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# PENNSYLVANIA BULLETIN

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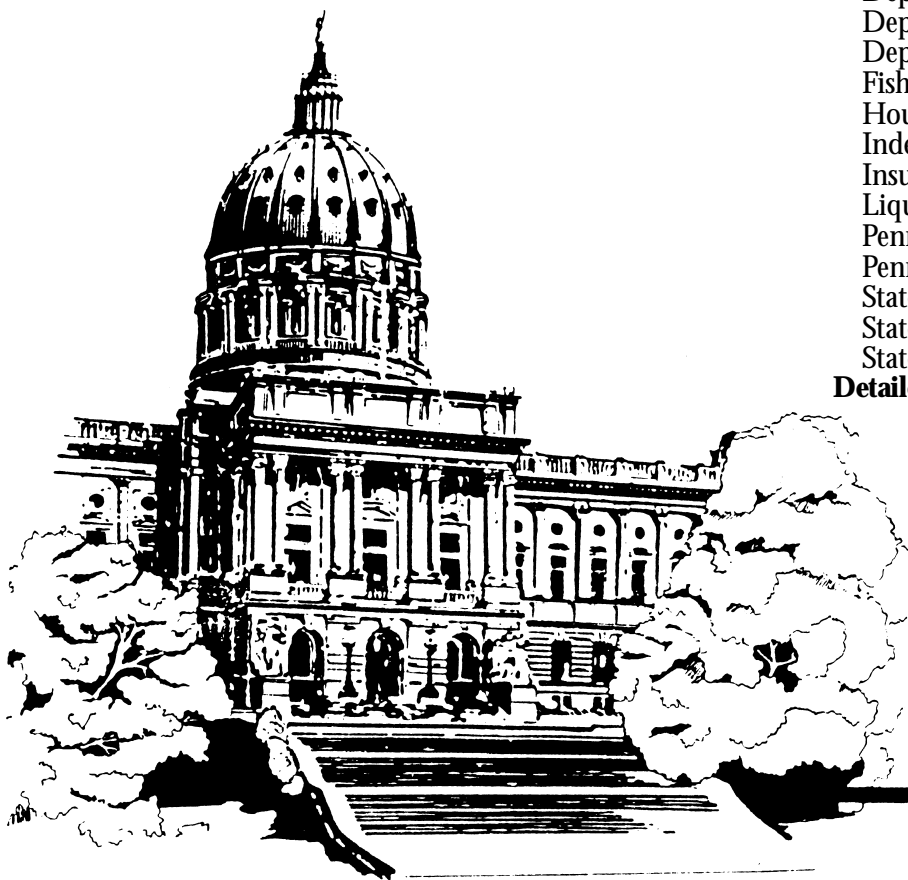
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Delaware River Basin Commission  
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Comprehensive Plan to Classify the  
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Protection Waters

## Part I

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Insurance Department  
Liquor Control Board  
Pennsylvania Emergency Management Agency  
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State Athletic Commission  
State Board of Dentistry  
State Board of Nursing

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**No. 406, September 2008**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2008.

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# THE COURTS

## Title 255—LOCAL COURT RULES

### CARBON COUNTY

**Amendment of Fee Schedule; Civil Division, Criminal Division, Orphans and Juvenile Courts; No. 06-2715 and 06-9278; CP-13-AD-0000006-2006; Old number 87-2197 and 71 MI 04**

#### **Administrative Order No. 18-2008**

*And Now*, this 26th day of August, 2008, in order to establish a reasonable rate for counsel appointed by the Court, it is hereby *Ordered* and *Decreed* that, effective January 1, 2009, Carbon County *Amends* the fee schedule for court appointed counsel in all types of cases except homicide cases to the rate of Seventy-Five Dollars (\$75.00) per hour for time expended in Court and Fifty Dollars (\$50.00) per hour for time expended out of Court. Homicide cases shall be established at the rate of One Hundred Dollars (\$100.00) per hour for time expended in Court and Seventy-Five Dollars (\$75.00) per hour for time expended out of Court. All compensation payments shall be approved by the Court.

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

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

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

3. File one (1) certified copy with the Pennsylvania Civil Procedural Rules Committee, Pennsylvania Criminal Procedural Rules Committee, Pennsylvania Orphans Court Procedural Rules Committee and Pennsylvania Juvenile Court Procedural Rules Committee.

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

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

6. Keep continuously available for public inspection copies of the Order in the Prothonotary's Office, Clerk of Courts Office, Juvenile Court and Orphans Court.

*By the Court*

ROGER N. NANOVIC,  
*President Judge*

[Pa.B. Doc. No. 08-1661. Filed for public inspection September 12, 2008, 9:00 a.m.]

# RULES AND REGULATIONS

## Title 58—RECREATION

### STATE ATHLETIC COMMISSION

[ 58 PA. CODE CH. 21 ]

#### Communicable Disease Testing

The State Athletic Commission (Commission) amends § 21.8 (relating to boxers) as it pertains to the testing of professional boxers for communicable diseases, to read as set forth at 37 Pa.B. 5379 (October 6, 2007).

#### A. Effective Date

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

#### B. Statutory Authority

The amendment is authorized under 5 Pa.C.S. § 103(b)(1) (relating to duties of commission), which authorizes the Commission to establish policy and promulgate rules and regulations regarding professional boxing contests and exhibitions and all matters pertaining thereto. The amendment is further authorized by 5 Pa.C.S. § 501 (relating to Medical Advisory Board) which permits the Medical Advisory Board to recommend changes or additions to the health and safety rules and regulations of the Commission.

#### C. Comments Received

The Commission did not receive any public comments or comments on the proposed amendment from the House or Senate State Government Committees. The Independent Regulatory Review Commission (IRRC) reviewed the proposed amendment and notified the Commission that it had no objections, comments or recommendations to offer on the regulation.

#### D. Background and Purpose

The Commission's regulations require testing of professional boxers and kickboxers for human immunodeficiency virus and communicable diseases, including Hepatitis B and Hepatitis C. The regulation requires that the testing shall have been initiated no more than 60 days prior to the date of an annual license application. The amendment permits testing to be done up to 6 months prior to the date of an annual license application.

The change is based on the recommendation of the Medical Advisory Board of the Commission, made in the fall of 2006, to change the time frame from 60 days to 6 months. The Commission adopted this recommendation and has determined that the current time period of 60 days is overly burdensome and unnecessary. Most Commonwealth boxers compete in several of the surrounding states, many of which have testing requirements similar to those in this Commonwealth. Thus, boxers who regularly compete are tested often, with a cost of approximately \$50 to \$70 for the panel of tests including HIV, Hepatitis B and Hepatitis C. This change is also in conformance with the Association of Boxing Commissions (ABC), which recommends that each boxer provide a negative test result for HIV and Hepatitis B and C to the regulating commission, with tests no older than 6 months from the date the blood was tested. The ABC stated that most boxing commissions which are member states currently use the 6-month time frame for testing.

#### E. Fiscal Impact and Paperwork Requirements

The final-form regulation will have no adverse fiscal impact on the Department of State (Department) or the Commission. The final-form regulation will also have no adverse fiscal impact on the Commonwealth or its political subdivisions and will not impose any additional paperwork requirements upon the Commonwealth, its political subdivisions or the private sector. The amendment will have no adverse fiscal impact on the professional boxers the Commission regulates.

#### F. Sunset Date

The Commission and the Department monitor the regulations of the Commission on a continuing basis. Therefore, no sunset date has been assigned.

#### H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on September 26, 2007, the Department submitted copies of the notice of proposed rulemaking, published at 37 Pa.B. 5379 to IRRC, the Senate State Government Committee and the House State Government Committee for review and comment.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), this final-form regulation was deemed approved by the Senate State Government Committee and the House State Government Committee on August 6, 2008. Under section 5(g) of the Regulatory Review Act, the final-form regulation was deemed approved by IRRC effective August 6, 2008.

#### I. Additional Information

Individuals who require information about the final-form rulemaking may contact Gregory P. Sirb, Executive Director or the State Athletic Commission, 2601 North Third Street, Harrisburg, PA 17110.

#### J. Findings

The Commission finds that:

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

(2) A public comment period was provided as required by law and no comments were received.

(3) No amendments were made to the final-form rulemaking that would enlarge the original purpose of the proposed rulemaking as published under section 201 of the CDL.

(4) These regulations are necessary and appropriate for administering and enforcing the authorizing acts identified in Part B of this Preamble.

#### K. Order

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 21, are amended by amending § 21.8 to read as set forth at 37 Pa.B. 5379.

(b) The Commission shall submit this order and 37 Pa.B. 5379 to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Commission shall certify this order and 37 Pa.B. 5379 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect on publication in the *Pennsylvania Bulletin*.

CHARLES BEDNARIK,  
*Chairperson*

*(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 38 Pa.B. 4693 (August 23, 2008).)*

**Fiscal Note:** Fiscal Note 16-37 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 08-1662. Filed for public inspection September 12, 2008, 9:00 a.m.]

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# PROPOSED RULEMAKING

## FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 75 ]

### Fishing

The Fish and Boat Commission (Commission) proposes to amend Chapter 75 (relating to endangered species). The Commission is publishing this proposed rulemaking under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

#### A. Effective Date

The proposed rulemaking, if approved on final-form rulemaking, will go into effect immediately upon publication in the *Pennsylvania Bulletin*.

#### B. Contact Person

For further information on the proposed rulemaking, contact Jason E. Oyler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This proposed rulemaking is available on the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

#### C. Statutory Authority

The proposed amendments to §§ 75.2 and 75.3 (relating to threatened species; and candidate species) are published under the statutory authority of section 2305 of the code (relating to threatened and endangered species).

#### D. Purpose and Background

The proposed rulemaking is designed to improve, update and modify the Commission's threatened and candidate species lists. The specific purposes of the proposed amendments are described in more detail under the summary of proposal.

#### E. Summary of Proposal

Commission staff have recently reevaluated the listing/delisting process for endangered, threatened and candidate species. Commission staff have reviewed recent fish survey data, especially data collected by means of benthic trawling, which is a relatively new method used in this Commonwealth's rivers. Accordingly, the Commission proposes five fish species for delisting from the existing threatened or candidate species lists. The Fishes Technical Committee of Pennsylvania Biological Survey (PABS) has reviewed the species proposed to be delisted and concurs with the proposed delisting.

(1) **Smallmouth Buffalo (*Ictiobus bubalus*):** The smallmouth buffalo is a large, deep-bodied sucker of the Ohio Basin that inhabits deeper sections of large rivers. It occurs in the Lake Michigan drainage and Mississippi River basin from Pennsylvania and Michigan to Montana and south to the Gulf of Mexico. It is secure or common across its range. In this Commonwealth, it inhabits the Ohio River, Monongahela River and lock and dam section of the Allegheny River.

The smallmouth buffalo has recently become common in the Ohio River and can be collected with regularity in the Monongahela and lower Allegheny Rivers. R. Criswell (personal communication) collected in excess of 100 individuals during a single night of electrofishing on the Ohio River in 2003 and Ohio River Sanitation Commission (ORSANCO) personnel collected 49 during a survey in

1992. California University of Pennsylvania personnel collected 17 specimens on an electrofishing run on the Monongahela River in 2003, and 16 were collected by Commission staff in Pool 8 of the Allegheny River in July 2004. Argent and Kimmel (2003) considered the smallmouth buffalo common in several pools they sampled in the Allegheny and Ohio Rivers. Field surveys conducted throughout the historic Pennsylvania range since 1990 have documented a significant expansion in range and population size compared to pre-1990 information. The smallmouth buffalo is absent from the majority of 20th century collection literature; however, recent electrofishing and gill netting surveys have documented a continuous distribution throughout the Ohio River and lower reaches of the Monongahela and Allegheny Rivers in the Commonwealth.

This species was run through the Commission's fish species documentation and objective listing/delisting criteria and met Criteria A.1. (Population reduction) that the population is increasing, Criteria B.3. (Distribution & Trends) that the distribution is greater than 150 miles of river/stream, and Criteria B.4. (Summed Proportion of Watersheds Occupied), which compares all fish species documented occurrences and shows that this species is no longer rare in this Commonwealth. The Fishes Technical Committee of the PABS reviewed the Heritage rank of the smallmouth buffalo and recommended it be changed to "apparently secure" (S4) status—uncommon but not rare, and usually widespread in the State. The PABS Committee additionally recommended "delisting" status based on the aforementioned data and apparent commonality of the species in this Commonwealth. Enough information is available to determine that it is secure in the State at present and to justify the removal of smallmouth buffalo from the Commonwealth's list of threatened fishes. Therefore, the Commission proposes that smallmouth buffalo be removed from the list of threatened species in this Commonwealth.

(2) **Longhead Darter (*Percina macrocephala*):** The longhead darter is a small fish species that prefers warm rivers and large streams and occupies a wide array of habitats, including riffles and runs over substrates of clean gravel, cobble, rubble and boulders, especially at the interface areas between strong current and backwash. It also occurs in pools with both clean bottoms of gravel and rubble and those covered with silt or detritus, or both. The longhead darter occurs in the Ohio River drainage from New York to North Carolina, and west to Kentucky and Tennessee, but it is rare and highly localized in these locations. In this Commonwealth, it occurs throughout French Creek and the Allegheny River, including the lowermost sections of a number of tributaries in Crawford, Erie, Forest, McKean and Warren Counties. It formerly occurred in the Monongahela River drainage.

The longhead darter has increased its range considerably during the past 25 years. Although Cooper (1985) did not report this taxon in this Commonwealth upriver of Allegheny Reservoir, it has been collected with frequency in the upper Allegheny River as far as Roulette, Potter County, and in Cole Creek and Potato Creek in McKean County (R. Criswell and J. Stauffer, unpublished data). It was also collected with regularity in the middle Allegheny River between the Allegheny Reservoir and the influence of the lock and dam system near East Brady, Clarion County, and in French Creek during the period 1990 to present (Criswell 1992, R. Criswell and J. Stauffer,

unpublished data). The first recent records in the lower Allegheny River are those of single specimens from Armstrong County in 1986 and 1987. Argent and Kimmel (2003) reported the longhead darter from Allegheny County and it was collected by Commission staff in Pool 8 of the Allegheny River in 2004 and during benthic trawl trials in 2005 in Pools 6, 7 and 8 (R. Spear, unpublished data).

Field surveys conducted throughout the historic Pennsylvania range since 1985 have documented a significant expansion in range and population size compared to pre-1985 information. Although historically represented by limited, widely scattered collections consisting of only a single or few individuals, recent research has documented continuous distribution throughout French Creek from the New York State line in Erie County to its mouth in Venango County, and the Allegheny River from Potter County downstream to Allegheny County, as well as in the lower sections of a number of larger tributaries to both. Observations of more than 100 individuals at a single station have been reported on at least three occasions, and this taxon is now locally common to abundant in both waterways.

This species was run through the Commission's fish species documentation and objective listing/delisting criteria and met Criteria A.1. (Population reduction) that the population is increasing. The Fishes Technical Committee of PABS reviewed the Heritage rank of the longhead darter and recommended it be changed to "apparently secure" (S4) status—uncommon but not rare, and usually widespread in the State. The PABS Committee additionally recommended "delisting" status based on the aforementioned data and apparent commonality of the species in this Commonwealth. Enough information is available to make the determination that it is secure in the State at present and to justify the removal of longhead darter from the Commonwealth's list of threatened fishes. Therefore, the Commission proposes that the longhead darter be removed from the list of threatened species in this Commonwealth.

(3) Channel Darter (*Percina copelandi*): Channel darters are small fish that occur primarily in clear rivers and large streams over substrates of sand and gravel. They occupy a variety of habitats, including riffles, runs, and pools, lakeshores, and sluggish pools with lightly silted bottoms in the Allegheny River. During a study in the Allegheny River, Stauffer et al. (1996) found channel darters in significantly deeper habitats than other darter (*Etheostoma*) species. The channel darter occurs in the Great Lakes/St. Lawrence and Ohio River drainages from southern Quebec and Vermont to Michigan, and south to Kentucky and Tennessee. A disjunct population exists in the Arkansas, Ouchita and Red River drainages in the southern Midwest, and additional isolated populations occur in Mississippi/Louisiana and Alabama. In this Commonwealth, they are distributed throughout most of the Allegheny and Ohio rivers. Also a few records exist from the Lake Erie drainage.

The channel darter is locally common in sections of the Allegheny River where clean gravel substrate occurs. Recent benthic trawl surveys of the "Three Rivers" area (Argent, Stauffer et al., and R. Criswell unpublished data) indicate that the channel darter is the most common darter species within samples. Abundance in the wadeable Upper Allegheny River and tributaries appears to be low, and abundance is uncertain in the Lake Erie drainage. The channel darter is absent from the majority of 20th century collection literature; however, recent

electrofishing and benthic trawl surveys have documented a mostly continuous distribution throughout the Ohio and Allegheny Rivers within this Commonwealth.

This species was run through the Commission's fish species documentation and objective listing/delisting criteria and met Criteria B.3. (Distribution & Trends) that the distribution is greater than 150 miles of river/stream. The Fishes Technical Committee of PABS reviewed the Heritage rank of the channel darter and recommended it be changed to "apparently secure" (S4) status—uncommon but not rare, and usually widespread in this Commonwealth. The PABS Committee additionally recommended "delisting" status based on the aforementioned data and apparent commonality of the species in this Commonwealth. Enough information is available to determine that it is secure in the State at present and to justify the removal of channel darter from the Commonwealth's list of threatened fishes. Therefore, the Commission proposes that channel darter be removed from the Pennsylvania list of threatened species in this Commonwealth.

(4) River Redhorse (*Moxostoma carinatum*): The river redhorse is a large sucker that inhabits rivers and large creeks. It prefers clearer waters and gravelly or rocky substrates in flowing pools and runs. The river redhorse's enlarged pharyngeal arches and molariform teeth make it well suited for crushing the shells of mollusks, an important component of its diet. The river redhorse occurs in the St. Lawrence, Great Lakes and Mississippi River drainages from southern Quebec to central Minnesota and western Iowa, south to northern Alabama and eastern Oklahoma, and on the Gulf Slope from Florida to Louisiana and Mississippi. In this Commonwealth, it occurs in the Ohio River drainage, including the Allegheny, Beaver, Monongahela, Ohio, Shenango and Youghiogheny Rivers.

Although never abundant, the river redhorse can now be collected regularly in the Allegheny and Ohio Rivers and to a lesser extent in the Monongahela River. It was collected recently in the Shenango River (Criswell et al., 2002) as well. This is the first record there since 1933. Its former and present scarcity may be attributed in part to the difficulty in sampling its large river habitat. Field surveys conducted throughout the historic Pennsylvania range since 1990 have documented a significant expansion in range and population size compared to pre-1990 information. The river redhorse is absent from the majority of 20th century collection literature; however, recent electrofishing and gill netting surveys have documented a continuous distribution throughout the Ohio River and lower reaches of the Monongahela and Allegheny Rivers and in Lake Erie within this Commonwealth.

This species was run through the Commission's fish species documentation and objective listing/delisting criteria and met Criteria A.1. (Population reduction) that the population is increasing and Criteria B.3. (Distribution & Trends) that the distribution is greater than 150 miles of river/stream. The Fishes Technical Committee of PABS reviewed the Heritage rank of the river redhorse and recommended it be changed to "apparently secure" (S4) status—uncommon but not rare, and usually widespread in the State. The PABS Committee additionally recommended "delisting" status based on the aforementioned data and apparent commonality of the species in this Commonwealth. Enough information is available to determine that it is secure in the State at present and to justify the removal of river redhorse from the Commonwealth's list of candidate fish species. Therefore, the Commission proposes that river redhorse be removed from the list of candidate species in this Commonwealth.

(5) Longnose Gar (*Lepisteus osseus*): The longnose gar is a large pelagic fish species with an elongate body, long snout with numerous sharp, needle-like teeth. It prefers medium-sized, low-gradient rivers and large streams, lakes, impoundments, oxbows and backwaters over a wide variety of substrates. The longnose gar occurs in the Atlantic Slope drainages from New Jersey and Pennsylvania to Florida, the St. Lawrence River, Quebec through Great Lakes (except Lake Superior), and the Mississippi River basin to the Gulf Coast. It also occurs in the Gulf Slope drainages from Florida to Texas. In this Commonwealth, it was historically widespread in the Ohio River drainage, including the Allegheny, Conemaugh, Monongahela and Ohio rivers and Conneaut Lake. It also occurs at Presque Isle-Lake Erie, lower Susquehanna River and Delaware River to Monroe County. It has not been taken recently in the Conemaugh or Susquehanna Rivers, and is now considered extirpated from the Delaware River (Horwitz 1986).

The longnose gar has become fairly common in the Ohio River and is taken regularly in the Monongahela River and lower section of the Allegheny River (Argent and Kimmel 2003, unpublished data). Criswell and Stauffer (2003) captured approximately 25 specimens in a single gill net during a sampling effort on the Ohio River. Although it has been taken recently in Conneaut Lake, its population status there is not known. The Lake Erie population is considered stable, and longnose gar can be collected regularly in near shore areas and around the mouths of tributaries (Roger Kenyon, personal communication—w/ R. Criswell).

Field surveys conducted throughout the historic Pennsylvania range since 1990 have documented a significant expansion in range and population size compared to pre-1990 information. Recent electrofishing and gill netting surveys have documented continuous distribution throughout the Ohio River and lower reaches of the Monongahela and Allegheny rivers and in Lake Erie within this Commonwealth.

This species was run through the Commission's fish species documentation and objective listing/delisting criteria and met Criteria A.1. (Population reduction) that the population is increasing and Criteria B.3. (Distribution & Trends) that the distribution is greater than 150 miles of river/stream. The Fishes Technical Committee of PABS reviewed the Heritage rank of the longnose gar and recommended it be changed to "apparently secure" (S4) status—uncommon but not rare, and usually widespread in the State. The PABS Committee additionally recommended "delisting" status based on the aforementioned data and apparent commonality of the species in this Commonwealth. Enough information is available to determine that it is secure in this Commonwealth at present and to justify removal of longnose gar from the Commonwealth's list of candidate fishes. Therefore, the Commission proposes that longnose gar be removed from the list of candidate species in this Commonwealth.

The Commission proposes that §§ 75.2 and 75.3 be amended to read as set forth in Annex A.

F. Paperwork

The proposed rulemaking will not increase paperwork and will not create new paperwork requirements.

G. Fiscal Impact

The proposed rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The proposed rulemaking will impose no new costs on the private sector or the general public.

H. Public Comments

Interested persons are invited to submit written comments, objections or suggestions about the proposed rulemaking to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 30 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted.

Comments also may be submitted electronically by completing the form at [www.fishandboat.com/reg](http://www.fishandboat.com/reg) comments. If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt. Electronic comments submitted in any other manner will not be accepted.

DOUGLAS J. AUSTEN, Ph.D.,  
Executive Director

**Fiscal Note:** 48A-207. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 58. RECREATION

PART II. FISH AND BOAT COMMISSION

Subpart B. FISHING

CHAPTER 75. ENDANGERED SPECIES

§ 75.2. Threatened species.

\* \* \* \* \*

(b) *Fish*. The following species are threatened:

\* \* \* \* \*

(7) [ **Smallmouth buffalo, *Ictiobus bubalus*.**

(8) ] Spotted sucker, *Minytrema meleanops*.

[ (9) ] (8) Brindled madtom, *Noturus miurus*.

[ (10) ] (9) Bluebreast darter, *Etheostoma camurum*.

[ (11) ] (10) Spotted darter, *Etheostoma maculatum*.

[ (12) ] (11) Tippecanoe darter, *Etheostoma tippecanoe*.

[ (13) Channel darter, *Percina copelandi*.

(14) ] (12) Gilt darter, *Percina evides*.

[ (15) Longhead darter, *Percina macrocephala*. ]

\* \* \* \* \*

§ 75.3. Candidate species.

\* \* \* \* \*

(b) *Fishes*.

\* \* \* \* \*

(4) [ **Longnose gar, *Lepisosteus osseus*.**

(5) ] Bowfin, *Amia calva*.

[ (6) ] (5) Central mudminnow, *Unbra limi*.

[ (7) ] (6) Eastern mudminnow, *Unbra pygmaea*.

[ (8) ] (7) Hornyhead chub, *Nocomis biguttatus*.

[ (9) River redhorse, *Moxostoma carinatum*.

(10) ] (8) Brook silverside, *Labidesthes sicculus*.

[ (11) ] (9) Brook stickleback, *Culaea inconstans*.

\* \* \* \* \*

[Pa.B. Doc. No. 08-1663. Filed for public inspection September 12, 2008, 9:00 a.m.]



# STATEMENTS OF POLICY

## Title 58—RECREATION

### FISH AND BOAT COMMISSION

[ 58 PA. CODE CH. 57 ]

#### Wind Power Projects—Statement of Policy

The Fish and Boat Commission (Commission) adopts a statement of policy in Chapter 57 (relating to statements of policy) that relates to wind power projects. The Commission is publishing this statement of policy under the authority of 30 Pa.C.S. (relating to the Fish and Boat Code) (code).

##### A. *Effective Date*

The statement of policy will go into effect upon publication of this order adopting the statement of policy in the *Pennsylvania Bulletin*.

##### B. *Contact Person*

For further information on the statement of policy, contact Jason E. Oyler, Esq., P. O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. The statement of policy is available electronically through the Commission's web site at [www.fish.state.pa.us](http://www.fish.state.pa.us).

##### C. *Statutory Authority*

The statement of policy is published under the statutory authority of section 321 of the code (relating to administration and enforcement) that provides that the Commission shall administer and enforce the code and other laws of this Commonwealth relating to the protection, propagation and distribution of fish.

##### D. *Purpose and Background*

The development of clean, renewable energy sources is a goal supported by the Commission because it will reduce our society's dependence on the burning of fossil fuels that has been linked to local, regional and global environmental change. Recent incentives to pursue clean energy goals have caused an increase in proposed wind power projects across this Commonwealth. However, wind energy project development potentially poses significant impacts to several species under the Commission's jurisdiction and their habitats. These impacts can be either direct (such as, those landscape activities associated with project construction such as the footprint of the windmill and all support facilities) or indirect (such as, individual species or community behavioral responses to the development). The impacts may be short-term, only occurring during construction activities, or long-term, persisting for the life of the project.

Commission staff within the Bureau of Fisheries, Division of Environmental Services, presently review various permits and plans that are required by local, State and Federal regulatory authorities for wind power project development. These permits include the Department of Environmental Protection's (Department) Chapter 105 and the United States Army Corps of Engineers' section 404 permits for stream or wetland encroachments; the Department's NPDES permits for stormwater releases; and County Conservation District Erosion and Sedimentation (E&S) Control permits or plans. Staff provide comments to the appropriate regulatory agency about potential risks to jurisdictional species and their habitats and recommend ways to avoid, minimize or mitigate potential harm. This function is consistent with the

Commission's "Resource First" mission. The Commission is particularly concerned with developments in high-risk watersheds that include Exceptional Value and High Quality Designated Watersheds (25 Pa. Code Chapter 93) (relating to water quality standards) and Class A Wild Trout (58 Pa. Code § 57.8a (relating to Class A wild trout streams)) and Wilderness Trout Stream (58 Pa. Code § 57.4 (relating to wilderness trout streams)) watersheds. Recommendations by Commission staff on wind power projects conform to the Pennsylvania Municipalities Planning Code (53 P. S. §§ 10101—70105) and the Pennsylvania Model Ordinance for Wind Energy Facilities in this Commonwealth. Specific comments about rare species are consistent with the Department's *Policy for Pennsylvania Natural Diversity Inventory (PNDI) Coordination during Permit Review and Evaluation* (Document 400-0200-001). Commission staff also participate on the Governor's Pennsylvania Wind and Wildlife Collaborative.

