominently posted at the following locations:

* * * * *

(2) [Within 50 feet of each ATM, cash dispensing or change machine in each facility] Above or below the cash dispensing opening on all ATMs, automated gaming voucher and coupon redemption machines and other machines that dispense cash to patrons in the licensed facility.

* * * * *

[Pa.B. Doc. No. 09-1559. Filed for public inspection August 21, 2009, 9:00 a.m.]

**[58 PA. CODE CH. 465a]
Jackpot and Credit Meter Payouts**

The Pennsylvania Gaming Control Board (Board), under its general authority in 4 Pa.C.S. § 1202(b)(30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1207(3) and (5) and 1322 (relating to regulatory authority of the Board; and slot machine accounting controls and audits), proposes to amend Chapter 465a to read as set forth in Annex A.

Purpose of the Proposed Rulemaking

The proposed rulemaking contains a comprehensive rewrite of the Board jackpot payout regulations. It also expands the scope of these regulations to cover credit meter payouts as well as jackpot payouts.

Explanation of Amendments to Chapter 465a

Since the adoption of amendments to the Board's regulations governing jackpot payouts in October of 2008, the Board has been discussing the need for additional

revisions with slot machine licensees. The slot machine licensees argued that portions of the Board's regulations were not needed given the technological advances in slot monitoring systems and that greater flexibility was needed to improve the operational efficiency of jackpot payouts.

Based on the Board's analysis of the slot machine licensees' comments, a review of the technical advances in slot monitoring systems and the Board's experience gained through the oversight of slot machine licensees' current operations, the Board agrees that further amendments are in order.

First, the Board has expanded the scope of § 465a.26 (relating to jackpot and credit meter payouts) to include credit meter payouts as well as jackpot payouts. Credit meter payouts are the payment of the value of the credits on a slot machine. Usually, when a patron is done at a slot machine, they will cash out and receive a gaming voucher for the remaining balance on the slot machine. However, sometimes a voucher will not print because of a jam in the slot machine's printer or the printer may be out of paper. At other times, a slot machine may lock up with credits still on the slot machine. For example, slot machines may lock up when there is a power failure at the licensed facility. Whatever the cause, when this occurs, the slot attendants at the licensed facility use the existing jackpot payment procedures to pay the patron the value of the credits on the slot machine. Therefore, the Board has added credit meter payouts to this section of the Board's regulations.

More specifically, subsection (a) has been amended by adding credit meter payouts and by deleting unnecessary language pertaining to pouch payments which are addressed in subsection (b)(7) and (8).

In subsection (b)(1), the requirement that both a manual and electronic jackpot/credit meter payout slip be prepared has been amended to delete the requirement for a manual form. Given the technical capabilities of today's slot monitoring systems and the verification requirements that will remain in this rulemaking, there simply is no need for the redundant manual form. Eliminating the requirement for the manual form will significantly reduce the workload of slot attendants related to jackpot and credit meter payouts and will result in quicker payments to patrons.

The existing requirement in subsection (b)(2) has been relocated to subsection (b)(6).

In subsection (b), former paragraphs (3), (4) and (5), which have been renumbered as paragraphs (2), (3) and (4), have been amended to give slot machine licensees greater flexibility as to who they may designate to act as a witness for jackpot or credit meter payouts of various amounts. This will allow slot machine licensees to make more efficient utilization of their personnel and reduce the potential for delays that could occur if there is a large volume of payouts and only a limited number of individuals who can act as a witness. Also, these revisions make it clear that no witness is required for jackpot or credit meter payouts of less than \$1,200.

Former paragraph (6) has been deleted because it does not reflect current practices or recognize advances in technology. Many slot machine licensees allow slot attendants to directly pay jackpots below a certain level from funds that the slot attendant carries in his payment wallet. This eliminates the need for the attendant to go to the cashiers' cage to get the cash to pay a jackpot or credit meter payout. Additionally, some slot machine

licensees have installed automated jackpot payout machines on their gaming floors which allow a slot attendant to process a jackpot and receive the cash to pay the patron without going to the cashiers' cage.

Former subsection (b)(7) has also been deleted. Because the Board is no longer requiring the use of the two-part manual jackpot payout slips, a provision listing the items that must be on that form is no longer needed.

Former subsection (b)(8), which is now subsection (b)(5), has been amended to slightly revise and clarify the listing of items that will be required to be printed on the electronically generated jackpot/credit meter payout slips.

As previously noted, subsection (b)(6) now contains the provision that was formerly in subsection (b)(2).

Subsection (b)(7), which was formerly subsection (b)(9), sets forth the requirements that will govern the payment of jackpot or credit meter payouts that are made directly from a slot attendant's impress funds. In the existing regulation, a detailed process was set forth, specifying each step in the payment process. However, the Board believes that that process was overly prescriptive and did not give slot machine licensees the flexibility to establish procedures to meet their individual needs. Accordingly, the Board has deleted these requirements and will allow the slot machine licensees to establish their own procedures as part of their internal controls which will be submitted to the Board for approval. What has been added to this subsection is the list of items that must be included on the manual jackpot/credit meter payout slip that must be completed by the slot attendant.

Similarly, the Board is deleting the current subsection (b)(11) which contains a detailed process for the payment of jackpots that are not made from a slot attendant's impress funds. While many of the slot machine licensees use these procedures, the Board believes that keeping these procedures in the Board's regulations is overly prescriptive and does not give slot machine licensees the flexibility to establish their own procedures. Instead the Board will allow slot machine licensees to establish their payment procedures as part of their internal controls.

Subsection (b)(9) and (10), which was subsection (b)(12) and (13), contains minor clarity changes and in subsection (b)(10), an explicit requirement that an override is required whenever the amount of a jackpot or credit meter payout does not match the amount sent to the slot monitoring system has been added.

Subsection (b)(11) and (12) add new requirements that slot machine licensees must include procedures for processing voided jackpot/credit meter payout slips and for processing unclaimed taxable jackpots in their internal controls. Additionally, slot machine licensees' procedures for processing unclaimed jackpot or credit meter payouts must include notice to the Board's casino compliance representatives.

Former subsection (b)(14) has been deleted because the procedures related to the internal controls for system overrides are addressed in new subsection (b)(10).

Subsection (b)(13), formerly subsection (b)(15), has been revised to include the list of items that must appear on the three-part manual jackpot or credit meter payout forms that are to be used when the slot machine licensee's slot monitoring system is down. This list is essentially the same as the list of items that must be on the two-part electronic and two part manual jackpot or credit meter payout forms in subsection (b)(5) and (7), but these forms must have preprinted serial numbers to provide an

audit trail. Additionally the language of this section has been amended to allow equivalent alternatives to using jackpot payout books. This would include the use of "wiz" machines that are currently used by some of the slot machine licensees.

In subsection (b)(14), which was formerly subsection (b)(16), revisions have been made to give slot machine licensees additional operating flexibility. More specifically, slot machine licensees will be able to assign control of the keys to the cabinets where manual jackpot payout books or their equivalent are stored to either the security department or the finance department and employees who have a greater level of authority than a slot supervisor will also be allowed to sign out the jackpot payout books or their equivalent.

Existing paragraphs (17)—(20) and (21) have all been deleted. These paragraphs contained detailed provisions governing the use of and procedures related to the manual jackpot payout books discussed previously. Again, the Board believes that slot machine licensees should be permitted to tailor their procedures to reflect their particular operations. Accordingly, slot machine licensees will be required to include these procedures in their internal controls.

Finally, subsection (b)(15), which was subsection (b)(22), has been revised to clarify that the notice to surveillance of jackpots or credit meter payout above a certain threshold is to be provided verbally. The threshold for providing this notice has also been increased from \$1,200 to \$5,000. Because of the large number of jackpots between \$1,200 and \$5,000, this requirement was imposing an unreasonable burden on both slot attendants and surveillance personnel. Increasing the threshold will allow the surveillance department to devote more time to its other surveillance duties.

Affected Parties

Slot machine licensees will benefit from the elimination of redundant reporting requirements and the greater operating flexibility provided by the revisions in this rulemaking. Patrons should experience faster payments of jackpot and credit meter payouts.

Fiscal Impact

Commonwealth

This proposed rulemaking will have no significant fiscal impact on the Board or other Commonwealth agencies.

Political Subdivisions

This proposed rulemaking will have no fiscal impact on political subdivisions of the Commonwealth.

Private Sector

Slot machine licensees will experience significant cost savings because the revised jackpot and credit meter payout procedures will require fewer forms, provide greater flexibility and eliminate some of the current requirements that are redundant and no longer needed.

General Public

This proposed rulemaking will have no fiscal impact on the general public.

Paperwork requirements

This proposed rulemaking eliminates the requirement that slot machine licensees fill out manual jackpot payout slips in addition to the electronic jackpot payout slips.

Effective Date

The proposed rulemaking will become effective 30 days after final-form publication in the *Pennsylvania Bulletin*.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking, within 30 days after the date of publication in the *Pennsylvania Bulletin* to Richard Sandusky, Director of Regulatory Review, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation No. 125-105.

Contact Person

The contact person for questions about this proposed rulemaking is Richard Sandusky, Director of Regulatory Review at (717) 214-8111.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on August 12, 2009, the Board submitted a copy of this proposed rulemaking and a copy of the Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request and is available on the Board's web site at www.pgcb.state.pa.us.

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

GREGORY C. FAJT,
Chairperson

Fiscal Note: 125-105. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART VII. GAMING CONTROL BOARD

Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT

CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

§ 465a.26. Jackpot and credit meter payouts.

(a) Prior to commencing gaming operations, a slot machine licensee shall establish a comprehensive system of internal controls addressing jackpot **and credit meter** payouts that are not paid directly from a slot machine. **[The internal controls may include procedures by which a slot attendant, in the presence of a member of the security department or another member of the slot operations department, utilizes an imprest inventory of funds secured in a pouch or wallet to pay a jackpot of less than \$1,200.]** The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

(b) The internal control procedures developed and implemented by the slot machine licensee under subsection (a) must, at a minimum, include:

(1) The use of a two-part [**manual jackpot payout receipt and a two-part**] electronically generated jackpot/credit meter payout slip created by a slot attendant or slot supervisor, [**evidencing the observation by the slot attendant or slot supervisor of**] verifying the winning combination of characters or a code corresponding to the winning combination of characters on the slot machine and [**a determination as to**] the [**appropriate**] amount of the jackpot or credit meter payout based on the observed winning combinations.

(2) [**A requirement that the electronically generated jackpot payout slip not be susceptible to any changes or deletion from the slot computer system by any personnel after preparation.**

(3) [**A requirement that if the jackpot [range] or credit meter payout is between \$1,200 [to] and \$9,999.99, [the witness on the two-part manual jackpot payout receipt and the two-part electronically generated jackpot payout slip be a lead slot attendant or above] a security department member or a slot operations member other than the preparer, shall sign the jackpot/credit meter payout slip verifying the winning combination of characters or a code corresponding to the winning combination of characters on the slot machine, the amount of the jackpot or credit meter payout and the payment of the jackpot or credit meter payout to the patron.**

[(4)] (3) A requirement that if the jackpot or credit meter payout is between \$10,000 and \$24,999.99, [the witness on the two-part manual jackpot payout receipt and the two-part electronically generated jackpot payout slip be a slot supervisor or above] a security department member, a slot supervisor or other employee holding the same or greater level of authority than a slot supervisor shall sign the jackpot/credit meter payout slip verifying the winning combination of characters or a code corresponding to the winning combination of characters on the slot machine, the amount of the jackpot or credit meter payout and the payment of the jackpot or credit meter payout to the patron.

[(5)] (4) A requirement that if the jackpot or credit meter payout amount is \$25,000 or more, a slot shift manager or [above shall sign the manual jackpot payout receipt attesting that the winning combination of characters or a code corresponding to the winning combination of characters on the slot machine and the amount to be paid match those which appear on the two-part manual jackpot payout receipt. The two-part manual jackpot payout receipt shall then be immediately returned to the preparer] other employee holding the same or greater level of authority than a slot shift manager shall sign the jackpot/credit meter payout slip verifying the winning combination of characters or a code corresponding to the winning combination of characters on the slot machine, the amount of the jackpot or credit meter payout and the payment of the jackpot or credit meter payout to the patron.

[(6) A requirement that if the amount is \$1,200 or more the slot attendant shall immediately transport the original of the manual jackpot payout receipt and the original of the electronically generated jackpot payout slip to the cashiers' cage.

(7) A requirement that the following information be on the two-part manual jackpot payout receipt:

(i) The date and time of the jackpot.

(ii) The asset number of the slot machine on which the jackpot was registered.

(iii) The winning combination of characters constituting the jackpot or a code corresponding to the winning combination of characters constituting the jackpot.

(iv) The amount of the jackpot payout.

(v) The method of payment requested by the patron (cash or slot licensee check).

(vi) The signature or identification code of the preparer.

(vii) The signature of the patron who received the jackpot payout.

(viii) If the slot machine or the progressive meter is reset prior to the patron being paid or if payment is made directly to the patron by a slot attendant, the following additional signatures or identification codes:

(A) The signature or identification code of a security department member or slot operations department member other than the preparer attesting to the winning combination of characters or a code corresponding to the winning combination of characters constituting the jackpot and the amount of the jackpot payout when the amount is below \$1,200.

(B) The signature or identification code of a lead slot attendant or above attesting to the winning combination of characters or a code corresponding to the winning combination of characters constituting the jackpot and the amount of the jackpot payout when the jackpot amount is between \$1,200 and \$9,999.99.

(C) The signature or identification code of a slot shift supervisor or above attesting to the winning combination of characters or a code corresponding to the winning combination of characters constituting the jackpot and the amount of the jackpot payout when the jackpot amount is between \$10,000 and \$24,999.99.

(D) The signature or identification code of a slot shift manager or above attesting to the winning combination of characters or a code corresponding to the winning combination of characters constituting the jackpot and the amount of the jackpot payout when the jackpot amount is \$25,000 or more.

(8) [(5) A requirement that the following information be on all two-part electronically generated jackpot/credit meter payout slips:

(i) The date [**on which the jackpot occurred**] and time of the jackpot or credit meter payout.

(ii) The asset number of the slot machine on which the jackpot or credit meter payout was registered.

* * * * *

(iv) The type of win (that is, [**Progressive or Jackpot**] **progressive, jackpot or credit meter payout**).

* * * * *

(vi) A unique number generated by the slot [**computer**] **monitoring system**.

* * * * *

(viii) The signature or identification code of the witness [**on the duplicate copy only**], when the amount is equal to or greater than \$1,200.

(ix) The signature or identification code of the cashier providing the funds to the preparer, **if applicable**.

(6) **A requirement that the two-part electronically generated jackpot/credit meter payout slip not be susceptible to any changes or deletion from the slot monitoring system by any personnel after preparation.**

[(9)] (7) A requirement that whenever a winning patron is paid directly by a slot attendant's imprest fund, [**the following procedures shall be followed:**

(i) **A two-part electronic jackpot payout slip is generated and a two-part manual jackpot payout receipt is completed in accordance with paragraph (1).**

(ii) **Before payment is made to the winning patron, the manual jackpot payout receipt shall be signed by the patron in the presence of the slot attendant and a witness.**

(iii) **After the slot attendant determines that the required signatures verifying the winning combination of characters or a code corresponding to the winning combination of characters on the slot machine and the amount to be paid have been placed on the manual jackpot payout receipt, the slot attendant shall pay the winning patron in the presence of the witness.**

(iv) **Once payment has been made and all required signatures obtained, the slot operations department member or security department member witnessing the payment shall obtain the duplicate copy of the manual jackpot payout receipt and immediately deposit it into a locked accounting box.**

(v) **The slot attendant shall attach the original manual jackpot payout receipt to the original electronically generated jackpot payout slip and forward both forms, by the end of the slot attendant's shift, to the cashiers' cage for reimbursement. The duplicate of the electronically generated jackpot payout slip should be deposited into a locked accounting box immediately after obtaining the funds from the cashier's cage.] a two-part manual jackpot/credit meter payout slip is completed that contains the following information:**

(i) **The date and time of the jackpot or credit meter payout.**

(ii) **The asset number of the slot machine on which the jackpot or credit meter payout was registered.**

(iii) **The winning combination of characters constituting the jackpot or a code corresponding to the winning combination of characters constituting the jackpot.**

(iv) **The type of win (that is, progressive, jackpot or credit meter payout).**

(v) **The amount paid to the winning patron. This amount may, at the slot machine licensee's discretion, be rounded up to the nearest whole dollar.**

(vi) **The signature or identification code of the preparer.**

(vii) **The signature or identification code of the witness when the amount is equal to or greater than \$1,200.**

[(10)] (8) **When jackpot or credit meter payouts are made from slot attendants' imprest funds, procedures for the replenishment of the imprest funds and the reconciliation process to be used by the slot attendants.**

[(11) **A requirement that the two-part manual jackpot payout receipt and the two-part electronically generated jackpot payout slip be distributed as follows:**

(i) **Both the original and duplicate of the manual jackpot payout receipt shall be handed to the witnessing slot operations department member or security department member by the preparer for verification and signature.**

(ii) **The duplicate of the manual jackpot payout receipt shall be presented to the winning patron who shall be required to present the duplicate to the witness before being paid the jackpot.**

(iii) **The original of the manual jackpot payout receipt shall be attached to the original electronically generated jackpot payout slip and forwarded to the cashiers' cage for payment of the funds.**

(iv) **The duplicate of the manual jackpot payout receipt shall be placed into a secured lock box for slot accounting by the witness.**

(v) **The duplicate of the electronically generated jackpot payout slip shall be placed inside a secured lock box for slot accounting by the generating slot attendant.**

(12)] (9) **A requirement that the slot machine licensee's accounting department perform, at the conclusion of each gaming day, effective audit procedures over the issuance of jackpot and credit meter payouts including adequate comparisons to [gaming voucher system data] the slot monitoring system.**

[(13)] (10) **Detailed procedures on the processing of all system overrides or adjustments [in regards] to jackpot or credit meter payouts. All jackpot or credit meter payouts that do not match the payout amount electronically sent from the slot machine to the slot monitoring system require an override.**

(11) **Detailed procedures for the processing of all voided jackpot/credit meter payout slips.**

(12) **Detailed procedures for the processing of unclaimed taxable jackpot payouts. The procedures must include notice to the casino compliance representatives at the licensed facility when an unclaimed taxable jackpot payout or credit meter payout occurs.**

[(14) **A requirement that any person that witnesses a jackpot payout may not be permitted to override the jackpot payout.**

(15) A requirement] (13) Back-up procedures that will be used when the slot [computer] monitoring system is offline or an electronic jackpot payout slip can not be created, including the use of a three-part manual jackpot or credit meter payout book [shall be utilized] or equivalent. The three-part manual jackpot payout book or equivalent must contain preprinted, serial numbered three-part manual jackpot/credit meter payout slips that include [all of] the following information [that is required on the two-part manual jackpot payout receipt in accordance with paragraph (7).]:

- (i) Preprinted serial numbers.
- (ii) The date and time of the jackpot or credit meter payout.
- (iii) The asset number of the slot machine on which the jackpot or credit meter payout was registered.
- (iv) The amount of the jackpot or credit meter payout.
- (v) The method of payment requested by the patron.
- (vi) The signature or identification code of the preparer.
- (vii) The signature or identification code of the witness when the amount is equal to or greater than \$1,200.

[(16)] (14) A requirement that the unused manual jackpot payout books or equivalent be maintained in a secured locked cabinet, that the key to the cabinet be controlled by the security department or the finance department and that the manual jackpot payout books or equivalent can only be signed out by [the] a slot [shift manager] supervisor or other employee holding a greater level of authority when the slot [computer] monitoring system is offline.

[(17) A requirement that a slot machine licensee maintain a manual jackpot payout book log for each gaming day or portion thereof that the slot computer system is offline that includes the following information:

- (i) The slot machine licensee's name preprinted on the top of the log.
- (ii) The gaming day.
- (iii) The signature and identification code of the slot attendant assigned the three-part manual jackpot payout book.
- (iv) The date and time of issuance of the three-part manual jackpot payout book.
- (v) The series of numbers preprinted on the three-part manual jackpot payout book.

(vi) The signature and identification code of the slot shift manager issuing the manual jackpot payout book.

(vii) The date and time the three-part manual jackpot payout book is returned.

(viii) The series of numbers preprinted on the three-part manual jackpot payout book that were completed by the slot attendant.

(ix) The signature and identification code of the slot shift manager receiving the returned manual jackpot payout book.

(18) A requirement that the three-part manual jackpot payout slips be distributed as follows:

(i) The original shall be given to the cashiers' cage to obtain the funds to pay the jackpot to the winning patron or to replenish the imprest funds of the slot attendant that paid the winning patron.

(ii) The second copy shall be retained by the witness of the payout. The witness shall immediately transport the second copy to a locked accounting box.

(iii) The third copy shall be maintained in the manual jackpot payout book. At the end of the slot attendant shift, the manual jackpot payout book shall be turned into the slot shift manager and the manual jackpot payout book log shall be completed.

(19) A requirement that the original manual jackpot payout book log be forwarded to the accounting department at the end of the gaming day and that the slot operations department retain a copy of the manual jackpot payout book log.

(20) A requirement that the manual jackpot payout books turned into the slot shift manager at the end of each slot attendant's shift be forwarded to the accounting department; that the accounting department ensure that all three copies of the manual jackpot payout slips contain the same information; and that any discrepancies between the three copies are researched, documented and reported.

(21) A requirement that the manual jackpot payout books are audited to the manual jackpot payout book log and that any discrepancies between the manual jackpot payout books and the manual jackpot payout book log are researched and documented.

(22)] (15) A requirement that the surveillance department [is] be verbally notified of all jackpot or credit meter payouts when the amount of the jackpot or credit meter payout is [\$1,200] \$5,000 or more. The surveillance department shall log all calls regarding jackpot or credit meter payouts in the surveillance log.

[Pa.B. Doc. No. 09-1560. Filed for public inspection August 21, 2009, 9:00 a.m.]

NOTICES

DEPARTMENT OF AGRICULTURE

Order of Quarantine; Emerald Ash Borer

Recitals

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

B. EAB has killed 40 million ash trees during the short time it has been present in North America. Typically, trees are killed within 3 years of the initial attack by this beetle. EAB presents a clear threat to the Commonwealth's forest and horticultural resources.

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

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

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

Order

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

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

a. The quarantine established by previous Orders with respect to Allegheny, Armstrong, Beaver, Butler, Lawrence, Mercer, Mifflin, Washington and Westmoreland Counties (collectively, the "quarantined area") remains in effect, subject to the conditions set forth in this Order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. The article is either of the following:

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

ii. The article is to be moved to a specified destination for specific processing, handling or utilization (the destination and other conditions to be listed on the advance written permission), and this movement will not result in the spread of EAB because EAB will be destroyed by the specific processing, handling, or utilization; and

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

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

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

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

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

scribed in Paragraph No. 6) certificate or limited permit securely attached at all times during intrastate movement attached to the article itself, or to the container carrying the article, or to the consignee's copy of the accompanying waybill: Provided, that the description of the article on the certificate or limited permit, and on the waybill, are sufficient to identify the regulated article. The carrier must furnish the certificate or limited permit authorizing the intrastate movement of the article to the consignee at the destination of the shipment.

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

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

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

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

12. *Effective Date.* This quarantine is effective as of July 24, 2009, and shall remain in effect until rescinded by subsequent order.

DENNIS C WOLFF,
Secretary

[Pa.B. Doc. No. 09-1561. Filed for public inspection August 21, 2009, 9:00 a.m.]

DEPARTMENT OF BANKING

Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending August 11, 2009.

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

NOTICES

BANKING INSTITUTIONS

Branch Applications

Branch Consolidations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
7-31-2009	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 1345 Baltimore Street Hanover York County <i>From:</i> 2100 Utz Terrace Hanover York County (Limited Service Facility)	Effective
7-31-2009	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 270 Good Drive Lancaster Lancaster County <i>From:</i> 2098 Spring Valley Road Lancaster Lancaster County	Effective
7-31-2009	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 502 North Main Street Spring Grove York County <i>From:</i> 1000 Hanover Road York York County	Effective
7-31-2009	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 3130 Lititz Pike Lititz Lancaster County <i>From:</i> 2568 Lititz Pike Lancaster Lancaster County	Effective
7-31-2009	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 402 Eisenhower Drive Hanover York County <i>From:</i> 600 Carlisle Street Hanover York County	Effective
7-31-2009	Susquehanna Bank Lititz Lancaster County	<i>Into:</i> 10900 Owings Mills Boulevard Owings Mills Baltimore County, MD <i>From:</i> 10802 Red Run Boulevard Owings Mills Baltimore County, MD	Effective

Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
8-11-2009	Bucks County Bank Doylestown Bucks County	Amend the Fifth Article of the Articles of Incorporation	Approved and Effective

Amendment to the Fifth Article of the institution's Articles of Incorporation provides for the issuance of preferred stock.

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

Articles of Amendment

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
8-11-2009	Moonlight Credit Union Worthington Armstrong County	Amend Article 8 of the Articles of Incorporation	Approved and Effective

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
	Amendment to Article 8 of the credit union's Articles of Incorporation reflects the change of name of Butler Co. Mushroom Farm, Inc. to "Creekside Mushrooms" and provides for the inclusion of corporate or other legal entities in the credit union's charter in its field of membership.		

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

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 09-1562. Filed for public inspection August 21, 2009, 9:00 a.m.]

DEPARTMENT OF EDUCATION

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

Notice is hereby given that the Department of Education (Department) will continue the 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 the following dates:

September 14—10 a.m.—Heritage Room B, Lobby Level, 333 Market Street, Harrisburg
 September 15—9 a.m.—Heritage Room A, Lobby Level, 333 Market Street, Harrisburg
 September 16—9 a.m.—E-Center, 3rd Floor, 333 Market Street, Harrisburg
 September 17—9 a.m.—Heritage Room B, Lobby Level, 333 Market Street, Harrisburg
 September 18—9 a.m.—Heritage Room B, Lobby Level, 333 Market Street, Harrisburg
 September 21—10 a.m.—E-Center, 3rd Floor, 333 Market Street, Harrisburg
 September 22—9 a.m.—E-Center, 3rd Floor, 333 Market Street, Harrisburg
 September 23—9 a.m.—E-Center, 3rd Floor, 333 Market Street, Harrisburg
 September 24—9 a.m.—E-Center, 3rd Floor, 333 Market Street, Harrisburg
 September 25—9 a.m.—E-Center, 3rd Floor, 333 Market Street, Harrisburg

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.

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 September 14, 2009, to the Office of Chief Counsel of the Department and sent by regular mail or electronic mail to Office of Chief Counsel, Department of Education, 333 Market Street, 9th Floor, Harrisburg, PA 17126-0333, ra-edlegal@state.pa.us.

GERALD L. ZAHORCHAK, D.Ed.,
Secretary

[Pa.B. Doc. No. 09-1563. Filed for public inspection August 21, 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

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0061221 (Sewage)	Elk Lake School District P. O. Box 100 1 Schoolhouse Road Dimock, PA 18816	Susquehanna County Dimock Township	West Creek 4G	Y

Chesapeake Bay nutrient monitoring requirements for Ammonia Nitrogen, Kjeldahl Nitrogen, Nitrite-Nitrate as N, Total Nitrogen and Total Phosphorus are being added to this permit.

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

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0209805	Enterprises Real Estate, LLC 930 5th Avenue Ford City, PA 16226-1117	Redbank Township Clarion County	Town Run 17-C	Y
PA0003573	Schry Water Conditioning, Inc. 200 Portersville Road Ellwood City, PA 16117	Ellport Borough Lawrence County	Connoquenessing Creek 20-C	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.

PA0065269, Industrial, **North Branch Processing, LLC**, R. R. 2, Box 68, Mehoopany, PA 18629. This proposed facility is located in Eaton Township, **Wyoming County**.

Description of Proposed Activity: Issuance of a new NPDES Permit for the discharge of treated wastewater from the proposed 0.5 mgd North Branch Processing Wastewater Treatment Plant. The facility proposes to treat frac water from well drilling for underground gas.

The receiving stream, Susquehanna River, is in the State Water Plan Watershed 04G and is classified for: WWF. The nearest downstream public water supply intake for the Danville Municipal Water Authority is located on the Susquehanna River, approximately 80 miles miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.5 mgd.

The following limits will be in effect from the permit effective date through the permit expiration date:

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
BOD ₅	Report	Report	53.0	163	
Oil and Grease			15	30	30
TSS	Report	Report	30	60	75
pH	Within the range of 6.0 to 9.0 Standard Units at all times				
Ammonia-N	Report	Report	25	50	62
Acetone			7.97	30.2	
Acetophenone			0.0562	0.114	0.140
2-Butanone			1.85	4.81	
o-Cresol	Report	Report	0.561	1.92	
p-Cresol	Report	Report	0.205	0.698	
Phenol	Report	Report	1.08	3.65	
Pyridine			0.182	0.370	0.455
2,4,6-Trichlorophenol	Report	Report	0.106	0.155	0.265
Copper, Total	1.13	1.76	0.272	0.424	0.680
Zinc, Total	Report	Report	0.420	0.497	1.05
Barium, Total	Report	Report	10	20	25
Strontium, Total	Report	Report	10	20	25
Iron, Total			1.5	3.0	3.7
Manganese, Total			1.0	2.0	2.5
Aluminum, Total			0.75	1.5	1.8
Thallium	1.44	2.25	0.346	0.540	0.865
Antimony, Total			Report	Report	
Arsenic, Total			Report	Report	
Beryllium, Total			Report	Report	
Boron, Total			Report	Report	
Cadmium, Total			Report	Report	
Chromium III			Report	Report	
Chromium VI			Report	Report	
Cobalt, Total			Report	Report	
Cyanide, Free			Report	Report	
Iron, Dissolved			Report	Report	7
Lead, Total			Report	Report	
Mercury, Total			Report	Report	
Nickel, Total			Report	Report	
Selenium, Total			Report	Report	
Silver, Total			Report	Report	
Chemical Oxygen Demand			Report	Report	
Surfactants			Report	Report	
Benzene			Report	Report	
Toluene			Report	Report	
Alkalinity, Total as CaCO ₃			Report	Report	
Acidity			Less than Alkalinity		

Chesapeake Bay Tributary Strategy Nutrient Requirements:

Parameter	Mass (lb/day)		Concentration (mg/l)	
	Monthly	Annual	Average Monthly	Maximum Daily
Ammonia-N	Report	Report	Report	
Kjeldahl-N	Report		Report	
Nitrate-Nitrite as N	Report		Report	
Total Nitrogen	Report	Report	Report	
Total Phosphorus	Report	Report	Report	
Net Total Nitrogen	Report	0.00		
Net Total Phosphorus	Report	0.00		

The following limits will be in effect from the permit effective date through December 31, 2010:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
TDS—January	Report	411,585	Report	Report	
TDS—February	Report	511,698	Report	Report	
TDS—March	Report	880,228	Report	Report	
TDS—April	Report	1,194,399	Report	Report	
TDS—May	Report	529,023	Report	Report	
TDS—June	Report	254,090	Report	Report	
TDS—July	Report	156,383	Report	Report	
TDS—August	Report	111,062	Report	Report	
TDS—September	Report	96,765	Report	Report	
TDS—October	Report	140,356	Report	Report	
TDS—November	Report	235,920	Report	Report	
TDS—December	Report	469,896	Report	Report	
Chloride			Report	Report	
Sulfate			Report	Report	

The following limits will be in effect from January 1, 2011, through the permit expiration date:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
TDS	Report	Report	500	1,000	1,250
Chloride	Report	Report	250	500	625
Sulfate	Report	Report	250	500	625

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

1. Chesapeake Bay Nutrient Requirements.
2. Receipt of Residual Waste Including Wastewater from Oil and Gas Wells.
3. Chemical Additives.
4. Requirements Applicable to Stormwater Outfalls.

The EPA waiver is not in effect.

PA0065293, Industrial Waste, SIC Code 4953, **Wyoming Somerset Regional Water Resources Corp.**, 4 SR 1006, Tunkhannock, PA 18657-0002. This proposed facility will be located in the Lemon Township, **Wyoming County**.

Description of Proposed Activity: Wyoming Somerset Regional Water Resources Corp. proposes discharge of the 0.38 mgd treated wastewater from Gas Well Drilling Centralized Wastewater Treatment Facility. This facility proposes to process wastewater generated from the drilling, development and use of natural gas wells in northeast PA.

The receiving stream, Meshoppen Creek, is in the State Water Plan Watershed 04G and is classified for: CWF. The nearest downstream public water supply intake for Danville Borough Water Authority, is located on the Susquehanna River approximately 100 river miles below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.38 mgd.