To address wind energy project development and its potential to significantly impact species under the Commission's jurisdiction and their habitats, the Commission has adopted this statement of policy.

##### E. *Summary of Changes*

The Commission has adopted a statement of policy on wind power projects that provides for coordination of all agency concerns on proposed wind power projects with the appropriate local, State and Federal agencies to avoid, minimize and mitigate harmful impacts to the species under the Commission's jurisdiction, as well as, the habitat of those species. In accordance with the statement of policy, Commission staff will seek the collection of adequate data to identify and quantify risks, avoid harmful impacts, avoid ecologically sensitive areas, reduce habitat fragmentation and develop mitigation strategies for unavoidable impacts.

##### F. *Paperwork*

As the Commission already reviews permit applications for wind development projects brought before local, State and Federal permitting agencies, the statement of policy will not increase paperwork and will not create new paperwork requirements.

##### G. *Fiscal Impact*

The statement of policy will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The statement of policy will impose no new costs on the private sector or the general public.

##### H. *Public Involvement*

A notice of the proposed statement of policy was published at 38 Pa.B. 1965 (April 26, 2008). Although the Commission was not required to publish a notice of a proposed statement of policy prior to adopting one, it did so because of the heightened public interest in this issue. Prior to the formal public comment period, the Commission received a total two comments. One commentator supported the development of wind power, except where there is an impact to sensitive ecological areas. One commentator suggested placing wind power generating stations on existing hydro electric dams. The Commission did not receive any public comments during the formal public comment period. After the formal public comment period, the Commission received one public comment supporting the proposed policy. Copies of all public comments were provided to the commissioners.

*Findings*

The Commission finds that:

(1) Public notice of intention to adopt the statement of policy adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided, and the comments that were received were considered.

(3) The adoption of the statement of policy of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

*Order*

The Commission, acting under the authorizing statutes, orders that:

(a) Title 58 of the Pa. Code Chapter 57, is amended by adding a statement of policy in § 57.12 to read as set forth in 38 Pa.B. 1965.

(b) The Executive Director will submit this order and 38 Pa.B. 1965 to the Office of Attorney General for approval as to legality as required by law.

(c) The Executive Director shall certify this order and 38 Pa.B. 1965 and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately upon publication in the *Pennsylvania Bulletin*.

DOUGLAS J. AUSTEN, Ph.D.,  
*Executive Director*

**Fiscal Note:** Fiscal Note 48A-202 remains valid for the final adoption of the subject statement of policy.

[Pa.B. Doc. No. 08-1664. Filed for public inspection September 12, 2008, 9:00 a.m.]

# NOTICES

## DELAWARE RIVER BASIN COMMISSION

### Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold an informal conference followed by a public hearing on Wednesday, September 24, 2008. The hearing will be part of the Commission's regular business meeting. Both the conference session and business meeting are open to the public and will be held at the West Trenton Volunteer Fire Company, 40 West Upper Ferry Road, West Trenton, NJ.

The conference among the commissioners and staff will begin at 10:30 a.m. Topics of discussion will include: a Decree Parties' report; an annual update on implementation of the 2004 Water Resources Plan for the Delaware River Basin (Basin Plan); a report by the chair of the Commission's Water Quality Advisory Committee; a report by the chair of the Commission's Flood Advisory Committee; and a report on the status of development of the Flood Analysis Model, a project commenced in August 2007 at the request of the governors of the four Basin states, in accordance with a recommendation of the Interstate Flood Mitigation Task Force.

The subjects of the public hearing to be held during the 1:30 p.m. business meeting include the dockets listed as follows:

1. *Burlington Country Club D-67-32-2*. An application for approval of a ground and surface water withdrawal project to supply up to 3.1 mg/30 days from new Wells Nos. 1A, 1R and C1, and to supply 8.4 mg/30 days from one new and one existing surface water intake for the applicant's golf course irrigation system. The withdrawal from all sources is proposed to be limited to 8.4 mg/30 days and 37.8 mg/year. The project is located in the Englishtown Formation in the Lower Delaware Watershed in Westampton Township, Burlington County, NJ.

2. *Perkasie Borough Authority D-97-12 CP-3*. An application for approval of a groundwater withdrawal project to supply up to 11.67 mg/30 days of water to the applicant's distribution system from new Well No. 7 in the Brunswick Formation and to retain the existing withdrawal from all wells at 40.2 mg/30 days. Proposed Well No. 7 will be used to replace some of the groundwater supply from Perkasie Borough Authority's existing wells that may be lost due to regulatory changes limiting the concentration of arsenic in public drinking water supply. The project is located in the Three Mile Run and East Branch Perkiomen Creek Watersheds in Perkasie Borough, Bucks County, PA, within the Southeastern Ground Water Protected Area.

3. *Floyd G. Hersh, Inc. D-98-7-2*. An application for the renewal of a groundwater withdrawal project to continue withdrawal of 3.750 mg/30 days to supply the applicant's golf course irrigation system from existing Well No. PW-1 in the Brunswick Formation. The project is located in the Perkiomen—Macoby Creek Watershed in Marlborough Township, Montgomery County, PA and is located in the Southeastern Pennsylvania Ground Water Protected Area.

4. *Mercer County Improvement Authority d/b/a Mercer Oaks Golf Course D-99-28 CP-2*. An application for renewal of an existing surface water intake and approval of two new groundwater wells for golf course irrigation and to retain the existing withdrawal from all sources of 15 mg/30 days. The project is located in the Potomac-Raritan-Magothy Aquifer in the Assunpink Creek Watershed in West Windsor Township, Mercer County, NJ.

5. *Washington Township Municipal Utilities Authority D-99-43 CP-2*. An application for the renewal of a groundwater withdrawal project to change existing Well No. 20 from an Aquifer Storage and Recovery well to a production well, to continue the total combined withdrawal of 273.01 mg/30 days from all 15 wells, and to increase the allocation for Wells Nos. 2—5, 8, 9, 15 and 20 from 109 mg/30 days to 133.81 mg/30 days to supply the applicant's public supply distribution system from existing Wells Nos. 2—5, 8—11, 14—20 in the Mt. Laurel-Wenonah and Kirkwood-Cohansey Formations. The project is located in the Big Timber Creek and Mantua Creek watersheds in Washington Township, Gloucester County, NJ.

6. *Lehigh County Authority D-2001-20 CP-3*. An application to replace the withdrawal of water from Well No. WL-8 in the applicant's water supply system that has become an unreliable source of supply. The applicant requests that the withdrawal from replacement Well No. WL-8 be limited to 56.16 mg/30 days of water, and that the total withdrawal from all wells remain limited to 256.24 mg/30 days. The project is located in the Allentown Formation in the Little Lehigh Creek Watershed in Upper Macungie Township, Lehigh County, PA. The site is located within the drainage area to the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

7. *Ambler Borough Water Department D-85-26 CP-4*. An application for approval of a groundwater withdrawal project to supply up to 4.75 mg/30 days of water to the applicant's public water supply distribution system from new Well No. 15 and to increase the existing withdrawal from all wells of 116 mg/30 days to 120.75 mg/30 days. The project is located in the Stockton Formation in the Wissahickon Creek Watershed in Lower Gwynedd and Upper Dublin Townships, Montgomery County, PA, within the Southeastern Pennsylvania Groundwater Protected Area. The Commission has recommended a reduction in the docket holder's allocation from 116 mg/30 days to 90 mg/30 days.

8. *Croda, Inc., Docket No. D-88-74-3*. An application for the renewal of a ground and surface water withdrawal project to increase withdrawal from 60.04 mg/30 days to 76.63 mg/30 days from existing Wells Nos. 8—12 and to retain the existing allocation of 470.59 mg/30 days from Intake 1 to supply the applicant's industrial facility. The project groundwater withdrawals are located in the Potomac Formation, in the Brandywine-Christina Watershed. The project surface water withdrawal is located on the west bank of the Delaware River, in Zone 5. The project is located south of Interstate Route 295 in New Castle County, DE. The Commission has recommended a reduction in the docket holder's surface water withdrawal from 470.59 mg/30 days to 99.0 mg/30 days.

9. *Concord Township Sewer Authority D-97-19 CP-2*. An application to expand the 1.2 mgd Central sewage treatment plant (STP) to process 1.8 mgd, while continuing to provide tertiary treatment prior to discharging to West Branch Chester Creek in nontidal waters. The Central STP is located off the intersection of Conchester Road (Route 322) and Baltimore Pike (Route 1) in Concord Township, Delaware County, PA. The STP will continue primarily to serve Concord Township, but it also will serve small portions of Thornbury and Chester Heights Townships, also in Delaware County, PA.

10. *DS Waters of America and Nestlé Waters North America Inc. D-97-46-3*. An application for the renewal of a spring water withdrawal project to continue withdrawal of 9.0 mg/30 days to supply the Applicant's spring water bottling facility from existing Spring Nos. 1 and 3 in the Tulpehocken Creek Watershed, in the Richland and Leithsville Formations, in Millcreek Township, Lebanon County, PA. Additionally, Nestlé Waters North America Inc. has requested consideration for them to become a joint docket holder and they are proposing to change the exportation site of the 0.300 mgd of water from West Earl Township, Lancaster County, PA to their site in Breiningsville, Lehigh County, PA.

11. *Upper Uwchlan Township D-2000-55 CP-2*. An application for the approval of the expansion and modification to the existing Upper Uwchlan Township Route 100 Regional Wastewater Treatment Plant (WWTP) from 0.3 mgd to 0.6 mgd. The WWTP is located in Upper Uwchlan Township, Chester County, PA. The WWTP will serve existing and proposed development along the Route 100 corridor in Upper Uwchlan Township, Chester County, PA. The WWTP will discharge treated effluent to open space in new subdivisions being developed in the service area, in both the Pickering Creek and Marsh Creek Watersheds, using both drip dispersal and spray irrigation.

12. *Tidewater Utilities, Inc. D-2005-26 CP-2*. An application for the renewal of a groundwater withdrawal project to increase withdrawal from 3.85 mg/30 days to 29.458 mg/30 days to supply the applicant's North Dover and Garrisons Lake public supply distribution systems from existing Wells Nos. SF-01, SF-02 and KWE-02 in the Federalsburg and Cheswold Formations and new Wells Nos. 154547, 71057, 71058, 192844 and 109193 in the Cheswold and Piney Point Formations. The increased allocation is requested in order to interconnect formerly independent service districts and to meet projected increases in service area demand. The project is located in the Leipsic River Watershed in Kent County, DE.

13. *UMH Properties, Inc. D-2007-22-1*. An application for approval of a groundwater withdrawal project to supply up to 6 mg/30 days of water to the applicant's Fairview Manor Mobile Home Park from new Wells Nos. 1 and 2 and to limit the existing withdrawal from all wells to 6 mg/30 days. The project is located in the Coastal Plains Aquifer in the Cohansey Watershed in Vineland City, Cumberland County, NJ.

14. *Venice One Development D-2007-30-1*. An application for the approval of the Venice One Development, which consists of four 6-story buildings comprising a total of 280 residential units and appurtenant ground level parking, both under and adjacent to the buildings, to be constructed on Venice Island, in the Manayunk Section of the City of Philadelphia, PA. Under the Commission's *Flood Plain Regulations*, the Venice One Development is reviewable as a Class II project. Class II projects include any development of land—whether residential or nonresi-

dential—within a flood hazard area located in a nontidal area of the basin, which contains more than 25 dwelling units or includes one or more structures covering a total land area of more than 50,000 square feet. The Venice One Development is to be constructed on Venice Island, which is located in the flood fringe portion of the flood hazard area. A flood hazard area is defined by the Commission FPR as the area inundated by a regulatory flood (100-year floodplain).

15. *Waterford Apartments at Cotton Street Development D-2007-36-1*. An application for the approval of the Waterford Development, which consists of one four-story building comprising a total of 205 residential units and appurtenant ground level parking, both under and adjacent to the buildings, to be constructed on Venice Island, in the Manayunk Section of the City of Philadelphia, PA. Under the Commission's Flood Plain Regulations, the Waterford Development is reviewable as a Class II project. Class II projects include any development of land—whether residential or nonresidential—within a flood hazard area located in a nontidal area of the basin, which contains more than 25 dwelling units, or includes one or more structures covering a total land area of more than 50,000 square feet. The Waterford Apartment Project is to be constructed on Venice Island, which is located in the flood fringe portion of the flood hazard area. A flood hazard area is defined by the Commission FPR as the area inundated by a regulatory flood (100-year floodplain).

16. *Pennsylvania American Water Company D-2008-2-1*. An application for approval of the existing Yardley water treatment plant's 0.402 mgd backwash discharge to a UNT to Brock Creek. The water treatment plant discharges filter backwash and sludge filter press filtrate to the section of the nontidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters. The facility is located in Yardley Borough, Bucks County, PA.

17. *Fralinger Farms D-2008-16-1*. An application for the approval of a groundwater withdrawal project to supply a maximum of 78.6 mg/30 days of water to the applicant's irrigation system for approximately 283 acres of fruit trees. The applicant's 15 wells are located in the Kirkwood-Cohansey Formation in the Cohansey River Watershed in Hopewell Township, Cumberland County, NJ. The Commission has recommended a reduction in the docket holder's allocation from 78.6 mg/30 days to 18.75 mg/30 days.

The business meeting also will include adoption of the Minutes of the Commission's July 16, 2008 business meeting; announcements of upcoming advisory committee meetings and other events; a report on hydrologic conditions in the basin; a report by the Executive Director; and a report by the Commission's General Counsel. The meeting will include consideration by the Commission of a resolution amending the Water Code and Comprehensive Plan to implement a Flexible Flow Management Program for the New York City Delaware Basin Reservoirs. The Commission issued a notice of proposed rule-making on these amendments on December 3, 2007. It announced it would accept comments on the proposed changes through January 18, 2008, a date that was later extended to March 3. It held a hearing on the proposed amendments on January 16, 2008. No hearing on this matter will take place on September 24. If the Commission approves the amendments, a detailed comment and response document will be issued upon filing of the amendments with each of the signatory parties in accord-

ance with Section 14.2 of the Delaware River Basin Compact. The amendments cannot go into effect without the unanimous consent of the parties to the 1954 Supreme Court decree in *New Jersey v. New York*, 347 U.S. 995 (1954). Also during the business meeting, the Commission will hold a public hearing on a resolution amending the composition of the Water Quality Advisory Committee to add members from the environmental and academic sectors and a resolution authorizing the executive director to enter into an agreement for a sediment flux study of mercury in Water Quality Zone 5. It will consider a resolution authorizing the executive director to extend the Commission's 2002 agreement with Axys Analytical Services Ltd. for sampling and analysis of toxic substances in ambient water, wastewater and sediment samples from the Delaware Estuary. An opportunity for public dialogue will be provided at the end of the meeting.

Draft dockets scheduled for public hearing on September 24, 2008, will be posted on the Commission's web site,

www.drbc.net, where they can be accessed through the Notice of Commission Meeting and Public Hearing. Additional documents relating to the dockets and other items may be examined at the Commission's offices. Contact William Muszynski at (609) 883-9500, Ext. 221, with any docket-related questions.

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

PAMELA M. BUSH,  
*Secretary*

[Pa.B. Doc. No. 08-1665. Filed for public inspection September 12, 2008. 9:00 a.m.]

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending September 2, 2008.

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 and any application filed prior to August 7, 2008, may file their comments in writing with the Department of Banking, 17 North Second Street, Suite 1300, Harrisburg, PA 17101. Comments must be received no later than 30 days from the date notice 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 during regular business hours. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request Policy.

### BANKING INSTITUTIONS

#### Charter Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-29-2008	Bank of Pittsburgh Wexford Allegheny County	Wexford	Filed

#### **Corresponding Agent:**

Joseph D. Reid, III  
14000 Perry Highway  
Wexford, PA 15090

#### Mutual Holding Company Reorganizations

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-26-2008	Reliance Savings Bank Altoona Blair County	Altoona	Approved

Reorganization of Reliance Savings Bank, a mutual savings bank, into a two-tier, mutual holding company structure.

**Consolidations, Mergers and Absorptions**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-27-2008	Embassy Bank for the Lehigh Valley, Bethlehem, and Embassy Interim Bank, Bethlehem Surviving Institution: Embassy Interim Bank, Bethlehem, with name change to "Embassy Bank for the Lehigh Valley"	Bethlehem	Approved

Application filed in conjunction with the reorganization of Embassy Bank for the Lehigh Valley, Bethlehem, into a bank holding company structure whereby Embassy Bank for the Lehigh Valley will become the wholly-owned subsidiary of Embassy Bancorp, Inc., Bethlehem.

**Branch Applications****De Novo Branches**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-27-2008	Northwest Savings Bank Warren Warren County	1609 East Sunrise Boulevard Fort Lauderdale Broward County, FL	Filed

**Branch Discontinuances**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-22-2008	Graystone Bank Lancaster Lancaster County	37 North Market Street Frederick Frederick County, MD	Closed

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 08-1666. Filed for public inspection September 12, 2008, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, September 24, 2008, 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

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

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 08-1667. Filed for public inspection September 12, 2008, 9:00 a.m.]

# DEPARTMENT OF EDUCATION

## Index Calculation Required by Special Session Act 1 of 2006

Under section 333(l) of the Taxpayer Relief Act (53 P. S. § 6926.33(l)), the Department of Education (Department) has calculated the index for the Fiscal Year (FY) 2009-2010.

The index is the average of the percentage increase in the Statewide average weekly wage and the Employment Cost Index. For the FY 2009-2010, the base index is 4.1%.

For school districts with a market value/income aid ratio greater than .4000, an adjusted index will be posted on the Department's web site at [www.pde.state.pa.us/proptax](http://www.pde.state.pa.us/proptax) by September 30, 2008.

GERALD L. ZAHORCHAK, D. Ed.,  
Secretary

[Pa.B. Doc. No. 08-1668. Filed for public inspection September 12, 2008, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

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### APPLICATIONS

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

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

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

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

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

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

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

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

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

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0061085 (Minor Sewage)	Glenburn Service Company 1301 Winola Road Clarks Summit, PA 18411	Lackawanna County Glenburn Township	Ackerly Creek 5A	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.

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0064319 (Minor Sewage)	Great Wolf Lodge of the Poconos, LLC 1 Great Wolf Drive Scotrun, PA 18355	Pocono Township Monroe County	Scot Run 01E	Y
PA0063240	Lehigh Township Municipal Authority 1069 Municipal Drive Walnutport, PA 18088	Northampton County Lehigh Township	Bertsch Creek CWF 2C	Y
PA0063231	Lehigh Township Municipal Authority 1069 Municipal Drive Walnutport, PA 18088	Northampton County Lehigh Township	Indian Creek CWF 2C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0085138 (Sew)	Five Forks Brethren in Christ Church 9244 Five Forks Road Waynesboro, PA 17268-9612	Franklin County Quincy Township	UNT West Branch Antietam Creek 13-C	Y
PA0084123 (Sew)	Penn Township Municipal Authority—Kinkora 100 Municipal Building Road Duncannon, PA 17020	Perry County Penn Township	Cove Creek 7-A	Y
PA0084701 (Sew)	Penn Township Municipal Authority—Cove 100 Municipal Building Road Duncannon, PA 17020	Perry County Penn Township	UNT Susquehanna River 7-A	Y
PA0247324 (CAFO)	Rohrer Farms, LLC Country View Family Farms CAFO 750 Doe Run Road Lititz, PA 17543	Lancaster County Penn and Warwick Townships	Santo Dominog Creek WWF 7-J Lititz Run WWF 7-J	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0228362	Former Gateway Restaurant and Apartments 5198 Route 87 Highway Williamsport, PA 17701	Lycoming County Plunketts Creek Township	Loyalsock Creek SWP 10B	Y



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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0044016	Fish and Boat Commission Benner Spring Fish Research Station 1735 Shiloh Road State College, PA 16801-6495	Pine Township Crawford County	Shenango River 20-A	Y
PA0210030	James E. Carpino P. O. Box 130 Knoxdale, PA 15847	Knox Township Jefferson County	Indiancam Run 17-C	Y

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

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

**Application No. PA 0038415**, Sewage, **East Pennsboro Township**, 98 South Enola Drive, Enola, PA 17025. This facility is located in East Pennsboro Township, **Cumberland County**.

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

The receiving stream, Conodoguinet Creek, is in Watershed 7-B, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Steelton Municipal Waterworks is located on the Susquehanna River, approximately 3.85 miles downstream. The discharge is not expected to affect the water supply.

The proposed amendment revises the Chesapeake Bay Strategy Implementation interim milestone dates. The final compliance date is not affected.

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

The EPA waiver is not in effect.

**Application No. PA 0020885**, Sewage, **Borough of Mechanicsburg**, 36 West Allen Street, Mechanicsburg, PA 17055. This facility is located in Mechanicsburg Borough, **Cumberland County**.

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

The receiving stream, Conodoguinet Creek, is in Watershed 7-B, and classified for WWF, water supply, recreation and fish consumption. The nearest downstream public water supply intake for Steelton Municipal Waterworks is located on the Susquehanna River, approximately 19.3 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 for a design flow of 2.08 mgd are:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	40	50
Total Suspended Solids	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	9.0		18
(11-1 to 4-30)	16		32
Total Residual Chlorine	0.5		1.6
Total Phosphorus	2.0		4.0
Dissolved Oxygen		Minimum of 5.0 at all times	
pH		From 6.0 to 9.0 inclusive	
Fecal Coliform			
(5-1 to 9-30)		200/100 ml as a Geometric Average	
(10-1 to 4-30)		2,000/100 ml as a Geometric Average	

*Chesapeake Bay Requirements*

	<i>Concentration (mg/l)</i>		<i>Mass (lbs)</i>
	<i>Monthly Average</i>	<i>Monthly</i>	<i>Annual</i>
	Ammonia-N	Report	Report
Kjeldahl-N	Report	Report	XXX
Nitrate-Nitrite as N	Report	Report	XXX
Total Nitrogen	Report	Report	Report
Total Phosphorus	Report	Report	Report
Net Total Nitrogen	XXX	Report	38,565*
Net Total Phosphorus	XXX	Report	5,065*

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

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

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

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

The EPA waiver is not in effect.

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

**PA0218049**, Sewage, **Midway Sewerage Authority**, P. O. Box 600, Midway, PA 15060. This application is for renewal of an NPDES permit to discharge treated sewage from Midway Sewerage Authority Wastewater Treatment Plant in Robinson Township, **Washington County**.

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

*Outfall 001: existing discharge, design flow of 0.5 mgd.*

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

The EPA waiver is in effect.

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

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

**WQM Permit No. 6608401**, Sewerage, **Factoryville Borough and Clinton Township Joint Municipal Authority**, P. O. Box 277, Factoryville, PA 18419. This proposed facility is located in Clinton Township, **Wyoming County**.

Description of Proposed Action/Activity: This project is for the expansion and upgrade of the wastewater treatment plant to have a capacity of .185 mgd and construction of sanitary sewer extensions in Clinton Township.

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

**WQM Permit No. 3808402**, Sewerage, **South Londonderry Township Municipal Authority**, P. O. Box 3, Campbelltown, PA 17010-0003. This proposed facility is located in South Londonderry Township, **Lebanon County**.

Description of Proposed Action/Activity: Seeking approval for the construction of an expansion project of the Campbelltown East wastewater treatment plant.

**WQM Permit No. 6708403**, Sewerage, **Borough of Hanover**, 44 Frederick Street, Hanover, PA 17331. This proposed facility is located in Hanover Borough, **York County**.

Description of Proposed Action/Activity: Approval for the construction of sewerage facilities consisting of additional pipelines parallel to and immediately above the existing sewer main in sections of the Edgegrove Interceptor system.

### 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)

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 0907022	Milford Acquisitions, Inc. 1590 Canary Road Quakertown, PA 18951	Bucks	Richland Township	Tohickon/Unami Creek TSF-HQ-TSF
PAI01 1508053	Timothy M. Sheldon P. O. Box 16 Brandamore, PA 19316	Chester	Honey Brook Township	West Branch Brandywine Creek HQ-TSF-MF
PAI01 1508054	Chester County Parks and Recreation Department 601 Westtown Road Suite 160 P. O. Box 2474 West Chester, PA 19380-0090	Chester	East Coventry, East Vincent and East Pikeland Townships Spring City Borough	Schuylkill River HQ-MF-WWF
PAI01 1508055	Cycle Max 1816 Horseshoe Pike Honey Brook, PA 19344	Chester	West Brandywine Township	West Branch Brandywine Creek HQ-TSF
PAI01 1508056	Phillip Ettelson 1624 Riverview Road Gladwyne, PA 19035-1211	Chester	North Coventry Township	Laurel Run HQ

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024803002R	Pheasant Ridge Dev. Corp. Attn: James Seitz 1700 Cherry Avenue Easton, PA 18040-8154	Northampton	Forks Township	Bushkill Creek HQ-CWF
PAI024803010R	Bushkill Preserve, LLC Attn: James Seitz 502 Red Barn Drive Easton, PA 18040	Northampton	Forks Township	Bushkill Creek HQ-CWF
PAI024803008R	Chrin Land Developers 400 South Greenwood Avenue Easton, PA 18045	Northampton	Palmer Township Tatamy Borough	Bushkill 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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024508012	EPA Real Estate, LLC R. R. 1 Box 1752 Kunkletown, PA 18058	Monroe	Chestnuthill Township	Sugar Hollow Creek CWF EV Wetlands

## **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)

## **STATE CONSERVATION COMMISSION**

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

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

Based upon preliminary reviews, the State Conservation Commission (SCC), or County Conservation Districts (CCD) working under a delegation agreement with the SCC, have completed an administrative review of NMPs described. These

NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at [www.pacd.org/districts/directory.htm](http://www.pacd.org/districts/directory.htm) or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>New or Renewal</i>
Evergreen Farms, Inc. 3012 Evergreen Farms Lane Spruce Creek, PA 16683	Huntingdon	3,827	4,620.12	Dairy	HQ	Renewal
Lawrence Mummau Tuscarora Swine 15879 Mummau Lane Shirleysburg, PA 17260	Huntingdon	199.5	727.0	Hog/Beef	N/A	Renewal
Wonder Why Farm Marsha Snyder 1140 Bernheisel Road Loysville, PA 17047	Perry	140	405.2	Swine/Turkey/ Beef/Sheep	None	Renewal
John Wanner Wanners Pride and Joy 5800 Wanner Road Narvon, PA 17555	Lancaster	529.5	1,334.87	Dairy	HQ	Renewal
Stephen L. Hershey Bridge Valley Farm, LLC 866 Bridge Valley Road Columbia, PA 17512	Lancaster	80	1,802.64	Layers	N/A	Renewal
Burk Lea Farms 3039 Grand Point Road Chambersburg, PA 17202	Franklin	1,179.6	1,809.15	Dairy	N/A	New

**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**

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

**Permit No. 2808507**, Public Water Supply.  
 Applicant **Shippensburg Borough Authority**  
 Municipality Southampton Township  
 County **Franklin**  
 Responsible Official William W. Wolfe, Manager  
 111 North Fayette Street  
 P. O. Box 129  
 Shippensburg, PA 17257-0129  
 Type of Facility Public Water Supply  
 Consulting Engineer Peter Lusardi, P. E.  
 CET Engineering Services  
 1240 North Mountain Road  
 Harrisburg, PA 17112  
 Application Received: August 19, 2008  
 Description of Action New booster pump and chlorine injection system for the Orrstown Storage Tank.

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

**Permit No. 4871-A9**, Public Water Supply.  
 Applicant **Municipal Authority of the Borough of Derry**  
 620 Chestnut Street  
 Derry, PA 15627  
 Township or Borough Borough of Derry  
 Responsible Official Richard Thomas, Manager  
 Municipal Authority of the Borough of Derry  
 620 Chestnut Street  
 Derry, PA 15627  
 Type of Facility Water treatment plant  
 Consulting Engineer The EADS Group, Inc.  
 1126 Eighth Avenue  
 Altoona, PA 16602  
 Application Received Date August 14, 2008  
 Description of Action Replacement of the existing single pump Mowry Way pump station with a new three pump below grade pump station.

## 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.**

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

**10-333B: Penn United Technology, Inc.** (799 North Pike Road, Cabot, PA 16023) to use a non-HAP solvent in the existing batch vapor solvent degreasing equipment at their facility in Jefferson Township, **Butler County**.

**37-243F: INMETCO** (One INMETCO Drive, Ellwood City, PA 16117) for modification of plan approval 37-243D condition with regards to the CO CEM for the 156,000 acfm baghouse controlling the Rotary Hearth Furnace in Ellwood City Borough, **Lawrence County**. This is a Title V facility.

**43-036B: Hodge Foundry, Inc.** (42 Leech Road, Greenville, PA 16125) for construction of the New High Bay building and installation of related new equipment; relocation of existing equipment; construction of casting pits in the Main Bay; installation of new product finishing equipment and some related projects to support operations after the completion of initial construction. This project will allow the facility to increase the melt production to 37,000 tpy of charged metal in Hempfield Township, **Mercer County**. This is a State-only facility.

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

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

**PA 58-329-002: Tennessee Gas Pipeline Co.** (1001 Louisiana Street, Houston, TX 77002) for construction and operation of a simple cycle combustion turbine at their facility in Clifford Township, **Susquehanna County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue Plan Approval No. 58-329-002 to Tennessee Gas Pipeline Co., 1001 Louisiana Street, Houston, TX 77002, for their facility located in Clifford Township, Susquehanna County. The facility currently has Title V Permit No. 58-00001. This plan approval will be incorporated into the Title V operating permit through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

Plan Approval No. 58-329-002 is for construction and operation of a simple cycle combustion turbine at their facility. Currently the company operates primarily three natural gas fired Solar Centaur recuperative turbines each rated at 3,333 hp at Station 321 under Title V operating permit No. 58-00001 in Clifford Township. These three combustion turbines used to move gas through the pipeline system. Natural gas used as a fuel for the turbines. The company has submitted this application to replace existing turbine Source ID 103 with a newer more efficient turbine. This project does not impact emissions from other sources at the site.

The proposed source is subject to the various State and Federal New Source Performance Standard (NSPS) requirements.

A review of the information submitted by the Tennessee Gas Pipeline Co. indicates that the proposed project will meet all applicable State and Federal NSPS air quality requirements. Based upon these findings, the Department plans to approve the application and issue a permit for the facility.

The following table summarizes the potential emissions increases from maximum operation of the turbine according to the application submitted and the Department's own analysis;

<i>Pollutant</i>	<i>Tons Per Year</i>
NOx	7.36
VOCs	6.84
SO <sub>2</sub>	0.67
CO	25.13
Total PM	1.15

The emissions of these pollutants are within all applicable emissions limitations and will not cause an exceedance of the National Ambient Air Quality Standards.

To assure compliance with the applicable standards, the Department will place conditions in the plan approval.

The Plan Approval and Operating Permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, the Department's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711.

Persons wishing to provide the Department with additional information which they believe should be considered prior to the issuance of this permit may submit the information to the address shown in the preceding paragraph. Each written comment must contain the following:

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

Identification of the proposed permit No.: 58-329-002

A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. Persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, when the Department determines notification is sufficient. Written comments or requests for a public hearing should be directed to Raymond Kempa, P. E., Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, (570) 826-2511 within 30 days after publication date.

**58-303-007: Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA 18034) for installation of a new RAP crusher w/screen to their existing asphalt plant at their facility in Clifford Township, **Susquehanna County**. This facility is a non-Title V facility. The facility will be subject to NSPS Subpart OOO. The company will operate the facility and maintain the system in accordance with the good engineering practices to assure proper operation of the system.

#### 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.**

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

**23-00001: Sun Inc.—R & M—Marcus Hook Refinery** (100 Green Streets, Marcus Hook, PA 19061) for operation of a Petrochemical refinery in Marcus Hook Borough, **Delaware County**. As a result of potential emissions of each criteria pollutant, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The renewal/amendment contains all applicable requirements including monitoring, record-keeping and reporting for the new source numbered 619 (17-2A Reforming Unit). There are no sources at this facility that are subject to CAM (40 CFR 64).

**09-00017: Exelon Generation Co., LLC** (3901 North Delaware Avenue, Philadelphia, PA 19137) for renewal of the Title V Operating Permit for their Falls Township Peak Power Plant in Fall Township, **Bucks County**. The initial permit was issued on October 24, 1997, and renewed on October 3, 2003. The facility is a peak power plant. As a result of potential emissions of NOx, the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore

subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The proposed Title V Operating Permit Renewal does not reflect any change in air emissions from the facility. The renewal contains all applicable requirements including monitoring, recordkeeping and reporting. The renewal permit contains all applicable requirements including monitoring, recordkeeping and reporting.

**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.*

**15-00090: National Service Industries** (303 Eagleview Boulevard, Exton, PA 19341) for installation of flexographic printing heads on an existing flexographic printing press at an envelope manufacturing and printing facility in Uwchlan Township, **Chester County**. The plan approval is for a non-Title V (State-only) facility. The process will potentially increase VOC emissions by 3.0 tons per annum. The plan approval will 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.*

**40-00050: Pioneer Aggregates, Inc.** (202 Main Street, Laflin, PA 18702) for operation of a rock crushing operation and associated air cleaning devices at their facility in Dennison Township, **Luzerne 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.*

**21-03033: Lane Enterprises, Inc.** (1244 Claremont Road, Carlisle, PA 17013-9742) for metal coating and burn off ovens in Middlesex Township, **Cumberland County**. The annual emissions of the VOC and PM from the operation are approximately less than 3 and 1 ton respectively. This is a renewal of natural minor operating permit issued in January 2004.

**21-03048: Carlisle Small Animal Veterinary Clinic** (25 Shady Lane, Carlisle, PA 17013) for operation of its animal crematory in Middlesex Township, **Cumberland County**. The State-only operating permit will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2002.

**21-05012: M. H. Technologies, LLC** (1 Mountain Street, P. O. Box C, Mt. Holly Springs, PA 17065) for operation of an electrical insulation paper production facility in the Mt. Holly Springs Borough, **Cumberland County**. This is a renewal of the State-only operating permit issued in September 2003.

**28-05042: Armaclad Doors & Windows, LLC** (P. O. Box 455, Mont Alto, PA 17237) for operation of its door manufacturing facility in Quincy Township, **Franklin**

**County**. The State-only operating permit will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**36-03080: Rohrer's Quarry** (70 Lititz Road, P. O. Box 365, Lancaster, PA 17543) for operation of its quarry and stone crushing facility in Penn and Warwick Townships, **Lancaster County**. This is a renewal of their State-only operating permit issued in 2003.

**36-05106: Premier Custom Built, Inc.** (110 Short Street, New Holland, PA 17557) for the operation of its cabinet manufacturing facility in East Earl Township, **Lancaster County**. This is a renewal of their State-only operating permit issued in 2003.

**36-05121: Paradise Custom Kitchens, Inc.** (3333 Lincoln Highway East, P. O. Box 278, Paradise, PA 17562) for the operation of its cabinet manufacturing facility in Paradise Township, **Lancaster County**. This is a renewal of their State-only operating permit issued in 2003.

**67-03045: Acco Material Handling Solutions, Inc.** (P. O. Box 792, York, PA 17405) for operation of its hoist and crane component manufacturing facility in York Township, **York County**. The State-only operating permit will include emission restrictions, work practice standards, and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a renewal of the State-only operating permit issued in 2003.

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

**60-00014: Evangelical Community Hospital** (1 Hospital Drive, Lewisburg, PA 17837) for renewal of a State-only operating permit for the operation of a hospital facility in Kelly Township, **Union County**.

The facility consists of two 12.5 mmBtu/hr natural gas/No. 2 fuel oil-fired boilers, a 9.5 mmBtu/hr natural gas/No. 2 fuel oil-fired boiler, a .145 mmBtu/hr No. 2 fuel oil-fired furnace, a 5.95 mmBtu/hr natural gas-fired absorption chiller, four No. 2 fuel oil-fired emergency generators (390 hp, 750 hp, 750 hp and 135 hp), a 368 hp No. 2 fuel oil-fired fire pump engine, a 1.5 mmBtu/hr natural gas-fired engine-driven chiller, an ethylene oxide sterilizer and two aboveground No. 2 fuel oil storage tanks (20,000 gallon capacity and 2,000 gallon capacity).

The air contaminant emissions from the facility are not expected to exceed 79.3 tons of SO<sub>x</sub>, 37.8 tons of NO<sub>x</sub>, 16.4 tons of CO, 5.0 tons of PM/PM<sub>2.5</sub>/PM<sub>10</sub>, 2.2 tons of VOCs and .8 ton of HAPs per year.

The Department of Environmental Protection (Department) proposes to renew State-only Operating Permit 60-00014. The Department intends to incorporate into the renewal all conditions currently contained in State-only Operating Permit 60-00014 with these exceptions, additions and changes:

1. Conditions requiring the performance of weekly inspections of the facility to detect the presence of visible air contaminant emissions, visible fugitive air contaminant emissions and malodorous air contaminant emissions, and the maintenance of records of these inspections, have been removed from the permit as the types of sources existing at the facility are not likely to generate visible air contaminant, visible fugitive air contaminant and malodorous air contaminant emissions except under

equipment malfunction conditions which would be likely to be detected, and corrected, long before the once per week inspection would be performed.

2. A condition requiring malfunctions to be reported to the Department has been changed to exempt malfunctions which are not resulting in, or potentially resulting in, air contaminant emissions in excess of an applicable air contaminant emission limitation or are not resulting in, or potentially resulting in, noncompliance with a permit condition.

3. An 8.4 mmBtu/hr natural gas/No. 2 fuel oil-fired boiler has been removed from the permit as it no longer exists at the facility and a 9.5 mmBtu/hr natural gas/No. 2 fuel oil-fired boiler has been added to the permit along with conditions specifying the applicable 25 Pa. Code § 123.11 PM emission limitation and 25 Pa. Code § 123.22 SO<sub>x</sub> emission limitation as well as a condition limiting the fuels used in the respective boiler to natural gas and No. 2 fuel oil.

4. A condition containing an erroneously-stated CO emission limitation for the facility's two 12.55 mmBtu/hr natural gas/No. 2 fuel oil-fired boilers has been corrected.

5. Conditions requiring the maintenance of records of the calculations used to verify compliance with the NO<sub>x</sub> and CO emission limitations for the facility's two 12.55 mmBtu/hr natural gas/No. 2 fuel oil-fired boilers and the PM and SO<sub>x</sub> emission limitations for the facility's emergency generators have been removed from the permit as it is not possible to demonstrate compliance with the respective NO<sub>x</sub>, CO and PM emission limitations by means of calculations alone and compliance with the respective SO<sub>x</sub> emission limitation can be determined by monitoring the sulfur content of the No. 2 fuel oil used in the generators, the maintenance of records of which are required by a condition contained elsewhere in the permit.

6. A 135 hp No. 2 fuel oil-fired emergency generator has been added to the permit.

7. Conditions specifying erroneous PM and SO<sub>x</sub> emission limitations for one of the facility's two chillers, a 1.5 mmBtu/hr natural gas-fired engine-driven chiller, have been corrected.

8. Conditions prohibiting the storage of any VOC-containing liquid with a vapor pressure greater than 1.5 psia in the facility's 20,000 gallon capacity and 2,000 gallon capacity aboveground No. 2 fuel oil storage tanks and requiring the maintenance of records of the vapor pressure of the liquids stored in the tanks have been removed from the permit and replaced with conditions prohibiting the storage of anything other than No. 2 fuel oil in the respective tanks and requiring the maintenance of records of the identity of the materials stored in the tanks.

9. Conditions requiring the submission of semi-annual reports of the number of hours each emergency generator and the fire pump engine are operated each month are being changed to require the submission of annual reports.

10. Conditions have been added to the permit specifying the applicable requirements contained in Subpart WWWW of the National Emission Standards for HAPs, 40 CFR 63.10382—63.10448 (National Emission Standards for HAPs for Hospital Ethylene Oxide Sterilizers) for the facility's ethylene oxide sterilizer.

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

**24-00001: Buehler Lumber Co.** (260 West Main Street, Ridgway, PA 15853-1611) for issuance of a Natural Minor Operating Permit to operate a facility that processes logs into lumber in Ridgway Borough, **Elk County**. The facility's primary emission sources include a wood fired boiler, miscellaneous woodworking operations, fuel (sawdust) stockpiling and a lumber grading operation.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to such applications will also address the applicable 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—34.

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

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

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



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

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

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

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

Persons wishing to comment on an NPDES permit application should submit a statement to the Department at the address of the district mining office indicated above

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:

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

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

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

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

**Permit Number 30841316 and NPDES Permit No. PA0213535, Consol Pennsylvania Coal Company, LLC**, (1800 Washington Road, Pittsburgh, PA 15241), to review the permit for the Bailey Mine and Prep Plant in Richhill Township, **Greene County** to add surface acreage to install two dewatering boreholes and one ventilation borehole for the Bailey Mine. Surface Acres Proposed 13.51. No additional discharges. Application received August 8, 2008.

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

**03030103 and NPDES Permit No. PA0250384. AMFIRE Mining Co., LLC** (One Energy Place). Renewal application for reclamation only of a bituminous surface mine, located in Sugarcreek Township, **Armstrong County**, affecting 130.2 acres. Receiving streams: UNTs to Huling Run, classified for the following use: TSF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received August 25, 2008.

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

**16940107 and NPDES Permit No. PA0226831. RFI Energy, Inc.** (P. O. Box 162, Sligo, PA 16255). Revision to an existing bituminous surface and sandstone removal operation in Perry Township, **Clarion County** affecting 217.0 acres. Receiving streams: Five UNTs to Cherry Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Revisions to add coal refuse disposal, the beneficial use of coal ash for land reclamation and change the land use from forestland and pastureland or land

occasionally cut for hay to unmanaged natural habitat on tracts of land owned by C&K Coal Company. Application received August 25, 2008.

**43080103 and NPDES Permit No. PA0258644. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous surface strip operation in Jackson Township, **Mercer County** affecting 14.2 acres. Receiving streams: UNT to Yellow Creek to Cool Spring Creek, classified for the following use: TSF. There are no potable surface water supply intakes within 10 miles downstream. Application received August 26, 2008.

**16080108 and NPDES Permit No. PA0258652. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Commencement, operation and restoration of a bituminous surface strip operation in Perry Township, **Clarion County** affecting 222.2 acres. Receiving streams: UNTs to the Allegheny River (WWF) and UNTs to the Clarion River, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received August 25, 2008.

**10080103 and NPDES Permit No. PA0258661. Ben Hal Mining Company** (389 Irishtown Road, Grove City, PA 16127). Commencement, operation and restoration of a bituminous surface strip operation in Concord Township, **Butler County** affecting 116.0 acres. Receiving streams: Two UNTs to Pine Run (WWF) and two UNTs to Connequenessing Creek, classified for the following use:

HQ-WWF. The first downstream potable water supply intake from the point of discharge is Pennsylvania American Water Company. Application received August 28, 2008.

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

**17030104 and NPDES No. PA0243451. E. P. Bender Coal Co, Inc.** (P. O. Box 594, Carrolltown, PA 15722), permit renewal for the continued operation and restoration of a bituminous surface and auger mine in Beccaria Township, **Clearfield County**, affecting 220.0 acres. Receiving stream: Snyder Run and UNT to Clearfield Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 22, 2008.

**17960101 and NPDES No. PA0220256. RES Coal, LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920), transfer of an existing bituminous surface mine with an Insignificant Permit Boundary Correction from Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), located in Morris Township, **Clearfield County**, affecting 189.8 acres. Receiving streams: Hawk Run to Moshannon Creek, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 5, 2008.

*Noncoal Applications Received*

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

Table 2

Parameter	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.

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

**35080301. Airport Sand & Gravel Co., Inc.**, (500 Swetland Lane, West Wyoming, PA 18644), commencement, operation and restoration of a quarry operation in Benton, Lenox and Nicholson Townships, **Lackawanna, Susquehanna and Wyoming Counties** affecting 75.1 acres, receiving stream: Tunkhannock Creek, classified for the following use: TSF. Application received August 20, 2008.

**40960803. J. F. Friden**, (1309 Bethel Hill Road, Shickshinny, PA 18655), Stage I and II bond release for a quarry operation in Huntingdon Township, **Luzerne County** affecting 2.0 acres on property owned by J. F. Friden. Application received August 25, 2008.

**64980804. Paul R. Gustin**, (P. O. Box 105, Preston Park, PA 18455), Stage I and II bond release for a quarry

operation in Preston Township, **Wayne County** affecting 1.0 acre on property owned by Bill Bochicho. Application received August 25, 2008.

**64060803. Paul R. Gustin**, (P. O. Box 105, Preston Park, PA 18455), Stage I and II bond release for a quarry operation in Preston Township, **Wayne County** affecting 2.0 acres on property owned by Robert Boguski. Application received August 25, 2008.

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

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

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

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E67-857: Mummert Enterprises, Inc., Morningstar Development**, Tim Mummert, 1945 Hanover Pike, Littlestown, PA 17340, Penn Township, **York County**, United States Army Corps of Engineers, Baltimore District.

To remove an existing 36-foot long 24-inch CMP and to fill two emergent wetlands totaling 0.036 acre of permanent wetland impacts located in the Oil Creek (WWF) Watershed. The project is located on the southeast quadrant at the intersection of Lexington Drive and Timber Lane (Hanover, PA Quadrangle N: 7.3 inches; W: 10.9 inches, Latitude: 39° 47' 24"; Longitude: 76° 57' 11") in Penn Township, York County. The amount of wetland impact is considered a de minimis impact of 0.036 acre and wetland mitigation is not required.

**E28-348: Department of Transportation Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699, Greene Township, **Franklin County**, United States Army Corps of Engineers, Baltimore District.

To: (1) raise the existing I-81 southbound bridge having three spans, a width of 32.0 feet, a total span of 295.0 feet, and an underclearance of 26.0 feet over Conococheague Creek (CWF) (Scotland, PA Quadrangle N: 13.9 inches; W: 12.0 inches, Latitude: 39° 57' 01"; Longitude: 77° 35' 17"); (2) raise the existing I-81 northbound bridge having three spans, a width of 32.0 feet, a total span of 295.0 feet, and an underclearance of 28.0 feet over Conococheague Creek (CWF) (Scotland, PA Quadrangle N: 13.9 inches; W: 12.0 inches, Latitude 39° 57' 00"; Longitude: 77° 35' 18"); (3) construct and maintain a three span prestressed concrete I-Beam bridge having a width of 125.4 feet, a total span of 309.8 feet, and an underclearance of 24.0 feet carrying I-81 over

Conococheague Creek (CWF) (Scotland, PA Quadrangle N: 13.9 inches; W: 12.0 inches, Latitude: 39° 57' 01"; Longitude: 77° 35' 17.5"); and (4) construct and maintain an 18.0-inch stormwater outfall structure discharging to Conococheague Creek (CWF) (Scotland, PA Quadrangle N: 13.9 inches; W: 12.0 inches, Latitude: 39° 57' 01"; Longitude: 77° 35' 20"). The project will result in 150 linear feet (1,300 square feet) of net permanent floodway impacts associated with replacement of the I-81 southbound and northbound bridges over the Conococheague Creek (CWF) in Greene Township, Franklin County.

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

**E02-584-A5. Hanson Aggregates PMA, Inc.**, 2200 Springfield Pike, Connellsville, PA 15425, in South Buffalo and Gilpen Townships, **Armstrong County**, United States Army Corps of Engineers, Pittsburgh District (Downstream beginning point: Freeport, PA Quadrangle N: 11.3 inches; W: 5.6 inches, Latitude: 40° 41' 14.73"; Longitude: 79° 39' 53.35". Upstream end point: Freeport, PA Quadrangle N: 12.75 inches; W: 3.7 inches, Latitude: 40° 41' 42.23"; Longitude: 79° 39' 4.63"). To amend Permit E02-584, 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 Allegheny River Mile Points 30.7 to 31.7, right and left descending bank in South Buffalo and Gilpen Townships, Armstrong County.

**E02-919-A5. Tri-State River Products, Inc.**, Box 218, 334 Insurance Street, Beaver, PA 15009, in South Buffalo and Gilpen Townships, **Armstrong County**, United States Army Corps of Engineers, Pittsburgh District (Downstream beginning point: Freeport, PA Quadrangle N: 11.3 inches; W: 5.6 inches, Latitude: 40° 41' 14.73"; Longitude: 79° 39' 53.35". Upstream end point: Freeport, PA Quadrangle N: 12.75 inches; W: 3.7 inches, Latitude: 40° 41' 42.23"; Longitude: 79° 39' 4.63"). To amend Permit E02-919, 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 Allegheny River Mile Points 30.7 to 31.7, right and left descending bank in South Buffalo and Gilpen Townships, Armstrong County.

**E02-1326-A5. Glacial Sand and Gravel Company**, P. O. Box 1022, Kittanning PA 16201, in South Buffalo and Gilpen Townships, **Armstrong County**, United States Army Corps of Engineers, Pittsburgh District (Downstream beginning point: Freeport, PA Quadrangle N: 11.3 inches; W: 5.6 inches, Latitude: 40° 41' 14.73"; Longitude 79° 39' 53.35". Upstream end point: Freeport, PA Quadrangle N: 12.75 inches; W: 3.7 inches, Latitude: 40° 41' 42.23"; Longitude: 79° 39' 4.63"). To amend Permit E02-1326, 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 Allegheny River Mile Points 30.7 to 31.7, right and left descending bank in South Buffalo and Gilpen Townships, Armstrong County.

**E02-1591. Bright Oaks Associates, LP**, 5541 Walnut Street, Pittsburgh, PA 15232. To construct a new bridge

in North Fayette Township, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Oakdale, PA Quadrangle N: 8.2 inches; W: 13.0 inches, Latitude: 40° 25' 14"; Longitude: 80° 13' 10"). The applicant proposes to remove an existing structure and to construct and maintain a new bridge consisting of a con-span arch culvert having a span of 24.0 feet with an underclearance of 10.0 feet across the channel of North Branch Robinson Run (WWF), to enclose approximately 435.0 linear feet of two UNTs to North Branch Robinson Run consisting of a 36-inch diameter culvert 245.0 linear feet in length and two 60-inch diameter culverts 145.0 linear feet in length and to place and maintain fill a de minimis area of PEM wetlands (0.01 acre) for the purpose of constructing and providing access to the proposed Bright Oaks Residential Development. The project is located on the north side of North Branch Road, approximately 2,000.0 feet northwest from the intersection of North Branch Road and Bateman Road and will impact 0.01 acre of wetlands and 560.0 linear feet of stream channel.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA48-009. Wind Gap Borough**, 29 Mechanic Street, Wind Gap, PA 18091 in Wind Gap Borough, **North-**

**ampton County**, United States Army Corps of Engineers, Philadelphia District.

To remove an abandoned culvert in the Little Bushkill Creek (HQ-CWF) and to restore the stream channel utilizing the restoration waiver, 105.12(a)(16). The project is located at the former Roberti's Garage along South Broadway (SR 0512) (Wind Gap, PA Quadrangle 40° 50' 37.1525"; 75° 17' 35.0879") in Wind Gap Borough, Northampton County.

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

**D65-204EA. Leo Altimus**, 108 Altimus Drive, Boliovar, PA 15923. Fairfield Township, **Westmoreland County**, United States Army Corps of Engineers, Pittsburgh District.

Project proposes to breach and remove Altimus Dam across Hendricks Creek (TSF) for the purpose of restoring the stream to a free flowing condition. The project will restore approximately 100 feet of stream channel. The dam is located approximately 3,000 feet south of the intersection of SR 1011 (Midget Camp Road) and SR 1006 (Creek Road) (Wilpen, PA Quadrangle Latitude: 40° 21' 42"; Longitude: 79° 08' 12").

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## ACTIONS

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### THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

#### FINAL ACTIONS TAKEN FOR NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS AND WATER QUALITY MANAGEMENT (WQM) PERMITS

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

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

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

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

practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0029157 (Sewage)	Keystone College One College Green Lane Plume, PA 18440	Factoryville Borough Wyoming County	South Branch Tunkhannock Creek 4F	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0081981 (Sew)	Ron Taggart Smithville Community, LLC 103 Taggart Drive Coatesville, PA 19320	Lancaster County Providence Township	Huber Run 7-K	Y
PA0084956 (IW)	Larry Mylin Pequea Sewer Services, Inc. 69 Scotland Road Quarryville, PA 17566	Lancaster County Providence Township	Pequea Creek 7-K	Y
PA0070190 (Sew)	Charles Cheatham Allegheny East Conference P. O. Box 266 Pine Forge, PA 19548	Berks County Douglass Township	Manatawny Creek 3-D	Y
PA0008087 (IW)	The Hershey Company 19 East Chocolate Avenue Hershey, PA 17033	Dauphin County Derry Township	Srping Creek 7-D	Y
PA0087769 (GWCU)	Sabino Gomez Texas Eastern Transmission, LP 5400 Westheimer Court Houston, TX 77056	Perry County Carroll Township	UNT Shermans Creek 7-A	Y
PA0044521 (Sew)	Franklin County General Authority 5540 Coffey Avenue Chambersburg, PA 17201	Franklin County Letterkenny Township	UNT Dennis Creek 13-C	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0097012 Sewage	Stonebridge Gardens, Inc. 132 Saddlebrook Road Freidens, PA 15541	Somerset County Quemahoning Township	UNT of Higgins Run	Y
PA0216330 Sewage	Turnpike Commission P. O. Box 67676 Harrisburg, PA 17106	Beaver County Big Beaver Borough	Drainage Swale to Clarks Run	Y
PA0096342 Sewage	Fairchance-Georges Joint Municipal Sewage Authority 141 Big Six Road Smithfield, PA 15478	Fayette County Georges Township	Georges Creek	Y
PA0036595 Sewage	Basalt Trap Rock, LLC 200 Trenton Street Cambridge, MD 21613	Greene County Morgan Township	UNT of South Fork Tennmile Creek	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0103250	Urlick Foundry Company 1501 Cherry Street Erie, PA 16502	City of Erie Erie County	City of Erie storm sewer (Myrtle Street) tributary to Presque Isle Bay 15-PI	Y
PA0043834	Mercer County Regional Council of Governments 2495 Highland Road Hermitage, PA 16148	South Pymatuning Township Mercer County	Shenango River 20-A	Y

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

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

**NPDES Permit No. PA0031135**, Sewage, **Borough of Kutztown**, 45 Railroad Street, Kutztown, PA 19530-1112. This proposed facility is located in Maxatawny Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Watershed 3-B.