The following limits will be in effect from Permit Effective Date until Permit Expiration Date:

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly Average</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
BOD ₅	Report	Report	53	163	
Total Suspended Solids	Report	Report	30	60	75
Oil and Grease			15	30	30
pH				6.0 to 9.0 at all times	
Ammonia-N	Report	Report	17	34	42.5
Aluminum, Total			2	4	
Acetone			7.97	30.2	
Acetophenone			0.056	0.114	
2-Butanone			1.85	4.81	
o-Cresol	Report	Report	0.561	1.92	
p-Cresol	Report	Report	0.205	0.698	
Phenol	Report	Report	1.08	3.65	
Pyridine			0.182	0.370	
2,4,6-Trichlorophenol			0.106	0.155	
Copper, Total	0.206	0.412	0.065	0.130	
Zinc, Total	Report	Report	0.420	0.840	
Barium, Total	Report	Report	10	20	

<i>Parameter</i>	<i>Mass (lbs/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly Average</i>	<i>Daily Maximum</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Strontium, Total	Report	Report	10	20	
Iron, Total			3.0	6.0	
Manganese, Total			2.0	4.0	
Iron, Dissolved			2.162	4.324	7
Silver, Total	0.060	0.120	0.019	0.038	
Boron, Total	36.55	73.10	11.534	23.068	
Cobalt, Total			Report	Report	
Arsenic, Total			Report	Report	
Cadmium, Total	0.054	0.108	0.017	0.034	
Lead, Total	0.073	0.148	0.023	0.046	
Mercury, Total	0.0013	0.0026	0.0004	0.0008	
Nickel, Total	0.119	0.238	0.376	0.752	
Selenium, Total			Report	Report	
Benzene			0.001	0.002	
Toluene			Report	Report	
Alkalinity, Total as CaCO ₃			Report	Report	
Acidity			Report	Report	
Acidity			Less than Alkalinity		
Beryllium			Report	Report	
Bromide			Report	Report	
Calcium			Report	Report	
Chemical Oxygen Demand			Report	Report	
Chromium, Total			Report	Report	
Ethylene Glycol			Report	Report	
Hardness, Total as CaCO ₃			Report	Report	
Lithium			Report	Report	
Magnesium			Report	Report	
MBAS (Surfactants)			Report	Report	
Molybdenum			Report	Report	
Thallium			Report	Report	
Osmotic Pressure			Report	Report	
Sodium			Report	Report	
Specific Conductance			Report	Report	
Ethylbenzene			4.181	8.362	
Naphthalene			0.309	0.618	

The following limits will also be in effect from Permit Effective Date until Permit Expiration Date:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>	
	<i>Monthly</i>	<i>Annual</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>
Ammonia-N	Report	Report	Report	
Kjeldahl-N	Report		Report	
Nitrate-Nitrite as N	Report		Report	
Total Nitrogen	Report	Report	Report	
Total Phosphorus	Report	Report	Report	
Net Total Nitrogen	Report	0.00		
Net Total Phosphorus	Report	0.00		

These limits will be in effect from Permit Effective Date to Permit Expiration Date:

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
TDS	Report	Report	500	1,000	1,250
Chlorides	Report	Report	250	500	625
Sulfates	Report	Report	250	500	625

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

1. Chesapeake Bay Nutrient Requirements.
2. Residual Waste Supplemental Discharge Monitoring Report.
3. Chemical Additives.
4. Stormwater No Exposure Certification.

The EPA waiver is not in effect.

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

Application No. PA 0246808, CAFO, **Clair Hurst**, 788 King Pen Road, Kirkwood, PA 17563. Clair Hurst has submitted an application for an Individual NPDES permit for an existing CAFO known as the Hurst Farm, located in Little Britain Township, **Lancaster County**.

The CAFO is situated near a UNT of West Branch Octoraro Creek, which is classified as a HQ-CWF. The CAFO includes two animal housing units designed to maintain an animal population of approximately 510 animal equivalent units consisting of 3,600 finishing swine and a 50 head dairy. Liquid dairy manure is stored in an earthen impoundment with a capacity of approximately 265,000 gallons. Liquid swine manure is stored in an under-barn concrete structure with a capacity of approximately 1.03 million gallons. Manure produced at the operation is land applied or exported to local farmers in accordance with an approved Nutrient Management Plan. A release or discharge to waters of this Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

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

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

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

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

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

PA0097756, Industrial Waste, SIC 4941, **Highland Sewer and Water Authority**, 120 Tank Drive, Johnstown, PA 15904. This application is for renewal of an NPDES permit to discharge treated filter backwash water and flow from sludge drying beds from the Beaverdam Water Treatment Plant in Summerhill Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, Beaverdam Run, 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 Saltsburg Municipal Water Supply, located at Saltsburg, 50 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.17 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	0.5				
Total Suspended Solids			30		60
Total Iron			2		4
Aluminum (T)			0.7		1.4
Manganese (T)			1		2
Total Residual Chlorine			0.5		1
pH	not less than 6.0 nor greater than 9.0				

The EPA waiver is in effect.

PA0098043, Sewage, **ITI Trailer and Truck Bodies, Inc.**, P. O. Box 59, 8535 Mason Dixon Highway, Meyersdale, PA 15552. This application is for renewal of an NPDES permit to discharge treated sewage from ITI Truck and Trailer Bodies, Inc. STP in Elk Lick Township, **Somerset County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as UNT 39272 to Casselman River, which are classified as a CWF with existing and/or potential uses for aquatic life, water supply and recreation. The first downstream potable water supply intake from this facility is the Garrett Borough Water System.

Outfall 001: existing discharge, design flow of 0.002 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD ₅	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
(5-1 to 10-30)	6.0			12.0
(11-1 to 4-30)	18.0			36.0
Fecal Coliform				
(5-1 to 9-30)	200/100 ml as a Geometric Mean			
(10-1 to 4-30)	2,000/100 ml as a Geometric Mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

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

PA0097756, Industrial Waste, SIC 4941, **Highland Sewer and Water Authority**, 120 Tank Drive, Johnstown, PA 15904. This application is for renewal of an NPDES permit to discharge treated filter backwash water and flow from sludge drying beds from the Beaverdam Water Treatment Plant in Summerhill Township, **Cambria County**.

The following effluent limitations are proposed for discharge to the receiving waters, Beaverdam Run, 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 Saltsburg Municipal Water Supply, located at Saltsburg, 50 miles below the discharge point.

Outfall 001: existing discharge, design flow of 0.17 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	0.5				
Total Suspended Solids			30		60
Total Iron			2		4
Aluminum (T)			0.7		1.4
Manganese (T)			1		2
Total Residual Chlorine			0.5		1
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.

PA0029122, Sewage, **Saxonburg Area Authority**, 420 West Main Street, Saxonburg, PA 16056. This proposed facility is located in Penn Township, **Butler County**.

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

For the purpose of evaluating effluent requirements for TDS, NO₂-NO₃, fluoride, phenolics, sulfate and chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Beaver Falls Municipal Authority intake on the Beaver River, located at Eastvale, approximately 45 miles below point of discharge.

The receiving stream, Connoquenessing Creek, is in Watershed 20-C and classified for: WWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 2.05 mgd.

Parameters	Loadings			Concentrations	
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (mgd)	XX	XX			
CBOD ₅					
(5-1 to 10-31)	171	256	10	15	20
(11-1 to 4-30)	342	513	20	30	40
Total Suspended Solids	513	769	30	45	60

Parameters	Loadings		Concentrations		
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
NH ₃ -N					
(5-1 to 10-31)	68.4		4		8
(11-1 to 4-30)	205		12		24
Phosphorus as "P"	34.2		2		4
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		

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)

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

WQM Permit No. 2109405, Sewerage, **Borough of Carlisle**, 53 West South Street, Carlisle, PA 17013. This proposed facility is located in Carlisle Borough, **Cumberland County**.

Description of Proposed Action/Activity: Nutrient Removal Upgrade to existing Wastewater Treatment Facility.

WQM Permit No. 4495402, Amendment 09-1, Sewerage, **Union Township Municipal Authority**, P. O. Box 5625, Belleville, PA 17004-5625. This proposed facility is located in Union Township, **Mifflin County**.

Description of Proposed Action/Activity: Modifications to the wastewater treatment facility.

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

WQM Permit No. 0290207-A1, Industrial Waste, **Port Authority of Allegheny County**, 345 Sixth Avenue, Pittsburgh, PA 15222-2527. This existing facility is located in Harmar Township, **Allegheny County**.

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

WQM Permit No. 0209406, Sewerage, **Bell Acres Municipal Authority**, 1151 Campmeeting Road, Sewickley, PA 15143. This proposed facility is located in Bell Acres Borough, **Allegheny County**.

Description of Proposed Action/Activity: Application for the construction and operation of a low pressure sewage collection system.

WQM Permit No. 6304406-A1, Sewerage, **Center-West Joint Sewer Authority**, P. O. Box 542, Brownsville, PA 15417. This existing facility is located in Centerville and West Brownsville Boroughs, **Washington County**.

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

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

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

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

WQM Permit No. 5609001, Concentrated Animal Feeding Operation, CAFO, Klejka Dairy, 381 Deans Road, Somerset, PA 15501. This proposed facility is located in Somerset Township, **Somerset County**.

Description of Proposed Action/Activity: Application for the construction and operation of a manure storage facility. A 1.6 million gallon above ground manure storage tank system will supplement existing manure storage.

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI01 0909007	HMH Limited Partners 347 Easton Road Warrington, PA 18976	Bucks	Springfield Township	Cooks Creek EV
PAI01 1509026	Alvin S. Fisher 510 White School Road Honeybrook, PA 19344	Chester	Honey Brook Township	West Branch Brandywine Creek HQ-TSF-MF

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 2309005	Upper Providence Township Sewer Authority 935 North Providence Road Media, PA 19063	Delaware	Upper Providence Township	Ridley Creek HQ-TSF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904022(1)	Lehigh Valley Health Network Attn: Brian Hardner Cedar Crest and I-78 P. O. Box 689 Allentown, PA 18105	Lehigh	Salisbury Township	Little Lehigh Creek HQ-CWF

Northampton County Conservation District: Greystone Building, 14 Gracedale Avenue, Nazareth, PA 18064-9211, (610) 746-1971.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024809006	Terence O'Reilly, Jr. 65 Constitution Avenue Wind Gap, PA 18091	Northampton	Moore Township	Monocacy Creek HQ-CWF

Lackawanna County Conservation District: 1300 Old Plank Road, Mayfield, PA 18433, (570) 281-9495.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023509002	Lackawanna County Attn: William Davis McDade Park 1 Bald Mountain Road Scranton, PA 18504-9779	Lackawanna	Covington Township	Roaring Brook HQ-CWF Lagan Creek HQ-CWF

Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024509008	Square One Markets, Inc. 2432 Emrick Boulevard Bethlehem, PA 18020	Monroe	Coolbaugh Township	Tributary to Devils Hole Creek EV Tank Creek HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI055609005	Keith E. Newlin National Park Service 109 West Main Street Suite 104 Somerset, PA 15501	Somerset	Stonycreek Township	Grove Run EV

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

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

PUBLIC WATER SUPPLY (PWS) PERMIT

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

Persons wishing to comment on a permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within the 30-day comment period will be considered in the formulation of the final determinations regarding the application. Comments should include the name, address and telephone number of the

writer and a concise statement to inform the Department of Environmental Protection (Department) of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

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

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

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

SAFE DRINKING WATER

Applications Received under the Pennsylvania Safe Drinking Water Act

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

Application No. 5509501—Construction, Public Water Supply.

Applicant	Freeburg Municipal Authority
Township or Borough	Freeburg Borough
County	Snyder
Responsible Official	Todd Hoffman Authority Chairperson Freeburg Municipal Authority P. O. Box 308 Freeburg, PA 17827
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Bruce McClure, P. E. Johnson, Mirmiran and Thompson 72 Loveton Circle Sparks, MD 21152
Application Received	August 5, 2009
Description of Action	Construction of a new membrane filtration plant at the location of the existing FMA. Well supplies to house the membrane filtration equipment as well as the ancillary facilities.

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

Permit No. 1109502, Public Water Supply.	
Applicant	Greater Johnstown Water Authority 640 Franklin Street P. O. Box 1407 Johnstown, PA 15907
Township or Borough	Upper Yoder Township
Responsible Official	Edward Cernic Chairperson Greater Johnstown Water Authority 640 Franklin Street P. O. Box 1407 Johnstown, PA 15907
Type of Facility	Water system
Consulting Engineer	Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street P. O. Box 853 Latrobe, PA 15650
Application Received Date	July 9, 2009
Description of Action	Construction of an interconnection between the Greater Johnstown Water Authority and the Municipal Authority of Westmoreland County's Ligonier system. This includes construction of a pump station, two 1.5 million gallon water storage tanks, an interconnection, pressure reducing valves and the upgrade of the Viewmont pump station.

Permit No. 2609506, Public Water Supply.	
Applicant	Municipal Authority of Westmoreland County 124 Park and Pool Road New Stanton, PA 15672
Township or Borough	Hempfield Township
Responsible Official	Curtis Fontaine, P. E. Municipal Authority of Westmoreland County 124 Park and Pool Road New Stanton, PA 15672
Type of Facility	Booster pump station
Consulting Engineer	Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street P. O. Box 853 Latrobe, PA 15650
Application Received Date	July 30, 2009
Description of Action	Installation of the Sister of Charity booster pump station and waterline.

Permit No. 6509505, Public Water Supply.	
Applicant	Municipal Authority of Westmoreland County 124 Park and Pool Road New Stanton, PA 15672
Township or Borough	Ligonier Township

Responsible Official	Curtis Fontaine, P. E. Municipal Authority of Westmoreland County 124 Park and Pool Road New Stanton, PA 15672
Type of Facility	Booster pump station
Consulting Engineer	Gibson-Thomas Engineering Co., Inc. 1004 Ligonier Street P. O. Box 853 Latrobe, PA 15650
Application Received Date	July 30, 2009
Description of Action	Installation of a booster pump station and waterline to serve the Bethlen Communities Home.

MINOR AMENDMENT

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

Application No. 0409507MA, Minor Amendment.

Applicant	Beaver Falls Municipal Authority 1425 8th Avenue P. O. Box 400 Beaver Falls, PA 15010
Township or Borough	Eastvale Borough
Responsible Official	James Riggio General Manager Beaver Falls Municipal Authority 1425 8th Avenue P. O. Box 400 Beaver Falls, PA 15010
Type of Facility	Water treatment plant
Consulting Engineer	Michael Baker Jr., Inc. 4301 Dutch Ridge Road Beaver, PA 15009
Application Received Date	July 20, 2009
Description of Action	Media replacement in filter No. 5 and water trough modifications.

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 Stan-

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

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

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

Midas Residence, 529 East Ridge Street, Lansford Borough, **Carbon County**. Jeffrey Wynn, Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518 has submitted a Notice of Intent to Remediate (on behalf of his client, David Midas, 529 East Ridge Street, Lansford, PA 18232), concerning the remediation of soil found to have been impacted by No. 2 fuel oil due to a release that occurred during a fuel oil delivery as the result of an accidental overflow of a 275-gallon aboveground storage tank. The applicant proposes to remediate the site to meet the Statewide Health Standard. The intended future use of the property is residential. A summary of the Notice of Intent to Remediate was published in *The Times News* on July 9, 2009.

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

Former Mobil Reading Terminal #37-029, Muhlenberg Township, **Berks County**. Groundwater &

Environmental Services, Inc., 440 Creamery Way, Suite 500, Exton, PA 19341, on behalf of ExxonMobil Environmental Services Company, Room CCM 09E, 1545 Route 22 East, Annandale, NJ 08801 and Tom Masano Dealership, 815 Lancaster Avenue, Reading, PA 19607, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with unleaded gasoline. The former terminal, which ceased operations in 1994, will be remediated to a combination of Statewide Health and Site-Specific Standards. A used car dealership is located on site, and the property will remain commercial.

Logos Academy, City of York, **York County**. GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011, on behalf of Logos Academy, 340 East Market Street, York, PA 17403 and Johnston Construction, 4331 Fox Run Road, Dover, PA 17315-2737, submitted a Notice of Intent to Remediate site soils contaminated with fuel oil from underground storage tanks. The site will be remediated to the Statewide Health Standard and will be developed as an educational facility.

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

Bolton Metal Products formerly Cerro Metal Products—North Yard, Spring Township, **Centre County**. Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of The Marmon Group, LLC, 181 West Madison Street, Chicago, IL 60602 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with trichloroethylene (TCE). The applicant proposes to remediate the site to meet the Site-Specific Standard. The future use of the property is for commercial and/or industrial uses.

Bolton Metal Products formerly Cerro Metal Products—Plant 4, Spring Township, **Centre County**. Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of The Marmon Group, LLC, 181 West Madison Street, Chicago, IL 60602 has submitted a Notice of Intent to Remediate groundwater contaminated with hydraulic oil that contained polychlorinated biphenyls (PCBs) Aroclor 1248. The applicant proposes to remediate the site to meet the Site-Specific Standard. The future use of the property is for commercial and/or industrial uses.

Bolton Metal Products formerly Cerro Metal Products—Plant 1, Spring Township, **Centre County**. Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of The Marmon Group, LLC, 181 West Madison Street, Chicago, IL 60602 has submitted a Notice of Intent to Remediate soil and groundwater contaminated with trichloroethylene (TCE) that contained polychlorinated biphenyls (PCBs) Aroclor 1248. The applicant proposes to remediate the site to meet the Site-Specific Standard. The future use of the property is for commercial and/or industrial uses.

Bolton Metal Products formerly Cerro Metal Products—South Spring, Eastern Hillside and South Yard, Spring Township, **Centre County**. Chambers Environmental Group, Inc., 629 East Rolling Ridge Drive, Bellefonte, PA 16823 on behalf of The Marmon Group, LLC, 181 West Madison Street, Chicago, IL 60602 has submitted a Notice of Intent to Remediate soil contaminated with metals. The applicant proposes to remediate the site to meet the Site-Specific Standard. The future use of the property is for commercial and/or industrial uses.

Rose Ball Residence, Bell Township, **Clearfield County**. Mountain Research, LLC, 825 25th Street,

Altoona, PA 16601 on behalf of Rose Ball, 2001 Clover Run Road, Mahaffey, PA 15757 has submitted a Notice of Intent to Remediate groundwater contaminated with heating oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. The property will remain residential.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Application Received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

Permit Application No. 101662. Conshohocken Rail, LLC, 1060 Conshohocken Road, Conshohocken, PA 19428. This application is for 10-year permit renewal to continue operation at the Conshohocken Rail, LLC, an existing construction and demolition waste transfer station facility, located in Plymouth Township **Montgomery County**. The application was received by the Southeast Regional Office on August 3, 2009.

Permit Application No. 400593. Covanta Delaware Valley, LP, 10 Highland Avenue, Chester, PA 19013-2231. This application is for 10-year permit renewal to continue operation at the Covanta Delaware Valley, LP, an existing resource recovery facility located in the City of Chester, **Delaware County**. The application was received by the Southeast Regional Office on February 23, 2009.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

NEW SOURCES AND MODIFICATIONS

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

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

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

Persons wishing to receive a copy of a proposed plan approval or operating permit must indicate their interest to the Department regional office within 30 days of the date of this notice and must file protests or comments on a proposed plan approval or operating permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be held concerning the proposed plan approval and operating

permit. Comments or protests filed with the Department regional offices must include a concise statement of the objections to the issuance of the Plan approval or operating permit and relevant facts which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

PLAN APPROVALS

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

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

03-00246A: Bedrock Mines, LP (111 Freeport Road, Pittsburgh, PA 15215) for installation of coal blending yard at Keystone East Mine in Plumcreek Township, **Armstrong County**.

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

24-150A: Horizon Wood Products, Inc. (624 Shelvey Summit, Kersey, PA 15846) for installation of a 3.1 mmBtu/hr wood-fired boiler and associated multicyclone control device at their facility in Fox Township, **Elk County**.

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

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

67-03034A: B-Way Packaging (599 Davies Drive, York, PA 17400) for installation of an aerosol can manufacturing line with a dry filter system at the existing can production plant in Springettsbury Township, **York County**. The aerosol line will increase potential emissions of VOC from the facility by less than 5 tpy. The approval and permit amendment will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

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-30-00182A: CNX Marine Terminals, Inc. (1000 Consol Energy Drive, Canonsburg, PA 15317) for issuance of a Plan Approval to allow construction of a barge cleaning facility at their Robena Plant, in Monongahela Township, **Greene County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.45, notice is hereby given that the Department of Environmental Protection (Department) intends to issue a Plan Approval to allow the construction of a barge cleaning facility at the Robena Plant, located in Monongahela Township, Greene County.

Emissions from the source are estimated to be 13.2 tons of PM10 per year. The proposed facility is subject to the applicable requirements of 25 Pa. Code Chapter 127, related to construction, modification, reactivation and operation of sources. The Department believes that the facility will meet these requirements by complying with the following Plan Approval conditions relating to restrictions, monitoring, recordkeeping, reporting and work practice standards:

1. Plan Approval authorizes the construction of a barge cleaning operation at the CNX Marine Terminal Consol, Inc. Robena facility located in Monongahela Township, Greene County. No more than 600 contaminated barges per year will be processed at this location. Each contaminated barge will have approximately 10 tons of residual limestone left in it. A bobcat and a hopper will be lowered into the contaminated barge. The bobcat will gather the material and transfer it to the hopper. Hopper will then be transferred into the receiving barge. (25 Pa. Code § 127.12b)
2. In accordance with 25 Pa. Code §§ 123.1 and 123.2, there shall be no fugitive emissions from this site, except for those arising out of stockpiling and use of roads. Permittee shall take all reasonable actions to prevent PM from becoming airborne. In no case, shall the emission of PM be visible at the point where the emissions pass the property line.
3. Receiving barge shall be covered at all possible times. Drop heights from bobcat and the hopper shall be kept as short as possible to minimize dusting. (25 Pa. Code § 127.12b)
4. Owner/operator shall conduct a visual inspection of the perimeter of operational area of the barge cleaning operation at least once each day (when operating), to check for fugitive emissions crossing the property line. (25 Pa. Code § 127.12b)
5. Operations shall immediately cease if fugitive emissions cannot be controlled. (25 Pa. Code § 127.12b)
6. Owner/operator shall keep records of all fugitive emission inspections, including the date, time, person conducting the inspection, result of inspection and any actions taken to reduce fugitive emissions. (25 Pa. Code § 127.12b)
7. Owner/operator shall keep daily records of all material received and shipped. (25 Pa. Code § 127.12b)
8. By March 1 of each year, owner/operator shall calculate the emissions from the facility for the previous calendar year. (25 Pa. Code § 127.12b)
9. All records shall be kept onsite for 5 years, and shall be made available to the Department upon request. (25 Pa. Code § 127.12b)

10. When advised by the Department to do so, owner/operator shall submit by March 1 of each year an emission report for the preceding calendar year, in accordance with 25 Pa. Code § 135.31.

11. This approval to construct shall become invalid if: (1) the construction, modification or installation is not commenced (as defined in 40 CFR 52.21(b)(8)) within 18 months of the issuance of the plan approval or if there is more than an 18-month lapse in construction, modification or installation. The Department may extend the 18-month period upon a satisfactory showing that an extension is justified. (25 Pa. Code § 127.13(c))

12. Notify the Department when the installation is completed so that the facility can be inspected for issuance of an operating permit. Submit an Operating Permit application within 120 days of commencement of construction.

13. Words and terms that are not otherwise defined in this plan approval shall have the meanings set forth in section 3 of the Air Pollution Control Act (APCA) (35 P. S. § 4003) and 25 Pa. Code § 121.1. (25 Pa. Code § 121.1)

14. The issuance of this plan approval does not prevent the future adoption by the Department of any rules, regulations or standards, or the issuance of orders necessary to comply with the requirements of the Federal Clean Air Act (CAA) or the APCA or to achieve or maintain ambient air quality standards. The issuance of this plan approval shall not be construed to limit the Department's enforcement authority. (25 Pa. Code § 127.12b (a)(b))

15. This plan approval authorizes temporary operation of the sources covered by this plan approval provided the following conditions are met.

(a) When construction, installation, modification or reactivation is being conducted, the permittee should provide written notice to the Department of the completion of the activity approved by this plan approval and the permittee's intent to commence operation at least 5 working days prior to the completion of said activity. The notice shall state when the activity will be completed and when the permittee expects to commence operation. When the activity involves multiple sources on different time schedules, notice is required for the commencement of operation of each source.

(b) Under 25 Pa. Code § 127.12b(d), temporary operation of the sources to facilitate the shakedown of sources and air cleaning devices, to permit operations pending the issuance of a permit under 25 Pa. Code Chapter 127, Subchapter F or G (relating to operating permits; and Title V operating permits) or to permit the evaluation of the air contaminant aspects of the source.

(c) This plan approval authorizes a temporary operation period not to exceed 180 days from the date of commencement of operation, provided the Department receives notice from the permittee under paragraph (a), previously.

(d) The permittee may request an extension of the 180-day shakedown period if further evaluation of the air contamination aspects of the sources is necessary. The request for an extension should be submitted, in writing, to the Department at least 15 days prior to the end of the initial 180-day shakedown period and shall provide a description of the compliance status of the source, a detailed schedule for establishing compliance, and the reasons compliance has not been established. This tempo-

rary operation period will be valid for a limited time and may be extended for additional limited periods, each not to exceed 180 days.

(e) The notice submitted by the permittee under subpart (a) previously, prior to the expiration of the plan approval, shall modify the plan approval expiration date on page 1 of this plan approval. The new plan approval expiration date shall be 180 days from the date of commencement of operation.

16. If, at any time, the Department has cause to believe that air contaminant emissions from the sources listed in this plan approval may be in excess of the limitations specified in, or established under this plan approval or the permittee's operating permit, the permittee may be required to conduct test methods and procedures deemed necessary by the Department to determine the actual emissions rate. The testing shall be conducted in accordance with 25 Pa. Code Chapter 139, where applicable, and in accordance with any restrictions or limitations established by the Department at the time as it notifies the company that testing is required. (25 Pa. Code § 127.12b)

17. The permittee shall maintain and operate the sources and associated air cleaning devices in accordance with good engineering practice as described in the plan approval application submitted to the Department. (25 Pa. Code § 127.12(a)(10))

18. The records, reports or information obtained by the Department or referred to at public hearings shall be available to the public, except as provided in paragraph (a) of this condition.

(a) Upon cause shown by the permittee that the records, reports or information or a particular portion thereof, but not emission data, to which the Department has access under the act, if made public, would divulge production or sales figures or methods, processes or production unique to that person or would otherwise tend to affect adversely the competitive position of that person by revealing trade secrets, including intellectual property rights, the Department will consider the record, report or information, or particular portion thereof confidential in the administration of the act. The Department will implement this section consistent with sections 112(d) and 114(c) of the CAA (42 U.S.C.A. §§ 7412(d) and 7414(c)). Nothing in this section prevents disclosure of the report, record or information to Federal, State or local representatives as necessary for purposes of administration of Federal, State or local air pollution control laws, or when relevant in a proceeding under the act. (25 Pa. Code §§ 127.12(c) and (d) and 35 P. S. § 4013.2)

19. This plan approval will be valid for a limited time, as specified by the expiration date contained on page 1 of this plan approval.

(a) Except as provided in §§ 127.11a and 127.215 (relating to reactivation of sources; and reactivation), at the end of the time, if the construction, modification, reactivation or installation has not been completed, a new plan approval application or an extension of the previous approval will be required.

(b) If construction has commenced, but cannot be completed before the expiration of this plan approval, an extension of the plan approval must be obtained to continue construction. To allow adequate time for departmental action, a request for the extension should be postmarked at least 30 days prior to the expiration date.

The Department will not issue an extension after the plan approval expires. The request for an extension should include the following:

- (i) A justification for the extension,
 - (ii) A schedule for the completion of the construction.
- (c) If construction has not commenced before the expiration of this plan approval, then a new plan approval application must be submitted and approval obtained before construction can commence.
- (d) If the construction, modification or installation is not commenced within 18-months of the issuance of this plan approval or if there is more than an 18-month lapse in construction, modification or installation, a new plan approval application that meets the requirements of 25 Pa. Code Chapter 127, Subchapters B, D and E (relating to plan approval requirements; prevention of significant deterioration of air quality; and new source review) shall be submitted. (25 Pa. Code § 127.13)

20. This plan approval may not be transferred from one person to another except when a change of ownership is demonstrated to the satisfaction of the Department and the Department approves the transfer of the plan approval in writing.

21. Section 127.12a (relating to compliance review) applies to a request for transfer of a plan approval. A compliance review form shall accompany the request.

22. This plan approval is valid only for the specific source and the specific location of the source as described in the application. (25 Pa. Code § 127.32)

23. Under 35 P. S. § 4008, no person shall hinder, obstruct, prevent or interfere with the Department or its personnel in the performance of any duty authorized under the APCA.

24. The permittee shall also allow the Department to have access at reasonable times to said sources and associated air cleaning devices with such measuring and recording equipment, including equipment recording visual observations, as the Department deems necessary and proper for performing its duties and for the effective enforcement of the APCA and regulations adopted under the act.

25. Nothing in this plan approval condition shall limit the ability of the Environmental Protection Agency (EPA) to inspect or enter the premises of the permittee in accordance with section 114 or other applicable provisions of the CAA. (25 Pa. Code § 127.12(4) and 35 P. S. § 4008 and § 114 of the CAA)

26. This plan approval may be terminated, modified, suspended or revoked and reissued if one or more of the following applies:

(a) The permittee constructs or operates the source subject to the plan approval in violation of the act, the CAA, the regulations promulgated under the act or the CAA, a plan approval or permit or in a manner that causes air pollution.

(b) The permittee fails to properly or adequately maintain or repair an air pollution control device or equipment attached to or otherwise made a part of the source.

(c) The permittee fails to submit a report required by this plan approval.

(d) The EPA determines that this plan approval is not in compliance with the CAA or the regulations thereunder. (25 Pa. Code § 127.13a)

27. The permittee, or any other person, may not circumvent the new source review requirements of 25 Pa. Code Chapter 127, Subchapter E by causing or allowing a pattern of ownership or development, including the phasing, staging, delaying or engaging in incremental construction, over a geographic area of a facility which, except for the pattern of ownership or development, would otherwise require a permit or submission of a plan approval application.

28. No person may permit the use of a device, stack height which exceeds good engineering practice stack height, dispersion technique or other technique which, without resulting in reduction of the total amount of air contaminants emitted, conceals or dilutes an emission of air contaminants which would otherwise be in violation of this plan approval, the APCA or the regulations promulgated thereunder, except that with prior approval of the Department, the device or technique may be used for control of malodors. (25 Pa. Code §§ 121.9 and 127.216)

29. Reports, test data, monitoring data, notifications shall be submitted to the following:

Regional Air Program Manager
Department of Environmental Protection
400 Waterfront Drive
Pittsburgh, PA 15222

30. If required by section 112(r) of the CAA, the permittee shall develop and implement an accidental release program consistent with requirements of the CAA, 40 CFR Part 68 (relating to chemical accident prevention provisions) and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (Pub. L. 106-40).

(a) The permittee shall prepare and implement a Risk Management Plan (RMP) which meets the requirements of section 112(r) of the CAA, 40 CFR Part 68 and the Federal Chemical Safety Information, Site Security and Fuels Regulatory Relief Act when a regulated substance listed in 40 CFR 68.130 is present in a process in more than the listed threshold quantity at the facility. The permittee shall submit the RMP to the EPA according to the following schedule and requirements:

(b) The permittee shall submit the first RMP to a central point specified by the EPA no later than the latest of the following:

(c) Three years after the date on which a regulated substance is first listed under 68 CFR 68.130; or,

(i) The date on which a regulated substance is first present above a threshold quantity in a process.

(ii) The permittee shall submit any additional relevant information requested by the Department or the EPA concerning the RMP and shall make subsequent submissions of RMPs in accordance with 40 CFR 68.190.

(iii) The permittee shall certify that the RMP is accurate and complete in accordance with the requirements of 40 CFR Part 68, including a checklist addressing the required elements of a complete RMP.

(iv) As used in this plan approval condition, the term "process" shall be as defined in 40 CFR 68.3. The term "process" means any activity involving a regulated substance including any use, storage, manufacturing, handling or onsite movement of the substances or any combination of these activities. For purposes of this definition, any group of vessels that are interconnected or separate vessels that are located such that a regulated

substance could be involved in a potential release, shall be considered a single process. (25 Pa.Code § 127.12(9) and 40 CFR Part 68)

Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Plan Approval may submit the information to Barbara Hatch, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Each written comment must contain the following:

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

Identification of the proposed Plan Approval (specify the Plan Approval number).

Concise statements regarding the relevancy of the information or objections to issuance of the Plan Approval.

Comments must be received prior to the close of business 30 days after the date of this publication.

OPERATING PERMITS

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

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

28-05004: Grove US, LLC (1565 Buchanan Trail East, Shady Grove, PA 17256) for operation of a crane manufacturing plant in Antrim Township, **Franklin County**. This action is a renewal of the Title V operating permit No. 28-05004 issued in 2005. The facility's major emissions are VOCs from surface coating operations. The Title V permit renewal will contain all of the emissions limits and work practice standards along with monitoring, recordkeeping and reporting requirements from the previous permit to ensure the facility complies with the applicable air quality regulations.

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

04-00702: United States Gypsum Co. (1 Woodlawn Road, Aliquippa, PA 15001-5400) for operation of a gypsum wallboard manufacturing facility at their plant in Aliquippa City, **Beaver County**. This application is for renewal of the Title V operating permit issued in 2005.

26-00495: Allegheny Energy Supply Co., LLC (800 Cabin Hill Drive, Greensburg, PA 15601-1689) for operation of two simple 2-cycle combustion turbines with water injection at the Gans Power Station in Springhill Township, **Fayette County**. This application is for renewal of the Title V operating permit issued in 2005.

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

V08-002: The Children's Hospital of Philadelphia (34th Street and Civic Center Boulevard, Philadelphia, PA 19104) for operation of a hospital in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include seven 800 hp boilers, three 500 hp boilers, a 250 hp boiler, four 1,085 hp peak-shaving generators, 12 emergency generators and two ethylene oxide sterilizers which vent to an ethylene oxide abator.