**NPDES Permit No. PA0088935**, CAFO, **Robert Barley, Barley Farms**, 37 Chestnut Grove Road, Conestoga, PA 17516-9315. This proposed facility is located in North Codorus Township, **York County**.

Description of Size and Scope of Proposed Operation/Activity: Authorization to operate a 1893-AEU swine operation located in Watershed 7-H.

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

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

**WQM Permit No. 4508403**, Sewerage, **Mount Pocono Municipal Authority**, 303 Pocono Boulevard, Mount Pocono, PA 18344. This proposed facility is located in Mount Pocono Borough, **Monroe County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit to authorize replacement of the existing Route 940 Sewage Pump Station including installation of a manhole, a 10-foot diameter wet well and a 324 ft<sup>2</sup>, 8-foot high pump station enclosure to house pumps and emergency power.

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

**WQM Permit No. 3872403, Amendment No. 08-1**, Sewage, **North Cornwall Township Authority**, 320 South 18th Street, Lebanon, PA 17402. This proposed facility is located in North Cornwall Township, **Lebanon County**.

Description of Proposed Action/Activity: This amendment approves the modification of sewerage facilities consisting of an 18-inch high density polyethylene force main to replace a deteriorating 14-inch ductile iron force main on Dairy Road.

**WQM Permit No. 2808404**, Sewage, **Franklin County General Authority**, 5540 Coffey Avenue, Chambersburg, PA 17201. This proposed facility is located in Letterkenny Township, **Franklin County**.

Description of Proposed Action/Activity: This permit approves the modification of sewerage facilities consisting of Installation of an effluent flow meter, a 24-hour Chart recorder, a LMI Chemical Metering Peristolic Pump to discharge flow proportional liquid chlorine, ATI Series B20 Residual Chlorine Recorder, an automatic phone dialer, a standby generator and 1,000-gallon LP tank and replacement of existing electrical panel.

**WQM Permit No. 5008201**, Industrial Waste, **Mike Trout, Trout Brothers, LLC, Dairy Farm, LLC**, R. D. 2, Box 200c, Loysville, PA 17047. This proposed facility is located in Jackson Township, **Perry County**.

Description of Proposed Action/Activity: This permit approves the construction of a liquid manure storage impoundment and sand settling facilities.

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

**WQM Permit No. 0808201**, CAFO Operation, SIC 0241, **Glenn D. Gorrell**, R. D. 1, Box 220, Milan, PA 18831. This proposed facility is located in Smithfield Township, **Bradford County**.

Description of Proposed Action/Activity: A permit has been issued for the construction and operation of a sand flush manure handling system consisting of a sand separator, pump tank, mechanical solids separator and two HDPE-lined lagoons. The proposed system will handle manure from an existing freestall barn and milking parlor. The two lagoons will provide a total holding capacity, minus 2 feet of freeboard, of approximately 5 million gallons. Gorrell Dairy is an existing dairy farm.

**WQM Permit No. 1708403**, Sewerage, SIC 4952, **Karthus-Burnside Joint Sewer Authority**, P. O. Box 97, Karthus, PA 16845. The proposed facilities are located in Karthus Township, **Clearfield County** and Burnside Township, **Centre County**.

Description of Proposed Action/Activity: A permit has been issued for the construction and operation of a wastewater treatment facility and sewage collection/conveyance system serving Karthaus Township, Clearfield County and Burnside Township, Centre County. The proposed system will discharge 0.115 mgd of treated sewage effluent to the West Branch Susquehanna River.

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

**WQM Permit No. 2608401, William Costello**, 1423 Sharps Point Road, Annapolis, MD 21409. This proposed facility is located in Wharton Township, **Fayette County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of an onlot drip system for sewage treatment and disposal.

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

**WQM Permit No. WQG018645**, Sewerage, **Charles B. Whitmire, Jr.**, 200 Headland Road, Butler, PA 16002-9169. This proposed facility is located in Summit Township, **Butler County**.

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

**WQM Permit No. WQG018646**, Sewerage, **Kelly E. Carr**, 20690 Cole Road, Conneautville, PA 16406. This proposed facility is located in Conneaut Township, **Crawford County**.

Description of Proposed Action/Activity: 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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI201 1503012-R	DHLP Manchester Farms, LP 435 Devon Park Drive Building 20 Wayne, PA 19087	Chester	East Fallowfield Township	West Branch Brandywine Creek EV
PAI01 1503034-R	Chester Valley Golf Club 430 Swedesford Road Malvern, PA 19355	Chester	East Whiteland Township	Valley Creek EV
PAI01 1503105-R	DCW, Inc. 214 Kirkbrae Road Kennett Square, PA 19348	Chester	Oxford Borough	Tributary Little Elk Creek HQ-TSF-MF
PAI01 1507032	Apostolic Christian Church of America 3281 Phoenixville, Pike Phoenixville, PA 19460	Chester	Charlestown Township	Little Valley Creek EV
PAI01 1508041	Greenstone Development II Corporation P. O. Box 973 Paoli, PA 19301	Chester	Malvern Borough	Crum Creek HQ-CWF
PAI01 0907012	Karen Walsh 29 Overlook Drive Danville, PA 17821	Bucks	West Rockhill Township	Ridge Valley Creek HQ
PAI01 0908007	Keystone Floor Products Co. 2969 Samuel Drive Bensalem, PA 19020-7305	Bucks	Bensalem Township	UNT Delaware River/Watershed WWF, MF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024807002	C. A. Lessig, Inc. P. O. Box 158 Wind Gap, PA 18091	Northampton	Wind Gap Borough Plainfield Township	Little Bushkill Creek HQ-CWF, MF
PAI023908002	Briad Lodging Group, LLC 78 Okner Parkway Livingston, NJ 07039	Lehigh	Upper Macungie Township	Iron Run HQ-CWF

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023904029(1)	Palumbo and Shoemaker Partnership 1612 West Allen Street Allentown, PA 18102	Lehigh	Upper Macungie Township	Little Cedar Creek HQ-CWF Little Lehigh 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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033608001	Kenneth F. Steele 227 Green Lane Quarryville, PA 17566	Lancaster	Little Britain Township	Reynolds Run HQ-CWF-MF McCreary Run HQ-TSF-MF
PAI032108003	Lettermen, Inc. Jeffrey Austin 716 North West Street Carlisle, PA 17013	Cumberland	Carlisle Borough	Letort Spring Run EV
PAI032107004	Dave Strong 3064 Bricker Road Manheim, PA 17545	Cumberland	Hampden Township Mechanicsburg Borough	Trindle Spring Run HQ-CWF

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

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

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

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

#### *General Permit Type—PAG-2*

#### *Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bensalem Township Bucks County	PAG200 0908070	Giles and Ransome P. O. Box 85222 Bensalem, PA 19020-8522	Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Northampton Township Bucks County	PAG200 0908064	Barley Homes 46 Barley Road Ivyland, PA 18974	Neshaminy Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Newtown Township Bucks County	PAG200 0908048	Grainhouse Developers, LLC 12 Penns Trail Newtown, PA 18940	UNT Core Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Middletown Township Bucks County	PAG200 0908009	Bridgetown Properties 607 Station Avenue Langhorne, PA 19047	Core Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Warminster Township Bucks County	PAG200 0908051	Warminster Equities, LLC 17000 Horizon Way Mount Laurel, NJ 08054	Pennypack Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Newtown and Upper Makefield Townships Bucks County	PAG200 0907102	Toll Bros., Inc. 250 Gibraltar Road Horsham, PA 19044	Neshaminy Creek Delaware River	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bedminster Township Bucks County	PAG200 0908075	Theodore Harrison 105 Keystone Drive Telford, PA 18959	Deep Run Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Valley Township City of Coatesville South Coatesville Borough	PAG200 1508019	PA American Water Company 4 Wellington Boulevard Wyomissing, PA 19610	Sucker Run and West Branch Brandywine Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
West Whiteland Township Chester County	PAG200 1507006	The Rubinstein Company, LP 2929 Arch Street 28th Floor Philadelphia, PA 19104-2868	Valley Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
East Fallowfield Township Chester County	PAG200 1503072-R	Thompson Homes, Inc. 11781 Lancaster Avenue Suite 201 Berwyn, PA 19312	East Branch Brandywine Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Pennsbury Township Chester County	PAG200 1508033	Dewson Construction Company 7 South Lincoln Street Wilmington, DE 19805	Craig's Mill Run WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
New Garden Township Chester County	PAG200 1507080	The Guizzetti Family Partnership P. O. Box 364 Landenberg, PA 19350	UNT White Clay Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Sadsbury Township Chester County	PAG200 1503099-R	D. Howe and Sons Construction P. O. Box 304 Wagontown, PA 19376	Buck Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Springfield Township Delaware County	PAG200 2308009	Springfield School District 111 West Leamy Avenue Springfield, PA 19064	Crum Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Chester Township Delaware County	PAG200 2308030	Chester Township 1150 Engle Street Chester, PA 19013	Delaware River WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Bethel Township Delaware County	PAR10- J236-R	Belmont 17 15778 McDaniel Avenue West Chester, PA 19380	Brandywine, South Branch Naaman's and West Branch Chester Creeks TSF, MF, WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Concord Township Delaware County	PAR10- J160-R1	Brinton Land Development Association 33 Rock Hill Road Suite 200 Bala Cynwyd, PA 19004	West Branch Chester Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG200 4607169-1	Audubon Land Development 2620 Egypt Road Norristown, PA 19403	Perkiomen Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Horsham Township Montgomery County	PAG200 4608043	Selective Development, LLC 6055 Sheaff Lane Fort Washington, PA 19034	Park Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG200 4608061	SEI Investments 100 Cider Mill Road Oaks, PA 19456	Perkiomen Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Montgomery Township Montgomery County	PAG200 4608082	Community Fellowship 427 Stump Road North Wales, PA 19454	Park Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Providence Township Montgomery County	PAG200 4607178	Comcast 200 Cresson Boulevard Oaks, PA 19456	Schuylkill River TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Gwynedd Township Montgomery County	PAG200 4607188	Better Living Custom Homes, LLC 2526 North Broad Street Colmar, PA 18915	Tributary Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Gwynedd Township Montgomery County	PAG200 4606127	Wawa 260 West Baltimore Pike Wawa, PA 19063	Towamencin Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Pottsgrove Township Montgomery County	PAG200 4608096	Rosedon Construction Co., LLC 201 Pennsylvania Avenue Wayne, PA 19087	Sprogles Run WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lansdale Borough Montgomery County	PAG200 4608098	North Penn School District 401 East Hancock Avenue Lansdale, PA 19446	West Branch Neshaminy Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Worcester Township Montgomery County	PAG200 46007086	MJE Builders, Inc. 920 South Broad Street Lansdale, PA 19446	Zacharias Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG200 4606138-1	Limerick PF, LTD 401 South Schuylkill Avenue Norristown, PA 19403	UNT Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Merion Township Montgomery County	PAG200 4608007	131 and 151 Rock Hill Associates, LP 2701 Renaissance Boulevard 4th Floor King of Prussia, PA 19406	Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

*Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*

Bethlehem Township Northampton County	PAG2004808012	Bethlehem Township Attn: Jon Hammer 4225 Easton Avenue Bethlehem, PA 18020-1496	Nancy Run CWF, MF	Northampton County Conservation District (610) 746-1971
East Pennsboro Township Cumberland County	PAG2002103045R	Richard Yingst Yingst Homes, Inc. 4712 Smith Street Harrisburg, PA 17109	Holtz Run- Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Suite 301 Carlisle, PA 17013 (717) 240-7812
Spring Township Berks County	PAG2000608055	Larry Bortz Wilson School District 2601 Grandview Boulevard West Lawn, PA 19609	Cacoosing Creek CWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Wheatfield Township Perry County	PAG2035008010	Wheatfield Township Park and Recreation Board 1280 New Bloomfield Road New Bloomfield, PA 17068	Little Juniata Creek CWF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068
Bradford County Armenia Township	ESCP 0808801	Tracy L. Gregory Fortuna Energy Inc. 337 Daniel Zenker Drive Horseheads, NY 14845	Rathbone Creek CWF	Bradford County Conservation District Stoll Natural Resource Center R. R. 5 Box 5030C Towanda, PA 18848 (570) 265-5539, Ext. 6
Centre County Greenwood Township	PAG2001406002(1)	Benner Commerce Park Centre Co. Industrial Development Corp. 200 Innovation Boulevard Suite 150 State College, PA 16803	UNT of Logan Branch CWF UNT to Spring Creek CWF	Centre County Conservation District 414 Holmes Avenue Suite 4 Bellefonte, PA 16823 (814) 355-6817
Clearfield County Greenwood Township	PAG2001707004(1)	Department of Transportation District 2-0 1924-30 Daisy Street Ext. Clearfield, PA 16830	West Branch of Susquehanna River WWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Clearfield County Bradford Township	PAG2001708011	Centre Concrete Co. P. O. Box 859 State College, PA 16804	Sulphur Run CWF	Clearfield County Conservation District 650 Leonard Street Clearfield, PA 16830 (814) 765-2629
Columbia County Briar Creek Borough	PAG2001908005	Sheetz, Incorporated Brian K. Soyka 5700 Sixth Avenue Altoona, PA 16602	Susquehanna River CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, Ext. 102

*Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Northumberland County Milton Borough	PAG2004908013	Keystone Sporting Arms 155 Sodom Road Milton, PA 17847	UNT to West Branch of Susquehanna River CWF	Northumberland County Conservation District R. R. 3 Box 238-C Sunbury, PA 17801 (570) 286-7114, Ext. 4
Beaver County Center Township	PAG2000408014	Frank Vescio Center Township 224 Center Grange Road Aliquippa, PA 15001	UNT to Ohio River WWF	Beaver County Conservation District (724) 378-1701

*General Permit Type—PAG-3**Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Cumberland County Carlisle Borough	PAR803710	Penske Logistics, LLC P. O. Box 7635 Reading, PA 19603-7635	Alexander Spring Creek CWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Berks County Muhlenberg Township	PAR803661	Buckeye Energy Services, Inc. Tek Park 5 9999 Hamilton Boulevard Breinigsville, PA 18031	UNT to Laurel Run WWF	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707
Cameron County Emporium Borough Shippen Township	PAR604842	Allegheny Enterprises, Inc. 3835 Roller Coaster Road Corsica, PA 15829	Sinnemahoning Portage Creek CWF	Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664
North East Township Erie County	PAR808376	USF Holland c/o YRC Worldwide Enterprise Services, Inc. 1077 Gorge Boulevard Akron, OH 44309-0471	UNTs to Lake Erie	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Cranberry Township Butler County	PAR208373	GA Industries, LLC 9025 Marshall Road Cranberry Township, PA 16066	UNT to Brush Creek	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

*General Permit Type—PAG-4**Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Somerset Township Somerset County	PAG046300	Barry W. Mosholder P. O. Box 869 Somerset, PA 15501	UNT of Quemahoning Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Young Township Indiana County	PAG046271	James L. Anderson 2368 Iselin Road Saltsburg, PA 15681	Harper's Run Tributary to Blacklegs Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*Facility Location:  
Municipality &  
County*Summit Township  
Butler County*Permit No.*  
PAG049457*Applicant Name &  
Address*Charles B. Whitmire, Jr.  
200 Headland Road  
Butler, PA 16002-9169*Receiving  
Water/Use*UNT to Thorn Creek  
20-C*Contact Office &  
Phone No.*DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
(814) 332-6942Conneaut Township  
Crawford County*Permit No.*  
PAG049458Kelly E. Carr  
20662 Cole Road  
Conneautville, PA 16406UNT to Foster Run  
15DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
(814) 332-6942*General Permit Type—PAG-5**Facility Location:  
Municipality &  
County*Lancaster County  
West Lampeter  
Township*Permit No.*  
PAG053585*Applicant Name &  
Address*Ewing Oil Company  
11949 Robinwood Drive  
Hagerstown, MD  
21742-4483*Receiving  
Water/Use*Goods Run  
TSF*Contact Office &  
Phone No.*DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA 17110  
(717) 705-4707*General Permit Type—PAG-7**Facility Location:  
Municipality &  
County*Spring, Saville and  
Tyrone Townships  
Perry County*Permit No.*  
PAG070003  
PAG070005  
PAG073508*Applicant Name &  
Address*Synagro  
1605 Dooley Road  
P. O. Box B  
Whiteford, MD 21160*Receiving  
Water/Use*

Jeff Mowrer Farm

*Contact Office &  
Phone No.*DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
(717) 705-4707*General Permit Type—PAG-8**Facility Location:  
Municipality &  
County*North Woodbury  
Township  
Blair County*Permit No.*  
PAG083534*Applicant Name &  
Address*Martinsburg Municipal  
Authority  
133 East Allegheny Street  
P. O. Box 307  
Martinsburg, PA 16662*Receiving  
Water/Use*North Woodbury  
Township  
Blair County*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*Spring, Saville and  
Tyrone Townships  
Perry County

<i>Permit No.</i>
PAG080002
PAG080003
PAG080004
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

<i>Applicant Name &amp; Address</i>
Synagro 1605 Dooley Road P. O. Box B Whiteford, MD 21160

<i>Receiving Water/Use</i>
Jeff Mowrer Farm

<i>Contact Office &amp; Phone No.</i>
DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

*General Permit Type—PAG-9**Facility Location:  
Municipality &  
County*Upper Mifflin  
Township  
Cumberland County

<i>Permit No.</i>
PAG093511

<i>Applicant Name &amp; Address</i>
Groff's Septic Service 99 Ickes Lane Newville, PA 17241

<i>Receiving Water/Use</i>
Upper Mifflin Township Cumberland County

<i>Contact Office &amp; Phone No.</i>
DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 (717) 705-4707

James D.  
Foresman, Jr.  
7902 Sulphur  
Spring Road  
Montgomery, PA  
17752  
Washington  
Township  
Lycoming County

<i>Permit No.</i>
PAG094840

<i>Applicant Name &amp; Address</i>
James D. Foresman, Jr. 7902 Sulphur Spring Road Montgomery, PA 17752

<i>Receiving Water/Use</i>
James D. Foresman, Jr. Farm Washington Township Lycoming County

<i>Contact Office &amp; Phone No.</i>
Northcentral Regional Office Water Management Program 208 West Third Street Suite 101 Williamsport, PA 17701 (570) 327-3664

*General Permit Type—PAG-10**Facility Location:  
Municipality &  
County*Berks County  
Muhlenberg  
Township

<i>Permit No.</i>
PAG103529

<i>Applicant Name &amp; Address</i>
Buckeye Energy Services, LLC Tek Park 5 9999 Hamilton Boulevard Breinigsville, PA 18031

<i>Receiving Water/Use</i>
UNT to Laurel Run WWF

<i>Contact Office &amp; Phone No.</i>
DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4707

*Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Springdale Borough Allegheny County	PAG106122	Orion Power MidWest, LP 121 Champion Way Suite 200 Canonsburg, PA 15317	Allegheny River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-12**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Dauphin County Wayne Township	PAG123667	Gary Miller Farm 2146 Powells Valley Road Halifax, PA 17032	6-C Powell Valley Run TSF	DEP—SCRO Watermanagement Program 909 Elmerton Avenue Harrisburg, PA 17110 (717) 705-4802

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

### SAFE DRINKING WATER

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

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

#### Permit No. 2400140, Operations Permit, Public Water Supply.

Applicant	<b>Sand Springs Water Co., Inc.</b> 4511 Falmer Drive Bethlehem, PA 18020 Butler Township
County	<b>Luzerne</b>
Type of Facility	PWS
Consulting Engineer	William J. Schumacher, Jr., P. E. Schumacher Engineering, Inc. 55 North Conahan Drive Hazleton, PA 18201
Permit to Operate Issued	August 18, 2008

#### Permit No. 667W024MA, Public Water Supply.

Applicant	<b>Pennsylvania American Water</b> 800 West Hersheypark Drive Hershey, PA 17033 Wind Gap Borough
County	<b>Northampton</b>
Type of Facility	PWS
Consulting Engineer	Daniel G. Rickard, P. E. Pennsylvania American Water 100 North Pennsylvania Avenue Wilkes-Barre, PA 18701
Permit to Construct Issued	August 26, 2008

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

#### Permit No. 5988501-T1—Operation, Public Water Supply.

Applicant	<b>Hillside View, LLC</b>
Township or Borough	Richmond Township
County	<b>Tioga</b>

Responsible Official Duane Weaver  
Hillside View, LLC  
422 Ridge Road  
Telford, PA 18969

Type of Facility Public Water Supply—Operation

Consulting Engineer N/A

Permit Issued Date August 26, 2008

Description of Action Transfer of ownership of a public water supply permit that approves the use of a groundwater source known as Well No. 1 to supply water to the Hillside View, LLC facility, formerly Far Valley View MHP.

**Permit No. 1401506-T1—Operation, Public Water Supply.**

Applicant **Haines Aaronsburg Municipal Authority**

Township or Borough Haines Township

County **Centre**

Responsible Official Gardner Wagner  
Haines Aaronsburg Municipal Authority  
P. O. Box 254  
Aaronsburg, PA 16820

Type of Facility Public Water Supply—Operation

Consulting Engineer Tracey Olexa  
HRG, Inc.  
474 Windmere Drive  
Suite 100  
State College, PA 16801

Permit Issued Date August 27, 2008

Description of Action Transfer of the permit from Aaronsburg Water Pipes to Haines Aaronsburg Municipal Authority. Well No. 4.

**Permit No. 3957-T1—Operation, Public Water Supply.**

Applicant **Haines Aaronsburg Municipal Authority**

Township or Borough Haines Township

County **Centre**

Responsible Official Gardner Wagner  
Haines Aaronsburg Municipal Authority  
P. O. Box 254  
Aaronsburg, PA 16820

Type of Facility Public Water Supply—Operation

Consulting Engineer Tracey Olexa  
HRG, Inc.  
474 Windmere Drive  
Suite 100  
State College, PA 16801

Permit Issued Date August 27, 2008

Description of Action Transfer of the permit from Aaronsburg Water Pipes to Haines Aaronsburg Municipal Authority. Reservoir and 4 springs.

**Permit No. 1491501-T1—Operation, Public Water Supply.**

Applicant **Haines Aaronsburg Municipal Authority**

Township or Borough Haines Township

County **Centre**

Responsible Official Gardner Wagner  
Haines Aaronsburg Municipal Authority  
P. O. Box 254  
Aaronsburg, PA 16820

Type of Facility Public Water Supply—Operation

Consulting Engineer Tracey Olexa  
HRG, Inc.  
474 Windmere Drive  
Suite 100  
State College, PA 16801

Permit Issued Date August 27, 2008

Description of Action Transfer of the permit from Aaronsburg Water Pipes to Haines Aaronsburg Municipal Authority. Well No. 8.

**Permit No. 1400502-T1—Operation, Public Water Supply.**

Applicant **Haines Aaronsburg Municipal Authority**

Township or Borough Haines Township

County **Centre**

Responsible Official Gardner Wagner  
Haines Aaronsburg Municipal Authority  
P. O. Box 254  
Aaronsburg, PA 16820

Type of Facility Public Water Supply—Operation

Consulting Engineer Tracey Olexa  
HRG, Inc.  
474 Windmere Drive,  
Suite 100  
State College, PA 16801

Permit Issued Date August 27, 2008

Description of Action Transfer of the permit from Aaronsburg Water Pipes to Haines Aaronsburg Municipal Authority. ClorTec onsite sodium hypochlorite generation system.

**Permit No. 1402502-T1—Operation, Public Water Supply.**

Applicant **Haines Aaronsburg Municipal Authority**

Township or Borough Haines Township

County **Centre**

Responsible Official Gardner Wagner  
Haines Aaronsburg Municipal Authority  
P. O. Box 254  
Aaronsburg, PA 16820

Type of Facility Public Water Supply—Operation



Consulting Engineer Tracey Olexa  
 HRG, Inc.  
 474 Windmere Drive  
 Suite 100  
 State College, PA 16801

Permit Issued Date August 27, 2008

Description of Action Transfer of the permit from Aaronsburg Water Pipes to Haines Aaronsburg Municipal Authority. Pressure diatomaceous earth filtration system and bolted stainless storage tank.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Walker Township	P. O. Box 116 McConnellstown, PA 16660	Huntingdon County

*Plan Description:* The approved plan provides for the construction of a Small Flow Treatment Facility (SFTF). The SFTF will serve one single-family dwelling. The SFTF will be located on SR 3039 northwest of McConnellstown, in Walker Township, Huntingdon County and will discharge to Crooked Creek. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the property owner as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Kimmel Township	117 Walter Hollow Road Queen, PA 16670	Bedford County

*Plan Description:* The approved plan provides for the construction of a Small Flow Treatment Facility (SFTF). The SFTF will serve one single-family dwelling. The SFTF will be located on SR 4027 approximately a half mile north Queen in Kimmel Township Bedford County and will discharge to a UNT of Beaverdam Creek. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the property owner as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Freedom Township	131 Municipal Street East Freedom, PA 16637	Blair County

*Plan Description:* The approved plan provides for construction of a Small Flow Treatment Facility to repair a

malfunctioning onlot sewage system located on the Carol Weyandt property. The proposed sewage flows are 400 gallons per day with a discharge to Blue Knob Run. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

**SEWAGE FACILITIES ACT PLAN DISAPPROVAL**

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

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

*Plan Location:* located along Knox and Knoxlyn-Orrtanna Roads.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Highland Township	3641 Fairfield Road Gettysburg, PA 17325	Adams County
Hamiltonban Township	23 Carroll's Tract Road P. O. Box 526 Fairfield, PA 17320	

*Plan Description:* The development proposed 33 single-family homes using onlot sewage disposal and private wells. The project code number is A3-01919-090-2 and A3-01918-175-2. The plan was disapproved because the long term sewage disposal needs of all the lots in the development were not met.