The operating permit will be issued under the 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 at (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.

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

09-00128: East Coast Sign Advertising (5058 Route 13 North, Bristol, PA 19007) for operation their facility in Bristol Township, **Bucks County**. This action is a renewal of the permit for a non-Title V (State-only) facility. The facility's main sources include: three large paint spray booths and a paint storage/mix room. There are no proposed changes to equipment or operating conditions. The permit will continue to include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.

54-00068: Pleasant Valley Modular Homes, Inc. (P. O. Box 88, Pine Grove, PA 17963-0088) for manufacture of mobile homes in Pine Grove Township, **Schuylkill County**. This is a State-only Synthetic Minor operating permit for this facility. The State-only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

35-00033: Sun Building Systems, Inc. (9 Stauffer Industrial Park, Taylor, PA 18517) for operation of a sawing machine and a paint spray booth with associated air cleaning devices in Taylor Borough, **Lackawanna County**. This action is a renewal of the State-only (Natural Minor) Operating Permit for this facility. This Operating Permit shall include emission restrictions, monitoring, recordkeeping and reporting requirements designed to ensure this facility complies with all applicable air quality regulations.

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

28-03026: Gish Logging, Inc. (4980 Path Valley Road, Fort Loudon, PA 17224) for operation of a wood-waste fired boiler and mechanical collector at the wood processing plant in Metal Township, **Franklin County**. This action is a renewal of the previous State-only permit

issued in 2005 and will contain all of the emissions limits and work practice standards along with monitoring, recordkeeping and reporting requirements from the previous permit to ensure the facility complies with the applicable air quality regulations.

38-03051: Grace Alloys (200 East Richland Avenue, Myerstown, PA 17067) for operation of an aluminum melting furnace with integral afterburner in Myerstown Borough, **Lebanon County**. The furnace and afterburner are subject to 40 CFR Part 63, Subpart RRR—National Emission Standards for HAPs for Secondary Aluminum Production. The State-only permit will contain emissions limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

67-03142: DCP Midstream, LP (370 17th Street, Suite 2500, Denver, CO 80202) for operation of a propane terminal in West Manchester Township, **York County**. Estimated potential facility-wide atmospheric VOC emissions are less than 21 tpy. This is a non-Title V (State-only) facility. Standard recordkeeping and operating restrictions will be included to keep the facility operating within all applicable air quality requirements.

67-05069: Pennsy Supply, Inc., Thomasville (550 South Biesecker Road, Thomasville, PA 17364) for operation of their limestone crushing plant in Jackson Township, **York County**. Sources at the plant are subject to 40 CFR Part 60, Subpart OOO—Standards of Performance for Nonmetallic Mineral Processing Plants.

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

65-00726: Gutchess Hardwoods, Inc. (P. O. Box 618, 185 Devereux Drive, Latrobe, PA 15650-0618) for operation of a hardwood lumber processing facility at their Latrobe Plant in Unity Township, **Westmoreland County**. This application is for renewal of the State-only operating permit issued in 2005.

65-00799: Dominion Transmission, Inc. (1201 Pitt Street, Wilkinsburg, PA 15221-2029) for operation of a natural gas transmission station at their Lincoln Heights Compressor Station in Hempfield Township, **Westmoreland County**. This application is for renewal of the State-only operating permit issued in 2005.

65-00982: T. W. Phillips Gas and Oil Co. (205 North Main Street, Butler, PA 16001-4998) for operation of two Caterpillar G3516LE natural gas compressor engines and two Hanover 200M glycol dehydrators at their Rubright Compressor Station in Bell Township, **Westmoreland County**.

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

33-00157: National Fuel Gas Supply Corp.—Eldred Compressor Station (12797 Fisher Road, Eldred Township, PA 15860) for a Natural Minor Permit to operate a natural gas compressor station in Eldred Township, **Jefferson County**. The primary emissions are from the two 150 hp compressor engines at the facility.

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 ¹		greater than 6.0; less than 9.0	
Alkalinity greater than acidity ¹			

¹The 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.

32031301 and NPDES Permit No. PA0235580, Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201-9642), to renew the permit for the Lowry Deep Mine in White Township, **Indiana County** and related NPDES permit. No additional discharges. Application received July 1, 2009.

30080701 and NPDES Permit No. PA0235806, Consol Pennsylvania Coal Company, LLC, (1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15243), to revise the permit for the Bailey Mine Central Complex Coal Refuse Disposal Area No. 5 in Richhill Township, **Greene County** to add acreage for construction of a coal refuse slurry impoundment to an in-process new coal refuse disposal permit application. Coal Refuse Disposal Support Acres Proposed 39.8, Coal Refuse Disposal Acres Proposed 375.0. No additional discharges. Application received January 16, 2009.

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

32880108 and NPDES No. PA0598313. M. B. Energy, Inc., 175 McKnight Road, Blairsville, PA 15717, permit renewal for reclamation only of a bituminous surface mine and operate water treatment facilities in Brushvalley Township, **Indiana County**, affecting 133.2 acres. Receiving streams: UNTs to Brush Creek, and UNT to Yellow Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 15, 2009.

56940105 and NPDES No. PA0212890. Action Mining, Inc., 117 Shaw Mines Road, Meyersdale, PA 15552, permit renewal for the continued operation and restoration of a bituminous surface mine in Elk Lick and Summit Townships, **Somerset County**, affecting 108.0 acres. Receiving streams: UNTs to/and Casselman River classified for the following uses: CWF, WWF. There are no potable water supply intakes within 10 miles downstream. Application received July 21, 2009.

56890110 and NPDES No. PA0598551. 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 67.6 acres. Receiving streams: Whiskey Run to Dark Shade Creek classified for the following use: CWF. The first downstream potable

water supply intake from the point of discharge is Cambria Somerset Authority Stonycreek SWI. Application received July 28, 2009.

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

63840106 and NPDES Permit No. PA0588458. Robinson Coal Company (P. O. Box 9347). Renewal application for a passive treatment system to a surface mine, located in Robinson Township, **Washington County**, affecting 176 acres. Receiving streams: North Branch Robinson's Run, UNT to Little Raccoon Run and Robinson's 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 August 5, 2009.

26090104 and NPDES Permit No. PA0251739. David L. Patterson, Jr. (12 Shortcut Road, Smithfield, PA 15478). Application for commencement, operation and reclamation of a bituminous surface mine, located in Nicholson Township, **Fayette County**, affecting 43.6

acres. Receiving streams: UNTs to Cats Run, classified for the following use: WWF. The potable water supplies with intake within 10 miles downstream from the point of discharge: Masontown Water Works and Carmichaels Municipal Authority. Application received August 3, 2009.

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

33010107 and NPDES Permit No. PA0242012. Waroquier Coal Company (P. O. Box 128, Clearfield, PA 16830). Renewal of an existing bituminous surface strip operation in Snyder Township, **Jefferson County** affecting 348.0 acres. Receiving streams: Rattlesnake Creek and UNTs to Toby Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 6, 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* 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.

11040801. Greenley Energy Holdings of PA., Inc., 153 Wilson Street, Central City, PA 15926, bond release on a small noncoal (industrial minerals) operation in Richland Township, **Cambria County**, affecting 3.0 acres. Receiving stream: no discharge. Application received July 28, 2009.

FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

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

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

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

WATER OBSTRUCTIONS AND ENCROACHMENTS

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

E58-284. Buckeye Pipeline Company, 5002 Buckeye Road, Emmaus, PA 18049, in Bridgewater, **Susquehanna County**, United States Army Corps of Engineers, Baltimore District.

To maintain a 16-inch and a 14-inch natural gas pipeline crossing of a UNT to Pettis Creek (WWF) with work consisting of placing an 85-foot long articulating grout mass over the 2 exposed pipelines and adjacent streambanks. The project is located on the west side of Rafferty Road approximately 0.1 mile south of its intersection with Hawley Road (Montrose West, PA Quadrangle Latitude: 41° 49' 13"; Longitude: 75° 53' 35").

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

E22-545, Derry Township, Jim Negley, 600 Clearwater Road, Hershey, PA 17033, United States Army Corps of Engineers, Baltimore District.

To relocate and restore 205.0 linear feet of a UNT to Swatara Creek (WWF) including regrading to create a low flow channel and a floodplain bench and the construction and maintenance ten rock cross vane structures, to install a 4.25-foot high concrete diversion structure with a slide gate to divert flow from a UNT to the Swatara Creek (WWF) to the existing Bullfrog Valley Pond, to remove four 8.0-foot by 4.0-foot by 3.0-foot gabion baskets in the floodway of a UNT to Swatara Creek (WWF), to remove an existing 5.5-foot wide single span foot bridge and to construct and maintain a 6.0-foot wide single span foot bridge having a normal span of 30-feet, and an underclearance of 4.8-feet in a UNT to Swatara Creek (WWF), to construct and maintain a 6.0-foot wide single span foot bridge having a normal span of 40-feet, and an underclearance of 3.5-feet in a UNT to Swatara Creek (WWF), to remove an existing 24-inch diameter stand pipe and 24-inch diameter CIP and to replace it in kind with a 24.0-inch diameter CMP and 24.0-inch CIP in Bullfrog Valley Pond, to remove approximately 3,200-cubic feet (120-cubic yards) of material from the existing Bullfrog Valley Pond, and to remove an existing 24.0-inch CMP in the floodway of a UNT to Swatara Creek (WWF) (Hershey, PA Quadrangle N: 1.3 inches; W: 8.3 inches, Latitude: 40° 15' 28" N; Longitude: 76° 41' 6" W). The project also proposes to remove an existing 31.0-foot long, 60.0-inch diameter CMP and to construct and maintain a 12.0-inch depressed, 45.0-foot long, 60.0-inch concrete culvert in UNT to Swatara Creek (WWF), to concrete encase an existing sanitary sewer line crossing in UNT to Swatara Creek (WWF), to remove 55.0-feet of 12.0-inch SLCPP and to restore the stream channel including construction and maintenance of a rock crossvane structure in a UNT to the Swatara Creek (WWF), to construct and maintain a 16.0-inch diameter water line and a 4.0-inch diameter gas utility line crossing in a UNT to Swatara Creek (WWF), and to construct and maintain an 18-inch outfall structure to a UNT to Swatara Creek (WWF) (Hershey, PA Quadrangle N: 1.5 inches; W: 8.4 inches, Latitude: 40° 15' 30" N; Longitude: 76° 41' 7" W). The project will also include the construction and maintenance of a 91.0-foot long 72.0-inch diameter steel overflow pipe to an existing 89.0-foot long, 48.0-inch diameter steel pipe in a UNT to Swatara Creek (WWF) (Hershey, PA Quadrangle N: 2.7 inches; W: 8.6 inches, Latitude: 40° 15' 55" N; Longitude: 76° 41' 13" W), to construct and maintain a 124.0-foot long 42.0-inch diameter and a 124.0-foot long 48.0-inch diameter steel overflow pipes to an existing 183.0-foot long, 48.0-inch diameter steel pipe in a UNT to Swatara Creek (Hershey, PA Quadrangle

N: 2.7 inches; W: 8.68 inches, Latitude: 40° 15' 58" N; Longitude: 76° 41' 13" W), to construct and maintain a 32.0-foot by 32-foot wide by 8-foot tall junction box structure in the floodway of a UNT to Swatara Creek (WWF), to construct and maintain two, 174.0-foot long 60.0-inch diameter steel overflow to an existing 183.0-foot long, 48.0-inch diameter steel pipe in a UNT to Swatara Creek (WWF), and to remove an existing 18.0-inch diameter outfall pipe in a UNT to Swatara Creek (WWF) (Hershey, PA Quadrangle N: 2.9 inches; W: 8.68 inches, Latitude: 40° 15' 58" N; Longitude: 76° 41' 11" W). To construct and maintain a 153.0-foot long 72.0-inch steel diameter overflow pipe to an existing 155.0-foot long, 48.0-inch diameter steel pipe in a UNT to Swatara Creek (Hershey, PA Quadrangle N: 3.1 inches; W: 8.7 inches, Latitude: 40° 16' 01" N; Longitude: 76° 41' 14" W). To remove an existing 39.0-foot long, 48.0-inch diameter CMP stream crossing in a UNT to Swatara Creek (WWF) (Hershey, PA Quadrangle N: 3.55 inches; W: 9.25 inches, Latitude: 40° 16' 10" N; Longitude: 76° 41' 30" W), to construct and maintain 700.0-feet of 16.0-inch diameter sanitary sewer line in the floodway of a UNT to Swatara Creek (WWF) including a utility line stream crossing of the 16.0-inch diameter concrete lined sewer line in an the UNT to Swatara Creek (WWF), a 4.0-inch diameter water line and a 2.0-inch diameter electric line crossing in a UNT to Swatara Creek (WWF) (Hershey, PA Quadrangle N: 3.55 inches; W: 9.25 inches, Latitude: 40° 16' 11" N; Longitude: 76° 41' 32" W), to construct and maintain a 209.0-foot long 72.0-inch steel diameter overflow pipe to an existing 199.0-foot long, 60.0-inch by 60.0-inch concrete box culvert in a UNT to Swatara Creek and to remove 10.0-cubic yards of sediment and debris upstream of the existing culvert (Hershey, PA Quadrangle N: 3.55 inches; W: 9.25 inches, Latitude: 40° 16' 12" N; Longitude: 76° 41' 33" W). To restore and stabilize 1,165.0-feet of a UNT to the Swatara Creek (WWF) including regrading to create a low flow channel and a floodplain bench, the construction and maintenance of 13 rock vane structures, and the removal of an existing 3.0-foot high, by 10.0-foot wide concrete weir in a UNT to Swatara Creek (WWF) (Hershey, PA Quadrangle from N: 3.85 inches; W: 9.55 inches, Latitude: 40° 16' 13" N; Longitude: 76° 41' 34" W), to remove an existing 6.0-foot wide single span footbridge and to construct and maintain a 6.0-foot wide single span bridge having a normal span of 50.0-feet, and an underclearance of 3.0-feet in a UNT to Swatara Creek (WWF) (Hershey, PA Quadrangle from N: 3.7 inches; W: 9.51 inches, Latitude: 40° 16' 15" N; Longitude: 76° 41' 35" W). All for the purpose of upgrading the existing storm sewer and sanitary sewer system in Derry Township, **Dauphin County**.

E01-288: Department of Transportation, Engineering District 8-0, 2140 Herr Street, Harrisburg, PA 17103-1699, United States Army Corps of Engineers, Baltimore District.

To reconstruct and widen SR 0094 as part of a safety improvement project involving the following regulated activities in Berwick, Oxford and Conewago Townships, **Adams County**:

1. To construct and maintain a 30-inch diameter by 23-foot long RCP culvert extension of an existing 30-inch diameter by 37-foot long RCP culvert in a UNT to South Branch Conewago Creek (WWF) identified at channel 2 (McSherrystown, PA Quadrangle Latitude: 39° 50' 26"; Longitude: 77° 0' 24", N: 16.4 inches; W: 1.0 inch);
2. To construct and maintain an 11-foot by 5-foot by 80-foot long concrete box culvert depressed 1-foot with

alternating baffles in a UNT to South Branch Conewago Creek (WWF) identified as waters 2 (McSherrystown, PA Quadrangle Latitude: 39° 49' 52"; Longitude: 77° 0' 5", N: 14.6 inches; W: 0.3 inch);

3. To construct and maintain a 202 linear foot stream relocation of a UNT to South Branch Conewago Creek (WWF) identified as waters 2 (McSherrystown, PA Quadrangle Latitude: 39° 49' 52"; Longitude: 77° 0' 5", N: 14.6 inches; W: 0.3 inch);

4. To remove a 30-inch diameter by 40-foot long RCP culvert and construct and maintain an 11-foot by 5-foot by 80-foot long concrete box culvert depressed 1-foot with alternating baffles in a UNT to South Branch Conewago Creek (WWF) identified as waters 3 (McSherrystown, PA Quadrangle Latitude: 39° 49' 54"; Longitude: 77° 0' 6", N: 14.6 inches; W: 0.3 inch);

5. To construct and maintain a 30-inch diameter by 56-foot long RCP culvert extension of an existing 30-inch diameter by 35-foot long RCP culvert in a UNT to South Branch Conewago Creek (WWF) identified as waters 4 (McSherrystown, PA Quadrangle Latitude: 39° 50' 19"; Longitude: 77° 0' 20", N: 15.8 inches; W: 0.8 inch);

6. To construct and maintain three 18-inch stormwater outfall structures to a UNT to South Branch Conewago Creek (WWF) (McSherrystown, PA Quadrangle Latitude: 39° 49' 52"; Longitude: 77° 0' 5", N: 14.6 inches; W: 0.3 inch);

7. To place and maintain 153 cubic yards of fill within the floodplain of a UNT to South Branch Conewago Creek (WWF) (McSherrystown, PA Quadrangle Latitude: 39° 49' 52"; Longitude: 77° 0' 5", N: 14.6 inches; W: 0.3 inch).

E28-358: Dennis LaBarre, Falling Spring Greenway, Inc., P. O. Box 1252, Chambersburg, PA 17201, Township of Guilford, **Franklin County**, United States Army Corps of Engineers, Baltimore District.

To restore 940 linear feet of the Falling Spring Branch (HQ-CWF) through stream narrowing and the creation of fish habitats, including lunkers, scour holes, converging roller eddies, and converging rock clusters, for the purpose of enhancing the stream quality and promoting the growth of native trout populations. The project is located along Falling Spring Road approximately 1,000 feet west from the intersection of Spring and Falling Spring Roads (Scotland, PA Quadrangle N: 5.6 inches; W: 14.2 inches, Latitude: 39° 54' 18"; Longitude: 77° 36' 2") in Guilford Township, Franklin County.

E07-429, Department of Transportation, Engineering District 9-0, 1620 North Juniata Street, Holidaysburg, PA 16648, United States Army Corps of Engineers, Baltimore District.

To: (1) raze a two span reinforced concrete closed spandrel arch bridge carrying SR 1014 over Little Juniata River (CWF); (2) construct and maintain a 205.5-foot long by 31.5-foot wide two span prestressed concrete T-beam bridge with a total span of 198.7 feet, a minimum underclearance of 5.3 feet and a skew of 55°, across Little Juniata River (CWF) approximately 65 feet downstream from the existing structure; and (3) temporarily affect 0.02 acre PFO wetland for temporary causeway placement, all located in the Town of Ironville (Tyrone, PA Quadrangle Latitude: 40° 39' 36" N; Longitude: 78° 13' 5" W, N: 6.4 inches; W: 12.9 inches) in Snyder Township, **Blair County**, and for the purpose of replacing the deteriorated structure. The project proposes to utilize 2 temporary causeways and temporary cofferdams in a staged manner.

E36-859: 1040 Log Cabin Road, **Adam Davis**, 1314 Deer Lane, Lancaster, PA 17601, United States Army Corps of Engineers, Baltimore District.

To fill 0.03 acre of palustrine emergent wetland (PEM) within Cocalico Creek (WWF) Watershed for the purpose of a horse riding ring and associated outbuildings, at a point just southwest of the intersection of Log Cabin and Rose Hill Roads (Ephrata, PA Quadrangle 0.50 inch North; 8.0 inches West, Latitude: 40° 07' 45.4" N; Longitude: 76° 14' 06.8" W) in Warwick Township, **Lancaster County**. Wetland mitigation of 0.06 PEM is proposed.

E28-357: Franklin County Commissioners, Bridges No. 27 and No. 28, Saint Thomas and Hamilton Townships, **Franklin County**, United States Army Corps of Engineers, Baltimore District.

To remove existing Franklin County Bridge No. 27 and to construct and maintain a 30.0-foot wide single span bridge with a normal span of 35.0 feet and a minimum underclearance of 11.2 feet across Dennis Creek (CWF) with R-7 rip-rap scour protection at the abutments and to place and maintain approximately 120 cubic yards of fill within the floodway of Dennis Creek (CWF); to widen and maintain Franklin County Bridge No. 28 by installing additional prestressed concrete box beams to extend the total width of the bridge to 25.1 feet wide, 45.0 foot normal span and a minimum underclearance of 9.2 feet across Back Creek (TSF) and to place and maintain approximately 3,000 cubic yards of fill within the floodway of Back Creek (TSF). Bridge No. 27 is located on Twin Bridge Road (Chambersburg, PA Quadrangle N: 13.0 inches; W: 16.1 inches, Latitude: 39° 56' 47"; Longitude: 77° 44' 22") and Bridge No. 28 is located on Crottlestown Road (Chambersburg, PA Quadrangle N: 12.9 inches; W: 16.0 inches, Latitude: 39° 56' 46"; Longitude: 77° 44' 21") in Saint Thomas and Hamilton Townships, **Franklin County**. The purpose of the project is to realign the roadways and approaches to the bridges to improve the adjacent intersections.

E06-649: City of Reading, c/o Charlie Jones, 503 North 6th Street, Reading, PA 19601, City Park Pond Restoration, City of Reading, **Chester County**, United States Army Corps of Engineers, Philadelphia District.

To restore an existing 0.41 acre offline pond by removing 574 cubic yards of material and relocating 364 cubic yards of material within the pond. The pond is located adjacent to the Volunteer Fireman's Memorial Bandshell approximately 800 feet east of the intersection of Perkiomen Avenue and Penn Street (Reading, PA Quadrangle N: 14.5 inches; W: 5.5 inches, Latitude: 40° 20' 7"; Longitude: 75° 54' 48") in the City of Reading, Berks County.

E22-548, Derry Township, Jim Negley, 600 Clearwater Road, Hershey, PA 17033, United States Army Corps of Engineers, Baltimore District.

To restore and regrade an existing stormwater swale impacting 1,030.0 square feet of palustrine emergent wetlands, and to construct and maintain a 28.0-inch by 20.0-inch CMP endwall structure impacting 40.0 square feet palustrine emergent wetlands (Hershey, PA Quadrangle N: 3.80 inches; W: 3.25 inches, Latitude: 40° 16' 15.5" N; Longitude: 76° 38' 53" W). To restore 945.0-feet of a UNT to Spring Creek (WWF) including regrading to create a low flow channel and a floodplain bench impacting 2,330-square feet of palustrine emergent wetlands (Hershey, PA Quadrangle N: 3.95 inches; W: 3.20 inches, Latitude: 40° 16' 18" N; Longitude: 76° 38' 52.2" W).

To relocate and restore 346.0-feet of a UNT to Spring Creek (WWF) including regrading to create a low flow channel and a floodplain bench (Hershey, PA Quadrangle N: 4.40 inches; W: 3.25 inches, Latitude: 40° 16' 27" N; Longitude: 76° 38' 53.8" W). To construct and maintain a 6.0-foot wide single-span bridge having a normal span of 40.0-feet, and an underclearance of 3.5-feet in a UNT to Spring Creek (WWF) (Hershey, PA Quadrangle N: 4.30 inches; W: 3.25 inches, Latitude: 40° 16' 25.1" N; Longitude: 76° 38' 54.1" W).

To construct and maintain a 12.0-inch depressed, 78-foot long, 96.0-inch reinforced concrete culvert pipe in a UNT to Spring Creek (WWF) (Hershey, PA Quadrangle N: 4.45 inches; W: 3.25 inches, Latitude: 40° 16' 28.8" N; Longitude: 76° 38' 53.9" W).

To relocate and restore 350.0-feet of a UNT to Spring Creek (WWF) including regrading to create a low flow channel and a floodplain bench (Hershey, PA Quadrangle N: 4.55 inches; W: 3.30 inches, Latitude: 40° 16' 31" N; Longitude: 76° 38' 54" W).

To construct and maintain a 35.0-feet of a 95.0-inch wide by 67.0-inch high corrugated metal pipe arch structure in a UNT to Spring Creek (WWF) to provide access to an adjacent property (Hershey, PA Quadrangle N: 4.60 inches; W: 3.25 inches, Latitude: 40° 16' 31.7" N; Longitude: 76° 38' 53.5" W).

To construct and maintain 54.0-feet of a 10-inch PVC sanitary sewer utility line crossing in a UNT to Spring Creek (WWF) (Hershey, PA Quadrangle N: 4.65 inches; W: 3.25 inches, Latitude: 40° 16' 32.5" N; Longitude: 76° 38' 53" W).

To construct and maintain 97.0-feet of 8.0-inch PVC sanitary sewer utility line crossing in a UNT to Spring Creek (WWF) (Hershey, PA Quadrangle N: 4.40 inches; W: 3.25 inches, Latitude: 40° 16' 27" N; Longitude: 76° 38' 53.8" W). All of the proposed impacts are for the purpose of upgrading the existing storm sewer and sanitary sewer system in Derry Township, Dauphin County.

E22-546: Hershey Entertainment, Kent Bachmann, 300 Park Boulevard, Hershey, PA 17033, Derry Township, **Dauphin County**, United States Army Corps of Engineers, Baltimore District.

To expand an existing 1.2-acre offline pond to 4.1-acres in size (Hershey, PA Quadrangle N: 12.6 inches; W: 2.6 inches, Latitude: 40° 18' 00"; Longitude: 76° 37' 47") for the purpose of improving an existing golf course in Derry Township, Dauphin County.

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

E12-171. Emporium Borough, 421 North Broad Street, Emporium, PA 15834. Driftwood Branch-Sinnemahoning Creek Black Bridge Stream Stabilization Project, Emporium Borough, **Cameron County**, United States Army Corps of Engineers, Baltimore District (Emporium, PA Quadrangle Latitude: 41° 30' 38.41"; Longitude: 78° 14' 50.38").

Emporium Borough proposes to remove three areas of gravel deposition and construct, operate and maintain ten log-vanes in Driftwood Branch, Sinnemahoning Creek (TSF) for the stabilization of a 750-foot reach of stream bank. One time gravel deposition removal shall be limited to the following:

- 50-feet (long) by 25-feet (wide) by 6-inches (depth) below water level

- 115-feet (long) by 15-feet (wide) by 6-inches (depth) above water level

- 75-feet (long) by 25-feet (wide) by 12-inches (depth) below water level

The Black Bridge Stream Stabilization Project is located along the southern right-of-way SR 0120 approximately 375-feet west of SR 0046 and SR 0120 intersection. This permit application was submitted under Section 105.13(e) "Small Projects." A permit issued for this application will also include section 401(a) Water Quality Certification.

ENVIRONMENTAL ASSESSMENTS

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

D10-069EA. Sumner McDanel, 103 Hicks Road, Renfrew, PA 16053, City of Butler, **Butler County**, United States Army Corps of Engineers, Pittsburgh District.

Project proposes to breach and remove Collapsible Butler Dam across Connoquenessing Creek (WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 500 feet of stream channel. The dam is located approximately 800 feet south of the intersection of East Wayne Street (SR 356) and William Flynn Highway (SR 8) (Butler, PA Quadrangle Latitude: 40° 51' 18"; Longitude: 79° 53' 42").

D28-069EA. Joseph Lackey, 10138 Wharf Road, Waynesboro, PA 17268, Quincy Township, **Franklin County**, United States Army Corps of Engineers, Baltimore District.

Project proposes to breach and remove Nicademus Dam across a tributary to West Branch, Antietam Creek (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 950 lineal feet of stream channel. The dam is located 400 feet west of the intersection of Wharf Road and SR 316 (Waynesboro, PA Quadrangle Latitude: 39° 47' 22"; Longitude: 77° 36' 17").

DAM SAFETY

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

D63-109A. Champion Processing, Inc., 563 Route 18, Burgettstown, PA 15021. To remove Duck Pond across a tributary of Raccoon Creek (WWF), for the purpose of removing the coarse coal embankment and fine coal slurry to be processed. These activities will eliminate the dam (Clinton, PA Quadrangle N: 8.50 inches; W: 7.4 inches) in Robinson Township, **Washington County**.

D51-017. Belmont Raw Water Basin Dam, City of Philadelphia Water Department, 1101 Market Street, Philadelphia, PA 19107. To modify, operate and maintain the Belmont Raw Water Basin Dam located within the Watershed of the Schuylkill River (WWF), having no proposed impacts to waterways or wetlands, for the purpose of rehabilitating and repairing the existing water supply dam to ensure compliance with the Department of Environmental Protection regulations (Germantown, PA Quadrangle N: 0.65 inch; W: 13.1 inches) in Philadelphia City, **Philadelphia County**.

ACTIONS

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

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

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

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania 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 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. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0030082 Sewage	Brownsville Health Services Corporation 125 Simpson Road Brownsville, PA 15417	Fayette County Redstone Township	UNT to Dunlap Creek	Y
PA0218103 Sewage	Worthington—West Franklin Joint Municipal Authority 102 West Main Street Worthington, PA 16262	Armstrong County West Franklin Township	Buffalo Creek	Y
PA0030864 Sewage	Western Beaver County School District 343 Ridgemont Drive Midland, PA 15059	Beaver County Ohioville Borough	Swale to Headwaters of Island Run	Y

<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0205516 Sewage	Westmoreland County Industrial Park Authority Fifth Floor, Suite 520 40 North Pennsylvania Avenue Greensburg, PA 15601	Westmoreland County Upper Burrell Township	Pucketa Creek	Y
PA0216747 Sewage	Consol PA Coal Company, LLC P. O. Box J Claysville, PA 15323	Washington County West Finley Township	Swale to Robinson Fork	Y
PA0021628 Sewage	Salisbury Borough P. O. Box 343 171 Smith Avenue Salisbury, PA 15558	Somerset County Salisbury Borough	Casselman River	Y
PA0098345 Sewage	Connellsville Area School District 732 Rockridge Road Connellsville, PA 15425	Fayette County Saltlick Township	Indian Creek	Y
PA0215945 Sewage	Trinity Area School District 231 Park Avenue Washington, PA 15301	Washington County Amwell Township	Little Tenmile Creek	Y
PA0216631 Sewage	Regis J. Kraisinger 139 Quarry Street Mount Pleasant, PA 15664	Westmoreland County East Huntingdon Township	UNT of Jacobs Creek	Y
<i>Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.</i>				
<i>NPDES No. (Type)</i>	<i>Facility Name & Address</i>	<i>County & Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0103772	Hodapp Apartments 9291 Kuhl Road Erie, PA 16510	Greene Township, Erie County	UNT to Four Mile Creek 15	Y

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

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

NPDES Permit No. PA0042617, Industrial Waste, **Accellent, Inc.** 200 West Seventh Avenue, Trappe, PA 19426-0992. This proposed facility is located in Trappe Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated groundwater into a UNT to Perkiomen Creek

NPDES Permit No. PA0040991, Industrial Waste, **ConocoPhillips Company**, P. O. Box 1839, Pasadena, TX 77501-1839. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge stormwater from the facility located at 4210 G Street, Philadelphia, PA into Frankford Creek in Watershed 3J.

NPDES Permit No. PA0011568, Industrial Waste, **ArcelorMittal Plate Coatesville**, 139 Modena Road, P. O. Box 3001, Coatesville, PA 19320-0911. This proposed facility is located in City of Coatesville, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from the facility into the West Branch Brandywine Creek and Sucker Run in Watershed 3H.

NPDES Permit No. PA0012572, Industrial Waste, **PaperWorks Industries, Inc.**, 5000 Flat Rock Road, Philadelphia, PA 19127. This proposed facility is located in City of Philadelphia, **Philadelphia County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge noncontact cooling water into the Schuylkill River in Watershed 3F.

NPDES Permit No. PA0053538, Industrial Waste, **Merck & Company, Inc.**, 770 Sumneytown Pike, P. O. Box 4, WP20-208, West Point, PA 19486-0004. This proposed facility is located in Upper Gwynedd Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge stormwater with industrial activities into UNTs to Wissahickon and Towamencin Creeks in Watersheds 3F and 3E.

NPDES Permit No. PA0050911, Sewage, **Upper Perkiomen School District**, 2229 East Buck Road, Suite 2, Pennsburg, PA 18073-2. This proposed facility is located in Marlborough Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into the Green Lane Reservoir in Watershed 3E.

NPDES Permit No. PA0053074, Sewage, **The Piper Group, Inc.**, 103 Randts Mill Road, P. O. Box 320, Pipersville, PA 18947-9361. This proposed facility is located in Whitemarsh Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage from Valley Green Corporate Center STP into Sandy Run in Watershed 3F.

NPDES Permit No. PA0058840, Sewage, **Hilltown Township Water and Sewer Authority**, P. O. Box 365, Sellersville, PA 08960. This proposed facility is located in Hilltown Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge from the Berry Brow WWTP into a pond discharging to Neshaminy Creek in Watershed 2F.

NPDES Permit No. PA0057789, Sewage, **BPG Office VI River Park II, LP**, 322 A Street, Suite A, Wilmington, DE 19801-5356. This proposed facility is located in Whitemarsh Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal to discharge treated sewage into the Schuylkill River in Watershed 3F.

NPDES Permit No. PA0244481, Sewage, **Patricia Benson**, 1007 Forrest Road, Sellersville, PA 18960. This proposed facility is located in West Rockhill Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for a issuance of a NPDES permit to discharge treated sewage from a small flow sewage treatment plant serving a single-family residence into Ridge Valley Creek in Watershed 3E.

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

NPDES Permit No. PA0023108, Amendment No. 1, Sewage, **Borough of Elizabethtown**, 600 South Hanover Street, Elizabethtown, PA 17022. This proposed facility is located in West Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to the Susquehanna River in Watershed 7-G.

NPDES Permit No. PA0083267, Amendment No. 1, Industrial Waste, **Bluescope Buildings North America**, 400 North Weaver Street, Annville, PA 17003. This proposed facility is located in Annville Township, **Lebanon County**.

Description of Proposed Action/Activity: Authorization to discharge to the Quittapahilla Creek in Watershed 7-D.

NPDES Permit No. PA0086282, Industrial Waste, **Texas Eastern Transmission, LP**, 5400 Westheimer Court, Houston, TX 77056-5310. This proposed facility is located in East Hanover Township, **Dauphin County**.

Description of Proposed Action/Activity: Authorization to discharge to a UNT to Bow Creek in Watershed 7-D.

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

NPDES Permit No. PA0095010, Industrial Waste, **Greater Greensburg Water Authority**, 640 Franklin Street, Johnstown, PA 15901. This proposed facility is located in Stonycreek Township, **Cambria County**.

Description of Proposed Action/Activity: Permit issuance for the operation of the Riverside Water Treatment Plant to discharge to receiving waters named Stony Creek.

NPDES Permit No. PA0002062-A1, Industrial Waste, **Reliant Energy Northeast Management Company**, 121 Champion Way, Canonsburg, PA 15317. This existing facility is located in Plumcreek Township, **Armstrong County**.

Description of Proposed Action/Activity: Permit amendment issuance to incorporate conditions of the Settlement Agreement of an NPDES permit appeal.

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

NPDES Permit No. PA0104329, Sewage, **United States Army Corps of Engineers**, Pittsburgh District, William S. Moorhead Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222-4186. This proposed facility is located in Mead Township, **Warren County**.

Description of Proposed Action/Activity: Issuance of a new permit replacing an expired permit for an existing discharge of treated sewage.

NPDES Permit No. PA0101931, Sewage, **Jenks Township**, P. O. Box 436, Marienville, PA 16239. This proposed facility is located in Jenks Township, **Forest County**.

Description of Proposed Action/Activity: Issuance of a renewal of an existing discharge of 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. 3801401, Amendment 09-1, Sewage, **Department of Military and Veteran's Affairs**, Fort Indiantown Gap, Building 11-12, Service Road, Annville, PA 17003. This proposed facility is located in East Hanover Township, **Lebanon County**.

Description of Proposed Action/Activity: Approval for modifications to the July 7, 2005, permit.

WQM Permit No. 2198404 T2, Sewage, **Kenneth and Joellen Russell**, 635 Mohawk Road, Newville, PA 17241. This proposed facility is located in Upper Frankford Township, **Cumberland County**.

Description of Proposed Action/Activity: Transfer approving the operation/transfer of sewerage facilities consisting of a single-residence sewage facility consisting of duplex septic tanks, dosing tank and subsurface sand filter per the SRSTF Manual.

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

WQM Permit No. 6509401, Sewerage, **Ligonier Township Municipal Authority**, One Municipal Park Drive, Ligonier, PA 15658. This proposed facility is located in Ligonier Township, **Westmoreland County**.

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

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

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

WQM Permit No. WQG018707, Sewerage, **Paul and Valerie Hammond**, 1203 Monterey Road, Parker, PA 16049. This proposed facility is located in Perry Township, **Clarion County**.

Description of Proposed Action/Activity: Issuance of a single-residence sewage treatment plant.

WQM Permit No. WQG018699, Sewerage, **Carmen C. and Teresa M. Davano**, 3521 Hubbard Drive, West Middlesex, PA 16159. This proposed facility is located in Shenango Township, **Mercer County**.

Description of Proposed Action/Activity: Issuance of a single-residence sewage treatment plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions

V. NPDES Waiver Stormwater Discharges from MS4 Actions

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1508044	Main Line I Associates, LP and Main Line II Associates, LP 2701 Renaissance Boulevard King of Prussia, PA 19406	Chester	East Whiteland Township	Little Valley Creek EV
PAI01 5108005	Northern Liberties Development, LP 969 North 2nd Street Philadelphia, PA 19123	Philadelphia	City of Philadelphia	Delaware River WWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023908003	Kings Real Estate Development & Management Co. 315 South Cedar Crest Boulevard Allentown, PA 18103-3600	Lehigh	Upper Macungie Township	Jordan Creek TSF, MF
PAI024508008	Alfred Nalate 14 Whispering Hills Court Effort, PA 18330	Monroe	Chestnuthill Township	Pohopoco Creek HQ-CWF

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI03067030031	Timothy F. Pasch Windsor Plaza 2645 Carnegie Road York, PA 17402	York	Windsor Township	UNT to Kreutz Creek WWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name & Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041409006	Boalsburg Blue—White Self Storage Wendell Williams Nittany View Partnership 2214 North Atherton Street State College, PA 16803	Centre	Harris Township	Spring Creek HQ-CWF

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

Westmoreland County Conservation District: 218 Donohoe Road, Greensburg, PA 15601, (724) 837-5241.

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

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 & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office & Phone No.</i>
Warrington Township Bucks County	PAG200 0904137-R	Sal Paone Builder 1120 North Bethlehem Pike Spring House, PA 19477	Little Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Wrightstown Township Bucks County	PAG200 0909055	Dennis Pellegrioni 2450 2nd Street Pike Newtown, PA 18940	UNT Mill Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Falls Township Bucks County	PAG200 0908106	Basic Chemical Solutions, LLC 5 Steel Road East Morrisville, PA 19067	Delaware River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Newtown Township Bucks County	PAG200 0909070	Council Rock School District 30 North Chancellor Street Newtown, PA 18940	Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bensalem Township Bucks County	PAG200 0909024	Horizon Lot 2 Associates, LP 2701 Renaissance Boulevard 4th Floor King of Prussia, PA 19466	UNT Neshaminy Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Fallowfield Township Chester County	PAG200 1509028	Richard W. Tull 610 Belgian Drive Bear, DE 19701	UNT Buck Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Honey Brook Township Chester County	PAG200 1504066-R	Dunlap and Burrell, LLC 100 Village Square Honey Brook, PA 19344	Rock Run TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Caln Township Chester County	PAG200 1503137-R	Robert Bruce Homes, Inc. 1223 West Chester Pike West Chester, PA 19380	Beaver Creek TSF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Concord Township Delaware County	PAG200 2308059	Rite Aide Corporation 875 Kings Highway Suite 207 Woodbury, NJ 08096	Brandywine Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 5109014	Fairmount Park Commission 1515 Arch Street 10th Floor Philadelphia, PA 19102	Delaware River/Nontidal WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 5109015	Philadelphia Water Department 1101 Market Street 2nd Floor Philadelphia, PA 19107	Delaware River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG201 51090223	Fairmount Park Commission 1515 Arch Street Philadelphia, PA 19102	Tidal Schuylkill River WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Butler Township Luzerne County	PAG200409005	Butler Township 415 West Butler Drive Drums, PA 18222	Nescopeck Creek TSF	Luzerne County Conservation District (570) 674-7991
Forest Lake Township Susquehanna County	PAG200589001	John P. Reilly R. R. 1 Box 1082 Friendship, PA 18818	Middle Branch Wyalusing Creek CWF	Susquehanna County Conservation District (570) 278-4600
Clearfield County Lawrence Township	PAG2001704002(R)	Cress-Wood Co. Sam Lansberry, Sr. P. O. Box 153 Woodland, PA 16881	Wolf Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Allegheny County City of McKeesport	PAG2000209005	Allegheny County Department of Public Works 501 County Office Building Pittsburgh, PA 15219	Monongahela River WWF	Allegheny County Conservation District (412) 241-7645

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Fayette County Georges Township	PAG2002609002	Christopher David Turnpike Commission 2200 North Center Avenue New Stanton, PA 15672-9602	Mountain creek CWF	Fayette County Conservation District (724) 438-4497
Clarion County Perry Township	PAG2061609001	Central Electric Cooperative 716 Route 368 P. O. Box 329 Parker, PA 16049 and CBG Contracting, Inc. 13844 Route 68 Sligo, PA 16255	Perry Township Department of Environmental Protection Storm System and Middle Allegheny River WWF	Department of Environmental Protection (814) 332-6984
Erie County Harborcreek Township	PAG2002509009	Willats Borrow Waste Area Joseph B. Fay Company P. O. Box 66 Russellton, PA 15076	Sixmile Creek CWF; MF	Erie County Conservation District (814) 825-6403
Venango County Cherrytree Township	PAG2006109003	Titusville Airport Authority	UNT Prather Run CWF	Venango County Conservation District (814) 676-2832

General Permit Type—PAG-3

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
Taylor Borough Lackawanna County	PAR232221	Polychemie, Inc. 10 Stauffer Industrial Park Taylor, PA 18517	Keyser Creek CWF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Wright Township Luzerne County	PAR202252	Cornell Iron Works 24 Elmwood Road Mountaintop, PA 18707	Watering Run CWF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Hazle Township Luzerne County	PAR702219	Lakeside Energy, LLC Hazleton Generation Facility 150 North Michigan Avenue Chicago, IL 60601	Black Creek CWF	DEP—NERO Water Management Program 2 Public Square Wilkes-Barre, PA 18711-2511 (570) 826-2511
Lancaster County Lancaster City	PAR80390	United Parcel Service, Inc. 1821 South 19th Street Harrisburg, PA 17104	UNT to Little Conestoga Creek TSF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Dauphin County Swatara Township	PAR803591	United Parcel Service, Inc. 1821 South 19th Street Harrisburg, PA 17104	Spring Creek WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County York City	PAR803588	United Parcel Service, Inc. 1821 South 19th Street Harrisburg, PA 17104	UNT to Codorus Creek WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office & Phone No.</i>
York County York City	PAR803589	United Parcel Service, Inc. 1821 South 19th Street Harrisburg, PA 17104	UNT to Little Conewago Creek TSF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Franklin County Chambersburg Borough	PAR803592	United Parcel Service, Inc. 1821 South 19th Street Harrisburg, PA 17104	Conococheague Creek WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Reading City	PAR803587	United Parcel Service, Inc. 1821 South 19th Street Harrisburg, PA 17104	Schuylkill River WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Lower Windsor Township	PAR603598	Jessie Kline Salvage Management, Inc. 1900 Manor Road York, PA 17406-8636	UNT to Cabin Creek WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lancaster County East Cocalico Township	PAR213553	High Concrete Group, LLC 125 Denver Road Denver, PA 17517	Stony Run WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Exeter Township	PAR233504	Arkema, Inc. 1112 Lincoln Road Birdsboro, PA 19508	Schuylkill River WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Lebanon County Myerstown Borough	PAR203564	Tech Cast, Inc. 640 South Cherry Street Myerstown, PA 17067	Tulpehocken Creek TSF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
York County Penn Township	PAR123510	Snyder's of Hanover, Inc. P. O. Box 6917 Hanover, PA 17331-6918	UNT to Oil Creek WWF	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Allegheny Township Butler County	PAR228329	Universal Forest Products Eastern Division, Inc. 2801 East Beltline NE Grand Rapids, MI 49525	UNT to South Fork Little Scrubgrass Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Perry Township Clarion County	PAG049530	Paul and Valerie Hammond 1203 Monterey Road Parker, PA 16049	UNT to the Allegheny River 17-C	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Concord Township Erie County	PAG048476	Cheri A. Staaf 11111 Nash Hill Road Corry, PA 16407	UNT to French Creek 16A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Shenango Township Mercer County	PAG049521	Carmen C. and Teresa M. Davano 3521 Hubbard Drive West Middlesex, PA 16159	UNT of Turkey Run 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-7**Facility Location:
Municipality &
County*West Lampeter
Township
Lancaster County*Permit No.*
PAG070003
PAG070005
PAG073508*Applicant Name &
Address*Synagro
1605 Dooley Road
P. O. Box B
Whiteford, MD 21160*Site Name &
Location*John Harnish Pequea
Lane Farm*Contact Office &
Phone No.*DEP—SCRO
909 Elmerton Avenue
Harrisburg, PA
17110-8200
(717) 705-4707*General Permit Type—PAG-8 (SSN)**Facility Location:
Municipality &
County*Moore Township
Northampton
County*Permit No.*
PAG08-2201
PAG08-2203
PAG07-0003
PAG08-0008
PAG08-3501
PAG08-0002
PAG08-3535
PAG08-3551
PAG08-3517
PAG08-9903
PAG08-3596
PAG08-3510
PAG08-2211
PAG08-3506
PAG08-3522
PAG08-3515
PAG08-3502
PAG08-9904
PAG08-3547
PAG08-0006
PAG08-3540
PABIG-9903
PAG08-3547
PAG08-3600
PAG08-3565
PAG07-3508
PAG07-0005
PAG08-0003
PAG08-3825
PAG08-3542
PAG08-0004
PAG08-3518
PAG08-9905
PAG08-3556
PAG08-0018
PAG08-3573
PAG08-3597*Applicant Name &
Address*Synagro
1605 Dooley Road
P. O. Box B
Whiteford, MD 21160*Site Name &
Location*Paul C. Bucha Farm
1167 North Mink Road
Danielsville, PA 18038*Contact Office &
Phone No.*DEP—NERO
2 Public Square
Wilkes-Barre, PA
18711-0790
(570) 826-2511

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
West Lampeter Township Lancaster County	PAG080002 PAG080003 PAG080004 PAG080005 PAG080006 PAG080008 PAG080018 PAG082201 PAG082203 PAG082211 PAG083501 PAG083502 PAG083506 PAG083510 PAG083515 PAG083517 PAG083518 PAG083522 PAG083535 PAG083540 PAG083542 PAG083547 PAG083551 PAG083556 PAG083565 PAG083567 PAG083573 PAG083596 PAG083597 PAG083600 PAG089903 PAG089904 PAG089905 PABIG9903	Synagro 1605 Dooley Road P. O. Box B Whiteford, MD 21160	John Harnish Pequea Lane Farm	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

General Permit Type—PAG-9

<i>Facility Location: Municipality & County</i>	<i>Permit No.</i>	<i>Applicant Name & Address</i>	<i>Site Name & Location</i>	<i>Contact Office & Phone No.</i>
Lower Mount Bethel Township Northampton County	PAG09-2206	Allstate Septic Systems 5167 Berry Hollow Road Bangor, PA 18013	Allstate Septic Systems 5167 Berry Hollow Road Lower Mt. Bethel Township Northampton County	DEP—NERO 2 Public Square Wilkes-Barre, PA 18711-0790 (570) 826-2511

STATE CONSERVATION COMMISSION

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

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under the act of July 6, 2005 (Act 38 of 2005, 3 Pa.C.S. §§ 501—522) (hereinafter referred to as Act 38), for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent 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.

Persons aggrieved by any action may appeal under section 517 of Act 38, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael 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 at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. 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 pro bono representation. Call the Secretary of the Board at (717) 787-3483 for more information.

CAFO PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Ken Gebhart— Blue Berry Hill Farms 2950 Centennial Road Hanover, PA 17331	Adams	592.8	520.81	Swine	NA	Approved
Fred Miller & Sons Lester Miller 276 Miller Road New Oxford, PA 17350	Adams	1,916.8	633.24	Turkey Brooder, Turkey Finisher, Steers	NA	Approved
Jobo Holstein Farm, LLC 200 Tall Oaks Road Gettysburg, PA 17325	Adams	982.8	1,637.4	Dairy	NA	Approved
Heckenluber’s Turkey 413 Heckenluber Road Biglerville, PA 17307	Adams	23	319	Turkey	NA	Approved
Daniel C. Heller Flintrock Farms 16 East Brubaker Valley Road Lititz, PA 17543	Lancaster	95.53	810	Broilers, Horses	NA	Approved

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. 2450039, Operations Permit, Public Water Supply.

Applicant	Aqua Pennsylvania, Inc. 1775 North Main Street Honesdale, PA 18431 Barrett Township
County	Monroe
Type of Facility	PWS
Consulting Engineer	Douglas E. Berg, P. E. Entech Engineering, Inc. 4 South 4th Street P. O. Box 32 Reading, PA 19603
Permit to Operate Issued	August 7, 2009

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

Permit No. 0608520, Public Water Supply.
 Applicant **Mountain View Apartments**
 Municipality South Heidelberg Township
 County **Berks**
 Type of Facility Addition of treatment equipment to the existing system for the removal/treatment of the following: corrosion control for lead and copper, manganese and nitrate.
 Consulting Engineer Charles A. Kehew II, P. E.
 James R. Holley & Assoc., Inc.
 18 South George Street
 York, PA 17401
 Permit to Construct Issued August 5, 2009

Permit No. 3608517, Public Water Supply.
 Applicant **Elizabethtown Area Water Authority**
 Municipality Elizabethtown Borough
 County **Lancaster**
 Type of Facility Construction of a new Pall membrane filtration plant.
 Consulting Engineer Peter Lusardi, P. E.
 CET Engineering Services
 1240 North Mountain Road
 Harrisburg, PA 17112
 Permit to Construct Issued August 3, 2009

Permit No. 3809505 MA, Minor Amendment, Public Water Supply.
 Applicant **Cornwall Borough Authority**
 Municipality Cornwall Borough
 County **Lebanon**
 Type of Facility Renovation and Repairs to Miners Village Tank No. 2.
 Consulting Engineer Kirt L. Ervin, P. E.
 Kirt L. Ervin, LLC
 13742 Mary Lane
 Aviston, IL 62216
 Permit to Construct Issued July 14, 2009

Permit No. 3809506 MA, Minor Amendment, Public Water Supply.
 Applicant **Cornwall Borough Authority**
 Municipality Cornwall Borough
 County **Lebanon**
 Type of Facility Renovation and Repairs to Miners Village Tank No. 1.
 Consulting Engineer Kirt L. Ervin
 US Engineering, LLC
 4 Sunrise Court
 Highland, IL 62249
 Permit to Construct Issued July 14, 2009

Operations Permit issued to **East Hempfield Water Authority**, 7360063, East Hempfield Township,

Lancaster County on July 10, 2009, for the operation of facilities approved under Construction Permit No. 3692514.

Operations Permit issued to **Dover Township**, 7670073, Dover Township, **York County** on August 7, 2009, for the operation of facilities approved under Construction Permit No. 6706512 MA.

Operations Permit issued to **Bonneauville Borough Municipal Authority**, 7010012, Mt. Pleasant Township, **Adams County** on August 7, 2009, for the operation of facilities approved under Construction Permit No. 0107505.

Operations Permit issued to **United Water Pennsylvania**, 7220015, Swatara Township, **Dauphin County** on August 7, 2009, for the operation of facilities approved under Construction Permit No. 2208508 MA.

Operations Permit issued to **Pricetown Road Sunoco**, 3061148, Fleetwood Borough, **Berks County** on August 6, 2009, for the operation of facilities approved under Construction Permit No. 0609504 MA.

Operations Permit issued to **Littlestown Borough Authority**, 7010022, Littlestown Borough, **Adams County** on August 7, 2009, for the operation of facilities approved under Construction Permit No. 0109504 MA.

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

Permit No. 8262W-A2—republish, Public Water Supply.

Applicant	Tri-County Joint Municipal Authority P. O. Box 758 Fredericktown, PA 15333
Borough or Township	Centerville Borough
County	Washington
Type of Facility	Denbeau Heights pump station
Consulting Engineer	Chester Engineers One Twilight Hollow Road Charleroi, PA 15022
Permit to Construct Issued	July 6, 2009

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

Applicant	Pennsylvania American Water Company New Castle
Township or Borough	Neshannock Township New Castle Borough
County	Lawrence
Type of Facility	Public Water Supply
Consulting Engineer	William H. Lage, P. E.
Permit to Construct Issued	August 4, 2009

Applicant	Erie City Water Authority
Township or Borough	McKean Township
County	Erie
Type of Facility	Public Water Supply

Consulting Engineer Keith R. Straight, P. E.
KLH Engineers, Inc.
Permit to Construct August 10, 2009
Issued

Transfer and Consolidation of Operations Permits issued to **Eagle Development Corporation, d/b/a Sunnyview MHP**, PWSID No. 6430003, Pymatuning Township, **Mercer County**, August 7, 2009, for water supply facilities including Well Nos. 1 and 2; storage tank, disinfection and sequestration facilities, and distribution system, as permitted by operation permits 4388501, issued June 12, 1990, and 4393503, issued August 5, 1994. All historic information, including applications and reviews are now incorporated into Permit No. 4388501-T1.

Operation Permit issued to **Fairview Township Water Authority**, PWSID No. 6250040, Fairview Township, **Erie County**, August 7, 2009, for the operation of Well No. 6 and 500' of 6-inch transmission line to existing permitted treatment facility, as permitted by construction Permit 2508502, issued May 29, 2009.

WATER ALLOCATIONS

Actions taken on applications received under the act of June 24, 1939 (P. L. 842, No. 365) (35 P. S. §§ 631—641) relating to the acquisition of rights to divert waters of this Commonwealth

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

WA 07-1032, Water Allocations. Bellmeade Civic Association, Blair County. The applicant is requesting the right to purchase a maximum of 50,000 gpd from an interconnection to be constructed in Antis Township, Blair County, Consulting Engineer: Mark Glenn, Gwin, Dobson & Forman, Inc. Date Application Received April 10, 2009.

WA 01-1027, Water Allocations. Possum Valley Municipal Authority, Adams County. The applicant is requesting the right to withdraw up to a maximum 65,000 gpd based from Opossum Creek through an existing intake in Menallen Township, Adams County. Consulting Engineer: Janet R. McNally, Wm. F. Hill & Associates, Inc. Date Application Received April 25, 2009.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

Borough or Township	Borough or Township Address	County
Shrewsbury Township	11505 Susquehanna Trail South Glen Rock, PA 17327-9067	York County

Plan Description: Village of Seitzland, DEP Code No. A3-67955-238-3m: The approved plan provides for the extension of public sewerage facilities to the Seitzland Village area with total estimated sewage flows of 12,900 gpd (43 EDUs) tributary to the Glen Rock Sewer Authority Wastewater Treatment Plant. The extension will serve 36 properties along Fissels Road, Baltimore Street, Rail

View Court and Clearview Drive in Shrewsbury Township, York County. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

Public Notice of Proposed Amendment to Consent Decree and Settlement Relating to Natural Resource Damages

Department of Environmental Protection Palmerton Zinc Pile NPL Site

Palmerton Borough, Carbon County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.101—6020.1305) (HSCA) has entered into an Amendment to Consent Decree Relating to Natural Resource Damages along with other State and Federal Natural Resource Trustees with the following Settling Defendants: CBS Operations, Inc. (f/k/a Viacom International, Inc.) (CBS), TCI Pacific Communications, Inc., (TCI), CBS/Westinghouse of PA, Inc. (CBS/Westinghouse), HH Liquidating Corp. (f/k/a Horsehead Industries, Inc.), and HRD Liquidating Corp. (f/k/a Horsehead Resource Development Company, Inc.).

The site is located in Palmerton Borough, Lower Towamensing and East Penn Townships, Carbon County, Washington Township, Lehigh County, and Lehigh Township, Northampton County.

This Amendment to Consent Decree serves to compensate the Commonwealth and the United States by means of settlement of the natural resource damages claim resulting from the Palmerton Zinc Pile Superfund Site. The settlement includes a cash payment of nearly \$10 million from CBS/Westinghouse of Pennsylvania, Inc., the current owner of a portion of the site; CBS Operations, Inc.; TCI Pacific Communications, Inc.; HH Liquidating Corp.; and HRD Liquidating Corp., successor companies of the zinc smelting and zinc recovery operations.

The Commonwealth and United States were represented by the Palmerton Natural Resource Damages Trustee Council which was comprised of the Department, the Game Commission, the Fish and Boat Commission, the Department of Conservation and Natural Resources, the U.S. Fish and Wildlife Service, the National Park Service, and the National Oceanic and Atmospheric Administration.

In addition, these companies will also pay \$2.5 million for damage assessment costs, discharge a \$300,000 mortgage on the Wildlife Information Center (Lehigh Gap Nature Center) and transfer 1,200 acres of valuable property known as Kings Manor to the Game Commission. This property is valued at over \$8 million. The settlement was developed by a Natural Resource Damage Assessment Team formed under the auspices of the Federal Superfund law (CERCLA), the Clean Water Act, and HSCA. The trustees of the team were authorized to seek compensation for damages to the resources that were impaired by releases of hazardous materials from the former New Jersey Zinc and successor companies' operations.

The monetary payments and property transfer will be used by the State and Federal agencies to restore, replace or acquire equivalent natural resources to compensate for

those natural resources impacted as a result of operations at the site. A restoration plan will be developed for public comment by the Trustees.

Under section 1113 of HSCA (35 P. S. § 6020.1113), the Department is publishing notice of this Amendment to Consent Decree Relating to Natural Resource Damages and will provide a 60-day period for public comment commencing with the date of this publication. Copies of the Amendment to Consent Decree Relating to Natural Resource Damages may be examined at the Palmerton Library located at 402 Delaware Avenue, Palmerton, PA or at the U.S. Department of Justice web site http://www.usdoj.gov/enrd/Consent_Decrees.html, (*U.S. v. Horsehead Industries, Inc.*). Written comments may be submitted within 60 days following the date of this Public Notice to Ronald Brezinski, Department of Environmental Protection Cleanup Program Manager, 2 Public Square, Wilkes-Barre, 18711-0790. Further information may be obtained by contacting James Kunkle of the Department at (610) 861-2070. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 645-5984.

The Department has reserved the right to withdraw its consent to the Amendment to Consent Decree Relating to Natural Resource Damages if comments submitted during the public comment period disclose facts or considerations which indicate, in the Department's discretion, that the Amendment to Consent Decree Relating to Natural Resource Damages and the Settlement is inappropriate or not in the public interest.

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

Settlement under the Comprehensive Environmental Response, Compensation and Liability Act and the Hazardous Sites Cleanup Act

Notice of Settlement under HSCA and CERCLA Bishop Tube Site, East Whiteland Township, Chester County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C.A. §§ 9601—9675, has entered into an Amended Consent Order and Agreement (Agreement) with Johnson Matthey, Inc. (Johnson Matthey), Suite 600, 435 Devon Park Drive, Wayne, PA 19087 and with and the Whittaker Corporation (Whittaker), 1955 North Surveyor Avenue, Simi Valley, CA 93063, for an environmental investigation and assessment of the Bishop Tube HSCA Site (Site).

The Site consists of 13.7 acres located on Malin Road, south of US Route 30, in Frazer, East Whiteland Township, Chester County. From 1951 through 1999, the Site was owned and operated by various entities including a predecessor to Johnson Matthey and Whittaker and successors to Johnson Matthey and Whittaker.

In March 2005, a Prospective Purchase Agreement was reached between Constitution Drive Partners, LP, the present owner of the Site, and the Department for the remediation of soils contamination at the Site. Concurrently, the Department has been conducting partial characterization of soil, surface water and groundwater. The Department's investigation indicates that hazardous substances, such as chlorinated solvents, are present at significant levels in the groundwater underlying the Site.

On August 18, 2008, the Department entered into a Consent Order and Agreement (CO&A) with Johnson Matthey for the performance of an environmental investigation and assessment of the Site. Performance of the Site environmental investigation and assessment has been underway, per the terms of the August 18, 2008, CO&A, as of its November 8, 2008, effective date.

The August 18, 2008, CO&A is now being amended to incorporate Whittaker. Both Johnson Matthey and Whittaker, under the terms of the Agreement, will conduct an environmental investigation and assessment that intends to characterize the following: 1) Groundwater contamination contained within the bedrock originating from the former Bishop Tube Property; 2) Contaminated groundwater contained within the overburden (that is, above the bedrock zone) originating from the former Bishop Tube Property, and occurring on properties down-gradient from the former Bishop Tube Property; 3) The vapor intrusion pathway resulting from migration of contaminants from the former Bishop Tube Property; 4) The groundwater to surface water pathway, to determine whether, and if so where, contaminated groundwater resulting from the Bishop Tube Site may be entering Little Valley Creek or other surface water features; 5) Performance of a Risk Assessment; and 6) a Feasibility Study (if necessary). The Department has agreed to provide Johnson Matthey and Whittaker with a covenant not to sue, and contribution protection for the Site investigation and assessment performed under the Agreement.

This notice is provided under section 1113 of the HSCA (35 P. S. § 6020.1113). The Agreement may be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, 2 East Main Street, Norristown, PA, 19401 by contacting either Dustin Armstrong (484) 250-5723 or Lauren G. Rosen at (484) 250-5871. Dustin Armstrong and Lauren Rosen may also be contacted electronically at darmstrong@state.pa.us and lrosen@state.pa.us, respectively. A public comment period on the Agreement will extend for a period of 60 days from the date of publication of this notice. Interested persons may submit written comments regarding the Agreement within 60 days from the date of publication of this notice to the Department by submitting them to Dustin Armstrong at the previously listed address.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 2

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

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results

which demonstrate that remediation has attained the cleanup standard selected. Submission of plans and reports, other than the final report, shall also be published in the *Pennsylvania Bulletin*. These include the remedial investigation report, risk assessment report and cleanup plan for a Site-Specific Standard remediation. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

For further information concerning plans or reports, contact the Environmental Cleanup Program manager in the Department regional office after which the notice of receipt of plans or reports appears. If information concerning plans or reports is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the 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.

O'Leary Residence, 4073 Manor Drive, Hamilton Township, **Monroe County**. Mark J. Zunich and Michael P. Raffoni, Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602 have submitted a Final Report (on behalf of their client, John O'Leary, 4073 Manor Drive, Stroudsburg, PA 18360), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a 275-gallon, exterior aboveground storage tank, which may have been due to a frozen supply line failure. 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 *Pocono Record* on June 25, 2009.

Paint Mill Road Property, Paint Mill Road, Washington Township, **Lehigh County**. William B. Gilchrist, Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066 has submitted a Final Report (on behalf of his client Lehigh County, Lehigh County Government Center, 17 South Seventh Street, Allentown, PA 18101), concerning the remediation of soil found to have been impacted by inorganics (arsenic and hexavalent chromium) as a result of historical operations at an adjacent former paint and pigment factory. The report documented attainment of the Site-Specific Standard. A public notice regarding the submission of the Final Report was published in *The Morning Call* on June 30, 2009.

Midas Residence, 529 East Ridge Street, Lansford Borough, **Carbon County**. Jeffrey Wynn, Patriot Environmental Management, LLC, P. O. Box 629, Douglassville, PA 19518 has submitted a Final Report (on behalf of his client, David Midas, 529 East Ridge Street, Lansford, PA 18232), concerning the remediation of soil found to have been impacted by No. 2 fuel oil due to a release that occurred during a fuel oil delivery as the result of an accidental overflow of a 275-gallon aboveground storage tank. 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 Times News* on July 9, 2009.

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

The Pennsylvania State University, University Park Campus, Eastview Terrace Housing Complex, State College Borough, **Centre County**, Meiser & Earl, Inc., 1512 West College Avenue, State College, PA 16801 on behalf of The Pennsylvania State University, Room 101P, Office of Physical Plant, University Park, PA 16802 has submitted a Final Report concerning remediation of site groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

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

Industrial Steel & Pipe Supply Company, City of St. Marys, **Elk County**. Quad 3 Group, Inc., Glenmaura Professional Center, Suite 105, Moosic, PA 18507, on behalf of the City of St. Marys, 11 Lafayette Street, Saint Marys, PA 15857 has submitted a Final Report concerning remediation of site soils contaminated with lead. The report is intended to document remediation of the site to meet the Statewide Health Standard.

LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

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

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

Oakwood Lake Village, Lot 15 and Lot 53, Oakwood Lake Road, Tunkhannock Township, **Wyoming County**. Martin P. Gilgallon, Pennsylvania Tectonics, Inc., 826 Main Street, Peckville, PA 18452 submitted a Final Report (on behalf of his client, American Residential Communities, 1 Mark Lane, Honey Brook, PA 19344), concerning the remediation of soil and surface water found to have been impacted by No. 2 fuel oil from a nonregulated aboveground storage tank. The reported documented attainment of the Statewide Health Standard and was approved on August 4, 2009. The report was originally submitted within 90 days of the release.

O'Leary Residence, 4073 Manor Drive, Hamilton Township, **Monroe County**. Mark J. Zunich and Michael P. Raffoni, Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602 submitted a Final Report (on behalf of their client, John O'Leary, 4073 Manor Drive, Stroudsburg, PA 18360), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from a 275-gallon, exterior aboveground storage tank, which may have been due to a frozen supply line failure. The report documented attainment of the Statewide Health Standard and was approved on August 5, 2009.

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

Goodyear Farm, Colerain Township, **Lancaster County**. Mulry & 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 a farm dump. The Final Report demonstrated attainment of the Residential Statewide Health Standard, and was approved by the Department of Environmental Protection on August 5, 2009.

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

Bancshares, LLC—Julian Property. Union Township, **Centre County**. HRG, Inc., 1820 Linglestown Road, Harrisburg, PA 17110 on behalf of Bancshares, LLC, 2 PNC Plaza, P2-PTPP-19-3, Pittsburgh, PA 15222

has submitted a Final Report concerning remediation of site soil contaminated with No. 2 heating oil at 159 Meadow Lane, Julian, PA. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on August 4, 2009.

HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

Permits issued, suspended, expired, denied, revoked, reinstated or returned under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.

Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.

PAD 002389559. Keystone Cement Company, P. O. Box A, Bath, PA 18014-0058. The issuance of a Hazardous Waste Management Permit, authorizing the new "dry process" cement kiln to burn approved waste fuels; approving the closure schedule and plan for the existing "wet process" cement kilns that burn waste fuels; authorizing the construction of a new "Combined Hazardous Waste Management Unit" with new storage tanks plus new truck and railcar unloading/staging areas; authorizing the acceptance and management of rail-transported wastes; authorizing the acceptance of new hazardous waste codes; approving the revised closure plan and partial conversion of the existing Hazardous Waste Storage Tank System and Truck Unloading Area to the management of waste oil (only) as a waste oil burner; and approving assorted changes to the approved Waste Analysis Plan and Standard Operating procedures at this hazardous waste storage facility located in East Allen Township, **Northampton County**. The permit was issued in the Regional Office on July 9, 2009; and it will expire on July 9, 2019.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permits Revoked under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401.