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

**Public Notice of Proposed Consent  
 Order and Agreement**

**Bottle House Site  
 City of Allentown, Lehigh County**

Under section 1113 of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), notice is provided that the Department of Environmental Protection (Department) has entered into de minimis settlements in the form of a Consent Order and Agreement (CO&A) with Americhem, Inc., ColorCo, Ciba Corporation (formerly Ciba Specialty Chemicals Corporation) and Novartis Corporation (formerly Ciba-Geigy Corporation), Penn Color Inc. and Univar USA Inc. (formerly Kramer Chemicals) (Settlors). The CO&A's address the investigation and removal of hazardous substances that were left on the Bottle House Site (Site) by the Settlers. The Settlers will reimburse the Department their portion of the costs incurred to perform the site investigation/response activities at the Site.

The Site is located at 401—451 North Front Street, Allentown, Lehigh County and consists of a large three-story brick building that was the former bottling house for the Neuweiler Brewery. Brewery operations ceased at this site in the late 1960s. The Site then became an industrial property being utilized as a warehouse and manufacturing facility, which is surrounded on three sides by family residences and by a community recreational area on the fourth side. The operations resulted in large quantities of hazardous substances and or contami-

nants being stored in the building. The Department alleges that the Settlers sent nominal amounts of hazardous substances and/or contaminants to the Site. The Department initiated a prompt interim response action under the HSCA on September 27, 1999. The objective of this prompt interim response action was to eliminate the immediate threat to human health and safety and the environment posed by the hazardous substances and/or contaminants that were present on the site. The response was completed on April 28, 2000, at a cost of \$1,563,183.46.

The settlements proposed in each of the CO&A's referenced above would resolve certain potential claims of the Department solely against the Settlers, for future enforcement and reimbursement of response costs incurred by the Department in addressing the release or threat of release of hazardous substances at the Site. The claims originated under the authority of the HSCA. The proposed settlements would require the Settlers to pay the Department the amounts listed as follows for their portion of the response costs.

<i>Settlor</i>	<i>Amount</i>
Americhem	\$ 3,962.00
ColorCo	\$ 9,905.00
Ciba/Novartis	\$13,867.00
Penn Color, Inc.	\$ 5,943.00
Univar USA	\$19,810.00

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

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

### **Notice of Interim Response**

#### **Delps Road Drum Site Lehigh Township, Northampton County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), has initiated a prompt interim response action at the Delps Road Drum Site (Site). This response has been undertaken under section 505(b) and (c) of HSCA (35 P. S. § 6020.505(b) and (c)). The Site is located along Delps Road near the intersection of Delps Road and Red Maple Drive in Lehigh Township, Northampton County, PA.

The Delps Road Site contains a relatively small disposal area (about 30 feet by 50 feet) containing buried drums of waste within a 46.4 acre parcel of property. The Township purchased the property in December 2002 for the purpose of developing a public park. On Monday, April 14, 2008, a sedimentation basin for the park was being constructed and the contractor uncovered buried drums of waste that had chemical odors and had released some of their contents.

The Department has determined that the following hazardous substances as defined by HSCA have been released or present a threat of release at the Site: acetone, benzene, ethyl benzene, toluene, xylene, methyl ethyl ketone, methyl isobutyl ketone, 1,2 dichloroethane, 1,2 dichloroethene, trichloroethene, benzo(a)anthracene, bis (2-ethylhexyl) phthalate, butyl benzyl phthalate, o-cresol, 2,4 dimethyl phenol, phenol, cadmium and lead.

Based upon the fact that a release of a hazardous substance as defined by HSCA has occurred and that an ongoing release is likely if no actions are taken, the Department is authorized to undertake a response action at this Site under section 501(a) of HSCA (35 P. S. § 6020.501(a)).

The buried 55-gallon drums of wastes were approximately 3 feet below existing grade and located within the berm of the sedimentation basin of the public park under construction. These wastes and the associated hazardous substances which have been released present a threat to human health and the environment. There is a potential for this disposal site to impact groundwater. The area surrounding the disposal area is rural and persons rely on individual private or public wells or springs for their water supply. There is no public water supply system near the Site. In addition, the public park will need to be served with a water supply well in the future.

A Prompt Interim Response is justified at this Site for the following reasons: There is no public water supply service to the area in the immediate vicinity of the Delps Road Site. Local residents and businesses rely upon private wells for their water supply needs. The release of the hazardous substances is a threat to contaminate soil, groundwater and water supplies. The Department believes that a Prompt Interim Response is needed at the Site and cannot delay the response for the time required to develop and close an Administrative Record. The Township cannot complete the construction of their park until the waste area is cleaned up and assessed.

The Department is undertaking a prompt interim response at the Site under its authority under Section 501(a) of HSCA. Prompt action is necessary to protect the public health, safety and the environment from the release and threat of release of hazardous substances from the Site. The Department evaluated two alternatives for this proposed interim response which include:

- 1) No Action.
- 2) The Department would excavate and remove the buried wastes and contaminated soils for offsite disposal and assess other potential disposal areas and conduct sampling to demonstrate attainment with the Statewide health standards for soils, if possible. The Department may install groundwater monitoring wells, test groundwater quality and conduct a hydrogeological investigation if it is determined that this work is necessary. In the event that the Department finds that an existing residential well or private water supply has been impacted by site-related contamination at levels that require a response, the Department may provide a temporary water

supply to the affected residents and/or install a point-of-entry treatment (POET) system to treat the water supply. The Department may also reimburse the residents with the impacted water supply for their installation of a POET system by a contracted plumber or water treatment service in lieu of installation by the Department's contractors.

Based upon an evaluation of the Alternatives using criteria including protection of human health and the environment, compliance with applicable and relevant and appropriate requirements, feasibility, permanence and cost-effectiveness, the Department has selected Alternative 2 as the proposed interim response for the Site.

This notice is being provided under section 506(b) of HSCA (35 P. S. § 6020.501(b)). The administrative record, which contains the information that forms the basis and documents the selection of the response action, is available for public review and comment. The administrative record is located at the Lehigh Township Municipal Building, 1069 Municipal Road, Walnutport, PA and is available for review Monday through Friday from 8 a.m. to 4 p.m. The administrative record will be open for comment from September 13, 2008, through December 12, 2008. Persons may submit written comments into the record during this time only, by sending them to Ronald Schock, Project Officer, at the Department's Bethlehem District Office at 4530 Bath Pike, Bethlehem, PA 18017, or by delivering them to that office in person.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. The Department has scheduled the hearing for October 21, 2008, at 10:30 a.m. at the Lehigh Township Municipal Building. The testimony at the public hearing will be limited to the prompt interim response, which involves excavation and removal of contaminated wastes and soil for offsite disposal. An informal public meeting will be held after the public hearing is concluded. Persons wishing to present testimony at the October 21, 2008, hearing regarding this prompt interim response should register with Ronald Schock before October 15, 2008 at (610) 861-2070 or in writing to Ronald Schock at the Department's Bethlehem District Office. If no person registers to present oral comments by the date specified previously listed, the hearing will not be held.

Persons with a disability who wish to attend the October 21, 2008, hearing and require auxiliary aid, service or other accommodations to participate in the proceedings should contact Ronald Schock or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

**Public Notice of Proposed Consent Order and Agreement**

**Marino Brothers HSCA Site  
Borough of Rochester, Beaver County**

Under section 1113 of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), notice is given that the Department of Environmental Protection (Department) has entered into a proposed Consent Order and Agreement (CO&A) with the Borough of Rochester concerning the environmental investigation and cleanup of the former Marino Brothers Scrap Yard (Site). The Site is located in the Borough of Rochester, Beaver County.

The terms of the settlement are set forth in the CO&A, which is available for review at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA. The Department will receive and consider comments

relating to the CO&A for 60 days from the date of this Public Notice. Comments may be submitted, in writing, to Terry Goodwald, Department of Environmental Protection, Hazardous Sites Cleanup, 400 Waterfront Drive, Pittsburgh, PA 15222. Further information may be obtained by contacting Terry Goodwald at (412) 442-4000. TDD users should contact the Department through the Pennsylvania Relay Services at (800) 645-5984.

The Department has reserved the right to withdraw its consent to the CO&A if comments concerning the CO&A disclose facts or considerations which indicate that the CO&A is inappropriate, improper, or not in the public interest. A person adversely affected by the settlement may file an appeal with the Environmental Hearing Board.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 2**

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

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

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

The Department has received the following plans and reports:

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

**Department of Transportation, Maintenance Facility Hollidaysburg, Blair Township, Blair County.** L. Robert Kimball & Associates, Inc., 615 West Highland Avenue, Ebensburg, PA 15931, on behalf of the Department of Transportation, 400 North Street, 7th Floor, P. O. Box 3790, Harrisburg, PA 17105, submitted a final report concerning remediation of site soils and groundwater contaminated with motor fuels, heating oil and used motor oil. The report is intended to document remediation of the site to the Statewide Health Standard.

**Bedford Valley Petroleum McConnellsbury Petroleum Bulk Plant, Ayr Township, Fulton County.** Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Bedford Valley Petroleum, 10228 Lincoln Highway, Everett, PA 15537, submitted a final report concerning remediation of site soils contaminated with unleaded gasoline. The release occurred on May 30, 2008, when a "quick connect" fitting failed on a fuel tanker hose. The report was submitted within 90 days of the release date and is intended to document remediation of the site to the Statewide Health Standard.

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

**Costy's Used Truck and Auto Parts, Inc.,** Richmond Township, **Tioga County,** O'Brien & Gere, 512 East Township Road, 2 Valley Square, Suite 120, Blue Bell, PA 19422 on behalf of David and Daniel Kurzejewski, Costy's Used Truck and Auto Parts, Inc., R. R. 1, Box 876 (2395 South Main Street), Mansfield, PA 16933 has submitted a Remedial Investigation Report and a Final Report concerning remediation of site soil and groundwater contaminated with volatile and semi-VOCs and metals (lead and zinc). The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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

benefits of refuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A work plan for conducting a baseline remedial investigation is required by provisions of the act for compliance with selection of a special industrial area remediation. The baseline remedial investigation, based on the work plan, is compiled into the baseline environmental report to establish a reference point to show existing contamination, describe proposed remediation to be done and include a description of existing or potential public benefits of the use or reuse of the property. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program manager in the Department regional office before which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate regional office. TDD users may telephone the Department through the 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.*

**Bethlehem YMCA,** City of Bethlehem, **Northampton County.** James Koval, HDR Engineering, Inc., 609 West Hamilton Street, Allentown, PA 18101 submitted a Final Report (on behalf of his client, Bethlehem Affordable Housing, LP, 430 East Broad Street, Bethlehem, PA 18011), concerning the remediation of site soils found to have been impacted by a release of No. 2 fuel oil. The report demonstrated attainment of the Residential Statewide Health Standard and was approved on August 28, 2008.

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

**Hyndman Elementary School,** Hyndman Borough, **Bedford County.** Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Bedford Area School District, 330 East John Street, Bedford, PA 15522, submitted a Final Report concerning remediation of groundwater contaminated with heating oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on August 28, 2008.

**Suburban Heating Oil Partners,** City of Lancaster, **Lancaster County.** Groundwater Sciences Corporation, 2601 Market Place Street, Suite 310, Harrisburg, PA 17110, on behalf of Esther M. Goropoulos, 8 Foxglove Circle, Hershey, PA 17033-2619 and Suburban Energy Services, P. O. Box 4833, Syracuse, NY 13221, submitted a Final Report concerning the remediation of site soils and groundwater contaminated with petroleum products. The Final Report demonstrated attainment of a combination of Residential Statewide Health and Site-Specific Standards and was approved by the Department of Environmental Protection on August 29, 2008.

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

**Proposed Rite Aid-Clearfield**, Clearfield Borough, **Clearfield County**, Converse Consultants, 2738 West College Avenue, State College, PA 16801 on behalf of Clearfield Commercial Properties, LP, 1 Atlantic Avenue, Pittsburgh, PA 15202 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with petroleum constituents and chlorinated compounds. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on August 28, 2008.

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

**BTI Special Commodities Route I-80 MM 83.4**, Pine Creek Township, **Jefferson County**. Taylor GeoServices, Inc., 38 Bishop Hollow Road, Suite 200, Newtown Square, PA 19073 on behalf of BTI Special Commodities, Inc., P. O. Box 4805, Des Moines, IA 50305 has submitted a Final Report concerning the remediation of site soils contaminated with benzene, ethylbenzene, methyl-tertbutyl ether, naphthalene, toluene, 1,2,4-trimethylbenzene, cumene, 1,3,5-trimethylbenzene, the Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on August 27, 2008.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

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

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit ID No. 300809. Allegheny Energy Supply Company, LLC**, 800 Cabin Hill Drive, Greensburg, PA 15601. Mitchell Power Station CCB Landfill, 50 Electric Way, Courtney, PA 15067. Operation of a captive residual waste disposal facility in Union Township, **Washington County**. Permit renewal was issued in the Regional Office on August 26, 2008.

**Permit ID No. WMGM028SW001. Johnstown Regional Energy, LLC**, 80 Clinton Street, Johnstown, PA 15901. Beneficial use and processing prior to beneficial use of landfill gas generated by the decomposition of municipal waste and residual waste at the Laurel Highlands Landfill in Jackson Township, **Cambria County**. Permit issued in the Regional Office on August 28, 2008.

**Permit ID No. WMGM028SW002. Johnstown Regional Energy, LLC**, 80 Clinton Street, Johnstown, PA 15901. Beneficial use and processing prior to beneficial use of landfill gas generated by the decomposition of municipal waste and residual waste at the Shade Landfill in Shade Township, **Somerset County**. Permit issued in the Regional Office on August 28, 2008.

**Permit ID No. WMGM028SW003. Johnstown Regional Energy, LLC**, 80 Clinton Street, Johnstown, PA 15901. Beneficial use and processing prior to beneficial use of landfill gas generated by the decomposition of municipal waste and residual waste at the Southern Alleghenies Landfill in Conemaugh Township, **Somerset County**. Permit issued in the Regional Office on August 28, 2008.

#### HAZARDOUS WASTE TREATMENT, STORAGE AND PROPOSAL 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.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706.*

**PAD 980550545. Chester County Solid Waste Authority**, 7224 Division Highway, Narvon, PA 17555-9505. Post Closure Permit issued on August 29, 2008, for Chester County Solid Waste Authority's, Stabilized Disposal Site, located at 7224 Division Highway, Narvon, PA 17555-9505, Caernarvon Township, **Lancaster County**.

#### 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.**

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

**40-329-007GP9: Archer-Daniels-Midland Co.—ADM COCOA** (400 Stony Creek Road, Hazleton, PA 18202) on August 18, 2008, to install and operate three Diesel I/C Engines at the site in Hazle Township, **Luzerne County**.

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

**GP3-67-03146B: Kinsley Construction, Inc.** (P. O. Box 2886, York, PA 17405-2886) on August 28, 2008, for Portable Nonmetallic Mineral Processing Plants under GP3 in Springettsbury Township, **York County**.

**GP5-31-03034: Pennsylvania General Energy Co., LLC** (120 Market Street, Warren, PA 16365) on August 27, 2008, for Natural Gas, Coal Bed Methane or Gob Gas Production or Recovery Facilities under GP5 in Todd Township, **Huntingdon County**.

**GP9-36-03177: Energy Works Lancaster, LLC** (71 Old Mill Bottom Road, Annapolis, MD 21409) on August 27, 2008, for Diesel or No. 2 Fuel-fired Internal Combustion Engines under GP9 in the City of Lancaster, **Lancaster County**.

**GP14-21-03054A: Hollinger Funeral Home, Inc.** (501 North Baltimore Avenue, Mt. Holly Springs, PA 17065) on August 20, 2008, for Human or Animal Crematories under GP14 in Mount Holly Springs Borough, **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.*

**GP14-32-00394: Bowser Minich Pet Crematory** (498 Ben Franklin Road S, Indiana, PA 15701-2342) on May 28, 2008, received authorization under GP-14 to install and operate a pet crematory at their facility in White Township, **Indiana County**.

**GP5-30-00174: CNX Gas Company, LLC** (100 Evergreen Drive, Waynesburg, PA 15370-6000) on May 28, 2008, received authorization under GP-5 to install and operate a compressor station at their McQuay Station facility in Center Township, **Greene County**.

**GP5-63-00932: Range Resources Appalachia, LLC** (380 Southpointe Boulevard, Suite 300, Canonsburg, PA 15317-8561) on June 4, 2008, received authorization under GP-5 to install and operate a compressor station at their WCB Station No. 3 facility in Chartiers Township, **Washington County**.

**GP5-30-00167A: Range Resources Appalachia, LLC** (380 Southpointe Boulevard, Suite 300, Canonsburg, PA 15317-8561) on June 13, 2008, received authorization under GP-5 to install and operate a compressor station at their Garards Fort Compressor Station facility in Greene Township, **Greene County**. This authorization replaces the previous permit, GP5-30-00167, due to the removal and replacement of authorized equipment.

**GP5-26-00578: Atlas Pipeline Pennsylvania, LLC** (P. O. Box 611, 1550 Coraopolis Heights Road, Suite 2, Moon Township, PA 15108-0611) on July 10, 2008, received authorization under GP-5 to install and operate a compressor station at their Pritts Station facility in Lower Tyrone Township, **Fayette County**.

**GP3-30-00178: Fayette Coal & Coke, Inc.** (2611 Memorial Boulevard, Connellsville, PA 15425) on August 11, 2008, to install and operate one Metso/Nordberg Crusher, Model No. LT-106 and one Metso Vibratory Screen, Model No. ST-352, at the Hilltop Large Noncoal Site in Dunkard Township, **Greene County**.

**GP9-30-00178: Fayette Coal & Coke, Inc.** (2611 Memorial Boulevard, Connellsville, PA 15425) on August 11, 2008, to install and operate one Caterpillar C9 300-bhp diesel engine at the Hilltop Large Noncoal Site in Dunkard Township, **Greene County**.

**GP5-63-00941: Atlas Pipeline Pennsylvania, LLC** (P. O. Box 611, 1550 Coraopolis Heights Road, Suite 2, Moon Township, PA 15108-0611) on August 18, 2008, received authorization under GP-5 to install and operate one Waukesha Model L 7042 GL lean-burn engine rated at 1,478 hp, equipped with an oxidation converter; one gas fired propane refrigeration unit powered by an Ajax Model DPC-2802 LE lean-burn engine rated at 384 hp; one Flameco Model SB30-16 dehydrator rated at 1.75 mmBtu/hr; three 30,000 gallon high-pressure, liquid gas storage tanks; and associated supporting equipment at their Robin Hill Compressor Station facility in Robinson Township, **Washington County**.

**Plan Approvals Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

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

**09-0188A: Gamesa Wind PA, LLC** (400 Gamesa Drive, Fairless Hills, PA 19030) on August 28, 2008, to install a regenerative thermal oxidizer (RTO) to control VOC emissions from two existing spray booths at their wind generator manufacturing plant at USX Industrial Complex in Falls Township, **Bucks County**. The RTO will be equipped with low-NOx burners. This facility is a

minor facility. The Plan Approval will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

**46-0200B: John Middleton Co.** (475 North Lewis Road, Limerick, PA 19468) on August 29, 2008, to install a tobacco flavoring process (top dressing) with a total enclosure emission capture system and regenerative thermal oxidizer at their facility in Upper Merion Township, **Montgomery County**. The permit is for a non-Title V State-only facility. The facility will be removing one of three existing uncontrolled rotary drums and replacing it with this new process. VOC emissions will be emissions controlled and reduced by 98%. The process will increase production capacity by eight times and the potential VOC emissions from this new dryer shall not exceed 3.1 tpy. Aggregate annual VOC emissions from the three rotary drums are currently permitted at 18.83 total tpy as an aggregate for the top dressing processes and will not change. NOx emissions will increase by less than 1 tpy. The plan approval will 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) 826-2531.*

**35-320-010: PA Hutchinson Co.** (400 Penn Avenue, Mayfield, PA 18433) on August 14, 2008, to construct and operate a two color Web Heatset Printing Press at their site in Mayfield Borough, **Lackawanna County**.

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

**06-05037G: McConway & Torley, LLC** (109 48th Street, Pittsburgh, PA 15201-2755) on August 25, 2008, to install ladle metallurgy furnace operations and vacuum degassing operations in their steel making facility in Kutztown Borough, **Berks County**.

**06-05066F: Exide Technologies** (P. O. Box 13995, Reading, PA 19612-3995) on August 25, 2008, to install a replacement thermal oxidizer to control emissions from the No. 2 secondary lead smelting system at their Reading smelter in Laureldale Borough and Muhlenberg Township, **Berks County**.

**36-05153A: Richard E. Pierson Construction Co., Inc.** (483 Anchor Road, Rheems, PA 17570) on August 29, 2008, for replacement of the existing crushers, screens, conveyors and other associated equipment at the existing Rheems Stone Quarry in West Donegal Township, **Lancaster 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.*

**09-0180: White Engineering Surfaces Corporation** (One Pheasant Run, Newtown, PA 18940) on August 28, 2008, to operate a batch degreaser in Newtown Township, **Bucks County**.

**09-0180A: White Engineering Surfaces Corp.** (One Pheasant Run, Newtown, PA 18940) on August 28, 2008, to operate a dust collector in Newtown Township, **Bucks County**.

**15-0010C: ArcelorMittal Plate, LLC** (139 Modena Road, Coatesville, PA 19320) on August 28, 2008, to operate a fabric collector in City of Coatesville, **Chester County**.

**46-0031C: SmithKline Beecham, d/b/a GlaxoSmithKline** (709 Swedeland Road, King of Prussia, PA 19406) on August 28, 2008, to operate two new scrubbers in Upper Providence Township, **Montgomery County**.

**23-0012: Epsilon Product Co., LLC** (Post Road and Blueball Avenue, P. O. Box 432, Marcus Hook, PA 19061) on August 28, 2008, to operate plant No. 2 and a thermal oxidizer in Marcus Hook Borough, **Delaware County**.

**23-0001Z: Sunoco, Inc.—R & M** (100 Green Street, Marcus Hook, PA 19061-0426) on August 27, 2008, to operate four auxiliary boilers in Marcus Hook Borough, **Delaware County**.

**23-0003I: ConocoPhillips Co.** (4101 Post Road, Trainer, PA 19061) on August 28, 2008, to operate two new boilers in Trainer Borough, **Delaware County**.

**15-0114: Action Manufacturing Co.** (500 Bailey Crossroads Road, Atglen, PA 19310) on August 28, 2008, to operate a thermal treatment unit in West Fallowfield Township, **Chester County**.

**09-0024E: Waste Management Disposal Services of PA, Inc.** (1000 New Ford Mill Road, Morrisville, PA 19067) on August 27, 2008, to operate a flare to back-up control device in Tullytown Borough, **Bucks County**.

**09-0102B: Clean Earth of Southeast Pennsylvania, Inc.** (7 Steel Road East, Morrisville, PA 19067) on August 27, 2008, to operate an increase to the limits on emissions in Falls Township, **Bucks County**.

**46-0254A: Campania International, Inc.** (2452 Quakertown Road, Suite 100, Pennsburg, PA 18073) on August 27, 2008, to operate a concrete casting in Upper Hanover Township, **Montgomery County**.

**46-0254B: Campania International, Inc.** (2452 Quakertown Road Suite 100, Pennsburg, PA 18073) on August 27, 2008, to operate a steel silo in Upper Hanover Township, **Montgomery County**.

**09-0007B: Waste Management Disposal Services of PA, Inc.** (1000 New Ford Mill Road, Morrisville, PA 19067) on August 27, 2008, to operate a flare to back-up control device in Falls Township, **Bucks County**.

**09-0124F: Fairless Energy, LLC** (5000 Dominion Boulevard, Glen Allen, VA 23060) on August 27, 2008, to operate an auxiliary boiler retrofit in Falls Township, **Bucks County**.

**PA-09-0124B: Fairless Energy, LLC** (5000 Dominion Boulevard, Glen Allen, VA 23060) on August 28, 2008, to operate issued 2008-08-27 00:00:00 to operate a Combined Cycle Combustion Turbines in Falls Township, **Bucks County**.

**PA-46-0037Q: Cabot Supermetals** (P. O. Box 1608, County Line Road, Boyertown, PA 19512) on August 27, 2008, to operate a wet dust collector in Douglass Township, **Montgomery County**.

**09-0087E: Air Products & Chemicals, Inc.** (351 Philadelphia Avenue, Morrisville, PA 19067) on August 27, 2008, to operate a silicon tetrafluoride in Falls Township, **Bucks County**.

**09-0124E: Fairless Energy, LLC** (5000 Dominion Boulevard, Glen Allen, VA 23060) on August 27, 2008, to operate a 31.9 mmBtu/hr gas fired preheater in Falls Township, **Bucks County**.

**15-0078B: Centocor, Inc.** (200 Great Valley Parkway, Malvern, PA 19355) On August 27, 2008, to operate two natural gas fired boilers in East Whiteland Township, **Chester County**.

**46-0167: Parkhouse** (1600 Black Rock Road, Royersford, PA 19468) on August 27, 2008, to operate two boilers/No.2 fuel oil in Upper Providence Township, **Montgomery County**.

**09-0087E: Air Products and Chemicals, Inc.** (351 Philadelphia Avenue, Morrisville, PA 19067) on August 27, 2008, to operate a silicon tetrafluoride production process/wet scrubber with a secondary containment system in Falls Township, **Bucks County**.

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

**18-318-014: Belles Springs Structures, LLC** (74 Airstrip Road, Mill Hall, PA 17751) on August 25, 2008, to extend the authorization to operate a wooden storage shed and gazebo surface coating operation and associated gluing and sealing operations on a temporary basis to February 21, 2009, in Lamar Township, **Clinton County**.

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

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

**67-05014: The York Group, Inc.** (2880 Blackbridge Road, York, PA 17402-9703) on August 28, 2008, to operate their wood casket manufacturing facility in Manchester Township, **York County**. This is a renewal of the Title V operating permit.