Permit No. 301345. D & P Assoc., 481 Crossfield Road, King of Prussia, PA 19406, Upper Merion Township, **Montgomery County**. Final closure certification, residual waste closure permit revocation and partial bond release requests were submitted by D & P Assoc. for the former BOC Gases lime impoundment. The final closure certification and corresponding closure permit revocation actions were taken by the Southeast Regional Office on August 6, 2009, which is also the date upon which the 10-year bond liability period commences following final closure. Upon this permit revocation action becoming final, a partial bond release will be processed.

AIR QUALITY

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

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

GP1-46-0238: Saint Charles Borromeo Seminary (100 East Wynnewood Road, Wynnewood, PA 19106) on August 6, 2009, to operate two small natural gas/No. 2 oil-fired combustion units in Bethel Township, **Delaware County**.

GP14-09-0128: Jeffrey A. Naugle Funeral Home (20 North Ambler Street, Quakertown, PA 18951) on August 6, 2009, to operate a human crematory in Richland Township, **Bucks County**.

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

GP3-21-03090: John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013) on August 4, 2009, for a Portable Nonmetallic Mineral Processing Plant under GP3 in Lower Allen Township, **Cumberland County**.

GP11-21-03090: John W. Gleim, Jr., Inc. (625 Hamilton Street, Carlisle, PA 17013) on August 4, 2009, for Nonroad Engines under GP11 in Lower Allen Township, **Cumberland County**.

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

GP5-30-00187: Coal Gas Recovery, LLC (P. O. Box 1020, 158 Portal Road, Waynesburg, PA 15370-3020) on August 10, 2009, was authorized under GP-5 (Natural Gas, Coal Bed Methane, or Gob Gas Production or Recovery Facilities) to install and operate one Caterpillar G3408C LE 425bhp natural gas compressor engine equipped with an EMIT Technologies EA-1700Z-0808F-D1SEE oxidation catalyst at their DD-11 Compressor Station in Wayne Township, **Greene County**.

GP5-65-00950A: The Peoples Natural Gas Company (501 Martindale Street, Suite 500, D.L. Clark Building, Pittsburgh, PA 15212-5835) on August 10, 2009, was authorized under GP-5 (Natural Gas, Coal Bed Methane, or Gob Gas Production or Recovery Facilities) to continue operation of a natural gas production facility consisting of two natural gas compressor engines, one dehydrator and one thermal oxidizer at the Arnold Compressor Station located in Lower Burrell City, **Westmoreland County**. This is a renewal of the GP-5 authorization.

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

GP-10-021B: INDSPEC Chemical Corp. (133 Main Street, Petrolia, PA 16050) on August 10, 2009, to operate storage tanks for volatile organic liquids (BAQ-GPA/GP-2) at their facility in Petrolia Borough, **Butler County**.

GP-24-168A: Seneca Resources Corp.—Owl's Nest Station (Owls Nest Road, Kane, PA 16735) on August 10, 2009, to operate a natural gas fired compressor engine (BAQ-GPA/GP-5) at their facility in Highland Township, **Elk County**.

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

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

10-3594: Rex Energy 1, LLC (476 Rolling Ridge Drive, Suite 300, State College, PA 16801) on July 28, 2009, to install a natural gas stripping plant at their facility in Forword Township, **Butler County**.

42-028C: Saint-Gobain Containers, Inc. (1 Glass Place, Port Alleghany, PA 16743) on August 4, 2009, 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) at their plant in Port Alleghany, **McKean County**.

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

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

46-0048D: Wyeth Pharmaceuticals (500 Arcola Road, Collegeville, PA 19426) on August 6, 2009, to operate one 2,000 kW electric generator in Upper Providence Township, **Montgomery County**.

09-0176A: Metal Improvement Co., LLC (3434 State Road, Bensalem, PA 19020-5906) on August 6, 2009, to operate a metal treatment processor in Bensalem Township, **Bucks County**.

09-0173: P & R Industries, Inc. (3826 Old Easton Road, Doylestown, PA 18901) on August 7, 2009, to operate a paint booth scrubber in Buckingham Township, **Bucks County**.

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

11-00521A: Fuel Recovery, Inc. (254 Interpower Drive, Colver, PA 15927-4305) on August 6, 2009, to construct a coal preparation plant at their Lilly Refuse Site in Washington Township, **Cambria County**. The plan approval was modified to change the mailing address, contact person, and responsible official, and was also extended effective August 6, 2009, with an expiration date of February 6, 2010.

Plan Approvals Denied, Terminated, Modified, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and the provisions of 25 Pa. Code §§ 127.13b and 127.13c.

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

42-00111: Ethan Allen Inc.—Eldred Plant (3289 Route 446, Eldred, PA 16731-9664) on August 4, 2009, for revocation of their State-only Operating Permit for the operation of the wood furniture manufacturing facility in the Borough of Eldred, **McKean County**. This operating permit was revoked because of a permanent shutdown of operations at the facility.

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

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

28-05015: IESI PA Corp. (P. O. Box 366, Scotland, PA 17254-0399) on August 4, 2009, to operate a refuse disposal facility in Greene Township, **Franklin County**. This is a renewal of the Title V operating permit.

67-05007: Adhesives Research, Inc. (P. O. Box 100, Glen Rock, PA 17327-0100) on August 5, 2009, to manufacture high-performance, custom pressure-sensitive adhesives, tapes, coatings, specialty films and laminates at their facility in Springfield Township, **York County**. This is a renewal of the Title V operating permit.

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.

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

09-00107: Oldcastle Retail, Inc., d/b/a Bonsal American (1214 Hayes Boulevard, Bristol, PA 19007) on August 5, 2009, for renewal of a State-only (Natural Minor) Operating Permit No. 09-00107, which was originally issued on July 1, 2002 in **Bucks County**. The State-only Operating Permit (SOOP) is for the operation of a fluidized bed dryer, two concrete mix production/packaging lines, and a sand packaging line (part of Source ID 101 in the original SOOP), as well as numerous bin vents and dust collectors to control PM emissions from each of these sources. The requirements of Plan Approval No. 09-0107 will be incorporated into the renewed SOOP. The renewed SOOP will include monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

09-00157: Barrett Asphalt, Inc. (Steel Road North, Morrisville, PA 19060) on August 5, 2009, for a Non-Title V Facility, State-only, Synthetic Minor Operating Permit in Falls Township, **Bucks County**. Barrett Asphalt, Inc. operates a Hot Mix Asphalt (HMA) plant, which operates on natural gas and utilizes No. 2 fuel as a backup fuel. The primary source of air emissions from the facility is the Drum Mix Asphalt Plant, Source ID 101. This source includes a recycled asphalt pavement (RAP) plant, load-out for six identical storage silos and fugitive sources (vehicular traffic, handling of aggregate material, and storage piles). The HMA plant also operates a natural gas-fired hot oil heater, used to heat the six storage silos and six liquid asphalt cement tanks (30,000 gallons, each). The hot oil heater has been deemed an insignificant source. A Knockout Box/Baghouse, Source ID C01, is used to control emissions of PM from the HMA plant. Water suppression is used to control fugitive emissions of PM from the fugitive sources. Estimated potential emis-

sions from the facility are: 12.5 tpy for NO_x, 30.0 tpy for CO, 10.8 tpy for VOC, 7.8 tpy for PM, and less than 3.0 TPY for SO_x and HAP. The permit will contain monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Ray Kempa, New Source Review Chief, (570) 826-2507.

13-00009: Weatherly Casting & Machine Co. (P. O. Box 21, Weatherly, PA 18255) on August 5, 2009, to operate a small foundry in Weatherly Borough, **Carbon County**. The State-only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a State-only Natural Minor operating permit.

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

01-03034: Texas Eastern Transmission, LP (P. O. Box 1642, Houston, TX 77251-1642) on August 5, 2009, for their natural gas transmissions pipeline and pumping stations in Tyrone Township, **Adams County**.

01-05004: RRI Energy Mid Atlantic Power Holding, LLC (121 Champion Way, Suite 200, Canonsburg, PA 15317-5817) on August 4, 2009, for their peaking power generating facility in Hamilton Township, **Adams County**. This is a renewal of the State-only operating permit.

21-03049: Pyrotek, Inc. (1285 Claremont Road, Carlisle, PA 17013-9727) on August 5, 2009, for their refractory fabrication plant in Middlesex Township, **Cumberland County**.

36-05032: Versatek Enterprises, LLC (508 Front Street, Lititz, PA 17543-1708) on July 28, 2009, for operation of their display furniture and fixture manufacturing facility in Lititz Borough, **Lancaster County**. This is a renewal of the State-only operating permit.

36-05074: New Holland Custom Woodwork, Ltd. (P. O. Box 217, 313 Prospect Street, New Holland, PA 17557-0217) on August 4, 2009, for their high quality wood products manufacturing facility in New Holland Borough, **Lancaster 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.

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

46-00107: ITW Philadelphia Resins (130 Commerce Drive, Montgomeryville, PA 18936) on August 6, 2009, the issued State-only Operating Permit was administratively amended to identify a change in the name of the Responsible Official identified in the permit. ITW Philadelphia Resins manufactures a variety of adhesives and specialty coatings for industrial and marine applications. The facility has seven mixers that manufacture both VOC and non-VOC containing materials at their facility in Montgomery Township, **Montgomery County**.

09-00122: Arkema, Inc.—Altuglas Int. (100 PA Route 413, Bristol, PA 19007) on August 11, 2009, for a minor modification of TVOP No. 09-00122 for their facility in Bristol Township, **Bucks County**. The minor modification is for the rerouting of several small additive tanks vents from an existing scrubber to another larger scrubber onsite. The modified TVOP includes monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements. Minor modification of TVOP No. 09-00122 is issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code § 127.462.

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

N05-011: Curtis Center (601 Walnut Street, Philadelphia, PA 19106—d/b/a 170 South Independence Mall West) on August 6, 2009, administratively amended to incorporate a change of ownership to CB Richard Ellis and to change contact information. The Natural Minor operating permit was originally issued on May 31, 2006.

ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).

Coal Permits Actions

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

30810703 and NPDES Permit No. PA0092894, Consol Pennsylvania Coal Company, LLC (1800 Washington Road, Pittsburgh, PA 15241), to revise the permit for the Bailey Coal Refuse Disposal Areas No. 1 and No. 2 in Richhill Township, **Greene County** to add acreage to install the conveyor corridor extension. Coal Refuse Disposal Acres Proposed 88.8. No additional discharges. Application received May 23, 2008. Permit issued August 5, 2009.

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

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. Permit issued August 3, 2009.

07890101 and NPDES No. PA0598381. Cooney Brothers Coal Company, P. O. Box 246, Cresson, PA 16630, permit renewal for reclamation only of a bituminous surface mine in Logan Township, **Blair County**, affecting 112.0 acres. Receiving streams: UNTs to Kittanning Run and UNTs to Little Laurel Run classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Altoona City Blair County Authority Burgoon Run Glenwhite SWI. Application received May 19, 2009. Permit issued August 6, 2009.

11830108 and NPDES No. PA0605972. L & J Energy Company, Inc., P. O. Box I, Grampian, PA 16838, permit renewal for reclamation only of a bituminous surface auger mine in Susquehanna Township, **Cambria County**, affecting 183.4 acres. Receiving streams: UNTs to/and West Branch Susquehanna River classified for the following uses: CWF and WWF. There are no potable water supply intakes within 10 miles downstream. Application received April 23, 2009. Permit issued August 6, 2009.

32030105 and NPDES No. PA0249131. P & N Coal Company, Inc., P. O. Box 332, Punxsutawney, PA 15767, permit renewal for reclamation only of a bituminous surface and auger mine in East Mahoning Township, **Indiana County**, affecting 54.0 acres. Receiving stream: Little Mahoning Creek Watershed classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 11, 2009. Permit issued August 7, 2009.

11830102 and NPDES No. PA0607550. M. B. Energy, Inc., 175 McKnight Road, Blairsville, PA 15717, permit renewal for reclamation only of a bituminous surface mine and treatment of a postmining discharge in Lower Yoder Township, **Cambria County**, affecting 166.3 acres. Receiving stream: UNT to St. Clair Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 20, 2008. Permit issued August 6, 2009.

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

40980103R2. No. 1 Contracting Corp., (49 South Main Street, Ashley, PA 18706), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Hazle and Banks Townships, **Luzerne and Carbon Counties** affecting 37.0 acres, receiving stream: none. Application received May 27, 2008. Renewal issued August 6, 2009.

54830109R5 and NPDES Permit No. PA0613622. Joe Kuperavage Coal Company, (916 Park Avenue, Port Carbon, PA 17965), renewal of an existing anthracite surface mine operation in Blythe Township and New Philadelphia Borough, **Schuylkill County** affecting 625.0 acres, receiving stream: Schuylkill River. Application received October 14, 2008. Renewal issued August 6, 2009.

54931601R3. Sherman Coal Co., Inc., (P. O. Box 93, Elysburg, PA 17824), renewal of an existing anthracite coal preparation plant operation in Frailey Township, **Schuylkill County** affecting 9.9 acres, receiving stream: none. Application received December 29, 2008. Renewal issued August 6, 2009.

Noncoal Permits Actions

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

56090801. Fieg Brothers, 3070 Stoystown Road, Stoystown, PA 15563, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Southampton Township, **Somerset County**, affecting 5 acres. Receiving stream: UNT to Rush Run. Application received February 27, 2009. Permit issued August 3, 2009.

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

33092801. Groves Excavating, Inc. (2195 Beechwood Road, Falls Creek, PA 15840) Commencement, operation and restoration of a small noncoal shale and sandstone operation in Washington Township, **Jefferson County** affecting 5.0 acres. Receiving streams: UNT to Kyle Run. Application received April 1, 2009. Permit Issued July 31, 2009.

37020307. Amerikohl Mining, Inc. (202 Sunset Drive, Butler, PA 16001) Renewal of existing NPDES Permit No. PA0242276 in Wayne Township, **Lawrence County** affecting 231.9 acres. Receiving streams: UNT to Beaver River and UNT to Snake Run. Application received January 8, 2009. Permit Issued August 5, 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.

21094131. Douglas Explosives, Inc., P. O. Box 77, Philipsburg, PA 16866-0077, blasting activity permit issued for residential development in Silver Spring Township, **Cumberland County**. Blasting activity permit end date is December 30, 2009. Permit issued July 30, 2009.

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

65094007. Coal Loaders, Inc. (P. O. Box 556, Ligonier, PA 15658). Blasting activity permit for reclamation at the Lydick GFCC Site, located in Derry Township, **Westmoreland County**. The duration of blasting is for 180 days. Permit issued August 5, 2009.

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

42094005. Christian F. Kellner (511 Hostageh Road, Olean, NY 14760) Blasting activity permit for well exploration in Bradford Township, **McKean County**. This blasting activity permit will expire on August 25, 2009. Application received July 27, 2009. Permit Issued July 30, 2009.

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

14094005. Douglas Explosives, Inc. (P. O. Box 77, Philipsburg, PA 16866), blasting for the Confer Home

Foundation located in Walker Township, **Centre County**. Permit issued August 4, 2009. Permit expires August 1, 2010.

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

38094121. Keystone Blasting Service, (381 Reifsnnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in North Cornwall Township, **Lebanon County** with an expiration date of September 30, 2009. Permit issued August 3, 2009.

06094109. Schlouch, Inc., (P. O. Box 69, Blandon, PA 19510), construction blasting for Allegheny East Conference Building in Douglass Township, **Berks County** with an expiration date of August 5, 2010. Permit issued August 6, 2009.

36094154. Abel Construction Co., Inc., (P. O. Box 476, Mountville, PA 17554), construction blasting for PA SR 896 relocation in Strasburg Borough and Strasburg Township, **Lancaster County** with an expiration date of December 31, 2009. Permit issued August 6, 2009.

38094122. Warren's Excavating & Drilling, Inc., (P. O. Box 214, Myerstown, PA 17067), construction blasting for Hilltop Estates in Cornwall Borough, **Lebanon County** with an expiration date of August 5, 2009. Permit issued August 6, 2009.

45094127. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Evergreen Estates in Middle Smithfield Township, **Monroe County** with an expiration date of August 31, 2010. Permit issued August 6, 2009.

45094128. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for South Ridge Estates in Price Township, **Monroe County** with an expiration date of August 31, 2010. Permit issued August 6, 2009.

45094129. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Sunrise Village in Smithfield Township, **Monroe County** with an expiration date of August 31, 2010. Permit issued August 6, 2009.

52094110. Explosive Services, Inc., (7 Pine Street, Bethany, PA 18431), construction blasting for Oak Ridge Estates in Dingman Township, **Pike County** with an expiration date of August 31, 2010. Permit issued August 7, 2009.

52094111. Holbert Explosives, Inc., (237 Mast Hope Plank Road, Lackawaxen, PA 18435), construction blasting for a residential development on Garrity Road in Lackawaxen Township, **Pike County** with an expiration date of December 31, 2009. Permit issued August 7, 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

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

E58-280. Cabot Oil & Gas Corporation, 900 Lee Street East, Huntington Square, Charleston, WV 25301. Springville and Dimock Townships, **Susquehanna County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain the following water obstructions and encroachments associated with the Susquehanna County Pipeline Project Zone 1 2009, which includes 45 utility crossings of Meshoppen Creek, its tributaries, and wetlands in Springville and Dimock Townships, Susquehanna County.

1. (Wetland Impact z01-w01) An 8" diameter PVC natural gas transmission line crossing of approximately 653 linear feet of PEM/PSS wetland by means of directional bore with temporary wetland impacts of 0 acre (Latitude: 41° 41' 42.5"; Longitude: 75° 54' 4.7") in Springville Township.

2. (Wetland Impact z01-w02) A 10" diameter PVC natural gas transmission line crossing of approximately 371 linear feet of PEM wetland with temporary wetland impacts of 0.621 acre (Latitude: 41° 43' 35.2"; Longitude: 75° 53' 50.9") in Dimock Township.

3. (Wetland Impact z01-w03) A 10" diameter PVC natural gas transmission line crossing of approximately 57 linear feet of PEM wetland with temporary wetland impacts of 0.101 acre (Latitude: 41° 43' 43.1"; Longitude: 75° 55' 6.4") in Dimock Township.

4. (Wetland Impact z01-w04) A 10" diameter PVC natural gas transmission line crossing of approximately 115 linear feet of PEM wetland with temporary wetland impacts of 0.007 acre (Latitude: 41° 43' 43.6"; Longitude: 75° 55' 6.2") in Dimock Township.

5. (Wetland Impact z01-w05) A 10" diameter PVC natural gas transmission line crossing of approximately 71 linear feet of PEM wetland with temporary wetland impacts of 0.066 acre (Latitude: 41° 43' 43.2"; Longitude: 75° 55' 3.6") in Dimock Township.

6. (Wetland Impact z01-w06) A 10" diameter PVC natural gas transmission line crossing of approximately 201 linear feet of PEM wetland with temporary wetland impacts of 0.369 acre (Latitude: 41° 43' 43.9"; Longitude: 75° 54' 53.8") in Dimock Township.

7. (Wetland Impact z01-w08) A 10" diameter PVC natural gas transmission line crossing of approximately 95.5 linear feet of PEM wetland with temporary wetland impacts of 0.164 acre (Latitude: 41° 42' 51.0"; Longitude: 75° 56' 43.8") in Dimock Township.

8. (Wetland Impact z01-w09) A 10" diameter PVC natural gas transmission line crossing of approximately 24 linear feet of PEM wetland with temporary wetland impacts of 0.008 acre (Latitude: 41° 43' 15.9"; Longitude: 75° 56' 38.5") in Dimock Township.

9. (Wetland Impact z01-w10) A 10" diameter PVC natural gas transmission line crossing of approximately 9 linear feet of POW wetland with temporary wetland impacts of 0.014 acre (Latitude: 41° 43' 45.3"; Longitude: 75° 56' 54.8") in Dimock Township.

10. (Wetland Impact z01-w12) A 10" diameter PVC natural gas transmission line crossing of approximately 60 linear feet of PEM wetland with temporary wetland impacts of 0.098 acre (Latitude: 41° 43' 43.2"; Longitude: 75° 54' 48.5") in Dimock Township.

11. (Wetland Impact z01-w13) A 10" diameter PVC natural gas transmission line crossing of approximately 28 linear feet of PEM wetland with temporary wetland impacts of 0.040 acre (Latitude: 41° 43' 34.9"; Longitude: 75° 53' 41.1") in Dimock Township.

12. (Wetland Impact z01-w14) A 10" diameter PVC natural gas transmission line crossing of approximately 109 linear feet of PEM wetland with temporary wetland impacts of 0.180 acre (Latitude: 41° 43' 34.5"; Longitude: 75° 35' 42.3") in Dimock Township.

13. (Wetland Impact z01-w15) A 10" diameter PVC natural gas transmission line crossing of approximately 37 linear feet of PEM wetland with temporary wetland impacts of 0.057 acre (Latitude: 41° 43' 34.8"; Longitude: 75° 53' 40.1") in Dimock Township.

14. (Wetland Impact z01-w73) A 10" diameter PVC natural gas transmission line crossing of approximately 74 linear feet of PEM wetland with temporary wetland impacts of 0.133 acre (Latitude: 41° 43' 44.2"; Longitude: 75° 56' 17.7") in Dimock Township.

15. (Wetland Impact z01-w74) A 10" diameter PVC natural gas transmission line crossing of approximately 16 linear feet of PEM wetland with temporary wetland impacts of 0.026 acre (Latitude: 41° 43' 44.4"; Longitude: 75° 56' 8.5") in Dimock Township.

16. (Wetland Impact z01-w100) A 6" diameter PVC natural gas transmission line crossing of approximately 66 linear feet of PEM wetland with temporary wetland impacts of 0.081 acre (Latitude: 41° 42' 33.5"; Longitude: 75° 54' 26.0") in Springville Township.

17. (Wetland Impact z01-w101) A 2" diameter PVC natural gas transmission line crossing of approximately 18 linear feet of PEM wetland with temporary wetland impacts of 0.021 acre (Latitude: 41° 41' 39.2"; Longitude: 75° 54' 26.8") in Springville Township.

18. (Wetland Impact z01-w102a) An 8" diameter PVC natural gas transmission line crossing of approximately 98 linear feet of PEM wetland with temporary wetland impacts of 0.002 acre (Latitude: 41° 43' 37"; Longitude: 75° 54' 20") in Springville Township.

19. (Wetland Impact z01-w103) An 8" diameter PVC natural gas transmission line crossing of approximately 67 linear feet of PEM/PSS wetland with temporary wetland impacts of 0.108 acre (Latitude: 41° 41' 30.6"; Longitude: 75° 54' 17") in Springville Township.

20. (Wetland Impact z01-w104) An 8" diameter PVC natural gas transmission line crossing of approximately 66 linear feet of PEM wetland with temporary wetland impacts of 0.001 acre (Latitude: 41° 40' 54.4"; Longitude: 75° 54' 25.1") in Springville Township.

21. (Wetland Impact z01-w105) An 8" diameter PVC natural gas transmission line crossing of approximately 8.1 linear feet of PEM wetland with temporary wetland impacts of 0.035 acre (Latitude: 41° 42' 4.9"; Longitude: 75° 53' 6.5") in Springville Township.

22. (Wetland Impact z01-w106) An 8" diameter PVC natural gas transmission line crossing of approximately 8 linear feet of PEM wetland with temporary wetland impacts of 0.014 acre (Latitude: 41° 42' 7"; Longitude: 75° 53' 3.6") in Springville Township.

23. (Wetland Impact z01-w107) An 8" diameter PVC natural gas transmission line crossing of approximately 30 linear feet of PEM wetland with temporary wetland impacts of 0.037 acre (Latitude: 41° 42' 7.5"; Longitude: 75° 53' 2.8") in Springville Township.

24. (Wetland Impact z01-w401) A 6" diameter PVC natural gas transmission line crossing of approximately 20 linear feet of PEM wetland with temporary wetland impacts of 0.018 acre (Latitude: 41° 44' 0.6"; Longitude: 75° 56' 48.1") in Dimock Township.

25. (Wetland Impact z01-w402) A 6" diameter PVC natural gas transmission line crossing of approximately 19 linear feet of PEM wetland with temporary wetland impacts of 0.001 acre (Latitude: 41° 44' 0.9"; Longitude: 75° 56' 48.8") in Dimock Township.

26. (Wetland Impact z01-w405) An 8" diameter PVC natural gas transmission line crossing of approximately 103 linear feet of PEM wetland with temporary wetland impacts of 0.011 acre (Latitude: 41° 40' 51.7"; Longitude: 75° 54' 28") in Dimock Township.

27. (Crossing z01-s02) A 10" diameter PVC natural gas transmission line across a UNT to Stevens Creek (CWF), impacting approximately 82 linear feet of channel (Latitude: 41° 43' 42.7"; Longitude: 75° 54' 47.1") in Dimock Township.

28. (Crossing z01-s03) A 10" diameter PVC natural gas transmission line across a UNT to Stevens Creek (CWF), impacting 0 linear feet of channel, by means of directional bore (Latitude: 41° 43' 34.7"; Longitude: 75° 53' 41.1") in Dimock Township.

29. (Crossing z01-s04) A 10" diameter PVC natural gas transmission line across a UNT to Stevens Creek (CWF), impacting approximately 77 linear feet of channel (Latitude: 41° 43' 34.8"; Longitude: 75° 53' 46.2") in Dimock Township.

30. (Crossing z01-s75) A 10" diameter PVC natural gas transmission line across a UNT to White Creek (CWF), impacting 0 linear feet of channel, by means of directional bore (Latitude: 41° 43' 16.4"; Longitude: 75° 56' 38.2") in Dimock Township.

31. (Crossing z01-s76) A 10" diameter PVC natural gas transmission line across a UNT to White Creek (CWF), impacting approximately 106 linear feet of channel (Latitude: 41° 43' 17.4"; Longitude: 75° 56' 38.2") in Dimock Township.

32. (Crossing z01-s77) A 10" diameter PVC natural gas transmission line across a UNT to White Creek (CWF), impacting approximately 93 linear feet of channel (Latitude: 41° 43' 44.2"; Longitude: 75° 56' 19.2) in Dimock Township.

33. (Crossing z01-s78) A 10" diameter PVC natural gas transmission line across a UNT to White Creek (CWF), impacting approximately 0 linear feet of channel, by means of directional bore (Latitude: 41° 43' 45.1"; Longitude: 75° 55' 56.2" in Dimock Township).

34. (Crossing z01-s100) A 10" diameter PVC natural gas transmission line across a UNT to Thomas Creek (CWF), impacting approximately 76 linear feet of channel (Latitude: 41° 42' 27.4"; Longitude: 75° 54' 55.6") in Springville Township.

35. (Crossing z01-s101) A 10" diameter PVC natural gas transmission line across a UNT to Thomas Creek (CWF), impacting approximately 76 linear feet of channel (Latitude: 41° 42' 27.8"; Longitude: 75° 54' 41.8") in Springville Township.

36. (Crossing z01-s102) A 6" diameter PVC natural gas transmission line across a UNT to Stevens Creek (CWF), impacting approximately 88 linear feet of channel (Latitude: 41° 42' 40.3"; Longitude: 75° 54' 9.1") in Springville Township.

37. (Crossing z01-s103) A 6" diameter PVC natural gas transmission line across a UNT to Stevens Creek (CWF), impacting approximately 60 linear feet of channel (Latitude: 41° 42' 3.7"; Longitude: 75° 54' 27") in Springville Township.

38. (Crossing z01-s104) A 2" diameter PVC natural gas transmission line across a UNT (CWF), impacting approximately 159 linear feet of channel (Latitude: 41° 41' 39.4"; Longitude: 75° 54' 26.7") in Springville Township.

39. (Crossing z01-s105) An 8" diameter PVC natural gas transmission line across a UNT (CWF), impacting approximately 40 linear feet of channel (Latitude: 41° 41' 37.8"; Longitude: 75° 54' 19.4") in Springville Township.

40. (Crossing z01-s106) An 8" diameter PVC natural gas transmission line across a UNT to Thomas Creek (CWF), impacting approximately 254 linear feet of channel (Latitude: 41° 41' 38.5"; Longitude: 75° 54' 19.5") in Springville Township.

41. (Crossing z01-s106a) An 8" diameter PVC natural gas transmission line across a UNT to Thomas Creek (CWF), impacting approximately 76 linear feet of channel (Latitude: 41° 41' 41.4"; Longitude: 75° 54' 17.8") in Springville Township.

42. (Crossing z01-s107) An 8" diameter PVC natural gas transmission line across a UNT to Stevens Creek

(CWF), impacting 0 linear feet of channel, by means of directional bore (Latitude: 41° 41' 58.6"; Longitude: 75° 53' 18.5") in Springville Township.

43. (Crossing z01-s150) A 6" diameter PVC natural gas transmission line across a UNT to White Creek (CWF), impacting approximately 103 linear feet of channel (Latitude: 41° 44' 0.6"; Longitude: 75° 56' 48.1") in Dimock Township.

44. (Crossing z01-s151) Two 24" diameter access road CMP pipe across a UNT to Thomas Creek (CWF), impacting approximately 55 linear feet of channel (Latitude: 41° 43' 47.8"; Longitude: 75° 56' 39.7") in Dimock Township.

45. (Crossing z01-s406) A 10" diameter PVC natural gas transmission line across a UNT to Meshoppen Creek (CWF), impacting approximately 76 linear feet of channel (Latitude: 41° 40' 54.3"; Longitude: 75° 54' 25.8") in Springville Township.

The project will temporarily impact 2.211 acres of wetlands and 1,427 linear feet of stream impacts. Disturbed streambanks will be permanently stabilized with riprap or jute matting and vegetation

The project begins approximately 0.67 mile from the intersection of SR 0029 and SR 3017 (Hop Bottom, PA Quadrangle Latitude: 41° 40' 42"; Longitude: 75° 54' 32") on the east side of Ernest Marcy Road and continues in a northerly direction in Springville and Dimock Townships, Susquehanna County.

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

E67-864: Eastern Gold Prospectors Association, Inc., 50 Graybill Road, Leola, PA 17540, Conewago Township, **York County**, United States Army Corps of Engineers, Baltimore District.

The applicant proposes to use recreational suction dredges and power sluices to prospect for gold in the Conewago Creek (WWF). The activities will be conducted from March 1st to November 30th with no more than six mechanical suction dredges operating at one time within the approved area. The project area extends from 50 feet upstream of the existing dam to the Susquehanna Trail Road Bridge. (Dover, PA Quadrangle N: 18.5 inches; W: 2.25 inches, Latitude: 40° 06' 7.6"; Longitude: 76° 46' 13.6") in Conewago Township, York County.

E67-831: Silver Fox Partners, LLC, 447 Granite Run Drive, Lancaster, PA 17601, Silver Fox Estates, Fairview Township, **York County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain: 1) a 61.92-foot long, 84.0-inch diameter CMP and associated utilities in a UNT to Yellow Breeches Creek (CWF) and associated PEM/PFO wetlands; 2) a 99.70-foot long, 72.0-inch diameter CMP and associated utilities in a UNT to Yellow Breeches Creek (CWF) and associated PFO wetlands; 3) a 62.32-foot long, 48.0-inch diameter SLCPP and associated utilities in a UNT to Yellow Breeches Creek (CWF); and 4) four stormwater management outfall structures to a UNT to Yellow Breeches Creek (CWF), for the purpose of constructing a 50-lot residential subdivision. The project is located south of Highland Drive and north of Sidonsburg Road, west of their intersections with Moores Mountain Road in Fairview Township, York County (Lemoine, PA Quadrangle N: 3.6 inches; W: 5.1 inches, Latitude: 40° 08' 34.71"; Longitude: 76° 54' 43.11"). The project will impact a total of 635.0 linear feet of stream channel, 0.049 acre of PEM wetland and 0.045 acre of

PFO wetland. The permittee is required to provide 0.139 acre of replacement wetlands and is proposing 0.150 acre of on-site mitigation.

E22-540: Dauphin County Commissioners, P. O. Box 1295, Harrisburg, PA 17108-1295, Dauphin County Bridge 122, South Hanover and Derry Townships, **Dauphin County**, United States Army Corps of Engineers, Baltimore District.

To remove existing Bridge No. 122 using two temporary causeways constructed of 1,600 cubic yards of clean R-6 rock (Latitude: 40° 17' 13"; Longitude: 76° 40' 45") and to construct and maintain a 36.5-foot wide, four span, continuous composite prestressed concrete I-beam bridge, with span lengths of 85.4 feet, 90.1 feet, 92.7 feet, and 98.7 feet, and underclearances of 8.0 feet, 15.8 feet, 21.8 feet, and 11.5 feet, respectively (Latitude: 40° 17' 14"; Longitude: 76° 40' 40"); to construct and maintain two temporary cofferdams associated with the pier construction of the proposed bridge; to place and maintain 9,800.0 cubic yards of fill within the floodway and 1,800.0 cubic yards within the floodplain for the construction of the approach roadway; to construct and maintain a 46.0-foot long, 24.0-inch HDPE pipe outfall with endwall and R-4 rip-rap outlet protection (Latitude: 40° 17' 14"; Longitude: 76° 40' 36"); to construct and maintain a stormwater channel with R-4 rip-rap outlet protection (Latitude: 40° 17' 16"; Longitude: 76° 40' 37"); to construct and maintain a 53.0-foot long, 18.0-inch HDPE pipe outfall with endwall and R-4 rip-rap outlet protection (Latitude: 40° 17' 15"; Longitude: 76° 40' 41"); to construct and maintain a 17.0-foot long, 18.0-inch RCP with endwall and R-4 rip-rap outlet protection (Latitude: 40° 17' 15"; Longitude: 76° 40' 45"); and to replace a 77.0-foot long, 30.0-inch CMP with a 77.0-foot long, 27.0-inch wide by 42.0-inch high reinforced concrete elliptical pipe arch with endwall and R-4 rip-rap outlet protection (Latitude: 40° 17' 15"; Longitude: 76° 40' 49"). All proposed impacts are to Swatara Creek (WWF). The project is located on North Hanover Street approximately 1,000 feet north of its intersection with Hersheypark Drive (SR 0039) (Hershey, PA Quadrangle N: 6.7 inches; W: 7.5 inches, Latitude: 40° 17' 14"; Longitude: 76° 40' 40") in South Hanover and Derry Townships, Dauphin County. The purpose of the project is to replace a substandard and outdated structure.

E22-544: Lower Paxton Township, Brian Luetchford, Friendship Community Center, 5000 Commons Drive, Harrisburg, PA 17112, Lower Paxton Township, **Dauphin County**, United States Army Corps of Engineers, Baltimore District.

To remove 20.0 feet of existing 24-inch diameter culvert pipe and for the construction and maintenance of 600.0 feet of stream bank grading and stabilization including the installation of 250.0 feet of boulder toe, 130.0 feet of 4-foot high stacked stone wall, four 8-foot wide log terrace structures, and four 8-foot wide boulder steps for the purpose of stabilizing a UNT to Paxton Creek (WWF) (Harrisburg East, PA Quadrangle Starting location: 11.23-inches N; 8.29-inches W, Latitude: 40° 18' 42.6" N; Longitude: 76° 48' 34.2" W, Ending location: 11.45-inches N, 8.48-inches W; Latitude: 40° 18' 47" N, Longitude: 76° 48' 39.1" W) in Lower Paxton Township, Dauphin County.

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

E02-584-A9 Hanson Aggregates PMA, Inc., 2200 Springfield Pike, Connellsville, PA 15425. To amend Spe-

cial Condition E of Water Obstruction and Encroachment Permit No. E02-584, issued June 2006, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties, to include the following sentence at the end of the Special Condition:

“If one or more Salamander Mussel(s) (*Simpsonaias ambigua*) is found during a mussel survey then a targeted more intensive search shall be conducted in accordance with the “**Pre-Dredging Protocol for Sampling and Relocating Live Salamander Mussels**” attached hereto and incorporated herein as Appendix E.”

APPENDIX “E”

Predredging Protocol for Sampling and Relocating Live Salamander Mussels July 2009

Purpose

The three goals of this document are to provide: 1) a qualitative method to survey for live Salamander Mussels by targeting their microhabitats; 2) methods for identifying appropriate refuge habitat (refuge habitat—area protected in perpetuity from sand and gravel dredging operations) for Salamander Mussels and establish a Salamander Mussel relocation and monitoring protocol; and; 3) numeric criteria for Salamander Mussels to provide judgment of habitat value for areas proposed for dredging. If such criteria are exceeded, then additional site-specific dredger/agency discussions may occur. If numeric criteria are not triggered, then Salamander Mussels shall be relocated and sand and gravel dredging can proceed.

This protocol is designed for sampling Salamander Mussels as part of predredging surveys when Salamander Mussels are found during the earlier phases of the mussel survey. This survey protocol shall take effect immediately and be applicable to areas where Salamander Mussels may have already been found.

In the future, should the Pennsylvania Fish and Boat Commission (PaFBC) adopt amendments to 58 Pa. Code §§ 75.1 or 75.2 to add the Salamander Mussel to the Pennsylvania Department of Environmental Protection (Department) endangered or threatened species list, the Department shall still utilize this survey protocol for permitting decisions for the current permitting cycle, which shall end on or before December 10, 2011, in areas proposed for dredging where the Salamander Mussel may be present.

Criteria that Trigger a Salamander Mussel Survey

Criteria 1. One or more Salamander Mussels are collected during a Phase I transect survey.

If at least one live salamander mussel (*Simpsonaias ambigua*) is collected during a Phase I transect survey conducted, as required by Special Condition E, in accordance with the most recent Department approved Mussel Survey Protocol, the diver shall physically mark the location of the microhabitat using a buoy or other means and geo-reference the Salamander Mussel location. This shall allow the diver to return for a more intensive search. The transect segment where the Salamander Mussel was collected shall be the epicenter of the survey to specifically target this species or adjusted depending upon habitat conditions.

Criteria 2. One or more Salamander Mussels are collected during a Phase II survey.

If a Phase I survey triggers the need for a Phase II survey (based on finding species other than the

Salamander Mussel), and if at least one live salamander mussel is collected during Phase II, then the same procedures as outlined previously shall be followed.

The methods described as follows shall be used to search for additional Salamander Mussels.

Survey Procedures

Identifying Survey Area.

Surveyors shall return to the Phase I transect segment or Phase II area where the Salamander Mussel was collected. A 100 meter by 100 meter (10,000 square meter) area (cell) of river bottom shall be marked with buoys or another method so that divers can search within the area for microhabitats where Salamander Mussels and Mudpuppies are likely to be found (flat rocks, submerged logs, debris, bank overhangs, and the like).

If more than one Phase I or II location triggered a Salamander Mussel survey, then multiple overlapping 100 meter by 100 meter cells shall be delineated. If the search area exceeds 30 feet in depth or is restricted by bank, the survey area shall be adjusted to only include areas less than 30 feet deep or additional areas upstream or downstream. This shall be done to accommodate a total cell area surveyed of 10,000 square meters.

Targeted Surveys Within Cell.

After the cell area is delineated, one or more divers shall systematically search the entire cell area for Salamander Mussel microhabitat features such as large flat rocks, ledges, submerged logs or other objects where Mudpuppies may be found. When appropriate habitat features are encountered, the diver shall carefully lift the object and search (visually and by feel) for mussels in the top few centimeters of sediment. The size of the object to be moved shall be determined by the diver at that time, based on site conditions and personnel safety.

All live mussels and mussel shells collected within the specified microhabitat shall be carefully placed in a mesh dive bag, brought to the boat and total length of live specimens recorded. All mussels collected shall be identified by a qualified environmental consultant. Divers shall search for and separately bag all live mussels and shells from under specific microhabitat features in the pre-measured area. All mussels shall be identified, counted and total shell length measured. Mussel occurrences shall be related to specific microhabitat features where they were collected.

Assigning an Importance Value to an Area Containing Salamander Mussels.

1. Six or More Salamander Mussels

If a combined total of six or more Salamander Mussels are found in all surveys conducted at a transect (Salamander Mussel survey, either a Phase I or Phases I and II), then dredging shall be prohibited at this location unless one or more of the Permittees request reconsideration. If any of the Permittees request reconsideration, the Department, in consultation with the PaFBC, shall render the final determination. Site-specific discussions between the PaFBC, the Department and the Permittees may take place. The purpose of these discussions would be to evaluate the protective buffers while ensuring no adverse impacts to Salamander Mussel population. Depending on the site-specific conditions, such as where the microhabitat was found with respect to the proposed dredging activities, the Department may consider adjusting the buffer areas (upstream, downstream and/or laterally) or other conditions that may allow dredging near

these areas. The Permittee must provide the information to demonstrate that no adverse impacts to the Salamander Mussel population occur as the result of a variance.

2. Five or Less Salamander Mussels

If a combined total of five or fewer Salamander Mussels are found in all surveys conducted at a transect (Salamander Mussel survey, either Phase I or Phases I and II), then all collected salamander mussels shall be relocated in accordance with the protocol as follows and the area shall be deemed suitable for dredging.

Salamander Mussel Relocation Protocol

The Salamander Mussels collected in these surveys shall be relocated to suitable refuge habitat near Murphy's Island, immediately upstream or downstream of the island or other agreed upon refuge areas. The exact sites for the relocation shall be approved by the Department, in consultation with the PaFBC. Procedures described in this section shall be used to relocate Salamander Mussels.

Determining Relocation Site

In the event that live Salamander Mussels are collected, investigators shall examine the relocation site prior to relocation. At the relocation site the diver shall locate an appropriate microhabitat such as a large flat rock. The object shall be lifted and/or inspected to determine if the substrate is suitable. If resident Salamander Mussels are already present under the object, a second site may be chosen. Once suitable microhabitats have been identified, they shall be marked with buoys or another method so that the location can be found later.

Relocation sites shall be considered Salamander Mussel refuge areas and protected in perpetuity from sand and gravel dredging operations.

Conducting the Relocation

1. Salamander Mussels shall be collected and relocated when water temperature is no less than 55° F and water clarity is good.

2. Only persons who are thoroughly briefed on all techniques and overseen by a qualified environmental consultant may perform mussel surveys and relocations.

3. All mussels collected by targeted sampling (common mussels as well as Salamander Mussels) shall be identified, counted, total shell length measured with calipers and sexed if possible. Live Salamander Mussels of sufficient size shall be marked with glue-on numbered shellfish tags. If any Salamander Mussels are not tagged, the numbers of mussels not tagged, their lengths, and reason for not tagging shall be recorded.

4. While awaiting processing, mussels shall be held in mesh bags and suspended in river water to maximize survival and minimize stress.

5. Salamander Mussels collected during the pre-dredging survey shall be relocated to suitable microhabitat that was previously described. Such suitable microhabitat shall include: a) appropriately-sized shelter rocks; b) stable sand/gravel or sand/gravel/cobble substrate below ordinary low water elevation; and c) sites with similar mussel species richness, including other live Salamander Mussels. In addition, the relocation site should not be subjected to point-source or non-point source discharges or in areas likely to be dredged or disturbed in the future.

6. This relocation is being conducted to: a) increase opportunity for Salamander Mussel survival; b) facilitate monitoring of all relocated mussels; and c) provide information regarding mussel relocation methods.

7. A mussel surveyor shall individually place Salamander Mussels in the substrate with siphons exposed. Every effort shall be made to reduce the likelihood that mussels will be dislodged during high flow. It may be necessary to make a small excavation in the substrate for the mussels.

8. Any dead Salamander Mussels (either fresh dead when collected or killed as a result of this process) shall be preserved according to standard museum practices. Associated data to be recorded shall include date of collection, complete scientific and common name, latitude and longitude of collection site, and description of habitat at the collection site. These data, plus the specimens, shall then be submitted to the PaFBC or to the Carnegie Museum of Natural History (CMNH). The appropriate person at the PaFBC or CMNH should be contacted regarding proper specimen preservation and shipping procedures. In addition, as per the Pennsylvania Scientific Collector Permit conditions for collection of threatened or endangered species, the PaFBC must be notified within 48 hours when Salamander Mussels are collected during the survey.

9. A report documenting mussel relocation shall be prepared and submitted to the PaFBC and the Department upon completion of relocation. At a minimum the report shall include the following sections: introduction, methods, results, conclusion or summary. The methods section shall include all procedures used to collect, process, and relocate the mussels. The results section shall include geo-referenced locations where mussels were found, maps showing these locations, the total number of individuals of each mussel species collected and relocated; date collected; water and air temperatures; river stage; total number of live and dead Salamander Mussels; as well as their condition, size and their condition, size and approximate age. In addition, the report shall include the relocation site coordinates on maps and unique identifiers as well as number and species of mussels within monitoring areas.

10. A follow-up inspection of the relocation site shall be overseen by a qualified environmental consultant 1 year after the relocation to ensure that transplanted individuals are in the substrate and are alive. A brief report summarizing findings shall be prepared and submitted to the Department and the PaFBC.

11. Finally, the permittee's investigator shall develop and implement a plan to monitor all marked and replaced mussels for at least 3 years after relocation. Reports on monitoring methods and results shall be provided to the PaFBC and the Department annually. Monitoring shall occur when temperature is no less than 55° F.

E02-919-A9. Tri-State River Products, Inc., P. O. Box 218, Beaver, PA 15009-0218. To amend Special Condition E of Water Obstruction and Encroachment Permit No. E02-919, issued June 2006, which authorizes commercial sand and gravel dredging in select areas of the Allegheny (WWF) and Ohio Rivers (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties, to include the following sentence at the end of the Special Condition:

"If one or more Salamander Mussel(s) (*Simpsonaias ambigua*) is found during a mussel survey then a tar-

geted more intensive search shall be conducted in accordance with the **“Pre-Dredging Protocol for Sampling and Relocating Live Salamander Mussels”** attached hereto and incorporated herein as Appendix E.”

APPENDIX “E”

Predredging Protocol for Sampling and Relocating Live Salamander Mussels July 2009

Purpose

The three goals of this document are to provide: 1) a qualitative method to survey for live Salamander Mussels by targeting their microhabitats; 2) methods for identifying appropriate refuge habitat (refuge habitat—area protected in perpetuity from sand and gravel dredging operations) for Salamander Mussels and establish a Salamander Mussel relocation and monitoring protocol; and 3) numeric criteria for Salamander Mussels to provide judgment of habitat value for areas proposed for dredging. If such criteria are exceeded, then additional site-specific dredger/agency discussions may occur. If numeric criteria are not triggered, then Salamander Mussels shall be relocated and sand and gravel dredging can proceed.

This protocol is designed for sampling Salamander Mussels as part of predredging surveys when Salamander Mussels are found during the earlier phases of the mussel survey. This survey protocol shall take effect immediately and be applicable to areas where Salamander Mussels may have already been found.

In the future, should the Pennsylvania Fish and Boat Commission (PaFBC) adopt amendments to 58 Pa. Code § 75.1 or § 75.2 to add the Salamander Mussel to the Pennsylvania endangered or threatened species list, the Department shall still utilize this survey protocol for permitting decisions for the current permitting cycle, which shall end on or before December 10, 2011, in areas proposed for dredging where the Salamander Mussel may be present.

Criteria that Trigger a Salamander Mussel Survey

Criteria 1. One or more Salamander Mussels are collected during a Phase I transect survey.

If at least one live salamander mussel (*Simpsonaias ambigua*) is collected during a Phase I transect survey conducted, as required by Special Condition E, in accordance with the most recent Department approved Mussel Survey Protocol, the diver shall physically mark the location of the microhabitat using a buoy or other means and geo-reference the Salamander Mussel location. This shall allow the diver to return for a more intensive search. The transect segment where the Salamander Mussel was collected shall be the epicenter of the survey to specifically target this species or adjusted depending upon habitat conditions.

Criteria 2. One or more Salamander Mussels are collected during a Phase II survey.

If a Phase I survey triggers the need for a Phase II survey (based on finding species other than the Salamander Mussel), and if at least one live salamander mussel is collected during Phase II, then the same procedures as outlined previously shall be followed.

The methods described as follows shall be used to search for additional Salamander Mussels.

Survey Procedures

Identifying Survey Area.

Surveyors shall return to the Phase I transect segment or Phase II area where the Salamander Mussel was

collected. A 100 meter by 100 meter (10,000 square meter) area (cell) of river bottom shall be marked with buoys or another method so that divers can search within the area for microhabitats where Salamander Mussels and Mudpuppies are likely to be found (flat rocks, submerged logs, debris, bank overhangs, and the like).

If more than one Phase I or II location triggered a Salamander Mussel survey, then multiple overlapping 100 meter by 100 meter cells shall be delineated. If the search area exceeds 30 feet in depth or is restricted by bank, the survey area shall be adjusted to only include areas less than 30 feet deep or additional areas upstream or downstream. This shall be done to accommodate a total cell area surveyed of 10,000 square meters.

Targeted Surveys Within Cell.

After the cell area is delineated, one or more divers shall systematically search the entire cell area for Salamander Mussel microhabitat features such as large flat rocks, ledges, submerged logs or other objects where Mudpuppies may be found. When appropriate habitat features are encountered, the diver shall carefully lift the object and search (visually and by feel) for mussels in the top few centimeters of sediment. The size of the object to be moved shall be determined by the diver at that time, based on site conditions and personnel safety.

All live mussels and mussel shells collected within the specified microhabitat shall be carefully placed in a mesh dive bag, brought to the boat and total length of live specimens recorded. All mussels collected shall be identified by a qualified environmental consultant. Divers shall search for and separately bag all live mussels and shells from under specific microhabitat features in the pre-measured area. All mussels shall be identified, counted and total shell length measured. Mussel occurrences shall be related to specific microhabitat features where they were collected.

Assigning an Importance Value to an Area Containing Salamander Mussels.

1. Six or More Salamander Mussels

If a combined total of six or more Salamander Mussels are found in all surveys conducted at a transect (Salamander Mussel survey, either a Phase I or Phases I and II), then dredging shall be prohibited at this location unless one or more of the Permittees request reconsideration. If any of the Permittees request reconsideration, the Department, in consultation with the PaFBC, shall render the final determination. Site-specific discussions between the PaFBC, the Department and the Permittees may take place. The purpose of these discussions would be to evaluate the protective buffers while ensuring no adverse impacts to Salamander Mussel population. Depending on the site-specific conditions, such as where the microhabitat was found with respect to the proposed dredging activities, the Department may consider adjusting the buffer areas (upstream, downstream and/or laterally) or other conditions that may allow dredging near these areas. The Permittee must provide the information to demonstrate that no adverse impacts to the Salamander Mussel population occur as the result of a variance.

2. Five or Less Salamander Mussels

If a combined total of five or fewer Salamander Mussels are found in all surveys conducted at a transect (Salamander Mussel survey, either Phase I or Phases I and II), then all collected salamander mussels shall be

relocated in accordance with the protocol as follows and the area shall be deemed suitable for dredging.

Salamander Mussel Relocation Protocol

The Salamander Mussels collected in these surveys shall be relocated to suitable refuge habitat near Murphy's Island, immediately upstream or downstream of the island or other agreed upon refuge areas. The exact sites for the relocation shall be approved by the Department, in consultation with the PaFBC. Procedures described in this section shall be used to relocate Salamander Mussels.

Determining Relocation Site

In the event that live Salamander Mussels are collected, investigators shall examine the relocation site prior to relocation. At the relocation site the diver shall locate an appropriate microhabitat such as a large flat rock. The object shall be lifted and/or inspected to determine if the substrate is suitable. If resident Salamander Mussels are already present under the object, a second site may be chosen. Once suitable microhabitats have been identified, they shall be marked with buoys or another method so that the location can be found later.

Relocation sites shall be considered Salamander Mussel refuge areas and protected in perpetuity from sand and gravel dredging operations.

Conducting the Relocation

1. Salamander Mussels shall be collected and relocated when water temperature is no less than 55° F and water clarity is good.

2. Only persons who are thoroughly briefed on all techniques and overseen by a qualified environmental consultant may perform mussel surveys and relocations.

3. All mussels collected by targeted sampling (common mussels as well as Salamander Mussels) shall be identified, counted, total shell length measured with calipers, and sexed if possible. Live Salamander Mussels of sufficient size shall be marked with glue-on numbered shellfish tags. If any Salamander Mussels are not tagged, the numbers of mussels not tagged, their lengths and reason for not tagging shall be recorded.

4. While awaiting processing, mussels shall be held in mesh bags and suspended in river water to maximize survival and minimize stress.

5. Salamander Mussels collected during the pre-dredging survey shall be relocated to suitable microhabitat that was previously described. Such suitable microhabitat shall include: a) appropriately-sized shelter rocks; b) stable sand/gravel or sand/gravel/cobble substrate below ordinary low water elevation; and c) sites with similar mussel species richness, including other live Salamander Mussels. In addition, the relocation site should not be subjected to point-source or non-point source discharges or in areas likely to be dredged or disturbed in the future.

6. This relocation is being conducted to: a) increase opportunity for Salamander Mussel survival; b) facilitate monitoring of all relocated mussels; and c) provide information regarding mussel relocation methods.

7. A mussel surveyor shall individually place Salamander Mussels in the substrate with siphons exposed. Every effort shall be made to reduce the likelihood that mussels will be dislodged during high flow. It may be necessary to make a small excavation in the substrate for the mussels.

8. Any dead Salamander Mussels (either fresh dead when collected or killed as a result of this process) shall be preserved according to standard museum practices. Associated data to be recorded shall include date of collection, complete scientific and common name, latitude and longitude of collection site, and description of habitat at the collection site. These data, plus the specimens, shall then be submitted to the PaFBC or to the Carnegie Museum of Natural History (CMNH). The appropriate person at the PaFBC or CMNH should be contacted regarding proper specimen preservation and shipping procedures. In addition, as per the Pennsylvania Scientific Collector Permit conditions for collection of threatened or endangered species, the PaFBC must be notified within 48 hours when Salamander Mussels are collected during the survey.

9. A report documenting mussel relocation shall be prepared and submitted to the PaFBC and the Department upon completion of relocation. At a minimum the report shall include the following sections: introduction, methods, results, conclusion or summary. The methods section shall include all procedures used to collect, process, and relocate the mussels. The results section shall include geo-referenced locations where mussels were found, maps showing these locations, the total number of individuals of each mussel species collected and relocated; date collected; water and air temperatures; river stage; total number of live and dead Salamander Mussels; as well as their condition, size and approximate age. In addition, the report shall include the relocation site coordinates on maps and unique identifiers as well as number and species of mussels within monitoring areas.

10. A follow-up inspection of the relocation site shall be overseen by a qualified environmental consultant 1 year after the relocation to ensure that transplanted individuals are in the substrate and are alive. A brief report summarizing findings shall be prepared and submitted to the Department and the PaFBC.

11. Finally, the permittee's investigator shall develop and implement a plan to monitor all marked and replaced mussels for at least 3 years after relocation. Reports on monitoring methods and results shall be provided to the PaFBC and the Department annually. Monitoring shall occur when temperature is no less than 55° F.

E02-1326-A9. Glacial Sand and Gravel Co., P. O. Box 1022, Kittanning, PA 16201. To amend Permit E02-584, issued in June 2006, which authorizes commercial sand and gravel dredging in select areas of the Allegheny (WWF) and Ohio Rivers (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties, to include the following sentence at the end of the Special Condition:

"If one or more Salamander Mussel(s) (*Simpsonaias ambigua*) is found during a mussel survey then a targeted more intensive search shall be conducted in accordance with the **"Pre-Dredging Protocol for Sampling and Relocating Live Salamander Mussels"** attached hereto and incorporated herein as Appendix E."

APPENDIX "E"

Predredging Protocol for Sampling and Relocating Live Salamander Mussels July 2009

Purpose

The three goals of this document are to provide: 1) a qualitative method to survey for live Salamander Mussels

by targeting their microhabitats; 2) methods for identifying appropriate refuge habitat (refuge habitat—area protected in perpetuity from sand and gravel dredging operations) for Salamander Mussels and establish a Salamander Mussel relocation and monitoring protocol; and 3) numeric criteria for Salamander Mussels to provide judgment of habitat value for areas proposed for dredging. If such criteria are exceeded, then additional site-specific dredger/agency discussions may occur. If numeric criteria are not triggered, then Salamander Mussels shall be relocated and sand and gravel dredging can proceed.

This protocol is designed for sampling Salamander Mussels as part of predredging surveys when Salamander Mussels are found during the earlier phases of the mussel survey. This survey protocol shall take effect immediately and be applicable to areas where Salamander Mussels may have already been found.

In the future, should the Pennsylvania Fish and Boat Commission (“PaFBC”) adopt amendments to 58 Pa. Code §§ 75.1 or 75.2 to add the Salamander Mussel to the Pennsylvania endangered or threatened species list, the Department shall still utilize this survey protocol for permitting decisions for the current permitting cycle, which shall end on or before December 10, 2011, in areas proposed for dredging where the Salamander Mussel may be present.

Criteria that Trigger a Salamander Mussel Survey

Criteria 1. One or more Salamander Mussels are collected during a Phase I transect survey.

If at least one live salamander mussel (*Simpsonaias ambigua*) is collected during a Phase I transect survey conducted, as required by Special Condition E, in accordance with the most recent Department approved Mussel Survey Protocol, the diver shall physically mark the location of the microhabitat using a buoy or other means and geo-reference the Salamander Mussel location. This shall allow the diver to return for a more intensive search. The transect segment where the Salamander Mussel was collected shall be the epicenter of the survey to specifically target this species or adjusted depending upon habitat conditions.

Criteria 2. One or more Salamander Mussels are collected during a Phase II survey.

If a Phase I survey triggers the need for a Phase II survey (based on finding species other than the Salamander Mussel), and if at least one live salamander mussel is collected during Phase II, then the same procedures as outlined previously shall be followed.

The methods described as follows shall be used to search for additional Salamander Mussels.

Survey Procedures

Identifying Survey Area.

Surveyors shall return to the Phase I transect segment or Phase II area where the Salamander Mussel was collected. A 100 meter by 100 meter (10,000 square meter) area (cell) of river bottom shall be marked with buoys or another method so that divers can search within the area for microhabitats where Salamander Mussels and Mudpuppies are likely to be found (flat rocks, submerged logs, debris, bank overhangs, and the like).

If more than one Phase I or II location triggered a Salamander Mussel survey, then multiple overlapping 100 meter by 100 meter cells shall be delineated. If the search area exceeds 30 feet in depth or is restricted by bank, the

survey area shall be adjusted to only include areas less than 30 feet deep or additional areas upstream or downstream. This shall be done to accommodate a total cell area surveyed of 10,000 square meters.

Targeted Surveys Within Cell.

After the cell area is delineated, one or more divers shall systematically search the entire cell area for Salamander Mussel microhabitat features such as large flat rocks, ledges, submerged logs or other objects where Mudpuppies may be found. When appropriate habitat features are encountered, the diver shall carefully lift the object and search (visually and by feel) for mussels in the top few centimeters of sediment. The size of the object to be moved shall be determined by the diver at that time, based on site conditions and personnel safety.

All live mussels and mussel shells collected within the specified microhabitat shall be carefully placed in a mesh dive bag, brought to the boat and total length of live specimens recorded. All mussels collected shall be identified by a qualified environmental consultant. Divers shall search for and separately bag all live mussels and shells from under specific microhabitat features in the pre-measured area. All mussels shall be identified, counted and total shell length measured. Mussel occurrences shall be related to specific microhabitat features where they were collected.

Assigning an Importance Value to an Area Containing Salamander Mussels.

1. Six or More Salamander Mussels

If a combined total of six or more Salamander Mussels are found in all surveys conducted at a transect (Salamander Mussel survey, either a Phase I or Phases I and II), then dredging shall be prohibited at this location unless one or more of the Permittees request reconsideration. If any of the Permittees request reconsideration, the Department, in consultation with the PaFBC, shall render the final determination. Site-specific discussions between the PaFBC, the Department and the Permittees may take place. The purpose of these discussions would be to evaluate the protective buffers while ensuring no adverse impacts to Salamander Mussel population. Depending on the site-specific conditions, such as where the microhabitat was found with respect to the proposed dredging activities, the Department may consider adjusting the buffer areas (upstream, downstream and/or laterally) or other conditions that may allow dredging near these areas. The Permittee must provide the information to demonstrate that no adverse impacts to the Salamander Mussel population occur as the result of a variance.

2. Five or Less Salamander Mussels

If a combined total of five or fewer Salamander Mussels are found in all surveys conducted at a transect (Salamander Mussel survey, either Phase I or Phases I and II), then all collected salamander mussels shall be relocated in accordance with the protocol as follows and the area shall be deemed suitable for dredging.

Salamander Mussel Relocation Protocol

The Salamander Mussels collected in these surveys shall be relocated to suitable refuge habitat near Murphy’s Island, immediately upstream or downstream of the island or other agreed upon refuge areas. The exact sites for the relocation shall be approved by the Department, in consultation with the PaFBC. Procedures described in this section shall be used to relocate Salamander Mussels.

Determining Relocation Site

In the event that live Salamander Mussels are collected, investigators shall examine the relocation site prior to relocation. At the relocation site the diver shall locate an appropriate microhabitat such as a large flat rock. The object shall be lifted and/or inspected to determine if the substrate is suitable. If resident Salamander Mussels are already present under the object, a second site may be chosen. Once suitable microhabitats have been identified, they shall be marked with buoys or another method so that the location can be found later.

Relocation sites shall be considered Salamander Mussel refuge areas and protected in perpetuity from sand and gravel dredging operations.

Conducting the Relocation

1. Salamander Mussels shall be collected and relocated when water temperature is no less than 55° F and water clarity is good.

2. Only persons who are thoroughly briefed on all techniques and overseen by a qualified environmental consultant may perform mussel surveys and relocations.

3. All mussels collected by targeted sampling (common mussels as well as Salamander Mussels) shall be identified, counted, total shell length measured with calipers, and sexed if possible. Live Salamander Mussels of sufficient size shall be marked with glue-on numbered shellfish tags. If any Salamander Mussels are not tagged, the numbers of mussels not tagged, their lengths, and reason for not tagging shall be recorded.

4. While awaiting processing, mussels shall be held in mesh bags and suspended in river water to maximize survival and minimize stress.

5. Salamander Mussels collected during the pre-dredging survey shall be relocated to suitable microhabitat that was previously described. Such suitable microhabitat shall include: a) appropriately-sized shelter rocks; b) stable sand/gravel or sand/gravel/cobble substrate below ordinary low water elevation; and c) sites with similar mussel species richness, including other live Salamander Mussels. In addition, the relocation site should not be subjected to point-source or non-point source discharges or in areas likely to be dredged or disturbed in the future.

6. This relocation is being conducted to: a) increase opportunity for Salamander Mussel survival; b) facilitate monitoring of all relocated mussels; and c) provide information regarding mussel relocation methods.

7. A mussel surveyor shall individually place Salamander Mussels in the substrate with siphons exposed. Every effort shall be made to reduce the likelihood that mussels will be dislodged during high flow. It may be necessary to make a small excavation in the substrate for the mussels.

8. Any dead Salamander Mussels (either fresh dead when collected or killed as a result of this process) shall be preserved according to standard museum practices. Associated data to be recorded shall include date of collection, complete scientific and common name, latitude and longitude of collection site, and description of habitat at the collection site. These data, plus the specimens, shall then be submitted to the PaFBC or to the Carnegie Museum of Natural History (CMNH). The appropriate person at the PaFBC or CMNH should be contacted regarding proper specimen preservation and shipping procedures. In addition, as per the Pennsylvania Scien-

tific Collector Permit conditions for collection of threatened or endangered species, the PaFBC must be notified within 48 hours when Salamander Mussels are collected during the survey.

9. A report documenting mussel relocation shall be prepared and submitted to the PaFBC and the Department upon completion of relocation. At a minimum the report shall include the following sections: introduction, methods, results, conclusion or summary. The methods section shall include all procedures used to collect, process, and relocate the mussels. The results section shall include geo-referenced locations where mussels were found, maps showing these locations, the total number of individuals of each mussel species collected and relocated; date collected; water and air temperatures; river stage; total number of live and dead Salamander Mussels; as well as their condition, size and their condition, size and approximate age. In addition, the report shall include the relocation site coordinates on maps and unique identifiers as well as number and species of mussels within monitoring areas.

10. A follow-up inspection of the relocation site shall be overseen by a qualified environmental consultant 1 year after the relocation to ensure that transplanted individuals are in the substrate and are alive. A brief report summarizing findings shall be prepared and submitted to the Department and the PaFBC.

11. Finally, the permittee's investigator shall develop and implement a plan to monitor all marked and replaced mussels for at least 3 years after relocation. Reports on monitoring methods and results shall be provided to the PaFBC and the Department annually. Monitoring shall occur when temperature is no less than 55° F.

E3074717-A1. Cumberland Coal Resources, P. O. Box 1020, Waynesburg, PA 15370. To construct riverbank stabilization in Monongahela Township, **Greene County**, United States Army Corps of Engineers, Pittsburgh District (Masontown, PA Quadrangle N: 14.25 inches; W: 6.75 inches, Latitude: 39° 49' 42"; Longitude: 79° 55' 23") to amend Permit E3074717 which authorized the operation and maintenance of an existing barge dock facility approximately 3,000 feet long located along the west bank side of the Monongahela River (WWF) to include the construction and maintenance of 480-foot long river bank stabilization project along west bank of the Monongahela River (WWF); to operate and maintain two icebreakers numbers 20 and 21 and to remove the outlet pipe from the existing sediment pond and to construct and maintain a 24-inch HDPE dual wall outfall. The stabilization includes coarse aggregate and R-6 rip rap. The project is located at the Cumberland Harbor Facilities downstream of Grays Landing locks and dam in Monongahela Township, Greene County (Masontown, PA Quadrangle N: 14.25 inches; W: 6.75 inches, Latitude: 39° 49' 42"; Longitude: 79° 55' 23").