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

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

**15-00051: Allan A. Myers, LP—d/b/a Independence Construction Materials—Devault Asphalt Plant** (Route 29, (Devault) Charlestown Township, PA 19432) on August 26, 2008, to operate their hot mix batch asphalt plant on Route 29 in Charlestown Township, **Chester County**. The permit is for a non-Title V (State-only) facility. The Devault Asphalt Plant consists of counter-flow drum mix asphalt plant, with a rated capacity of 450 tpy and an aggregate drum dryer/burner that uses natural gas as the primary fuel and No. 2 fuel oil as the backup fuel. The plant utilizes a baghouse and a cyclone as controls for PM emissions. The plant also has a recycled asphalt pavement crusher, rated at 250 tph. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00086: Neshaminy School District** (2001 Old Lincoln Highway, Langhorne, PA 19047-3240) on August 26, 2008, to operate the High School in Middletown Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. Major sources of air emissions include boilers and emergency generators. The permit will include monitoring, recordkeeping and reporting requirements

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

**09-00109: Bucks County SPCA** (1665 Street Road, Lahaska, PA 18931) on August 28, 2008, to operate an animal crematorium at their facility in Solebury Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. The facility has a potential to emit less than 25 tpy of NOx; the facility is a Natural Minor. The renewal permit will include monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

**09-00052: Forklift Associates, Inc.** (200 Rittenhouse Circle South, Bristol, PA 19007) on August 28, 2008, to operate a spray booth operation in Bristol Township, **Bucks County**. The permit is for a non-Title V (State-only) facility. The facility's potential to emit criteria pollutants is less than major thresholds; therefore the facility is a Natural Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00254: Campania International, Inc.** (2452 Quakertown Road, Pennsburg, PA 18073) on August 29, 2008, to operate a garden ornament product plant in Upper Hanover Township, **Montgomery County**. This is an initial State-only operating permit that includes 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.*

**01-03022: Agricultural Commodities, Inc.** (1585 Granite Station Road, Gettysburg, PA 17325-8345) on August 25, 2008, for operation of a poultry feed mill in Straban Township, **Adams County**. This is a renewal of the State-only operating permit.

**36-03135: Shared Mail Acquisitions, LLC, d/b/a Doodad** (72 Industrial Circle, Lancaster, PA 17601-5928) on August 25, 2008, for printing newspaper inserts at the Leola printing plant in Upper Leacock Township, **Lancaster County**. This is a renewal of the State-only operating permit.

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

**24-00133: North American Hoganas** (210 Ceramic Street, St. Marys, PA 15857) on August 27, 2008, to issue a Natural Minor Operating Permit to operate the facility's air contamination source consisting of: 0.7 mmBtu/hr natural gas boiler and a metal powder blending and packaging system in St. Mary's Borough, **Elk County**.

**37-00162: Precision Plating Co.** (407 Summit View Drive, New Castle, PA 16105) on August 27, 2008, to issue a Natural Minor Operating Permit to operate the facility's air contamination source consisting of: 1.1 mmBtu/hr natural gas usage, hard chromium plating systems (seven tanks and nine rectifiers), sandblasting cabinet and hand wiping solvent usage in Neshannock Township, **Lawrence County**. The facility is subject to 40 CFR Part 63, Subpart N—Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks and is classified as a "small" facility.

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

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

**01-05025: Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201-0809) on August 21, 2008, to operate a crushed stone/bituminous concrete facility in Cumberland Township, **Adams County**. This State-only operating permit was administratively amended to update the conditions in the operating permit to permit the use of commercial fuel oils Nos. 4 and 5 and updates Section G. This is Revision No. 1.

**67-05079: York Building Products Co., Inc.** (P. O. Box 1708, 1020 North Hartley Street, York, PA 17405-1708) on August 28, 2008, to operate their asphalt plant in Jackson Township, **York County**. This State-only operating permit was administratively amended to incorporate plan approval No. 67-05079A. This is Revision No. 1.

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

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

**GP3-46-0074: Allied Recycling Co.** (1725 Limekiln Pike, Suite-3A, Dresher, PA 19025) on August 28, 2008, to operate a portable nonmetallic mineral processing plant in Plymouth Township, **Montgomery County**. This general permit was denied due to local zoning restrictions.

**GP11-46-0028: Allied Recycling Co.** (1725 Limekiln Pike, Suite-3A, Dresher, PA 19025) on August 28, 2008, to operate a nonroad engine to power a portable nonmetallic mineral processing plant in Plymouth Township, **Montgomery County**. This general permit was denied due to local zoning restrictions.

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

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**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes: the Air Quality Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).**

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*Coal Permits Actions*

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

**Permit Number 30861601 and NPDES Permit No. PA0214256, Cobra Mining, LLC**, (P. O. Box 40, 178 Chess Mine Road, Dilliner, PA 15327), to renew the permit for the Dunkard Preparation Plant in Monongahela Township, **Greene County** and related NPDES permit. No additional discharges. Application received December 21, 2007. Permit issued August 27, 2008.

**Permit Number 63831302 and NPDES Permit No. PA0213608, Eighty Four Mining Company**, (P. O. Box J, 1525 Pleasant Grove Road, Claysville, PA 15323), to revise the permit for the Mine No. 84 in Somerset Township, **Washington County** to add acreage to install two boreholes and a buried pipeline to convey fine coal refuse slurry into the mine void. Surface Acres Proposed 5.61. No additional discharges. Application received January 24, 2008. Permit issued August 27, 2008.

**Permit Number 30733707 and NPDES Permit No. PA0215830, Consolidation Coal Company**, (1800 Washington Road, Pittsburgh, PA 15241), to renew the permit for the Robena Refuse Disposal Area in Monongahela Township, **Greene County** and related NPDES permit. No additional discharges. Application received September 15, 2005. Permit issued August 27, 2008.

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

**11070202 and NPDES No. PA0262439, Ebensburg Power Company**, 2840 New Germany Road, P. O. Box 845, Ebensburg, PA 15931, commencement, operation and restoration of a bituminous surface refuse reprocessing mine in Nanty Glo Borough and Jackson Township, **Cambria County**, affecting 83.1 acres. Receiving streams: South Branch Blacklick Creek classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received May 29, 2007. Permit issued August 28, 2008.

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

**03070104 and NPDES Permit No. PA0251267, AMFIRE Mining Co., LLC** (One Energy Place, Latrobe, PA 15650). Permit issued for commencement, operation and reclamation of a bituminous surface/auger mining site located in East Franklin and Washington Townships, **Armstrong County**, affecting 247.3 acres. Receiving streams: UNTs to Limestone Run. Application received December 5, 2007. Permit issued August 27, 2008.

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

**33970105 and NPDES Permit No. PA0227447, Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830) Renewal of an existing bituminous strip operation in Washington Township, **Jefferson County** affecting 84.0 acres. This renewal is issued for reclamation only. Receiving streams: UNT to Fivemile Run and UNT to Horm Run. Application received July 7, 2008. Permit Issued August 27, 2008.

**24820107 and NPDES Permit No. PA0605085, AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650) Renewal of an existing bituminous strip and auger operation in Horton Township, **Elk**

**County** affecting 134.0 acres. This renewal is issued for reclamation only. Receiving streams: UNTs to Brandy Camp Run. Application received July 11, 2008. Permit Issued August 27, 2008.

**33030107 and NPDES Permit No. PA0242403, Falls Creek Energy Co., Inc.** (568 Silvis Hollow Road, Kittanning, PA 16201) Renewal of an existing bituminous strip operation in Winslow Township, **Jefferson County** affecting 20.4 acres. This renewal is issued for reclamation only. Receiving streams: UNT to Soldier Run and Soldier Run. Application received July 7, 2008. Permit Issued August 27, 2008.

**33030108 and NPDES Permit No. PA0242420, Falls Creek Energy Co., Inc.** (568 Silvis Hollow Road, Kittanning, PA 16201) Renewal of an existing bituminous strip and auger operation in Beaver Township, **Jefferson County** affecting 97.8 acres. This renewal is issued for reclamation only. Receiving streams: UNT to Little Sandy Creek. Application received July 7, 2008. Permit Issued August 27, 2008.

**24010101 and NPDES Permit No. PA0241857, FSMR, Inc.** (P. O. Box 203, Brockway, PA 15824) Transfer of an existing bituminous strip, auger and clay removal operation from Energy Resources, Inc. in Horton Township, **Elk County** affecting 264.3 acres. Receiving streams: UNT "G" to Mead Run and UNTs "2" and "3" to Johnson Run. Application received March 10, 2008. Permit Issued August 26, 2008.

**33080101 and NPDES Permit No. PA0258539, MSM Coal Co., Inc.** (P. O. Box 243, DuBois, PA 15801) Commencement, operation and restoration of a bituminous strip operation in Pine Creek Township, **Jefferson County** affecting 23.4 acres. Receiving streams: Cable Run. Application received January 14, 2008. Permit Issued August 25, 2008.

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

**17070117 and NPDES No. PA0256676, Strishock Coal Company** (220 Hillcrest Drive, DuBois, PA 15801), commencement, operation and restoration of a bituminous surface and auger mine in Knox Township, **Clearfield County**, affecting 180.8 acres. Receiving stream: Potts Run, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received November 30, 2007. Permit issued August 25, 2008.

**17040105 and NPDES No. PA0243795, R. B. Contracting** (160 R. B. Contracting Lane, Curwensville, PA 16833), transfer of an existing bituminous surface mine from W. Ruskin Dressler (P. O. Box 39, Rockton, PA 15856), located in Brady Township, **Clearfield County**, affecting 63.9 acres. Receiving stream: East Branch Mahoning Creek, classified for the following use: HQ. There are no potable water supply intakes within 10 miles downstream. Application received March 28, 2008. Permit issued August 18, 2008.

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

**54080101 and NPDES Permit No. PA0224669, Michael Coal Company**, (P. O. Box 8, Williamstown, PA 17098), commencement, operation and restoration of an anthracite surface mine operation in Tremont Township, **Schuylkill County** affecting 133.0 acres, receiving streams: Rausch Creek and/or Swatara Creek. Application received February 27, 2008. Permit issued August 28, 2008.

**35920101R3 and NPDES Permit No. PA0596060. Maco Associates, Inc.**, (400 Mill Street, Dunmore, PA 18512), renewal of an existing anthracite surface mine operation in Fell Township, **Lackawanna County** affecting 1,700.0 acres, receiving stream: Wilson Creek. Application received March 19, 2008. Permit issued August 29, 2008.

*Noncoal Permits Actions*

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

**28940801. Allen L. Mills**, 7201 Slabtown Road, Waynesboro, PA 17268, bond release on a small noncoal (industrial minerals) operation in Antrim Township, **Franklin County**, affecting 5.0 acres. Receiving streams: UNT Conococheague Creek classified for the following use: WWF. Application received April 30, 2008. Permit issued August 19, 2008.

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

**37800303. Slippery Rock Materials, Inc.** (704 Golf Course Road, Volant, PA 16156) Renewal of NPDES Permit No. PA0122734 in Plain Grove Township, **Lawrence County**. Receiving streams: Taylor Run. Application received July 10, 2008. Permit Issued August 27, 2008.

**25900301. Lakeland Aggregates, Inc.** (13053 State Route 89, Wattsburg, PA 16446) Transfer of an existing sand and gravel operation from Hoover Sand and Gravel Co., Inc. in Venango Township, **Erie County** affecting 18.0 acres. Receiving streams: French Creek. Application received May 22, 2008. Permit Issued August 26, 2008.

**42080803. Walter D. Miles** (73 Pleasant Drive, Port Allegany, PA 16743) Commencement, operation and restoration of a small noncoal bluestone operation in Port Allegany Borough, **McKean County** affecting 5.0 acres. Receiving streams: UNT to Allegheny River. Application received May 20, 2008. Permit Issued August 26, 2008.

**42080804. Brent Schoonover** (P. O. Box 393, Shinglehouse, PA 16748) Commencement, operation and restoration of a small noncoal bluestone operation in Foster Township, **McKean County** affecting 5.0 acres. Receiving streams: Harrisburg Run. Application received May 28, 2008. Permit Issued August 26, 2008.

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

**14080801. Christopher P. Bungo** (P. O. Box 5, 3760 Philipsburg-Bigler Highway, West Decatur, PA 16878), commencement, operation and restoration of a small industrial minerals (shale) permit located in Rush Township, **Centre County**, affecting 4.3 acres. Receiving stream: Trout Run, tributary to Moshannon Creek. Application received April 30, 2008. Permit issued August 19, 2008.

**53080801. Randy Cornelius** (P. O. Box 127, Roulette, PA 16746), commencement, operation and restoration of a small industrial minerals (shale) permit located in Pleasant Valley Township, **Potter County**, affecting 5.0 acres. Receiving stream: UNT to Sartwell Creek, classified for the following use: CWF. Application received January 2, 2008. Permit issued August 14, 2008.

**08010816. Konstantinos Economou** (1321 Deer Run Road, Hatfield, PA 19440), noncoal mining operation in Stevens Township, **Bradford County**. Restoration of 1.0 acre completed. Receiving streams: Cold Creek, tributary

to Wyalusing Creek. Application received August 14, 2008. Final bond release August 26, 2008.

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

**52060301 and NPDES Permit No. PA0224511. Springbrook Enterprises, Inc.**, (504 Well Road, Hawley, PA 18428), commencement, operation and restoration of a quarry operation and NPDES Permit for discharge of treated mine drainage in Blooming Grove Township, **Pike County** affecting 29.6 acres, receiving stream: UNT to Billings Creek. Application received February 23, 2006. Permit issued August 25, 2008.

**67070302 and NPDES Permit No. PA0224626. Glen-Gery Corp.**, (P. O. Box 7001, Wyomissing, PA 19610), commencement, operation and restoration of a quarry operation and NPDES Permit for discharge of treated mine drainage in Conewago Township, **York County** affecting 98.9 acres, receiving stream: UNT of Conewago Creek. Application received August 29, 2007. Permit issued August 25, 2008.

**5677SM1C8 and NPDES Permit No. PA0223263. Watstown Brick Company**, (P. O. Box 68, Watstown, PA 17777), correction to an existing quarry operation to update the reclamation plan in Delaware Township, **Northumberland County** affecting 240.0 acres, receiving stream: West Branch Susquehanna River. Application received May 15, 2008. Correction issued August 27, 2008.

**49030301C2 and NPDES Permit No. PA0224316. Meckley's Limestone Products, Inc.**, (R. R. 1, Box 1682, Herndon, PA 17830), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Lower Mahanoy and Jordan Townships, **Northumberland County**, receiving stream: Upper Fiddler Run. Application received June 20, 2008. Renewal issued August 27, 2008.

**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.*

**28084121. David H. Martin Excavating, Inc.**, 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for pipeline development in Washington Township, **Franklin County**. Blasting activity permit end date is December 30, 2009. Permit issued August 18, 2008.

**21084150. M & J Explosives, Inc.**, P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for convenience store development in Middlesex Township, **Cumberland County**. Blasting activity permit end date is August 31, 2009. Permit issued August 18, 2008.

**21084149. M & J Explosives, Inc.**, P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for residential development in Hampden Township, **Cumberland County**. Blasting activity permit end date is August 31, 2009. Permit issued August 18, 2008.

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

**65084005. Bullsken Stone & Lime** (P. O. Box 528, Latrobe, PA 15650). Blasting activity permit for construction at the New Stanton Distribution Park—Lot 4, located in Hempfield Township, **Westmoreland County**, with an expected duration of blasting for 1 year. Permit issued August 25, 2008.

**30084004. Shallenberger Construction** (2611 Memorial Avenue, Connellsville, PA 15425). Blasting activity permit for construction of the Buday No. 9 Atlas Well site, located in Cumberland Township, **Greene County**, with an expected duration of blasting for 180 days. Permit issued August 26, 2008.

**30084005. Shallenberger Construction** (2611 Memorial Avenue, Connellsville, PA 15425). Blasting activity permit for construction of the Buday No. 10 Atlas Well site, located in Cumberland Township, **Greene County**, with an expected duration of blasting for 180 days. Permit issued August 27, 2008.

**63084007. John Kosky Contracting, Inc.** (619 Millers Run Road, Cuddy, PA 15031). Blasting activity permit for construction of the Kosky No. 001 Kriebek Well site, located in Deemston Borough, **Washington County**, with an expected duration of blasting for 180 days. Permit issued August 27, 2008.

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

**53084005. P G E**, (120 Market Street, Warren, PA 16365), blasting for the Frack Pit located in Pleasant Valley Township, **Potter County**. Permit issued August 27, 2008. Permit expires August 27, 2009.

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

**22084112. Abel Construction Co., Inc.**, (P. O. Box 476, Mountville, PA 17554), construction blasting for Deer Run Commons in Derry Township, **Dauphin County** with an expiration date of August 25, 2009. Permit issued August 22, 2008.

**54084001. Anrich, Inc.**, (1271 South Gulph Road, Wayne, PA 19087) and Bernard J. Hasara, (1125 East Mahanoy Avenue, Mahanoy City, PA 17948), construction blasting for the Delano Township Sewer Project in Delano Township, **Schuylkill County** with an expiration date of February 28, 2009. Permit issued August 25, 2008.

**36084198. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a single dwelling in Ephrata Township, **Lancaster County** with an expiration date of October 30, 2008. Permit issued August 25, 2008.

**36084199. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a Chicken House in East Earl Township, **Lancaster County** with an expiration date of October 30, 2008. Permit issued August 25, 2008.

**38084123. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for Hubers Animal Health in Jackson Township, **Lebanon County** with an expiration date of December 30, 2008. Permit issued August 25, 2008.

**38084124. Keystone Blasting Service**, (381 Reifsnyder Road, Lititz, PA 17543), construction blasting for a manure pit in Millcreek Township, **Lebanon**

**County** with an expiration date of December 30, 2008. Permit issued August 25, 2008.

**06084122. J. Roy's, Inc.**, (Box 125, Bowmansville, PA 17507), construction blasting for Wyomissing Sewer Interceptor in Wyomissing and West Reading Boroughs, **Berks County** with an expiration date of September 27, 2009. Permit issued August 27, 2008.

**09084106. American Rock Mechanics, Inc.**, (7531 Chestnut Street, Zionsville, PA 18092), construction blasting for Doylestown Hospital in Doylestown Township, **Bucks County** with an expiration date of August 27, 2009. Permit issued August 29, 2008.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

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

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E46-1023. Township of Lower Merion**, 75 East Lancaster Avenue, Ardmore, PA 19003-2376, Lower Merion Township, **Montgomery County**, United States Army Corps of Engineers, Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the proposed Flat Rock Park improvements within and along the Schuylkill River (WWF, MF):

1. To modify, construct and maintain a 25-foot wide by 50-foot long concrete boat launch ramp with a fixed 6-foot wide by 40-foot long dock adjacent to the ramp.

2. To modify, construct and maintain an 8-foot wide by 40-foot long floating dock connected to a 10-foot wide by 50-foot long boardwalk with handrails.

3. To expand an existing parking lot and associated amenities.

The site is located along River Road (Norristown, PA Quadrangle N: 3.75 inches; W: 0.3 inch).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 134(a)).

**E51-231. Philadelphia Water Department**, 1101 Market Street, 2nd Floor, Philadelphia, PA 19107, City of Philadelphia and **Philadelphia County**, United States Army Corps of Engineers, Philadelphia District.

To relocate an existing stormwater outfall structure and to construct and maintain the proposed 72-inch RCP stormwater outfall structure approximately 500 feet east of the existing outfall structure and along the Schuylkill River (WWF/MF). The site is located at the United States Navy Ship Yard just west of 26th Street and approximately 0.5 mile upstream from the Schuylkill River's confluence with the Delaware River (Philadelphia, PA USGS Quadrangle N: 4.2 inches; W: 12.6 inches).

The issuance of this permit also constitutes approval of a Water Quality Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 134(a)).

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

**E39-453. Prospect Acquisitions, LP**, 404 Sumneytown Pike, Suite 200, North Wales, PA 19454. Upper Milford Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To to construct and remove an outfall to Leibert Creek (HQ-CWF) consisting of a 32-inch by 50-inch reinforced concrete elliptical pipe, endwall and riprap-lined stilling basin; to construct and maintain a minor road crossing of a tributary to Leibert Creek consisting of an open-bottom 3-foot by 6-foot culvert, headwalls and riprap apron; and to construct and maintain two utility line crossings of a tributary to Leibert Creek consisting of an 8-inch waterline and a 2-inch sanitary line. The activities are associated with Estates at Maple Ridge residential development located adjacent to Main Road West (SR 2023) approximately 0.4 mile west of the Turnpike (I-476) (Allentown West, PA Quadrangle N: 0.3 inch; W: 1.2 inches). (Subbasin: 2C)

**E52-201. Forest Glen Estates, LLC**, 826 Broadway, 11th Floor, New York, NY 10003. Delaware Township, **Pike County**, United States Army Corps of Engineers, Philadelphia District.

To remove the existing structure and to construct and maintain a road crossing of EV, PFO wetlands utilizing a 6-foot by 4-foot box culvert depressed 1.0 foot; to place fill in wetlands for the purpose of widening an existing roadway; and to construct and maintain a dry hydrant intake structure in an existing pond. The activities will impact a de minimis area of wetlands less than or equal to 0.05 acre and are associated with the construction of Forest Glen Estates. The project is located on the west side of SR 739, approximately 2 miles northwest of the intersection of SR 739 and SR 2001 (Edgemere, PA Quadrangle N: 3.3 inches; W: 6.5 inches). (Subbasin: 1D)

**E48-392. James R. Blake**, 843 Media Street, Bethlehem, PA 18017. Lower Mt. Bethel Township, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To modify and maintain an existing house partially situated in the floodway of the Delaware River (WWF, MF). Work includes removing an existing detached garage; raising the first floor of the living area above the 100-year flood elevation; constructing an addition on the downstream end of the house; and constructing a garage on the upstream side of the house. The project is located at 449 Delaware Avenue, approximately 0.3 mile southwest of Lower Mud Run Road (Bangor, PA Quadrangle N: 0.7 inch; W: 9.9 inches). (Subbasin: 1F)

**E48-370. Todd H. Dreisbach**, 4315 Fox Drive, Walnutport, PA 18105. Lehigh Township, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To authorize the deepening and expansion of the reservoir of a nonjurisdictional dam having a surface area of approximately 0.3 acre located across a tributary to Bertsch Creek (CWF) and to construct and maintain a dry fire hydrant and a 90 square foot pile supported private recreational dock in the reservoir area. This work was conducted during the repair and restoration of the dam embankment that was damaged by flood waters. The project is located west of the intersection of Deer Path and Fox Drives (Palmerton, PA Quadrangle N: 7.2 inches; W: 7.9 inches). (Subbasin: 2C)

**E45-509. Brodhead Creek Regional Authority**, 410 Stokes Avenue, East Stroudsburg, PA 18301. Pocono Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To relocate, operate and maintain a 12-inch diameter public drinking water supply line beneath Scot Run (HQ-CWF), a UNT to Scot Run (HQ-CWF) and exceptional value wetlands associated to both streams. The waterline crossing beneath Scot Run shall be 60-feet in length with maximum temporary wetland impact of 0.07-acre. The waterline crossing the UNT shall be 16-feet in length, with a maximum temporary wetland impact of 0.02-acre. Relocation of the waterline shall be performed during stream low flow and dry work conditions by dam and pumping, fluming stream flow around the work area or boring beneath stream and wetlands. Since Scot Run is a wild trout fishery, no waterline construction or future repair work shall be conducted in or along the stream channels between October 1 and December 31 without prior written approval from the Fish and Boat Commission. The southern-most waterline crossing is located along the western right-of-way of SR 0611 approximately

2,785-foot north of the SR 0800 and SR 0611 exchange (Mt. Pocono, PA Quadrangle Latitude: 40° 03' 52.09"; Longitude: 75° 19' 05.25", Latitude: 40° 04' 10.48"; Longitude: 75° 19' 25.15"). Wetland impacts incurred by the waterline relocation shall solely be temporary and as such no mitigation through replacement wetlands will be required. (Subbasin: 2A)

**E45-527. Transcontinental Gas Pipe Line Corporation**, 2800 Post Oak Boulevard, Houston, TX 77056. Ross Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain the following Water Obstructions and Encroachments associated with the Monroe County portion of the Sentinal Expansion—Wind Gap Loop Gas Pipeline Project which includes 3.87 miles of 42-in diameter gas pipe line, 0.69 mile of which is located in Ross Township, Monroe County.

1. (S-WG-015) a temporary equipment crossing of a 12-foot wide tributary to Aquashicola Creek (HQ-CWF) with 222 feet of channel impacts (Lat: 40° 51' 27"; Long: 75° 20' 9").

2. (S-WG-016) a gas pipe line crossing and equipment crossing of approximately 22 feet of a tributary to Aquashicola Creek (HQ-CWF) with 114 feet of channel impacts (Lat: 40° 51' 30"; Long: 75° 20' 11").

3. A road crossing of a tributary to Aquashicola Creek (HQ-CWF) consisting of a 24-foot long, 5-foot wide by 3-foot high concrete box culvert (Lat: 40° 51' 30"; Long: 75° 20' 11").

The project will temporarily impact 336 feet of stream channel. Disturbed streambanks will be permanently stabilized with riprap.

The project begins 0.60 mile southeast of the intersection of Mountain Road and Tittle Road (Wind Gap, PA Quadrangle Lat: 40° 51' 9"; Long: 75° 19' 37") and continues to 0.25 mile west of the intersection of Mountain and Tittle Roads (Wind Gap, PA Quadrangle Lat: 40° 51' 33"; Long: 75° 20' 11") Ross Township, Monroe County. (Subbasin: 2B)

**E48-376. LTS Development, LLC**, P. O. Box 160, Shawnee-On-Delaware, PA 18336. Lower Mount Bethel Township, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain the following water obstructions and encroachments associated with the proposed Bethel Hill Farms Subdivision: 1) a road crossing consisting of a 175-foot long concrete arch culvert stream enclosure having a span of 16 feet and underclearance of 7 feet in a tributary to Oughoughton Creek (CWF); 2) a road crossing consisting of a concrete box culvert having a span of 8 feet and an underclearance of 2.5 feet in a tributary to Oughoughton Creek (CWF); 3) a road crossing consisting of a 36-inch diameter reinforced concrete pipe; 4) a 2.5 inch diameter sanitary sewer force main utility line wetland crossing; and 5) a timber pedestrian bridge having a span 35 feet and underclearance of 3.6 feet across a tributary to Oughoughton Creek (CWF).

The project is located east of SR 1017 (Richmond Road), approximately 2,000 feet south of the intersection of SR 0611 and SR 1017 (Belvidere, PA-NJ Quadrangle, Lat: 42° 05' 01"; Long: 75° 06' 46"). (Subbasin: 1C)

**E48-377. Department of Veteran and Military Affairs, Bureau of Facilities and Engineering, Building 0-47**, Fort Indiantown Gap, Annville, PA 17003-5002.