E02-1574. Newbury Development Associates, LP, 2212 Liberty Avenue, Pittsburgh, PA 15222. To construct a new bridge and fill wetlands in South Fayette Township, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Canonsburg, PA Quadrangle N: 21.0 inches; W: 17.5 inches, Latitude: 40° 21' 45"; Longitude: 80° 07' 18"). To remove the existing 84 Lumber access road/pedestrian bridge and to construct and maintain a new bridge having a span of 90.0 feet with a minimum underclearance of 10.5 feet across Millers Run (WWF), to widen and maintain the existing

bridge (Access Road 3) having a span of 77.0 feet with a minimum underclearance of 5.9 feet across Millers Run, to construct and maintain a new bridge (Access Road 4) having a span of 82.0 feet with a minimum underclearance of 14.3 feet across Millers Run, to remove the existing flood control levee and restore the stream bank of Millers Run, to remove an existing culvert underneath Presto-Sygan Road in a UNT to Chartiers Creek (UNT-1, WWF) and to construct and maintain in its place an 81 feet long by 30 inch diameter reinforced concrete pipe, to dredge an additional 833 feet of UNT-1, to place and maintain fill in approximately 1,641 linear feet of UNTs to Chartiers Creek and Millers Run (UNT-1, UNT-3, UNT-8 and UNT-9) and 0.88 acres of open water and 1.36 acres of wetlands, and to construct and maintain multiple outfall structures along Millers Run, Chartiers Creek (WWF) and UNT-8 that will cumulatively impact 405.25 feet of watercourse and/or floodway, for the purpose of constructing the proposed Newbury Market Town Center and Newbury Ridge residential development. Some of the proposed fill is associated with the widening of Presto-Sygan Road (SR 3028). The project is located on the west side of SR 79, approximately 8,000.0 feet northwest from the intersection of SR 50 and SR 79 To compensate for these environmental impacts, the permittee will reconstruct and relocate 1,629 feet of watercourse (UNT-3 AND UNT-8), construct 0.13 acre of open water habitat, and create 1.78 acres of wetland.

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

E16-138, Department of Transportation, District 10-0, SR 1009, Section 350, in Clarion Township, **Clarion County**, United States Army Corps of Engineers, Pittsburgh District (Strattanville, PA Quadrangle N: 41° 10' 40"; W: 79° 22' 00").

To remove the existing structure and to construct and maintain a prestressed concrete beam bridge having a clear span of 87.6 feet and an underclearance of 14.75 feet on a 65° skew across Brush Run and impacting a deminimus amount of adjoining wetland (less than 0.01 temporary and permanent) on SR 1009, Section 350, Segment 0040, Offset 0065 approximately 50 feet upstream of the existing bridge south of I-80 approximately 1 mile west of the Greenville Pike interchange.

E25-709. Bureau of Engineering and Development, Fish and Boat Commission, 450 Robinson Lane, Bellefonte, PA 16823-9620. Corry State Fish Hatchery Waterline, in Wayne and Concord Townships, **Erie County**, United States Army Corps of Engineers, Pittsburgh District (Corry, PA Quadrangle N: 8.8 inches; W: 10.6 inches).

To construct and maintain approximately 7,744 feet of 0.75-foot-diameter and 1.0-foot-diameter waterline to provide well water as a clean source of process water for fish rearing at the Corry Fish Culture Station involving the following stream and open trench wetland crossings in Wayne and Concord Townships, Erie County (Corry, PA Quadrangle): 1) South Branch French Creek (N 41° 55' 12.37", W 79° 40' 35.35"); 2) tributary South Branch French Creek (N 41° 55' 31.51"; W 79° 40' 47.83"); 3) tributary South Branch French Creek (N 41° 55' 41.33", W 79° 40' 42.48"); 4) wetland crossing 1 (PSS) having a length of 34 feet; 5) wetland crossing 2 (PSS) having a

length of 2,710 feet; 6) wetland crossing 3 (PEM) having a length of 75 feet; and 7) wetland crossing 4 (PEM) having a length of 90 feet.

E27-082, Pennsylvania General Energy Company, LLC, 120 Market Street, Warren, PA 16365. Kingsley Township Pipeline Crossings, in Kingsley Township, **Forest County**, United States Army Corps of Engineers, Pittsburgh District (Mayburg, PA and Kelletville, PA Quadrangles).

The applicant has already constructed this project and has submitted an application as a result of a compliance issue to construct and maintain a 17,300-foot long natural gas pipeline involving three stream crossings by means of boring: 1) Salmon Creek N: 79° 14' 2.477"; W: 41° 31' 2.851"; 2) Two Mile Run Creek N: 79° 13' 49.836"; W: 41° 31' 3.08"; and 3) Fourmile Run Creek N: 79° 13' 9.765"; W: 41° 30' 41.597". Fourmile Run is a perennial stream classified as a Exceptional Value. Salmon Creek and Twomile Run are perennial streams classified as HQ-CWF.

ENVIRONMENTAL ASSESSMENTS

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

D65-205EA, D65-206EA, D65-207EA, D65-208EA, D65-209EA, D65-210EA, D65-211EA, D65-212EA, D65-213EA. Rolling Rock Club Fishing Lodge, 439 Hatchery Lane, Laughlintown, PA 15655-0439. Ligonier Township, **Westmoreland County**. Project proposes to breach and remove nine low head dams in an approximately 2 mile section of Rolling Rock Creek (HQ-CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. The project will restore approximately 900 linear feet of stream channel. The dams are located approximately 4 miles south of the intersection of US 30 and SR 381 (Rector Road).

<i>Dam Number</i>	<i>Latitude</i>	<i>Longitude</i>
D65-205	40° 10' 20"	-79° 11' 41"
D65-206	40° 10' 34"	-79° 11' 53"
D65-207	40° 10' 39"	-79° 12' 10"
D65-208	40° 10' 45"	-79° 12' 13"
D65-209	40° 10' 45"	-79° 12' 13"
D65-210	40° 11' 20"	-79° 12' 25"
D65-211	40° 11' 30"	-79° 12' 35"
D65-212	40° 11' 42"	-79° 12' 36"
D65-213	40° 11' 43"	-79° 12' 36"

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 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.

7/31/09

ESCGP-1 No.: ESX09-059-0028

Applicant Name: Coal Gas Recovery, LLC

Contact Person: Joanne Reilly

Address: 158 Portal Road

City: Waynesburg State: PA Zip Code: 15370

County: Greene Township(s): Center

Receiving Stream(s) and Classifications: Pursley Creek, HQ

7/31/09

ESCGP-1 No.: ESX09-007-0001

Applicant Name: Range Resources—Appalachia, LLC

Contact Person: Carla Suszkowski

Address: 380 Southpointe Boulevard, Suite 300

City: Canonsburg State: PA Zip Code: 15317

County: Beaver Township(s): Marion

Receiving Stream(s) and Classifications: UNT to Connoquenessing Creek, Other

08/03/09

ESCGP-1 No.: ESX09-125-0023

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): Hopewell

Receiving Stream(s) and Classifications: UNT to Brush Run, HQ

08/05/09

ESCGP-1 No.: ESX09-059-0030

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): Dunkard

Receiving Stream(s) and Classifications: Crooked Run, Other

08/05/09

ESCGP-1 No.: ESX09-051-0024

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): Lower Tyrone

Receiving Stream(s) and Classifications: UNT to Smiley Run, Other

08/05/09

ESCGP-1 No.: ESX09-051-0023

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): Nicholson

Receiving Stream(s) and Classifications: UNT to Cats Run, Other

08/05/09

ESCGP-1 No.: ESX09-051-0025

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): Springhill

Receiving Stream(s) and Classifications: UNT to Grassy Run, Other

08/05/09

ESCGP-1 No.: ESX09-059-0029

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): Monongahela

Receiving Stream(s) and Classifications: Whiteley Creek, Other

08/05/09

ESCGP-1 No.: ESX09-129-0017

Applicant Name: Atlas Resources, LLC

Contact Person: Jeremy Hirtz

Address: 800 Mountain View Drive

City: Smithfield State: PA Zip Code: 15478

County: Westmoreland Township(s): South Huntingdon

Receiving Stream(s) and Classifications: Sewickley Creek, Other

08/05/09 ESCGP-1 No.: ESX09-125-0025

Applicant Name: MarkWest Liberty Midstream & Resources

Contact Person: Brian Rayburn

Address: 100 Plaza Drive, Suite 102

City: Atlasburg State: PA Zip Code: 15004

County: Washington Township(s): Chartiers

Receiving Stream(s) and Classifications: Chartiers Run (WWF), Other

08/05/09

ESCGP-1 No.: ESX09-125-0024

Applicant Name: MarkWest Liberty Midstream & Resources

Contact Person: Brian Rayburn

Address: 100 Plaza Drive, Suite 102

City: Atlasburg State: PA Zip Code: 15004

County: Washington Township(s): Amwell

Receiving Stream(s) and Classifications: UNT to Little Tenmile Creek, Other

08/05/09

ESCGP-1 No.: ESX09-059-0027

Applicant Name: Dominion Exploration & Production, Inc.

Contact Person: Craig Neal

Address: 280 Indian Springs Road, Suite 333

City: Indiana State: PA Zip Code: 15701

County: Greene Township(s): Aleppo/Jackson/Gilmore

Receiving Stream(s) and Classifications: Pennsylvania Fork Fish Creek—Blockhouse Run, Other

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

Greene County Conservation District: 93 East High Street, Room 215, Waynesburg, PA 15370, (724) 852-5278.

ESCGP-1 No.	Application Name & Address	County	Municipality	Receiving Water/Use
OG 30 09 030	Equitrans, LP Attn: Hanna E. McCoy 225 North Shore Drive Pittsburgh, PA 15212	Greene	Franklin, Morgan, Whiteley and Wayne Townships Greene County	UNT Whiteley Creek TSF UNT to Mt. Phoebe Run TSF UNT Dyers Fork TSF UNT Laurel Run WWF UNT South Fork Tenmile Creek WWF South Fork Tenmile Creek WWF Smith Creek WWF UNT Smith Creek WWF UNT Dunkard Creek WWF South Fork Tenmile Creek WWF

Washington County Conservation District: 602 Courthouse Square, Washington, PA 15301, (724) 228-677.

ESCGP-1 No.	Application Name & Address	County	Municipality	Receiving Water/Use
0063 09 8 009	Columbia Gas Transmission, LLC 1700 MacCorkle Avenue, Southeast Charleston, WV 25314	Washington	Franklin Township Greene County Amwell, Chartiers, North Beth, North Strabane, Nottingham, Peters, South Strabane, Canonsburg and Houston Boroughs Washington County	UNT Redd Run TSF Redd Run TSF UNT Little Chartiers Creek HQ-WWF UNT Little Tenmile Creek TSF UNT Browns Creek HQ-WWF Browns Creek HQ-WWF South Fork Tenmile Creek WWF UNT South Fork Tenmile Creek WWF UNT Peters Creek TSF

SPECIAL NOTICES

PUBLIC NOTICE

**Notice of Public Hearing and Public Meeting
for
NPDES Permit Application No. PA0065269**

The Department of Environmental Protection (Department), Northeast Regional Office (Department) will hold a public hearing to accept comments on NPDES Permit Application No. PA0065269. The application was submitted by North Branch Processing LLC, R. R. 2, Box 68, Mehoopany, PA 18629.

The NPDES Permit Application is for the discharge to the Susquehanna River of 0.5 million gpd of treated industrial waste described as frac wastewater from natural gas well drilling. The proposed point of discharge is in Eaton Township, Wyoming County, approximately 1 mile downstream of the SR 29 bridge. A draft permit has been developed for the NPDES application and is concurrently being published in the *Pennsylvania Bulletin* for a 30-day public comment period.

The public hearing will be conducted on October 6, 2009, at 7 p.m. in the auditorium of the Tunkhannock Middle School, 200 Franklin Avenue, Tunkhannock, PA.

Immediately prior to the public hearing, at 5 p.m., also in the auditorium of the Tunkhannock Middle School, the Department will hold a public meeting regarding the permit application. Brief presentations will be followed by a question and answer session.

The Department requests that individuals wishing to testify at the public hearing submit a written notice of intent to Mark Carmon, Community Relations Coordinator, Attn: North Branch Processing Public Hearing, Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790. The Department will accept notices up to the day of the hearing.

The written notice should include the person's name, address, telephone number and a brief statement as to the nature (oral or written) of the presentation. The Department requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify. Written copies of oral testimony are requested. Relinquishing of time to others will not be allowed. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who preregister to testify will be given priority on the agenda. Persons unable to attend the hearing may submit written statement/comments to the Department on or before October 16, 2009.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact the Department's Northeast Regional Office Business Manager, (570) 826-2511 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The permit application and the NPDES draft permit are available for review at the Department's Northeast Regional Office in Wilkes-Barre. Contact the Records Management Section at (570) 826-2511 to schedule an appointment to review the application. The permit application and the NPDES draft permit will also be available for review at the Tunkhannock Public Library, 220 West Tioga Street, Tunkhannock, PA. The library hours are Monday—Friday 10 a.m. to 9 p.m. and Saturday 10 a.m. to 2 p.m.

For further information, contact Mark Carmon, Northeast Regional Office, (570) 826-2511.

PUBLIC NOTICE

Notice of Public Hearing and Public Meeting for NPDES Permit Application No. PA0065293

The Department of Environmental Protection, Northeast Regional Office (Department) will hold a public hearing to accept comments on NPDES Permit Application No. PA0065293. The application was submitted by Wyoming Somerset Regional Water Resources Corporation, 4 SR 1001, Tunkhannock, PA 18657.

The NPDES Permit Application is for the discharge to Meshoppen Creek of 0.38 million gpd of treated industrial waste described as frac wastewater from natural gas well drilling. The proposed point of discharge is at the SR 29 bridge in Lemon Township, Wyoming County. A draft permit has been developed for the NPDES application and is concurrently being published in the *Pennsylvania Bulletin* for a 30-day public comment period.

The public hearing will be conducted on October 20, 2009, at 7 p.m. in the auditorium of the Tunkhannock Middle School, 200 Franklin Avenue, Tunkhannock, PA.

Immediately prior to the public hearing, at 5 p.m., also in the auditorium of the Tunkhannock Middle School, the Department will hold a public meeting regarding the permit application. Brief presentations will be followed by a question and answer session.

The Department requests that individuals wishing to testify at the public hearing submit a written notice of intent to Mark Carmon, Community Relations Coordinator, Attn: Wyoming Somerset Public Hearing, Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790. The Department will accept notices up to the day of the hearing.

The written notice should include the person's name, address, telephone number and a brief statement as to the nature (oral or written) of his or her presentation. The Department requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify. Written copies of oral testimony are requested. Relinquishing of time to others will not be allowed. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who pre-register to testify will be given priority on the agenda. Persons unable to attend the hearing may submit written statement/comments to the Department on or before October 30, 2009.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact the Department's Northeast Regional Office Business Manager, (570) 826-2511 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The permit application and the NPDES draft permit are available for review at the Department's Northeast Regional Office in Wilkes-Barre. Contact the Records Management Section at (570) 826-2511 to schedule an appointment to review the application. The permit application and the NPDES draft permit will also be available for review at the Tunkhannock Public Library, 220 West Tioga Street, Tunkhannock, PA. The library hours are Monday—Friday. 10 am to 9 pm and Saturday 10 am to 2 pm.

For further information, contact Mark Carmon, Northeast Regional Office, (570) 826-2511.

[Pa.B. Doc. No. 09-1564. Filed for public inspection August 21, 2009, 9:00 a.m.]

Bid Opportunity

BOGM 09-2. Cleaning out and plugging nine abandoned gas wells, (Ann F. Piechocki, Michael A. Wozniak, Stairways Behavioral Health (c/o Thomas Kirkwood), Mr. and Mrs. Randolph Minor, Mr. and Mrs. Robert Giesen, Mary Alice Kern, Diana Seman and Joyce A. Foht Properties), Millcreek and North East Townships, Girard Borough and the City of Erie, Erie County. The principal items of work include cleaning out and plugging nine abandoned gas wells, estimated to be 700 feet in depth, to Department of Environmental Protection's specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on August 21, 2009, and bids will be opened on September 24, 2009, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid confer-

ence is planned for this project but a date has not been set. Use the contact information contained in this advertisement to find out more about the prebid. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1565. Filed for public inspection August 21, 2009, 9:00 a.m.]

Bid Opportunity

BOGM 09-6-SG-R, Installation of a stray gas mitigation system, (Thomas J. Mangol Property), Tarentum Borough, Allegheny County. The principal items of work include installing a stray gas mitigation system to Department of Environmental Protection specifications and preparing and restoring the project site. This project issues on August 21, 2009, and bids will be opened on September 24, 2009, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. A prebid conference is planned for this project but a date has not been set. Use the contact information contained in this advertisement to find out more about the prebid. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1566. Filed for public inspection August 21, 2009, 9:00 a.m.]

Coastal Zone Grant Application Period Opens for Federal Fiscal Year 2010 Grants

The Water Planning Office of the Department of Environmental Protection (Department) will be accepting applications beginning August 24, 2009, for Federal Fiscal Year (FFY) 2010 Coastal Zone grants. Applications must be received by October 23, 2009. Applicants must meet certain eligibility requirements, (such as, be a political subdivision, an authority, a 501(c)3 nonprofit organization or an educational institution) and must be located within the two defined Coastal Zone geographic areas of the State, the Delaware Estuary and Lake Erie Coastal Zones. Proposals must also support the Coastal Zone Program's mission to protect and enhance Pennsylvania's coastal resources.

The Departments of Environmental Protection and Conservation and Natural Resources have launched an electronic grant application system, Environmental eGrants ("eGrants"), which standardizes the application process and provides an environmentally friendly way to submit a grant application through a secure internet connection.

All applications for Coastal Zone Management Program grants must be submitted electronically through the eGrants system. To access an online application go to www.dcnr.state.pa.us/grants, register yourself as a user by clicking the Log In/Register link, click on Find a Grant to find this grant opportunity and then select the option to Apply for This Grant. eGrants will guide you through the process of starting your electronic grant application.

Public informational sessions on the new electronic grants system will be held in both coastal zones. The first session will be held at the Tom Ridge Environmental Center (TREC), Room 108 in Erie on Thursday, September 3 at 1 p.m. The address is 301 Peninsula Drive, Erie, PA 16505. The second session will be held at the Philadelphia State Office Building, Betsy Ross Room 6069 on Tuesday, September 8 at 9:30 a.m. The address is 801 Market Street, Philadelphia, PA 19107. A demonstration of the system will be provided, followed by an opportunity for questions.

To make an application or to obtain more information concerning Coastal Zone grants, visit the Department's web site at <http://www.dep.state.pa.us> (keyword "Coastal Zone"), or contact the Department of Environmental Protection, Water Planning Office, 2nd Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 2063, Harrisburg, PA 17105-2063, (717) 772-4785 or fax (717) 783-4690.

JOHN HANGER,
Secretary

[Pa.B. Doc. No. 09-1567. Filed for public inspection August 21, 2009, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Aestique Ambulatory Surgical Center, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Aestique Ambulatory Surgical Center, Inc. has requested an exception to the requirement of 28 Pa. Code § 569.35 (relating to general safety precautions).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1568. Filed for public inspection August 21, 2009, 9:00 a.m.]

Application of Lancaster General Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lancaster General Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1569. Filed for public inspection August 21, 2009, 9:00 a.m.]

Application of Magee Womens Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Magee Womens Hospital has requested an exception to the requirements of 28 Pa. Code § 107.61 (relating to written orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1570. Filed for public inspection August 21, 2009, 9:00 a.m.]

Application of Milton S. Hershey Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Milton S. Hershey Medical Center has requested an exception to the requirements of 28 Pa. Code § 101.12 (relating to exceptions for innovative programs).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1571. Filed for public inspection August 21, 2009, 9:00 a.m.]

Application of Northwood Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Northwood Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

This facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or

hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1572. Filed for public inspection August 21, 2009, 9:00 a.m.]

Application of St. Luke's Quakertown Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Luke's Quakertown Hospital has requested an exception to the requirements of 28 Pa. Code §§ 103.36(b)(4) and 103.39 (relating to personnel records; and personnel health requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1573. Filed for public inspection August 21, 2009, 9:00 a.m.]

Application of The Surgical Specialty Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Surgical Specialty Center has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be

reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Director, Division of Acute and Ambulatory Care at (717) 783-8980 for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1574. Filed for public inspection August 21, 2009, 9:00 a.m.]

Application of Turk's Head Surgery Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Turk's Head Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(2) (relating to criteria for ambulatory surgery).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

This facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1575. Filed for public inspection August 21, 2009, 9:00 a.m.]

Application for Exception to 28 Pa. Code § 107.62

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 107.62(b) (relating to oral orders):

Frick Hospital
Latrobe Hospital
Westmoreland Regional Hospital

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1576. Filed for public inspection August 21, 2009, 9:00 a.m.]

Application for Exception to 28 Pa. Code § 127.32

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that the following facilities have requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders):

Albert Einstein Medical Center
Lancaster General Hospital
Miners Memorial Hospital
Sacred Heart Hospital
St. Luke's Hospital
St. Luke's Quakertown Hospital

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

These facilities are requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1577. Filed for public inspection August 21, 2009, 9:00 a.m.]

Application of UPMC Northwest for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Northwest has requested an exception to the requirements of 28 Pa. Code § 107.61 (relating to written orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1578. Filed for public inspection August 21, 2009, 9:00 a.m.]

Application of UPMC St. Margaret for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC St. Margaret has requested an exception to the requirements of 28 Pa. Code § 107.61 (relating to written orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1579. Filed for public inspection August 21, 2009, 9:00 a.m.]

Application of Waynesboro Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Waynesboro Hospital has requested an excep-

tion to the requirements of 28 Pa. Code § 101.31(7) (relating to hospital requirements).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1580. Filed for public inspection August 21, 2009, 9:00 a.m.]

Application of York Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that York Hospital has requested an exception to the requirements of 28 Pa. Code § 51.23 (relating to positron emission tomography).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1581. Filed for public inspection August 21, 2009, 9:00 a.m.]

Immunization Practices for Children in Child Care Group Settings

In accordance with 28 Pa. Code § 27.77(c) (relating to immunization requirements for children in child care group settings), the Department of Health (Department), Bureau of Communicable Diseases, Division of Immunization, is updating the list of Morbidity and Mortality Weekly Report (MMWR) publications that contain the Advisory Committee on Immunization Practices (ACIP) recommendations that meet the standards of 28 Pa. Code § 27.77(c). Children in child care group settings as defined by 28 Pa. Code § 27.77(c) are required to be immunized in accordance with the recommendations included in the following publications, as well as those included in previous notices. The Department is providing a summary of the publications for the ease of reference of the public:

1. *January 2, 2009, Vol. 57/No. 51*
Recommended Immunization Schedules for Persons Aged 0 Through 18 Years

The Advisory Committee on Immunization Practices (ACIP) annually publishes immunization schedules that summarize recommendations for currently licensed vaccines for children aged 18 years and younger. Visit the following link to view or download the updated schedule: <http://www.cdc.gov/vaccines/recs/schedules/child-schedule.htm>.

2. *January 9, 2009, Vol. 57/No. 53*
Recommended Adult Immunization Schedule—United States, 2009

The Advisory Committee on Immunization Practices (ACIP) annually reviews the recommended Adult Immunization Schedule to ensure that the schedule reflects current recommendations for the licensed vaccines. In October 2008, ACIP approved the Adult Immunization Schedule for 2009. No new vaccines were added to the schedule; however, several indications were added to the pneumococcal polysaccharide vaccine footnote, clarifications were made to the footnotes for human papillomavirus, varicella, and meningococcal vaccines, and schedule information was added to the hepatitis A and hepatitis B vaccine footnotes.

3. *January 15, 2009, Vol. 58/No. 01*
Pneumonia Hospitalizations Among Young Children Before and After Introduction of Pneumococcal Conjugate Vaccine—United States, 1997—2006

Streptococcus pneumoniae is the leading bacterial cause of community-acquired pneumonia hospitalizations and an important cause of bacteremia and meningitis, especially among young children and older adults. A 7-valent pneumococcal conjugate vaccine (PCV7) was licensed and the Advisory Committee on Immunization Practices formulated recommendations for its use in infants and children in February 2000. Vaccination coverage rapidly increased during the second half of 2000, in part through funding by CDC's Vaccines for Children program. Subsequently, active population- and laboratory-based surveillance demonstrated substantial reductions in invasive pneumococcal disease (IPD) among children and adults. In addition, decreases in hospitalizations and ambulatory-care visits for all-cause pneumonia also were reported. To gauge whether the effects of PCV7 on reducing pneumonia continue, CDC is monitoring pneumonia hospitalizations by using data from the Nationwide Inpatient Sample. This report provides an update for 2005 and 2006, the most recent years for which information is available. In 2005 and 2006, the incidence rates for

all-cause pneumonia hospitalizations among children aged < 2 years were 9.1 per 1,000 and 8.1 per 1,000, respectively. In 2006, the rate for all-cause pneumonia among children aged < 2 years was approximately 35% lower than during 1997-1999. Most of this decrease occurred soon after the vaccine was licensed in 2000, and the rates have remained relatively stable since then. The rate for all-cause pneumonia among children aged 2-4 years did not change after PCV7 licensure and has remained stable. Continued monitoring of pneumonia-related hospitalizations among children is needed to track the effects of pneumococcal immunization programs.

4. *January 23, 2009, Vol 58/No.03*

Invasive Haemophilus Type B Disease in Five Young Children—Minnesota, 2008

In 2008, five children aged < 5 years were reported to the Minnesota Department of Health (MDH) with invasive *Haemophilus influenzae* type b (Hib) disease; one died. Only one of the children had completed the primary Hib immunization series; three had received no doses of Hib-containing vaccine. The five Hib cases are the largest number among children aged < 5 years reported from Minnesota since 1992. The cases occurred during a Hib vaccine recall and continuing Nationwide shortage that began in December 2007. The recall of certain lots of the two Hib-containing vaccines manufactured by Merck & Co., Inc. (West Point, Pennsylvania) and cessation of production of both vaccines left only one manufacturer of Hib vaccine in the United States (Sanofi Pasteur, Swiftwater, Pennsylvania). In response, CDC recommended that health-care providers defer the routine 12-15 month booster dose for children not at increased risk for Hib disease. CDC also emphasized that all children should complete the primary series with available Hib-containing vaccines. However, Minnesota vaccination data indicate that primary Hib series coverage was lower during 2008 than coverage with other vaccines administered at the same ages and lower than Hib coverage in previous years. Increases in Hib cases like the one in Minnesota do not appear to have occurred in other states. The increase highlights the need to ensure that all children complete the primary Hib immunization series. Additional investigation to better elucidate the factors that led to these cases is being conducted by MDH and CDC.

Three of the five Hib cases in Minnesota occurred in children who had not been vaccinated. One case occurred in a child who was too young to complete the primary series, and a fifth case occurred in a child with an immunodeficiency. Given the prolonged booster dose deferral and reduced primary series coverage in the state, the increase in the number of Hib cases likely reflects increasing carriage and transmission affecting those with suboptimal primary series vaccination coverage, or a weakening of herd immunity. None of the children failed to receive vaccine because of the vaccine shortage. However, MDH is planning evaluations to describe the extent of Hib carriage in the affected communities and understand reasons why some children are not vaccinated. While the shortage continues, completion of the primary series in all children is essential to safeguard individual protection as well as to strengthen herd immunity.

5. *February 6, 2009, Vol. 58/No. RR02*

Prevention of Rotavirus Gastroenteritis Among Infants and Children Recommendations of the Advisory Committee on Immunization Practices (ACIP)

Rotavirus is the most common cause of severe gastroenteritis in infants and young children worldwide.

Before initiation of the rotavirus vaccination program in the United States in 2006, approximately 80% of U.S. children had rotavirus gastroenteritis by age 5 years. Each year during the 1990s and early 2000s, rotavirus resulted in approximately 410,000 physician visits, 205,000-272,000 emergency department visits, and 55,000-70,000 hospitalizations among U.S. infants and children, with total annual direct and indirect costs of approximately \$1 billion. In February 2006, a live, oral, human-bovine reassortant rotavirus vaccine (RotaTeq® [RV5]) was licensed as a 3-dose series for use among U.S. infants for the prevention of rotavirus gastroenteritis, and the Advisory Committee on Immunization Practices (ACIP) recommended routine use of RV5 among U.S. infants (CDC. Prevention of rotavirus gastroenteritis among infants and children: recommendations of the Advisory Committee on Immunization Practices [ACIP]. MMWR 2006;55[No. RR-12]). In April 2008, a live, oral, human attenuated rotavirus vaccine (Rotarix® [RV1]) was licensed as a 2-dose series for use among U.S. infants, and in June 2008, ACIP updated its rotavirus vaccine recommendations to include use of RV1. This report updates and replaces the 2006 ACIP statement for prevention of rotavirus gastroenteritis. ACIP recommends routine vaccination of U.S. infants with rotavirus vaccine. RV5 and RV1 differ in composition and schedule of administration. RV5 is to be administered orally in a 3-dose series, with doses administered at ages 2, 4, and 6 months. RV1 is to be administered orally in a 2-dose series, with doses administered at ages 2 and 4 months. ACIP does not express a preference for either RV5 or RV1. The recommendations in this report also address the maximum ages for doses, contraindications, precautions, and special situations for the administration of rotavirus vaccine.

6. *February 20, 2009, Vol 58/No. 06*

Progress Toward Measles Elimination—European Region, 2005-2008

In 2002, the World Health Organization (WHO) Regional Committee for the European Region (EUR) revised earlier targets to eliminate indigenous measles and achieve rubella control by resolving to: 1) eliminate both diseases in EUR member states by 2010, using a combination of routine and supplementary immunization strategies, and 2) monitor progress toward this goal through improved surveillance. This report summarizes progress toward measles elimination during 2005-2008 and updates a previous report from 2005. In 2005 and 2006, large-scale outbreaks occurred in the eastern EUR member states. However, in 2007 and 2008, overall measles incidence in EUR declined to a historic low of < 10 cases per 1 million population, with the majority of cases reported from Western Europe. During 2005-2007, routine vaccination coverage with 1 dose of measles-containing vaccine (MCV) among children aged 12-23 months in EUR reached a high of 93%-94%, up from 90%-91% during 2000-2004. Nevertheless, two major challenges to measles elimination remain: 1) suboptimal vaccination coverage in many countries, which has led to continued outbreaks and the resurgence of indigenous measles in some Western European countries; and 2) setbacks with implementation of supplementary immunization activities (SIAs) in Eastern Europe in 2008. Achieving the measles elimination goal by 2010 will require: 1) development of approaches to sustain and increase vaccination coverage; 2) promotion of effective outbreak prevention and control measures; and 3) further strengthening of surveillance.

7. February 27, 2009, Vol. 58/No. 07

Completeness and Timeliness of Reporting of Meningococcal Disease Maine, 2001–2006

Neisseria meningitidis is an important cause of invasive bacterial disease in the United States, with a total of 1,077 cases of meningococcal disease reported in 2007. The case-fatality ratio is 10%–14%, and 11%–19% of survivors have long-term sequelae. In the United States, approximately 98% of cases of meningococcal disease occur sporadically; outbreaks are uncommon. Chemoprophylaxis is the primary means of preventing meningococcal disease among close contacts of patients in sporadic cases, and the ability of health departments to identify these contacts and provide treatment depends on the completeness and timeliness of disease reporting. To assess these attributes in meningococcal disease surveillance in Maine, the Maine Department of Health and Human Services (MDHHS) analyzed public health surveillance data from MDHHS and hospital discharge data from the Maine Health Data Organization (MHDO) for the period 2001–2006. This report describes the results of that analysis, which indicated that the completeness of reporting of meningococcal disease in Maine during this period was approximately 98%. Of cases reported to MDHHS, 56% were reported within 1 day of hospital admission. Passive disease surveillance efforts appear to have achieved near complete reporting of meningococcal disease in Maine; however, timeliness of reporting was sometimes suboptimal. Evaluation of surveillance efforts should be repeated periodically to determine whether completeness of reporting remains high and timeliness improves.

8. April 3, 2009, Vol. 58/No. 12

Progress Toward Interruption of Wild Poliovirus Transmission—Worldwide, 2008

Since 1988, when the Global Polio Eradication Initiative was established, the incidence of polio has decreased from an estimated 350,000 cases annually to 1,655 reported in 2008. Cases of wild poliovirus (WPV) type 2 were last reported in October 1999, and indigenous WPV types 1 and 3 (WPV1 and WPV3) have been eliminated from all but four countries worldwide (Afghanistan, India, Nigeria, and Pakistan). This report updates previous reports and describes overall progress toward global eradication in 2008. Despite accelerated efforts, polio cases increased 26%, from 1,315 cases in 2007 to 1,655 in 2008. This increase primarily resulted from an increase in Nigeria from 285 cases in 2007 to 801 cases in 2008. Resurgent WPV1 transmission in northern states of Nigeria spread to polio-free southern states and eight neighboring countries in 2008. In India, repeated use of monovalent oral poliovirus vaccine (OPV) type 1 (mOPV1) during 2005–2008 interrupted WPV1 transmission in the western districts of the northern state of Uttar Pradesh for > 12 months during 2007–2008; however, in mid-2008, WPV1 imported from the neighboring state of Bihar caused renewed transmission. In Afghanistan and Pakistan, problems in accessing children in conflict-affected areas increased, and an upsurge in WPV1 and WPV3 cases occurred, including an outbreak of WPV1 in Punjab Province, Pakistan. In Africa, during 2008, sustained WPV transmission for > 12 months after importation continued in Angola, Chad, the Democratic Republic of the Congo (DRC), Niger and southern Sudan. Increased political oversight and accountability and improved vaccination outreach to insecure areas are needed to achieve the eradication goal.

9. April 17, 2009, Vol. 58/No. 14

FDA Approval of Expanded Age Indication for a Tetanus Toxoid, Reduced Diphtheria Toxoid and Acellular Pertussis Vaccine

On December 4, 2008, the Food and Drug Administration (FDA) approved an expanded age indication for the tetanus toxoid, reduced diphtheria toxoid and acellular pertussis vaccine (Tdap) Boostrix (GlaxoSmithKline Biologicals, Rixensart, Belgium). Boostrix is now licensed for use in persons aged 10–64 years as a single-dose booster immunization; the vaccine initially was licensed for persons aged 10–18 years. This announcement summarizes the indications for use of Boostrix. Complete recommendations of the Advisory Committee on Immunization Practices (ACIP) for Tdap vaccines have been described previously.

On October 23, 2008, ACIP was presented data on the safety and immunogenicity of Boostrix in adults aged 19–64 years and notified of the impending expanded age indication for Boostrix. Guidance for the use of Boostrix is the same as for Adacel (Sanofi Pasteur, Toronto, Canada), another Tdap vaccine licensed for use in adults.

Data were reviewed by ACIP from two clinical trials conducted among U.S. adults aged 19–64 years. In both trials, the safety and reactogenicity profiles of Boostrix generally were similar to those of Adacel. For diphtheria and tetanus, immune responses to Boostrix were noninferior. Pertussis antibody concentrations for pertussis toxoid (PT), filamentous hemagglutinin (FHA), and pertactin in the first clinical trial were noninferior to those of infants after a primary diphtheria and tetanus toxoids and acellular pertussis (DTaP) vaccination series with Infanrix (GlaxoSmithKline Biologicals, Rixensart, Belgium) in a clinical trial in which efficacy of DTaP also was demonstrated (4–6). Boostrix contains the same three pertussis antigens as Infanrix but in reduced quantities.

10. June 26, 2009, Vol. 50/No. 24

Progress Toward the 2012 Measles Elimination Goal—Western Pacific Region, 1990–2008

In 2003, the World Health Organization (WHO) Regional Committee of the Western Pacific Region (WPR) formally declared a measles elimination goal and in 2005, the committee established a target date of 2012 for regional measles elimination. Key strategies recommended by WHO for achievement of measles elimination include: 1) very high $\geq 95\%$ vaccination coverage with 2 doses of measles-containing vaccine (MCV1 and MCV2) through routine vaccination and/or supplemental immunization activities; 2) high-quality case-based measles surveillance; and 3) access to an accredited measles laboratory network for testing of suspected measles cases and identification of measles virus genotypes. This report describes progress toward measles elimination in the WPR through 2008. Measles likely has been eliminated or nearly eliminated in 24 of the 37 countries and areas in the WPR (referred to in this report as countries). However, large numbers of measles cases continue to be reported from several countries. During 2008, a total of 131,441 confirmed measles cases (98.4 per million population) were reported from China and 11,015 cases (86.1 per million population) from Japan, two countries that account for 82% of the region's population and > 97% of its confirmed measles cases. Intensified efforts by WPR countries, particularly China and Japan, will be required to achieve the 2012 goal.

11. June 26, 2009, Vol. 58/No. 24

Updated Recommendations for Use of Haemophilus influenzae Type b (Hib) Vaccine: Reinstatement of the Booster Dose at Ages 12—15 Months

On December 13, 2007, certain lots of *Haemophilus influenzae* type b (Hib) vaccine marketed as PedvaxHIB (monovalent Hib vaccine) and Comvax (Hib-HepB vaccine), and manufactured by Merck & Co., Inc., were recalled voluntarily, and the company temporarily suspended production of these vaccines. To conserve the limited supply of Hib-containing vaccines, CDC, in consultation with the Advisory Committee on Immunization Practices (ACIP), the American Academy of Family Physicians (AAFP), and the American Academy of Pediatrics (AAP), on December 18, 2007, recommended that vaccination providers temporarily defer the routine Hib vaccine booster dose administered to most healthy children at age 12—15 months.

Production of Merck Hib vaccine products is still suspended. However, two other Hib-containing vaccines manufactured by Sanofi Pasteur have been available for use in the United States during this shortage: monovalent Hib vaccine (ActHIB) and DTaP-IPV/Hib (Pentacel). Beginning in July 2009, the manufacturer of these two vaccines will increase the number of doses of these two products available for use in the United States, which will result in the supply being sufficient to reinstate the Hib vaccine booster dose.

Reinstatement of Hib Booster Dose

Effective immediately, CDC, in consultation with ACIP, AAFP, and AAP, is recommending reinstatement of the booster dose of Hib vaccine for children aged 12—15 months who have completed the primary 3-dose series. Infants should continue to receive the primary Hib vaccine series at ages 2, 4 and 6 months. Children aged 12—15 months should receive the booster dose on time. Older children for whom the booster dose was deferred should receive their Hib booster dose at the next routinely scheduled visit or medical encounter. Although supply is sufficient to reinstate the booster dose and begin catch-up vaccination, supply is not yet ample enough to support a mass notification process to contact all children with deferred Hib booster doses.

Sufficient vaccine will be available to administer the primary series at ages 2, 4 and 6 months and a booster dose on time to children aged 12—15 months. As part of delivering the booster dose to those children for whom it was deferred at the next routinely scheduled appointment or medical encounter, practices should discuss with parents the reasons for the change in recommendation and might consider: 1) reviewing electronic or paper medical records or immunization information system records to identify children in need of a booster dose before physician encounters; 2) evaluating children's vaccination status during their scheduled visit; and 3) sharing immunization schedules with parents to make them aware of this plan.

Use of Combination Vaccines

During the Hib shortage, children received protection from certain vaccine preventable diseases in their primary vaccination series through various permutations of available combination vaccines (such as, DTaP-IPV/Hib [Pentacel] and DTaP-IPV-HepB [Pediatrix]) and monovalent vaccines (such as, ActHib, HepB, and IPV).

Therefore, a mismatch might exist between patient vaccination needs and the available stock of different vaccine formulations (such as, combination products versus single-antigen vaccines) in local provider offices. This situation presents a challenge for providers to administer vaccines to ensure appropriate coverage while minimizing extra doses of unneeded vaccine. For example, if a provider is using DTaP-IPV/Hib (Pentacel) vaccine to protect infants against Hib disease, the provider should ensure that adequate stock of monovalent HepB vaccine is available to complete the HepB vaccine series. Children who need the Hib booster and who already have received 4 doses of DTaP should receive monovalent Hib vaccine (ActHIB) as their Hib booster dose. However, if DTaP-IPV/Hib is the only Hib-containing vaccine available, this combination product can be used to complete the series of Hib vaccination, even if the child already has received all the necessary doses of DTaP and IPV.

Information Regarding ActHIB or Pentacel

Vaccination providers with questions about their supplies of monovalent Hib vaccine (ActHIB) or DTaP-IPV/Hib (Pentacel) purchased with nonpublic funds should contact Sanofi Pasteur's customer service department at (800) 822-2463. Sanofi Pasteur will work directly with physicians to increase allotments of Hib-containing vaccines on the basis of previous purchasing patterns or practice birth cohort and estimates of additional vaccine doses needed. For public vaccine supplies, including Vaccines for Children Program vaccine, providers should contact their state/local immunization program to obtain vaccine.

This recommendation reflects CDC's assessment of the existing National Hib vaccine supply and will be updated if the supply changes. Updated information about the National Hib vaccine supply is available at <http://www.cdc.gov/vaccines/vac-gen/shortages/default.htm>.

Persons with a disability who require an alternative format of this notice (for example, large print, audiotape, Braille) should contact the Department of Health, Heather Stafford, Director, Division of Immunization, Room 1026, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-5681 or for speech and/or hearing impaired persons at V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1582. Filed for public inspection August 21, 2009, 9:00 a.m.]

Tobacco Use Prevention and Cessation Advisory Committee; Public Hearing and Meeting

The Tobacco Use Prevention and Cessation Advisory Committee (Committee) of the Department of Health will hold a public hearing and public meeting on September 9, 2009, in Room 812, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120.

The public hearing will be held from 10 a.m. to 12 p.m. Comments must be submitted in writing no later than 2:30 p.m. on September 3, 2009, to the Department of Health, Bureau of Health Promotion and Risk Reduction, Division of Tobacco Prevention and Control, Room 1032, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, fax (717) 214-6690. Written comments must be limited to no more than three typewritten

pages. Persons wishing to present written statements orally at the public hearing must contact Mary K. Parker at (717) 783-6600 no later than 2:30 p.m. on September 3, 2009, to make a reservation for testifying at the hearing. Oral testimony will be limited to 5 minutes. Persons will be scheduled on a first come, first served basis as time permits.

The public meeting of the Committee will be held from 1 p.m. until 3:30 p.m. The purpose of the meeting is to discuss the tobacco use prevention and cessation priorities for the State Fiscal Year 2009-2010.

This meeting is open to the public. No reservations are required to attend the public meeting.

For additional information, or persons with a disability and wish to attend the meeting or wish to submit a comment and require an auxiliary aid, service or other accommodation to do so should contact Mary K. Parker, Division of Tobacco Prevention and Control, Room 1032, Health and Welfare Building, 625 Forster Street, Harrisburg, PA 17120-0701, (717) 783-6600 or V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This hearing and meeting are subject to cancellation without notice.

EVERETTE JAMES,
Secretary

[Pa.B. Doc. No. 09-1583. Filed for public inspection August 21, 2009, 9:00 a.m.]

FISH AND BOAT COMMISSION

Temporary Changes to Fishing Regulations; Pumping Station Dam, Borough of Shenandoah, Schuylkill County

The Executive Director of the Fish and Boat Commission (Commission), acting under the authority of 58 Pa. Code § 65.25 (relating to temporary changes to fishing regulations), has taken immediate action to modify temporarily fishing regulations at Pumping Station Dam, Borough of Shenandoah, Schuylkill County, in anticipation of a complete drawdown of the lake. The Executive Director is lifting all seasons, sizes and creel limits for all species, effective August 11, 2009. The Executive Director has found that this action is necessary and appropriate for the management of fish and to conserve and preserve fishing opportunities.

The Executive Director has caused these temporary modifications to fishing regulations to be posted in the vicinity of the lake, and the modified regulations are fully effective and enforceable. These temporary modifications will be in effect until further notice but in no event will they remain in place after February 10, 2010.

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

[Pa.B. Doc. No. 09-1584. Filed for public inspection August 21, 2009, 9:00 a.m.]

Triploid Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to triploid grass carp), the Fish and Boat Commission (Commission) may issue permits to stock triploid grass carp in Commonwealth waters. Triploid grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of triploid grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at www.fishandboat.com/regcomments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following applications to stock triploid grass carp in waters having a surface area of greater than 5 acres are currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Al Dicuollo	Dicuollo Pond	Sheshequin Township Bradford County	18.3 acre pond which discharges into a UNT to Laning Creek, and then into the Susquehanna River	Myriophyllum spicatum Ceratophyllum demersum Lemna spp. Cladophora

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Panther Lake P.O.A.	Panther Lake	Greene Township Pike County	52.16 acre lake which discharges into Freeling Run, and then eventually into the Delaware River	Potamogeton americanus

DOUGLAS J. AUSTEN, Ph.D.,
Executive Director

[Pa.B. Doc. No. 09-1585. Filed for public inspection August 21, 2009, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, August 6, 2009, and announced the following:

Regulations Deemed Approved Pursuant to section 5(g) of the Regulatory Review Act—Effective August 5, 2009:

Pennsylvania Public Utility Commission #57-262: Household Goods in Use Carrier (amends 52 Pa. Code § 21.1)

State Board of Pharmacy #16A-5422: Fees (amends 49 Pa. Code § 27.91)

Action Taken—Regulations Approved:

Municipal Police Officers' Education and Training Commission #17-75: Retired Law Enforcement Officers Identification and Qualification Cards (amends 37 Pa. Code Chapter 221)

Environmental Hearing Board #106-9: Practice and Procedure (amends Pa. Code 25 Chapter 1021)

Environmental Quality Board #7-404: Bluff Recession and Setback (amends 25 Pa. Code Chapter 85)

Approval Order

Public Meeting held
August 6, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson, by Phone; S. David Fineman, Esq.; Nancy Sabol Frantz, Esq., by Phone; John F. Mizner, Esq.

*Municipal Police Officers' Education and Training Commission—Retired Law Enforcement Officers Identification and Qualification Cards;
Regulation No. 17-75 (#2661)*

On March 14, 2008, the Independent Regulatory Review Commission received this proposed regulation from the Municipal Police Officers' Education and Training Commission (Commission). This rulemaking amends 37 Pa. Code Chapter 221. The proposed regulation was published in the March 29, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on July 1, 2009.

This regulation establishes the requirements for the issuance of identification and qualification cards for retired law enforcement officers to carry concealed weapons under the Retired Law Enforcement Identification Act.

We have determined this regulation is consistent with the statutory authority of the Commission (53 P.S. § 753.7) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
August 6, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson, by Phone; S. David Fineman, Esq.; Nancy Sabol Frantz, Esq., by Phone, Abstaining; John F. Mizner, Esq.

*Environmental Hearing Board—
Practice and Procedure;
Regulation No. 106-9 (#2732)*

On October 28, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Hearing Board (Board). This rulemaking amends Pa. Code 25 Chapter 1021. The proposed regulation was published in the November 8, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on June 30, 2009.

This regulation amends Chapter 1021 of the Board's existing practice and procedure regulations to improve uniformity and clarity for parties litigating before the Board. The requirements pertain to service, prepayment of penalties, pleadings, default judgments, discovery and expedited hearings.

We have determined this regulation is consistent with the statutory authority of the Board and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

Approval Order

Public Meeting held
August 6, 2009

Commissioners Voting: Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson, by Phone; S. David Fineman, Esq.; Nancy Sabol Frantz, Esq., by Phone; John F. Mizner, Esq.

*Environmental Quality Board—
Bluff Recession and Setback;
Regulation No. 7-404 (#2717)*

On August 13, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 85. The proposed regulation was published in the August 23, 2008 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on July 2, 2009.

This final-form regulation amends existing regulations with regard to bluff recession and setback requirements along the Lake Erie shoreline.

We have determined this regulation is consistent with the statutory authority of the Board (32 P. S. §§ 5204(c) and 5205(b)) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

By Order of the Commission:

This regulation is approved.

ARTHUR COCCODRILLI,
Chairperson

[Pa.B. Doc. No. 09-1586. Filed for public inspection August 21, 2009, 9:00 a.m.]

INSURANCE DEPARTMENT

Application and Request for a Certificate of Authority to Provide a Continuing Care Retirement Community by Phoebe Richland Health Care Center

Phoebe Richland Health Care Center has applied for a Certificate of Authority to operate a Continuing Care Retirement Community at The Meadows At Phoebe Richland in Richlandtown, PA. The initial filing was received on July 31, 2009, and was made under the requirements set forth under the Continuing Care Provider Registration and Disclosure (40 P. S. §§ 3201—3225).

Persons wishing to comment on the grounds of public or private interest to the issuance of a Certificate of Authority are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Insur-

ance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, syerger@state.pa.us.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1587. Filed for public inspection August 21, 2009, 9:00 a.m.]

Colin Agster; Hearing

Appeal of Colin Agster under 40 P. S. §§ 991.2101—991.2193; Keystone Health Plan West, Inc.; Doc. No. HC09-07-018

Under 40 P. S. §§ 991.2101—991.2193, notice is given that the appellant in this action has requested a hearing, in connection with the appellant's managed health care plan. The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) and any other relevant procedure provisions of law.

A hearing will occur on August 28, 2009, at 9 a.m. in Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before August 14, 2009, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before August 25, 2009.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1588. Filed for public inspection August 21, 2009, 9:00 a.m.]

Continental General Insurance Company; Rate Increase Filing for Several LTC Forms; Rate Filing

Great American Financial Resources, which acquired Continental General Insurance Company in 2006, is requesting a 50% increase on the following Continental General LTC Forms: 405, 420, 432 and 440. The company is also requesting a 17% rate increase for the percentage load of any associated Return of Premium Riders. A total of 307 Pennsylvania policyholders will be affected by this rate adjustment.

Unless formal administrative action is taken prior to November 5, 2009, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's web site at www.ins.state.pa.us. Scroll down the home page and click on "Consumer Information" located on the left side. Next scroll down to "General Information," located in the middle of the page, and click

on "Notices." The pdf copy of this filing is located at the link "Filing.pdf" following the name of the filing.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation and Market Enforcement, Room 1311, Strawberry Square, Harrisburg, PA 17120, jlaverty@state.pa.us within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1589. Filed for public inspection August 21, 2009, 9:00 a.m.]

Lancashire Hall; Prehearing

Appeal of Lancashire Hall under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM09-07-035

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code Chapter 56 (relating to special rules of administrative practice and procedure).

On or before August 24, 2009, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's July 1, 2009, determination. The statement may be in narrative form or in numbered paragraphs, but in either event shall not exceed two pages. A prehearing telephone conference initiated by this office is scheduled for September 22, 2009. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before September 18, 2009. A hearing date shall be determined, if necessary, at the prehearing telephone conference.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 7, 2009, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any shall be filed on or before September 21, 2009.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1590. Filed for public inspection August 21, 2009, 9:00 a.m.]

Review Procedure Hearings; Cancellation or Refusal of Insurance

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

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

Appeal of Shari Ross; file no. 09-183-73202; State Farm Mutual Automobile Insurance Company; Doc. No. P09-08-005; September 29, 2009, 10 a.m.

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

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

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

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,
Insurance Commissioner

[Pa.B. Doc. No. 09-1591. Filed for public inspection August 21, 2009, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:

Montgomery County, Wine & Spirits Store #4606 (Relocation), Maple Glen, PA

Lease expiration date: 90-Day Status since March 31, 2005

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 10,000 net useable square feet of new or existing retail commercial space in a 1 mile radius of Route 63, and Norristown Road, Horsham Township, Maple Glen, PA.

Proposals due: September 11, 2009, at 12 p.m.

Department: Liquor Control Board
Location: Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113
Contact: Robert Jolly, (215) 482-9670

PATRICK J. STAPLETON, III,
Chairperson

[Pa.B. Doc. No. 09-1592. Filed for public inspection August 21, 2009, 9:00 a.m.]

MILK MARKETING BOARD

Hearing and Presubmission Schedule; Milk Marketing Area No. 3

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), that the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 3 on October 7, 2009, commencing at 10 a.m. in Room 202 of the Department of Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 3. Evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2008 and 2009; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area No. 3. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area No. 3.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on September 4, 2009, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on September 4, 2009, notifica-

tion of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@state.pa.us.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on September 10, 2009, Board Staff shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on September 23, 2009, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on September 30, 2009, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 1 p.m. on September 24, 2009.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 09-1593. Filed for public inspection August 21, 2009, 9:00 a.m.]

Hearing and Presubmission Schedule; Milk Marketing Area No. 6

Under the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), that the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 6 on October 7, 2009, commencing at 11 a.m. in Room 202 of the Department of Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 6. Evidence will be limited to the following:

annualized processing, packaging and delivery costs; updated costs for containers, ingredients and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for the second quarters of calendar years 2008 and 2009; skim and butterfat contents of products regulated by the Board; adjustment for shrinkage, sales of bulk products and cream processing costs; monthly adjustments to in-store handling costs; and a reasonable rate of return to milk dealers and stores. In accordance with OGO A-937, evidence and testimony will be considered regarding the heating fuel adjuster in Area No. 6. In accordance with OGO A-939, evidence and testimony will be considered regarding the diesel fuel cost adjuster in Area No. 6.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on September 4, 2009, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on September 4, 2009, notification of their desire to be included as a party. Parties should indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to deberly@state.pa.us.

The parties shall observe the following requirements for advance filing of witness information and exhibits:

1. By 4 p.m. on September 10, 2009, Board Staff shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on September 23, 2009, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on September 30, 2009, each party shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 1 p.m. on September 24, 2009.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,
Secretary

[Pa.B. Doc. No. 09-1594. Filed for public inspection August 21, 2009, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by September 8, 2009. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

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

A-2009-2123084. John J. Lamparter, III, t/a Lamparter Enterprises (2165 Old Philadelphia Pike, No. 16, Lancaster, PA 17602)—persons, in paratransit service, limited to persons whose personal convictions prevent them from owning or operating motor vehicles, from points in Lancaster County, to points in Pennsylvania and return.

A-2009-2123103. M & T Transportation Service, LLC (323 West Roselyn Street, Philadelphia, Philadelphia County, PA 19120)—a limited liability company of the Commonwealth—for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City and County of Philadelphia to points in Pennsylvania, and return.

A-2009-2123259. Rescue Tech, Inc. (465 A Veit Road, Huntingdon Valley, Bucks County, PA 19006)—persons, in paratransit service from points in the Counties of Philadelphia, Bucks, Delaware, Chester and Montgomery to points in Pennsylvania, and return.

Application of the following for *amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of persons as described under the application.*

A-2009-2123552. Willow Grove Yellow Cab Co., Inc., t/d/b/a Bux-Mont Yellow Cab and t/d/b/a Bux-Mont Transportation Services Co. (701 Lincoln Avenue, Willow Grove, PA 19090) to amend and expand the right to transport, as a common carrier, by motor vehicle, persons, in paratransit operations: SO AS TO PERMIT the trans-

portation of persons in paratransit service, from points in the Townships of Abington, Cheltenham, Horsham, Lower Moreland, Upper Dublin, Upper Moreland, and the Boroughs of Ambler, Bryn Athyn, Hatboro, Jenkintown and Rockledge, as well as those portions of Lower Gwynedd Township east of Bethlehem Pike, those portions of Springfield and Whitmarsh Townships north of Stention Road, and that portion of Whitpain Township east of Mount Pleasant and north of Morris Roads, all in Montgomery County; and in the Townships of Lower Southampton, Upper Southampton, Warminster, Warrington, Warwick, and the Borough of Ivyland, all in Bucks County: to points in Bucks, Montgomery and Philadelphia Counties, and return. *Attorney:* Barnett Stinsky, Fox Rothschild, LLP, 2000 Market Street, Tenth Floor, Philadelphia, PA 19103.

Application of the following for approval of the additional right and privilege of operating motor vehicles as contract carriers for transportation of persons as described under the application.

A-2009-2123129. Project Street Transportation, LLC (232 East Louthier Street, Carlisle, Cumberland County, PA 17013), a limited liability company of the Commonwealth—contract carrier—persons, for Impact Systems, Inc. and the Cumberland Perry Association for Retarded Citizens, between points in the Counties of Cumberland and Perry.

Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods by transfer of rights as described under the application.

A-2009-2123555. Rabel Brothers Moving & Storage Co., Inc. (1332 Main Street, Dickson City, Lackawanna County, PA 18519)—a corporation of the Commonwealth—for the right to transport, as a common carrier, by motor vehicle, household goods in use, from points in the City of Scranton, Lackawanna County, and within an airline distance of 3 statute miles of the limits of said city to points in Pennsylvania, and vice versa; which is to be a transfer of all of the operating rights under the certificate issued at A-00101022, to Edward Rabel, subject to the same limitations and conditions. *Attorney:* Dante A. Cancelli, Esquire, Suite 402, 400 Spruce Street, Scranton, PA 18503.

Application of the following for amendment to the certificate of public convenience approving the operation of motor vehicles as common carriers for transportation of household goods by transfer of rights as described under the application.

A-2009-2123539. Mambo Movers, Inc. (1205 South 15th Street, Philadelphia, PA 19107) a corporation of the Commonwealth—for amendment to its common carrier certificate, which grants the right to transport household goods in use by motor vehicle between points in the City and County of Philadelphia: SO AS TO PERMIT the transfer of rights authorized under the certificate issued at A-00096204 to Fox Piano Movers, Inc., subject to the same limitations and conditions. *Attorney:* Craig A. Doll, Esquire, 25 West Second Street, Hummelstown, PA 17036.

Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-2009-2100904. Darlene Pearson McKinney t/d/b/a Moving Right Along (726 West Greenleaf Street, Allentown, Lehigh County, PA 18102) for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons, in Paratransit service, between points in the County of Lehigh and from points in said county, to points in Pennsylvania and return.

A-2009-2123536. Bedford Transit, Inc. (P. O. Box 533, 100 South Juliana Street, Bedford, Bedford County, PA 15522) for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons, in scheduled route service between the Borough of Bedford, and the Township of Bedford, both in Bedford County, over the route more fully described in the application.

A-2009-2123803. Bedford Transit, Inc. (P. O. Box 533, 100 South Juliana Street, Bedford, Bedford County, PA 15522) for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons, in paratransit service, from points in the County of Bedford, to points in Pennsylvania, and return.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1595. Filed for public inspection August 21, 2009, 9:00 a.m.]

Telecommunications

A-2009-2123477. TDS Telecommunications Corporation and Sprint Spectrum, LP. Joint petition of TDS Telecommunications Corporation and Sprint Spectrum, LP for approval of a wireless interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

TDS Telecommunications Corporation and Sprint Spectrum, LP, by its counsel, filed on August 6, 2009, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a wireless interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the TDS Telecommunications Corporation and Sprint Spectrum, LP joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 09-1596. Filed for public inspection August 21, 2009, 9:00 a.m.]

STATE ETHICS COMMISSION

Public Meeting

Under 65 Pa.C.S. §§ 1101—1113 (relating to Public Official and Employee Ethics Act) (act), the State Ethics Commission (Commission) is required to hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the act and from other interested parties.

The Commission will conduct a public meeting at the Pennsylvania State Association of Township Supervisors (PSATS) Training Facility, 4855 Woodland Drive, Enola, PA 17025 on September 22, 2009, beginning at 9 a.m. for purposes of receiving said input and for the conduct of other agency business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present any statement, information or other comments in relation to the act, the Regulations of the Commission or agency operations should contact Claire J. Hershberger at (717) 783-1610 or (800) 932-0936. Written copies of any statement should be provided at the time of said meeting.

JOHN J. CONTINO,
Executive Director

[Pa.B. Doc. No. 09-1597. Filed for public inspection August 21, 2009, 9:00 a.m.]

SUSQUEHANNA RIVER BASIN COMMISSION

Public Hearing and Meeting

The Susquehanna River Basin Commission (Commission) will hold a public hearing as part of its regular business meeting beginning at 8:30 a.m. on September 10, 2009, in Chesapeake Lodge Hotel and Conference Center at Sandy Cove Ministries, 60 Sandy Cove Road, MD. At the public hearing, the Commission will consider: 1) action on certain water resources projects; 2) the rescission of five previous docket approvals; 3) enforcement actions against two projects; and 4) one request for an administrative hearing on a project previously approved by the Commission. Details concerning the matters to be addressed at the public hearing and business meeting are contained in the notice.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, srichardson@srbc.net.

Supplementary Information

In addition to the public hearing and its related action items identified, the business meeting also includes actions or presentations on the following items: 1) hydrologic conditions of the basin; 2) the Maryland Lt. Governor's Water Summit Update; 3) panel discussion on the Chesapeake Bay and Ecosystems as SRBC "Priority Management Areas"; 4) the William Jeanes award; 5) final rulemaking regarding Federal licensing/relicensing of

projects and other revisions; 6) an Access to Records Policy; and 7) ratification/approval of grants/contracts. The Commission will also hear a Legal Counsel's report.

Public Hearing—Compliance Actions:

1. Project Sponsor: Allegheny Energy Supply Company, LLC and UGI Development Company. Project Facility: Hunlock Power Station, Unit 4, Hunlock Township, Luzerne County, PA.

2. Project Sponsor: Chief Oil and Gas, LLC. Project Facility: Phelps 1H Well, Lathrop Township, Susquehanna County, PA.

Public Hearing—Projects Scheduled for Action:

1. Project Sponsor and Facility: ALTA Operating Company, LLC (Berkowitz Pond), Forest Lake Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.249 mgd.

2. Project Sponsor: Antrim Treatment Trust. Project Facility: Antrim No. 1, Duncan Township, Tioga County, PA. Application for surface water withdrawal of up to 0.720 mgd.

3. Project Sponsor and Facility: Charles Header-Laurel Springs Development, Barry Township, Schuylkill County, PA. Application for groundwater withdrawal of up to 0.099 mgd from Laurel Springs 1 and 2.

4. Project Sponsor and Facility: Charles Header-Laurel Springs Development, Barry Township, Schuylkill County, PA. Application for consumptive water use of up to 0.099 mgd.

5. Project Sponsor: Community Refuse Service, Inc. Project Facility: Cumberland County Landfill, Hopewell and North Newton Townships, Cumberland County, PA. Modification to increase consumptive water use from a peak day of up to 0.090 mgd up to 0.140 mgd (Docket No. 20050907).

6. Project Sponsor: Community Refuse Service, Inc. Project Facility: Cumberland County Landfill, Hopewell and North Newton Townships, Cumberland County PA. Application for groundwater withdrawal of up to 0.053 mgd from eight wells for consumptive water use.

7. Project Sponsor and Facility: EXCO—North Coast Energy, Inc. (Tunkhannock Creek—Dixon), Tunkhannock Township, Wyoming County, PA. Application for surface water withdrawal of up to 0.999 mgd.

8. Project Sponsor and Facility: Fortuna Energy, Inc. (Towanda Creek—Franklin Township Volunteer Fire Department), Franklin Township, Bradford County, PA. Application for surface water withdrawal of up to 2.000 mgd.

9. Project Sponsor and Facility: J-W Operating Company (Abandoned Mine Pool—Unnamed Tributary to Finley Run), Shippen Township, Cameron County, PA. Application for surface water withdrawal of up to 0.090 mgd.

10. Project Sponsor and Facility: LHP Management, LLC (Fishing Creek—Clinton Country Club), Bald Eagle Township, Clinton County, PA. Application for surface water withdrawal of up to 5.000 mgd.

11. Project Sponsor and Facility: Mansfield Borough Municipal Authority, Richmond Township, Tioga County, PA. Application for groundwater withdrawal of up to 0.079 mgd from Well 3.

12. Project Sponsor and Facility: Seneca Resources Corporation (Arnot No. 5), Bloss Township, Tioga County, PA. Application for surface water withdrawal of up to 0.499 mgd.

13. Project Sponsor and Facility: Southwestern Energy Company (Cold Creek—Giroux), Herrick Township, Bradford County, PA. Application for surface water withdrawal of up to 0.249 mgd.

14. Project Sponsor and Facility: Southwestern Energy Company (Mill Creek—Kennedy), Stevens Township, Bradford County, PA. Application for surface water withdrawal of up to 0.249 mgd.

15. Project Sponsor and Facility: Southwestern Energy Company (Ross Cree—Billings), Stevens Township, Bradford County, PA. Application for surface water withdrawal of up to 0.249 mgd.

16. Project Sponsor and Facility: Southwestern Energy Company (Sutton Big Pond), Herrick Township, Bradford County, PA. Application for surface water withdrawal of up to 5.000 mgd.

17. Project Sponsor and Facility: Southwestern Energy Company (Tunkhannock Creek—Price), Gibson Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.380 mgd.

18. Project Sponsor and Facility: Southwestern Energy Company (Wyalusing Creek—Ferguson), Wyalusing Township, Bradford County, PA. Application for surface water withdrawal of up to 1.500 mgd.

19. Project Sponsor and Facility: Southwestern Energy Company (Wyalusing Creek—Campbell), Stevens Township, Bradford County, PA. Application for surface water withdrawal of up to 1.500 mgd.

20. Project Sponsor: UGI Development Company. Project Facility: Hunlock Power Station, Hunlock Township, Luzerne County, PA. Application for surface water withdrawal from the Susquehanna River of up to 55.050 mgd.

21. Project Sponsor: UGI Development Company. Project Facility: Hunlock Power Station, Hunlock Township, Luzerne County, PA. Application for consumptive water use of up to 0.870 mgd.

22. Project Sponsor and Facility: Ultra Resources, Inc. (Elk Run), Gaines Township, Tioga County, PA. Corrective modification to passby flow condition (Docket No. 20090631).

23. Project Sponsor: United Water Resources. Project Facility: United Water PA—Harrisburg Operation, Newberry Township, York County, PA. Application for groundwater withdrawal of up to 0.172 mgd from Paddletown Well.

Public Hearing—Projects Scheduled for Rescission Action:

1. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River) (Docket No. 20080903), Town of Tioga, Tioga County, NY.

2. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River) (Docket No. 20080906), Athens Township, Bradford County, PA.

3. Project Sponsor and Facility: Chesapeake Appalachia, LLC (Susquehanna River) (Docket No. 20080907), Oakland Township, Susquehanna County, PA.

4. Project Sponsor and Facility: East Resources, Inc. (Tioga River) (Docket No. 20080609), Mansfield, Richmond Township, Tioga County, PA.

5. Project Sponsor and Facility: Montrose Country Club (Docket No. 20020603), Bridgewater Township, Susquehanna County, PA.

Public Hearing—Request for Administrative Hearing:

1. Petitioner Delta Borough, York County, PA; RE: Delta Borough Public Water Supply Well No. DR-2; Docket No. 20090315, approved March 12, 2009.

Opportunity to Appear and Comment:

Interested parties may appear at the previously-listed hearing to offer written or oral comments to the Commission on any matter on the hearing agenda, or at the business meeting to offer written or oral comments on other matters scheduled for consideration at the business meeting. The chair of the Commission reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing and business meeting. Written comments may also be mailed to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391, or submitted electronically to Richard A. Cairo, General Counsel, e-mail: rcairo@srbc.net or Stephanie L. Richardson, Secretary to the Commission, e-mail: srichardson@srbc.net. Comments mailed or electronically submitted must be received prior to September 4, 2009, to be considered.

Authority: Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808. Dated: August 11, 2009.

THOMAS W. BEAUDUY,
Deputy Director

[Pa.B. Doc. No. 09-1598. Filed for public inspection August 21, 2009, 9:00 a.m.]