Forks Township, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To place fill in approximately 0.15 acre of the 100-year floodplain of a tributary to Bushkill Creek (HQ-CWF) for the purpose of constructing Stryker Brigade Combat Team Readiness Center and Maintenance Shop. The project is located approximately 0.2 mile southeast of the intersection of SR 1009 (Kesslerville Road) and Uhler Road (Easton, PA-NJ Quadrangle Lat: 40° 45' 09"; Long: 75° 13' 45"). (Subbasin: 2C)

**E48-393. Traditions of America, LP**, One Saucon View Drive, Bethlehem, PA 18017. Hanover Township, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To construct, operate and maintain a treated stormwater outfall to Monocacy Creek (HQ-CWF). The treated stormwater outfall structure shall be constructed with a vegetated swale and depressed rock apron level spreader along Monocacy Creek. Since Monocacy Creek is a WTF, no construction or future repair work shall be done in or along the stream channel between October 1st and December 31st without the written permission of the Fish and Boat Commission. The outfall structure is located approximately 100 feet downstream of the bridge that carries Bridle Path Road across Monocacy Creek (Catasauqua, PA Quadrangle Latitude: 40° 30' 59.91"; Longitude: 75° 22' 51.90"). (Subbasin: 2C)

**E45-522. PPL Electric Utilities Corporation**, 2 North 9th Street, GENN 3, Allentown, PA 18101. Pocono Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain two utility line crossings under Swiftwater Creek (HQ-CWF) by means of directional drilling, each crossing consisting of nine 5-inch diameter conduits within a 36-inch diameter steel casing, for the purpose of providing electrical service to Sanofi Pasteur. The crossings are located on the south side of SR 0314 (Manor Drive), east of SR 0611 (Mount Pocono, PA Quadrangle Latitude: 41° 06' 03"; Longitude: 75° 20' 48") and (Mount Pocono, PA Quadrangle Latitude: 41° 05' 52"; Longitude: 75° 20' 01"). (Subbasin: 1E)

**E39-476. Omega Ridge LP by Omega Land Development LLC its General Partner**, 1150 Cedar Crest Boulevard, Suite 200, Allentown, PA 18103. North Whitehall Township, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain an ariel 36-inch diameter ductile iron stormwater pipe crossing of a tributary to Coplay Creek (CWF), having a span of 60-feet and an approximate underclearance of 4-feet and to construct and maintain a stormwater outfall in the floodway of the tributary to Coplay Creek consisting of a 24-inch diameter HDPE pipe, riprap apron and outfall channel. The project is located along Schneck Road (T-665) approximately 0.25 mile west of the I-476 underpass (Cementon, PA Quadrangle Latitude: 40° 40' 33"; Longitude: 75° 36' 16"). (Subbasin: 2C)

**E66-139. Wyoming County, Wyoming County Courthouse**, 1 Courthouse Square, Tunkhannock, PA 18657. North Branch Township, **Wyoming County**, United States Army Corps of Engineers, Baltimore District.

To remove the existing structure and to construct and maintain a concrete spread box beam bridge, having a normal span of 62.5 feet and an approximate underclearance of 9.5 feet, across North Branch Mehoopany Creek

(CWF). The project is located on Catlin Hill Road (T-423) approximately 0.3 mile south of SR 0087 (Jenningsville, PA Quadrangle Latitude: 40° 33' 30"; Longitude: 75° 21' 40"). (Subbasin: 4G)

**E66-138. Bowman Creek Watershed Association**, P. O. Box 236, Noxen, PA 18636. Noxen Township, **Wyoming County**, United States Army Corps of Engineers, Baltimore District.

To construct and maintain a 1,800 foot long stream channel restoration project in Bowman Creek (HQ-CWF) consisting of the following work: bankfull benches, rock J-hook vanes, streambank restoration and re-establishing the width and alignment of the historical stream channel. Seven temporary log vanes and a bankfull bench were previously authorized by Emergency Permit No. EP66064160 on November 14, 2006, for the purpose of stabilizing the streambanks along the upper limits of the work area. The project begins 250 feet downstream from the SR 0029 bridge and extends downstream to a point just past the confluence of Beaver Run (Noxen, PA Quadrangle Latitude: 41° 25' 05"; Longitude: 76° 02' 49"). (Subbasin: 4G)

**E48-395. Transcontinental Gas Pipe Line Corporation**, 2800 Post Oak Boulevard, Houston, TX 77056. Plainfield and Bushkill Townships, **Northampton County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain the following Water Obstructions and Encroachments associated with the Northampton County portion of the Sentinal Expansion—Wind Gap Loop Gas Pipeline Project which includes 3.87 miles of 42-in diameter gas pipe line 3.18 miles of which is located in Plainfield and Bushkill Townships, Northampton County.

1. (W-WG-002) a temporary equipment crossing of PEM wetlands with 0.12 acre of temporary wetland impacts (Lat: 40° 49' 20"; Long: 75° 17' 8") in Plainfield Township.

2. (S-WG-002) a temporary equipment crossing of a 1-foot wide tributary to Little Bushkill Creek (HQ-CWF) with 266 feet of channel impacts (Lat: 40° 49' 19"; Long: 75° 17' 7") in Plainfield Township.

3. (W-WG-001) a temporary equipment crossing of PEM wetlands with 0.13 acre of temporary wetland impacts (Lat: 40° 49' 21"; Long: 75° 17' 13") in Plainfield Township.

4. (S-WG-001) a temporary equipment crossing of a 3-foot wide tributary to Little Bushkill Creek (HQ-CWF) with 210 feet of channel impacts (Lat: 40° 49' 18"; Long: 75° 17' 15") in Plainfield Township.

5. (W-WG-003A) a temporary equipment crossing of PEM wetlands with 0.01 acre of temporary wetland impacts (Lat: 40° 49' 23"; Long: 75° 17' 11") in Plainfield Township.

6. (W-WG-003) a gas pipe line crossing of approximately 80 feet of PEM wetlands and a temporary equipment crossing of the same wetland with 0.08 acre of temporary wetland impacts (Lat: 40° 49' 23"; Long: 75° 17' 17") in Plainfield Township.

7. (S-WG-003) a gas pipe line crossing and temporary equipment crossing of a 20-foot wide UNT to Little Bushkill Creek (HQ-CWF) with 134 feet of channel impacts (Lat: 40° 49' 24"; Long: 75° 17' 19") in Plainfield Township.

8. (S-WG-004) a gas pipe line crossing and temporary equipment crossing of a 4-foot wide tributary to Little Bushkill Creek (HQ-CWF) with 114 feet of channel impacts (Lat: 40° 49' 26"; Long: 75° 17' 28") in Plainfield Township.

9. (S-WG-004A) a temporary equipment crossing of a 3-foot wide tributary to Little Bushkill Creek (HQ-CWF) with 52 feet of channel impacts (Lat: 40° 49' 26"; Long: 75° 17' 28") in Plainfield Township.

10. (W-WG-004A) a temporary equipment crossing of PEM wetlands with 0.01 acre of temporary wetland impacts (Lat: 40° 50' 3"; Long: 75° 18' 43") in Plainfield Township.

11. (W-WG-004B) a gas pipe line crossing of approximately 75 feet of PEM wetlands and a temporary equipment crossing of the same wetland with 0.08 acre of temporary wetland impacts (Lat: 40° 49' 26"; Long: 75° 31' 41") in Plainfield Township.

12. (W-WG-004) a gas pipe line crossing of approximately 125 feet of PEM wetlands and a temporary equipment crossing of the same wetlands with 0.44 acre of temporary wetland impacts (Lat: 40° 49' 27"; Long: 75° 17' 41") in Plainfield Township.

13. (W-WG-005) a gas pipe line crossing of approximately 20 feet of PEM wetlands and a temporary equipment crossing of the same wetlands with 0.06 acre of temporary wetland impacts (Lat: 40° 49' 35"; Long: 75° 17' 54") in Plainfield Township.

14. (S-WG-005) a temporary equipment crossing of a 3-foot wide tributary to Little Bushkill Creek (HQ-CWF) with 51 feet of channel impacts (Lat: 40° 49' 32"; Long: 75° 17' 52") in Plainfield Township.

15. (W-WG-006) a gas pipe line crossing of approximately 90 feet of PEM wetlands and a temporary equipment crossing of the same wetlands with 0.13 acre of temporary wetland impacts (Lat: 40° 49' 34"; Long: 75° 17' 56") in Plainfield Township.

16. (W-WG-007) a gas pipeline crossing of approximately 120 feet of PEM wetlands and temporary equipment crossing of the same wetlands with 0.22 acre of temporary wetland impacts (Lat: 40° 49' 37"; Long: 75° 18' 00") in Plainfield Township.

17. (S-WG-007) a gas pipe line crossing and temporary equipment crossing of a 5-foot wide tributary to Bushkill Creek (HQ-CWF) with 188 feet of channel impacts (Lat: 40° 49' 38"; Long: 75° 17' 59") in Plainfield Township.

18. (S-WG-008) a gas pipe line crossing and temporary equipment crossing of a 20-foot wide tributary to Bushkill Creek (HQ-CWF) with 94 feet of channel impacts (Lat: 40° 49' 58"; Long: 75° 18' 38") in Bushkill Township.

19. (W-WG-009) a gas pipe line crossing of approximately 365 feet of PEM wetlands and a temporary equipment crossing of the same wetlands with 0.61 acre of temporary wetland impacts (Lat: 40° 50' 03"; Long: 75° 18' 43") in Bushkill Township.

20. (W-WG-010) a gas pipe line crossing of approximately 452 feet of PEM wetlands and a temporary equipment crossing of the same wetlands with 0.66 acre of temporary wetland impacts (Lat: 40° 50' 06"; Long: 75° 18' 49") in Bushkill Township.

21. (S-WG-009) a gas pipe line crossing and temporary equipment crossing of 13-foot wide Sobers Run (HQ-CWF) with 87 feet of channel impacts (Lat: 40° 50' 06"; Long: 75° 18' 48") in Bushkill Township.

22. (W-WG-017) a temporary equipment crossing of PEM wetlands with 0.01 acre of temporary wetland impacts (Lat: 40° 50' 09"; Long: 75° 18' 58") in Bushkill Township.

23. (W-WG-011) a gas pipe line crossing of approximately 215 feet of PEM/SS wetlands and a temporary equipment crossing of the same wetlands with 0.18 acre of temporary wetland impacts (Lat: 40° 50' 18"; Long: 75° 19' 07") in Bushkill Township.

24. (S-WG-011) a gas pipe line crossing of approximately 5-foot wide UNT to Bushkill Creek (HQ-CWF) with 53 feet of channel impacts (Lat: 40° 50' 24"; Long: 75° 19' 13") in Bushkill Township.

25. (W-WG-012) a gas pipe line crossing of approximately 75 feet of PEM wetlands and a temporary equipment crossing of the same wetlands with 0.09 acre of temporary wetland impacts (Lat: 40° 50' 21"; Long: 75° 19' 12") in Bushkill Township.

26. (W-WG-013) a gas pipe line crossing of approximately 12 feet of PEM wetlands and a temporary equipment crossing of the same wetlands with 0.01 acre of temporary wetland impacts (Lat: 40° 50' 24"; Long: 75° 19' 14") in Bushkill Township.

27. (S-WG-012) a gas pipe line crossing and temporary equipment crossing of a 5-foot wide tributary to Bushkill Creek (HQ-CWF) with 212 feet of channel impacts (Lat: 40° 50' 24"; Long: 75° 19' 13") in Bushkill Township.

28. (S-WG-013) fill 0.47 acre of a pond for a 240-foot long gas pipe line crossing of the same pond (Lat: 40° 50' 26"; Long: 75° 19' 17") in Bushkill Township.

29. (S-WG-014) a gas pipe line crossing and temporary equipment crossing of a 7-foot wide tributary to Bushkill Creek (HQ-CWF) with 119 feet of channel impacts (Lat: 40° 50' 30"; Long: 75° 19' 20") in Bushkill Township.

30. (W-WG-021) a gas pipe line crossing of approximately 125 feet of PEM wetlands and a temporary equipment crossing of the same wetlands with 0.04 acre of temporary wetland impacts (Lat: 40° 50' 32"; Long: 75° 19' 22") in Bushkill Township.

The project will temporarily impact 2.88 acres of wetlands and 1,580 linear feet of stream channel, disturbed streambanks will be permanently stabilized with riprap.

The project begins on the north side of Sandt Road 0.44 mile east of the intersection of SR 00115 and Sandt Road (Wind Gap, PA Quadrangle Lat: 40° 49' 18"; Long: 75° 17' 06") in Plainfield Township and continues to 0.60 mile southeast of the intersection of Mountain and Tittle Roads (Wind Gap, PA Quadrangle Lat: 40° 51' 9"; Long: 75° 19' 37") in Bushkill Township, Northampton County. (Subbasins: 1F, 2B)

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

**E18-433. Vance and Elisabeth McCoy**, 204 Beech Creek Avenue, Mill Hall, PA 17751. Renovation of Private Dwelling in the Fishing Creek 100-Year Floodway, in Mill Hall Borough, **Clinton County**, United States Army Corps of Engineers, Baltimore District (Mill Hall, PA Quadrangle Latitude: 41° 06' 21.45"; Longitude: 77° 29' 11.74").

The applicant proposes to remove existing structures and appurtenances and construct, operate and maintain new and additional structures and appurtenances in the renovation of a private dwelling that is located within the

100-year floodway of Fishing Creek. New appurtenances to be constructed are a 9' by 15' rear deck and a 6' by 8' front deck. New structures to be constructed are a 28' by 24' elevated pavilion and 4-foot high perimeter fence. The permittee shall comply with all applicable municipal floodplain management regulations related to the renovation of existing and development of new structures within the 100-year floodplain and/or 100-year floodway. The project is located at 11 Main Street along the southern right-of-way of Main Street and approximately 350-feet west of Pennsylvania Avenue and Main Street intersection. This permit was issued under Section 105.13(e) "Small Projects."

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

**E02-1588. Allegheny County Sanitary Authority (ALCOSAN)**, 3300 Preble Avenue, Pittsburgh, PA 15233-1492. To construct and maintain building in the City of Pittsburgh, **Allegheny County**, United States Army Corps of Engineers, Pittsburgh District (Pittsburgh West, PA Quadrangle N: 17.7 inches; W: 5.6 inches, Latitude: 40° 28' 21"; Longitude: 80° 02' 25"). To construct and maintain a building known as ALCOSAN Customer Service and Training Center on the right bank flood plan of the Ohio River (WWF). The project is located on the west side of Preble Street at the intersection of Preble and Westhall Streets.

**E63-604. Peters Township Sanitary Authority**, 3244 Washington Road, McMurray, PA 15317. To construct and maintain five sanitary sewer stream crossings in Peters Township, **Washington County**, United States Army Corps of Engineers, Pittsburgh District (Bridgeville, PA Quadrangle N: 5.8 inches; W: 13.2 inches, Latitude: 40° 16' 03"; Longitude: 80° 05' 54"). To construct and maintain five sanitary sewer stream crossings below the channel bed, across Brush Run (WWF) for the purpose of replacement of 1,500 LF of Willoughby Woods sanitary sewer interceptor.

#### ENVIRONMENTAL ASSESSMENTS

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

**EA45-032CO. Analomink Rod and Gun Club**, P. O. Box 100, Analomink, PA 18320. Stroud Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain overtopping protection at Analomink Dam across a tributary to Brodhead Creek (HQ-CWF) for the purpose of improving public safety. The dam is located at the intersection of Metzgar Road and Cherry Lane (East Stroudsburg, PA Quadrangle Latitude: 41° 03' 37"; Longitude: 75° 13' 34"). The project will permanently impact 0.04-acre of Palustrine Emergent Wetland. The wetland is classified Exceptional Value per 25 Pa. Code § 105.17(1)(iii). Impacts are considered de minimis and wetland replacement is not required.

**D63-035EA. Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, Claysville Borough, **Washington County**, United States Army Corps of Engineers, Pittsburgh District.

Project proposes to breach and remove Claysville School Street No. 1 Dam across a tributary to Dutch Fork (HQ-WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. Project proposes to restore approximately 1,100

feet of stream channel. The dam is located approximately 1,800 feet northwest of the intersection of Main (US 40) and Wayne Streets (SR 231) (Claysville, PA Quadrangle Latitude: 40° 07' 09"; Longitude: 80° 24' 59").

**D10-001EA. Pennsylvania American Water Company**, 800 West Hersheypark Drive, Hershey, PA 17033, Oakland Township, **Butler County**, United States Army Corps of Engineers, Pittsburgh District.

Project proposes to breach and remove Boydstown Dam across Connoquenessing Creek (HQ-WWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free flowing condition. Project proposes to restore approximately 3,500 feet of stream channel. The project will also involve the construction of a v-notch monitoring weir at the site. The dam is located approximately 1,000 feet northeast of the intersection of SR 38 and Mahood Road (SR 4002) (East Butler, PA Quadrangle Latitude: 40° 56' 21"; Longitude: 79° 50' 35").

**D21-027EA and D21-174EA. Fish and Boat Commission**, 833 Big Spring Road, Newville, PA 17241. West Pennsboro and North Newton Townships, **Cumberland County**, United States Army Corps of Engineers, Baltimore District.

Project proposes to breach and remove two unnamed dams across Big Spring Creek (CWF) for the purpose of restoring the stream to a free flowing condition. The project will restore approximately 200 linear feet of stream channel. The dams are located approximately 1/2 mile North of the intersection of Big Spring (SR 3007) and Log Cabin Roads T333 (Newville, PA Quadrangle Latitude: 40° 08' 18"; Longitude: 77° 24' 24") (Newville, PA Quadrangle Latitude: 40° 08' 09"; Longitude: 77° 24' 21").

#### DAM SAFETY

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

**D36-235EA. Masonic Village of Elizabethtown**, One Masonic Drive, Elizabethtown, PA 17022-2199.

To remove a small existing dam and legacy sediment that was deposited within the natural valley bottom along an approximately 3,200 foot section of Conoy Creek (TSF). The purpose of the project is to restore aquatic resources to a natural condition that existed prior to landclearing, mill damming and other postsettlement activities. Radiocarbon dating of buried presettlement era vegetation and other carbon sources at this site indicate that several feet of legacy sediment is stored within the project area. The interpretation of the site is that legacy sediment was stored here prior to 1931 when the existing dam was constructed. The excavation and removal of legacy sediment will reestablish as much as possible the natural ecological and landscape conditions. The dam removal and natural floodplain, stream and riparian wetland restoration site is located adjacent to Bainbridge Road, approximately 1 mile southwest of the intersection with Masonic Drive in Elizabethtown Borough, **Lancaster County** (Elizabethtown, PA Quadrangle 76° 37' 5" W; 40° 8' 3" N).

**D40-244. Wyoming Valley Inflatable Dam**. Luzerne County Flood Protection Authority, Luzerne County Courthouse, 200 North River Street, Wilkes-Barre, PA 18711.

To construct, operate and maintain Wyoming Valley Inflatable Dam across the Susquehanna River (WWF), impacting 1.06 acre of wetlands (Palustrine Emergent and Palustrine Forested) and 4.5 miles of river and providing 1.06 acre of wetland mitigation, for the purpose of revitalizing interest in the river through new recreation, scenic and economic opportunities. Work includes construction of a 9.5-foot high 960-foot long inflatable run-of-the-river dam (Wilkes-Barre West, PA Quadrangle N: 22.0 inches; W: 5.9 inches) in the City of Wilkes-Barre and Borough of Larksville, **Luzerne County**.

**D21-100. Gary J. Mixell**, 19 Creekview Road, Newville, PA 17241. Mifflin Township, **Cumberland County**, United States Army Corps of Engineers, Baltimore District.

Project proposes to breach and remove Mixell Dam across Doubling Gap 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 1,000 linear feet of stream channel. The dam is located approximately 1,080 feet southeast of the intersection of Center and Asper Roads (Newville, PA Quadrangle Latitude: 40° 11' 60"; Longitude: 77° 25' 06").

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### SPECIAL NOTICES

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#### Planning Grant Awards under Section 901 of the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101

The Department of Environmental Protection (Department) announces the following grants to counties under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (P. L. 556, Act 101) Section 901 and Section 208 of the Waste Tire Recycling Act/Small Business and Household Pollution Prevention Act (Act 190 of 1996).

Planning grants are awarded to counties for 80% of approved costs for preparing municipal waste management plans as required by Act 101, for carrying out related studies, surveys, investigations, inquiries, research and analysis, including those related to siting, environmental mediation, education programs on pollution prevention and household hazardous waste and providing technical assistance to small businesses for pollution prevention. Grants may be awarded for feasibility studies and project development for municipal waste processing or disposal facilities, except for facilities for the combustion of municipal waste that are not proposed to be operated for the recovery of energy. Grant awards are predicated on the receipt of recycling fees required by sections 701 and 702 of Act 101 and the availability of moneys in the Recycling Fund.

Inquiries regarding the grant offerings should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Waste Management, Division of Waste Minimization and Planning, P. O. Box 8472, Harrisburg, PA 17105-8472.

JOHN HANGER,  
*Secretary*



**Act 101, Section 901 Planning Grant**

<i>Region</i>	<i>County</i>	<i>Applicant</i>	<i>Project Description</i>	<i>Grant Award</i>
Southeast				
Northeast				
Southcentral				
Northcentral				
Southwest				
Northwest	Mercer	Mercer County	Plan Revision	\$43,897

**Certification to Perform Radon-Related Activities in Pennsylvania**

In the month of August 2008, the Department of Environmental Protection, under the Radon Certification Act (63 P. S. §§ 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Michael Biechler	2466 Round Top Road Middletown, PA 17057	Testing
Daniel Keogh	518 Kimberton Road Suite 311 Phoenixville, PA 19460	Testing
Russell Knarr	129 North Fifth Street Reynoldsville, PA 15851	Testing
Christopher Marshall	251 Sequoia Drive Newtown, PA 18940	Testing
Eric Mills	P. O. Box 116 Oreland, PA 19075	Testing
Jeffrey Nicholls	P. O. Box 400 Henryville, PA 18332	Testing
Omega LLC—Amerispec	333 Lindsay Road Zelienople, PA 16063	Testing
Ray Ransom, Jr.	55 Dam Overlook Lane Lawrenceville, PA 16929	Testing
Troy Rudy Allied Home Inspections, Inc.	P. O. Box 4214 Lancaster, PA 17604	Mitigation
Jeffrey Smith	1213 Allie Buck Road Nanty Glo, PA 15943	Testing
John Staz, III	1738 North Third Street Suite A Harrisburg, PA 17102	Testing

[Pa.B. Doc. No. 08-1669. Filed for public inspection September 12, 2008, 9:00 a.m.]

**Availability of Technical Guidance**

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Technical Guidance). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2008.

**Ordering Paper Copies of Department Technical Guidance**

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

*Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

*Draft Technical Guidance—Substantive Revision*

DEP ID: 274-0300-005. Title: Applicability Determination and Implementation Procedures for Continuous Source Monitoring Manual Revision No. 8. Description: This technical guidance document proposes the procedures and schedule to be utilized for the owners/operators of affected facilities to comply with Revision No. 8 of the Continuous Source Monitoring Manual (Manual). This technical guidance document also accomplishes the following:

A. It supersedes the previous version of the document titled "Applicability Determination for Continuous Source Monitoring Manual Revision No. 8" that was finalized on December 2, 2006, and posted in the *Pennsylvania Bulletin* on December 27, 2006.

B. It addresses concerns and issues that were not identified or adequately covered in the 2006 version of this document.

C. It incorporates a comprehensive implementation plan that was developed following the completion and testing of the new CEM Document Processing System (CEMDPS).

D. It serves as the official announcement by the Bureau of Air Quality, that the upgraded CEMDPS has become functional. The owners/operators of affected facilities are required to implement the requirements of Revision No. 8 of the Manual as outlined in the technical guidance document.

This technical guidance document applies to the owners/operators of monitored sources that must comply with the requirements of 25 Pa. Code § 139.102(3) (relating to references) (Manual), (Document No. 274-0300-001). The Manual contains requirements relative to monitoring system design and performance, testing, recordkeeping, reporting and quality assurance for affected industrial and utility sources which are required to continuously monitor emissions of pollutants or operational parameters.

In addition to the web site indicated previously, a copy of the draft technical guidance document is available on the Bureau of Air Quality's Continuous Emission Monitoring web site at [www.dep.state.pa.us/dep/deputate/airwaste/eq/cemspage/cems.htm](http://www.dep.state.pa.us/dep/deputate/airwaste/eq/cemspage/cems.htm).

Written Comments: Interested persons may submit written comments on this draft technical guidance document by October 13, 2008. The Department will accept comments submitted by e-mail, but comments submitted by facsimile will not be accepted. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Charles J. Zadakis, Chief, Continuous Source Monitoring Section, Department of Environmental Protection, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468, [czadakis@state.pa.us](mailto:czadakis@state.pa.us). Contact: Questions regarding the technical guidance document should be directed to

Charles J. Zadakis at (717) 772-3944 or [czadakis@state.pa.us](mailto:czadakis@state.pa.us). Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1670. Filed for public inspection September 12, 2008, 9:00 a.m.]

**Laboratory Accreditation Advisory Committee; Meeting Date Change**

The September 11, 2008, meeting of the Laboratory Accreditation Advisory Committee (Committee) has been rescheduled. The meeting will now take place on Monday, September 29, 2008, from 10 a.m. to 3 p.m. in Room 206 of the Bureau of Laboratories Building, 2575 Interstate Drive, Harrisburg, PA 17105-1467.

The agenda and meeting materials for the September 29, 2008, meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: Public Participation, Participate). Questions concerning the September 29, 2008, meeting of the Committee may be directed to Aaren Shaffer Alger at (717) 346-8212 or [aaalger@state.pa.us](mailto:aaalger@state.pa.us).

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Aaren Shaffer Alger at the telephone number or e-mail address previously listed or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 08-1671. Filed for public inspection September 12, 2008, 9:00 a.m.]

**Recycling Markets Infrastructure Development Grant Program; Application Announcement**

Applications for the 2008 Recycling Markets Infrastructure Development Grant (grant) are now available from the Department of Environmental Protection (Department). This grant provides reimbursement for equipment costs associated with increasing the use of recycled content in products by for-profit business entities, whether established or start-up, or incorporated nonprofit organizations located and operating in this Commonwealth as a result of a grant award under this program. One million dollars is available for this initiative. The Department will award grants of up to \$500,000 to any one project. Additional consideration will be given to applications that are developed in consultation with the Pennsylvania Recycling Markets Center ([www.parmc.org](http://www.parmc.org), (717) 948-6660). The Department will accept applications for the program until 4 p.m. on November 3, 2008.

The success of recycling programs is directly related to demand for recyclable goods. Strong, profitable, recycling-based businesses are good for the environment and the economy in this Commonwealth. This grant aims to build strong markets for recycled materials in this Common-

wealth by assisting businesses and nonprofit organizations with increasing their use of recyclable materials in the production of finished products.

Applications for the 2008 program may be obtained by contacting Charles Scheidler, Bureau of Waste Management, cscheidler@state.pa.us, (717) 787-7382. Applications are also available electronically on the Department's web site at www.depweb.state.pa.us (DEP Keyword: Market Development).

JOHN HANGER,  
Acting Secretary

[Pa.B. Doc. No. 08-1672. Filed for public inspection September 12, 2008, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Scary Money Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Scary Money.

2. *Price:* The price of a Pennsylvania Scary Money instant lottery game ticket is \$10.

3. *Play Symbols:* Each Pennsylvania Scary Money instant lottery game ticket will contain one play area featuring a "GHOSTLY NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their captions located in the "GHOSTLY NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN) and 40 (FORTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWY TWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY), 31 (THYONE), 32 (THYTWO), 33 (THYTHR), 34 (THYFOR), 35 (THYFIV), 36 (THYSIX), 37 (THYSVN), 38 (THYEGT), 39 (THYNIN), 40 (FORTY), Bat symbol (BAT) and a Stack Of Cash symbol (CASH).

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$5<sup>00</sup> (FIV DOL), \$10<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$25\$ (TWY FIV), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$250,000 (TWHNFYTH).

5. *Prizes:* The prizes that can be won in this game are: \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$500, \$1,000 and \$250,000. A player can win up to 15 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 2,880,000 tickets will be printed for the Pennsylvania Scary Money instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GHOSTLY NUMBERS" play symbols and a prize symbol of \$250,000 (TWHNFYTH) appears in the "Prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$250,000.

(b) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GHOSTLY NUMBERS" play symbols and a prize symbol of \$1,000 (ONE THO) appears in the "Prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Bat symbol (BAT), and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area to the right of the Bat symbol (BAT), on a single ticket, shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stack Of Cash symbol (CASH), and a prize symbol of \$50\$ (FIFTY) appears in ten of the "Prize" areas, and a prize symbol of \$100 (ONE HUN) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$1,000.

(e) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GHOSTLY NUMBERS" play symbols and a prize symbol of \$500 (FIV HUN) appears in the "Prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$500.

(f) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stack Of Cash symbol (CASH), and a prize symbol of \$25\$ (TWY FIV) appears in ten of the "Prize" areas, and a prize symbol of \$50\$ (FIFTY) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$500.

(g) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Bat symbol (BAT), and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of the Bat symbol (BAT), on a single ticket, shall be entitled to a prize of \$200.

(h) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GHOSTLY NUMBERS" play symbols and a prize symbol of \$100 (ONE HUN) appears in the "Prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(i) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Bat symbol (BAT), and a prize symbol of \$50\$ (FIFTY) appears in the "Prize" area to the right of the Bat symbol (BAT), on a single ticket, shall be entitled to a prize of \$100.

(j) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Stack Of Cash symbol (CASH), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in ten of the "Prize" areas, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in five of the "Prize" areas, on a single ticket, shall be entitled to a prize of \$100.

(k) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GHOSTLY NUMBERS" play symbols and a prize symbol

of \$50\$ (FIFTY) appears in the "Prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(l) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Bat symbol (BAT), and a prize symbol of \$25\$ (TWY FIV) appears in the "Prize" area to the right of the Bat symbol (BAT), on a single ticket, shall be entitled to a prize of \$50.

(m) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GHOSTLY NUMBERS" play symbols and a prize symbol of \$40\$ (FORTY) appears in the "Prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(n) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Bat symbol (BAT), and a prize symbol of \$20\$ (TWENTY) appears in the "Prize" area to the right of the Bat symbol (BAT), on a single ticket, shall be entitled to a prize of \$40.

(o) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GHOSTLY NUMBERS" play symbols and a prize symbol of \$25\$ (TWY FIV) appears in the "Prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(p) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GHOSTLY NUMBERS" play symbols and a prize symbol

of \$20\$ (TWENTY) appears in the "Prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(q) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Bat symbol (BAT), and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area to the right of the Bat symbol (BAT), on a single ticket, shall be entitled to a prize of \$20.

(r) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GHOSTLY NUMBERS" play symbols and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears in the "Prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(s) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols is a Bat symbol (BAT), and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area to the right of the Bat symbol (BAT), on a single ticket, shall be entitled to a prize of \$10.

(t) Holders of tickets upon which any one of the "YOUR NUMBERS" play symbols matches any of the "GHOSTLY NUMBERS" play symbols and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears in the "Prize" area to the right of the matching "YOUR NUMBERS" play symbol, on a single ticket, shall be entitled to a prize of \$5.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When Any Of Your Numbers Match Any Of The Ghostly Numbers, Win Prize Shown To The Right Of The Matching Number. Win With Prize(s) Of:*

<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 2,880,000 Tickets:</i>
\$5 × 2	20	144,000
\$5 w/BAT	20	144,000
\$10	20	144,000
\$5 × 4	120	24,000
\$10 × 2	120	24,000
\$10 w/BAT	60	48,000
\$20	60	48,000
\$5 × 5	120	24,000
(\$5 w/BAT) + (\$5 × 3)	120	24,000
\$25	150	19,200
\$5 × 8	300	9,600
\$10 × 4	300	9,600
\$20 × 2	300	9,600
\$20 w/BAT	300	9,600
\$40	300	9,600
\$5 × 10	600	4,800
\$10 × 5	600	4,800
\$25 × 2	600	4,800
\$25 w/BAT	600	4,800
\$50	600	4,800
\$10 × 10	300	9,600
\$50 × 2	300	9,600
\$50 w/BAT	300	9,600
(\$5 × 10) + (\$10 × 5)	300	9,600
w/STACK OF CASH		
\$100	300	9,600
\$50 × 10	9,231	312
\$100 × 5	9,231	312
(\$100 w/BAT) + (\$100 × 3)	8,571	336
\$500	9,231	312

*When Any Of Your Numbers  
Match Any Of The Ghostly  
Numbers, Win Prize Shown  
To The Right Of The  
Matching Number. Win With  
Prize(s) Of:*

<i>Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 2,880,000 Tickets:</i>
(\$25 × 10) + (\$50 × 5) w/STACK OF CASH	\$500	8,000	360
\$100 × 10	\$1,000	12,000	240
\$500 × 2	\$1,000	12,000	240
\$500 w/BAT	\$1,000	12,000	240
(\$50 × 10) + (\$100 × 5) w/STACK OF CASH	\$1,000	12,000	240
\$1,000	\$1,000	12,000	240
\$250,000	\$250,000	288,000	10

Bat (BAT) symbol = Win double the prize shown to the right of it.  
Stack of Cash (CASH) symbol = Win all 15 prizes shown.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Scary Money instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Scary Money, prize money from winning Pennsylvania Scary Money instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Scary Money instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Scary Money or through normal communications methods.

THOMAS W. WOLF,  
Secretary

[Pa.B. Doc. No. 08-1673. Filed for public inspection September 12, 2008. 9:00 a.m.]

## Pennsylvania Screamin' 7's Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Screamin' 7's.

2. *Price:* The price of a Pennsylvania Screamin' 7's instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania Screamin' 7's instant lottery game ticket will contain one "PLAY AREA" and a separate "Fast Cash Bonus" area containing one prize play symbol or play symbol. The play symbols and their captions located in the "PLAY AREA" are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 18 (EGHTN), 19 (NINTN) and 20 (TWENT). The prize play and play symbols and their captions located in the "Fast Cash Bonus" area are: \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$7.<sup>00</sup> (SVN DOL), \$10.<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), NO BONUS (TRY AGAIN) and TRY AGAIN (NO BONUS).

4. *Prize Symbols:* The prize symbols and their captions, located in the nine "prize" areas are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$7.<sup>00</sup> (SVN DOL), \$10.<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$50\$ (FIFTY), \$100 (ONE HUN), \$500 (FIV HUN), \$1,000 (ONE THO) and \$27,000 (TWYSVNTHO).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$7, \$10, \$20, \$40, \$50, \$100, \$500, \$1,000 and \$27,000. The prizes that can be won in "Fast Cash Bonus" are: \$2, \$4, \$5, \$7, \$10, \$20, \$40, \$50, \$100 and \$500. The player can win up to 10 times on the ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 5,880,000 tickets will be printed for the Pennsylvania Screamin' 7's instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$27,000 (TWYSVNTHO) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$27,000.

(b) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$1,000 (ONE THO) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(c) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$500 (FIV HUN) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$500.

(d) Holders of tickets with a prize play symbol of \$500 (FIV HUN) appearing in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$100 (ONE HUN) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets with a prize play symbol of \$100 (ONE HUN) appearing in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$50\$ (FIFTY) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets with a prize play symbol of \$50\$ (FIFTY) appearing in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$50.

(i) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$40\$ (FORTY) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$40.

(j) Holders of tickets with a prize play symbol of \$40\$ (FORTY) appearing in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$40.

(k) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$20\$ (TWENTY) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$20.

(l) Holders of tickets with a prize play symbol of \$20\$ (TWENTY) appearing in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$20.

(m) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$10<sup>00</sup> (TEN DOL) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$10.

(n) Holders of tickets with a prize play symbol of \$10<sup>00</sup> (TEN DOL) appearing in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$10.

(o) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$7<sup>00</sup> (SVN DOL) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$7.

(p) Holders of tickets with a prize play symbol of \$7<sup>00</sup> (SVN DOL) appearing in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$7.

(q) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$5<sup>00</sup> (FIV DOL) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$5.

(r) Holders of tickets with a prize play symbol of \$5<sup>00</sup> (FIV DOL) appearing in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$5.

(s) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$4<sup>00</sup> (FOR DOL) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$4.

(t) Holders of tickets with a prize play symbol of \$4<sup>00</sup> (FOR DOL) appearing in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$4.

(u) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$2<sup>00</sup> (TWO DOL) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$2.

(v) Holders of tickets with a prize play symbol of \$2<sup>00</sup> (TWO DOL) appearing in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$2.

(w) Holders of tickets with a 7 (SEVEN) play symbol, and a prize symbol of \$1<sup>00</sup> (ONE DOL) appears under that 7 (SEVEN) play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Find A "7" Symbol In The Play Area And Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,880,000 Tickets</i>
\$1 × 2	\$2	30	196,000
\$2 w/FAST CASH BONUS	\$2	30	196,000
\$2	\$2	30	196,000
\$1 × 5	\$5	50	117,600
\$5 w/FAST CASH BONUS	\$5	50	117,600
\$5	\$5	50	117,600
\$1 × 7	\$7	150	39,200
\$7 w/FAST CASH BONUS	\$7	150	39,200
\$7	\$7	50	117,600
\$2 × 5	\$10	375	15,680
(\$2 w/FAST CASH BONUS) + (\$2 × 4)	\$10	375	15,680
\$5 × 2	\$10	375	15,680
\$10 w/FAST CASH BONUS	\$10	375	15,680
\$10	\$10	375	15,680
\$4 × 5	\$20	1,500	3,920
\$5 × 4	\$20	1,500	3,920
\$10 × 2	\$20	1,500	3,920
(\$2 w/FAST CASH BONUS) + (\$2 × 9)	\$20	750	7,840
(\$4 w/FAST CASH BONUS) + (\$4 × 4)	\$20	1,500	3,920
(\$5 w/FAST CASH BONUS) + (\$5 × 3)	\$20	1,500	3,920
(\$10 w/FAST CASH BONUS) + \$10	\$20	1,500	3,920
\$20 w/FAST CASH BONUS	\$20	1,500	3,920

<i>Find A "7" Symbol In The Play Area And Win With Prize(s) Of:</i>	<i>Win:</i>	<i>Approximate Odds Are 1 In:</i>	<i>Approximate No. Of Winners Per 5,880,000 Tickets</i>
\$20	\$20	1,500	3,920
\$5 × 8	\$40	2,000	2,940
\$10 × 4	\$40	2,000	2,940
\$20 × 2	\$40	2,000	2,940
(\$5 w/FAST CASH BONUS) + (\$7 × 5)	\$40	2,000	2,940
(\$10 w/FAST CASH BONUS) + (\$10 × 3)	\$40	2,000	2,940
\$40 w/FAST CASH BONUS	\$40	2,000	2,940
\$40	\$40	2,000	2,940
\$10 × 5	\$50	8,000	735
(\$10 w/FAST CASH BONUS) + (\$10 × 4)	\$50	8,000	735
(\$20 w/FAST CASH BONUS) + (\$5 × 6)	\$50	8,000	735
(\$40 w/FAST CASH BONUS) + \$10	\$50	8,000	735
\$50 w/FAST CASH BONUS	\$50	8,000	735
\$50	\$50	8,000	735
\$20 × 5	\$100	8,000	735
\$50 × 2	\$100	8,000	735
(\$20 w/FAST CASH BONUS) + (\$20 × 4)	\$100	8,000	735
\$100 w/FAST CASH BONUS	\$100	8,000	735
\$100	\$100	8,000	735
(\$50 w/FAST CASH BONUS) + (\$50 × 9)	\$500	280,000	21
\$100 × 5	\$500	280,000	21
\$500 w/FAST CASH BONUS	\$500	280,000	21
\$500	\$500	280,000	21
(\$100 w/ FAST CASH BONUS) + (\$100 × 9)	\$1,000	840,000	7
(\$500 w/ FAST CASH BONUS) + \$500	\$1,000	840,000	7
\$1,000	\$1,000	840,000	7
\$27,000	\$27,000	840,000	7

FAST CASH BONUS = Reveal prize amount from \$2 to \$500 and win that prize automatically.

Prizes, including top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Screamin' 7's instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Screamin' 7's, prize money from winning Pennsylvania Screamin' 7's instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Screamin' 7's instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Screamin' 7's or through normal communications methods.

THOMAS W. WOLF,  
*Secretary*

[Pa.B. Doc. No. 08-1674. Filed for public inspection September 12, 2008, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Application for Lease of Right-of-Way

The Department of Transportation (Department), under the authority contained in section 2002(c) of The Administrative Code of 1929 (71 P. S. § 512(c)) and 67 Pa. Code § 495.4(d) (relating to application procedure), gives notice that an application to lease highway right-of-way has been submitted to the Department by Thomas Hashem, 348 North Rebecca Avenue, Scranton, PA 18504, seeking to lease highway right-of-way located at 1210—1212 and 1216—1218 Mulberry Street, Scranton, PA 18504, Lackawanna County, 8,440 square feet, adjacent to SR 3027, Section 201, for purpose of parking.

Interested persons are invited to submit, within 30 days from the publication of this notice in the *Pennsylvania Bulletin*, written comments, suggestions and/or objections regarding the approval of this application to Department of Transportation, Engineering District 4-0, c/o George Roberts, P. E., District Executive, 55 Keystone Industrial Park, Dunmore, PA 18512.

Questions regarding this application or the proposed use may be directed to Ralph Del Rosso, Right-of-Way Administrator, 55 Keystone Industrial Park, Dunmore, PA 18512, (570) 963-4071.

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

[Pa.B. Doc. No. 08-1675. Filed for public inspection September 12, 2008, 9:00 a.m.]

## HOUSING FINANCING AGENCY

### 2009 Amended Federal Low Income Housing Tax Credit Allocation Plan; Public Hearing

The Housing Finance Agency (Agency), as the Administrator of the Federal Low Income Housing Tax Credit Program for the Commonwealth, provides notice of a public hearing to obtain public comment on the proposed 2009 Amended Low Income Housing Tax Credit Allocation Plan. This public hearing will be held at 9 a.m. on Monday, September 29, 2008, at the Housing Finance Agency, 211 North Front Street, Harrisburg, PA. Copies of the proposed amended allocation plan are available upon written request at the address, by phone at (717) 780-3948 or through the Agency's web site at [www.phfa.org](http://www.phfa.org).

Persons with a disability who wish to attend this meeting and require an auxiliary aid, service or other

accommodation to participate should contact the Secretary by Thursday, September 25, 2008, to discuss how the Agency may best accommodate their needs.

Individuals wishing to comment on the plan but unable to attend the scheduled hearing are invited to provide written comments to the address shown no later than Thursday, September 25, 2008, Manager, Tax Credit Program, Housing Finance Agency, P. O. Box 8029, Harrisburg, PA 17105-8029, TTY for hearing impaired (717) 780-1869.

Written comments must be submitted prior to the date of the scheduled hearing or at the public hearing. Persons who plan to attend the public hearing should contact the Agency at (717) 780-3948.

BRIAN A. HUDSON,  
*Executive Director*

[Pa.B. Doc. No. 08-1676. Filed for public inspection September 12, 2008. 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 645.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
125-88	Pennsylvania Gaming Control Board Slot Machine Testing and Control; Possession of Slot Machines; Accounting and Internal Controls; and Commencement of Slot Operations 38 Pa.B. 3507 (June 28, 2008)	7/28/08	8/27/08
125-89	Pennsylvania Gaming Control Board Employees; Slot Machine Licenses; and Accounting and Internal Controls 38 Pa.B. 3505 (June 28, 2008)	7/28/08	8/27/08
18-411	Department of Transportation School Bus Drivers 38 Pa.B. 3503 (June 28, 2008)	7/28/08	8/27/08
18-410	Department of Transportation Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers 38 Pa.B. 3501 (June 28, 2008)	7/28/08	8/27/08

### Pennsylvania Gaming Control Board #125-88 (IRRC #2702)

#### Slot Machine Testing and Control; Possession of Slot Machines; Accounting and Internal Controls; and Commencement of Slot Operations

August 27, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the June 28, 2008, *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71

P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

#### 1. Central Control Computer System.—Clarity.

The term Central Control Computer System (CCCS) is used in Sections 461a.27 and 465.33. The term "central control computer" is defined in Section 401a.3 of the Board's regulations. However, the term CCCS is not defined. If there is a difference between the two terms, we recommend that the Board add the appropriate definition.



If both terms mean the same thing, we recommend that the term CCCS be changed to "central control computer."

**2. Section 461a.27. RAM clear.—Clarity.**

What is meant by the term "financial meters" in Subsection (a)? We recommend that this term be defined.

**3. Section 465a.2. Internal control systems and audit protocols.—Clarity.**

Subsection (a)(8) requires a licensee to develop procedures "to ensure compliance with section 1513 of the act (relating to political influence)." We have two concerns. First, Paragraphs (i) and (ii) of this subsection are abbreviated paraphrases of Subsections (a) and (b) of Section 1513 of the Act. We question the need for including Paragraphs (i) and (ii) in the proposal. Second, if the Board retains Paragraphs (i) and (ii), we suggest that they be written in a clearer and more detailed manner.

**4. Section 465a.8. Licensed facility.—Implementation procedures; Clarity.**

The signs licensees must display indicating the location of the Board's office in the licensed facility must be approved by the Board under Subsection (d)(8). The final-form regulation should provide more detail on how a licensee can obtain the necessary approval from the Board.

**5. Section 465a.33. Access to areas containing Central Control Computer System equipment.—Statutory authority; Fiscal impact; Implementation procedures; Reasonableness.**

*Subsection (a)(1)*

A commentator has noted that it would be costly to comply with Subsection (a)(1)(ii), which would require installation of a door that audibly signals the surveillance monitoring room when it is opened. The commentator recommended other procedures that could be used which would provide the necessary level of security. We encourage the Board to consider these less costly options when it develops the final-form regulation.

*Subsection (a)(4)*

Under this subsection, the security departments of slot machine licensees are required to maintain a list of employees who have access to the CCCS area and that list must be approved by the Department of Revenue (Department). We have two concerns. First, what is the Board's statutory authority for imposing duties on the Department? Is the Department aware of this responsibility and does it have the procedures in place to review and approve the lists? Second, assuming that the Board can adequately address our first comment, we recommend that the final-form regulation provide more detail on how a licensee can obtain the necessary approval from the Department, or in the alternative, the Board.

*Subsection (a)(5)*

This subsection addresses emergency access to the CCCS area. It states that in emergency situations, access can only be granted with a security escort and notification to the Department, the Bureau and the casino enforcement agents at the licensed facility. We question the need for the notification in a true emergency situation. For example, if a person in the CCCS area is in need of immediate medical attention, we believe it would not be practical to make the necessary notifications. We suggest that the Board revise or delete the notification requirement from the final-form regulation.

**6. Section 467a.1. Gaming floor plan.—Reasonableness; Need.**

According to the Board, Subsection (c) is being amended to clarify and streamline the process for approving requests for changes to the gaming floor. Some requests for changes will be required to be filed as a petition and will need approval by the Board. Other requests for changes could be submitted in writing and approved by the Executive Director. A commentator is concerned with a provision that would require the submittal of a petition and Board approval when a licensee wants to relocate two percent or more of the slot machines. They noted that expanding facilities and the potential implementation of new smoking regulations require flexibility regarding the location of slot machines. They believe that the two percent threshold will limit their ability to respond quickly to the needs of their customers. If this provision is retained in the final-form regulation, they ask that the percentage be increased. We agree that the two percent threshold could hamper a licensee's ability to operate in an efficient manner and ask the Board to consider a higher percentage threshold that would require the submittal of a petition and Board approval.

—  
**Pennsylvania Gaming Control Board  
#125-89 (IRRC #2703)**

**Employees; Slot Machine Licenses; and Accounting  
and Internal Controls**

**August 27, 2008**

We submit for your consideration the following comments on the proposed rulemaking published in the June 28, 2008, *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

**1. Section 465a.14. Security department minimum staffing.—Protection of public health, safety and welfare; Reasonableness.**

Subsection (b) currently prohibits off-duty law enforcement officers from acting as security on the gaming floor and in restricted areas of licensed facilities. Proposed amendments would prohibit the use of off-duty officers as security in any portion of a licensed facility. Washington Trotting Association (WTA) asserts that, "These off-duty law enforcement officers are necessary to maintain a fully-staffed security force for the racing facility." WTA has requested that existing language be maintained so current off-duty officers providing security for the racing portion of its facility would not have to be terminated and the security personnel can remain at full force.

We understand that the Board is attempting to eliminate any appearance of impropriety if one of the security officers becomes involved in an investigation in gaming areas of the licensed facility. However, we question whether off-duty law enforcement officers should be precluded from working in the non-gaming portions of licensed facilities.

**2. Miscellaneous clarity.**

New language in Sections 435a.3 and 435a.5 includes the term "Slots Link" in multiple locations. However, we note that the defined term is "SLOTS Link." For consistency, the Board should use the defined term.

Department of Transportation  
#18-411 (IRRC #2704)

**School Bus Drivers**

August 27, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the June 28, 2008, *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Transportation (Department) to respond to all comments received from us or any other source.

**1. General—Fiscal impact.**

The Preamble states that the proposed regulation will not impose any additional costs on school bus drivers or others in the regulated community. However, a commentator indicated that there will be additional costs which may not be covered by health insurance. There also will be direct costs for those without health insurance. Examples include the cost of an appointment with a physician to review the results of the tests and the cost of the HbA1C test itself. The Department should provide examples of the costs associated with the administration of the HbA1C test and the other new requirements when it submits the final-form version of this regulation.

**2. Section 71.3. Physical examinations.—Protection of public health, safety and welfare; Reasonableness; Implementation procedures; Clarity.**

*Subsection (b) Requirements of physical examination.*

In Subsection (b)(4)(i), what are “diabetic medications”? The final-form regulation should include a listing of specific types or examples of diabetic medications.

Must drivers meet the requirements of Subsections (b)(4)(i)(A), (B), (C) and (D) before being granted a waiver? If so, then the final-form regulation should include the following language: “a waiver may be granted to an individual requiring the use of diabetic medications, **provided an individual meets all of the following:**” (Emphasis added.)

Subsection (b)(4)(i)(A) requires that “the individual’s physician verifies in writing that there has been no incident of severe hypoglycemic reaction . . . and the individual has been free from insulin reaction resulting in loss of consciousness, attention or awareness . . . for the preceding 12 months . . .” Why did the Department reduce this period from two years to 12 months? The final-form regulation should clarify how application of this timeframe protects the health, safety and welfare of students and other passengers in school buses driven by individuals with these health concerns.

*Subsection (b)(4)(i)(C) Forms*

Subsection (b)(4)(i)(C) refers to a “form provided by the Department.” The final-form regulation should provide more detail on this form, including its contents and whether it will be available on the Department’s website. This same concern applies to the forms mentioned in the existing language in Subsections (b)(4)(i)(B) and (4)(v).

*Subsection (b)(4)(i)(D) Self-monitoring*

This subsection lists various requirements for how bus drivers must demonstrate their ability to manage their diabetes. However, the proposed regulation does not explain what happens if a driver determines her or his levels are too high or too low while the driver is on duty.

Hence, it is unclear how this provision will protect the driver and passengers. The final-form regulation should clarify how these requirements will be used to protect the students and other passengers who are in the driver’s immediate care.

**3. Miscellaneous clarity.**

In the existing Subsection 71.3(b)(4)(v), what professions are included under the term “other health care providers”? The final-form regulation should include a definition for this term.

The final-form regulation should explain the difference between the following terms: “treating physician,” “school transportation physician,” and “physician conducting the 6-month diabetic examination.” What is the difference between the “school transportation physician” and the “school transportation medical practitioner”? The latter term is defined in Section 71.2 of the existing regulation.

Department of Transportation  
#18-410 (IRRC #2705)

**Physical and Mental Criteria, Including Vision Standards Relating to the Licensing of Drivers**

August 27, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the June 28, 2008, *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Transportation (Department) to respond to all comments received from us or any other source.

**1. Section 83.2. Definitions.—Implementation procedures; Clarity.**

*Chiropractor*

This definition includes a cross-reference to the definition of chiropractor in § 1508.1 (b) (relating to Physical examinations) of the Vehicle Code. (75 Pa.C.S. § 1508.1 (b).) The final-form regulation should include a cross-reference to § 1518 (relating to Reports on mental or physical disabilities or disorders) of the Vehicle Code, which also defines this term. (75 Pa.C.S. § 1518.)

*Provider*

The term “provider” is used in several places in the chapter. Who is included in this term? The final-form regulation should include a definition for this term.

**2. Section 83.5. Other physical and medical standards.—Implementation procedures; Clarity.**

*Subsection (a)(1)*

Subsection (a)(1) states that individuals shall submit results of a HbA1C and vision screening as outlined in the table in subparagraph (i). However, the table does not include information regarding results of the HbA1C or vision screening. The Department should explain why this information is not included in the table.

*Subsection (a)(1)(i)*

Subparagraph (i) contains eligibility requirements for drivers with diabetes mellitus, which are arranged in a table. However, the regulation does not include an explanation for how to read the table or how it is to be used. For example, what are “profile levels”? How are they

determined? What is "stabilized diabetes mellitus"? How is it determined? In addition, how much will these eligibility requirements cost an individual? The final-form regulation should address these issues and provide the information contained in the table in a manner that is easily understandable to readers.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-1677. Filed for public inspection September 12, 2008, 9:00 a.m.]

### Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, IRRC will provide a copy or you can obtain a copy from our web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

#### Final-Form

Reg. No.	Agency/Title	Received	Public Meeting
7-418	State Conservation Commission Facility Odor Management	8/28/08	10/2/08
125-84	Pennsylvania Gaming Control Board Releases	8/28/08	10/2/08
7-423	Environmental Quality Board Radiological Health and Radon Certification Fees	8/29/08	10/2/08
7-403	Environmental Quality Board Water Resources Planning	8/29/08	10/2/08
16A-4514	State Board of Cosmetology General Revisions	9/2/08	10/16/08
16A-4314	State Board of Chiropractic Reactivation of Lapsed License	9/2/08	10/16/08
16A-5614	State Real Estate Commission Consumer Notice	9/2/08	10/16/08
16A-4618	State Board of Dentistry Sexual Misconduct	9/2/08	10/16/08

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-1678. Filed for public inspection September 12, 2008, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Applications for Approval to Acquire Control of PMA Capital Insurance Company; Extension of Public Comment Period

The Insurance Department (Department) published notice of receipt of the above-referenced filings at 38 Pa.B. 2748 (June 7, 2008). The notice afforded persons the opportunity to provide written comments on the filings to the Department on the grounds of public or private interest for a period to expire no earlier than September 5, 2008. The purpose of this notice is to announce the extension of the public comment period for an indefinite period of time to afford persons ample opportunity to provide written comments. A subsequent announcement will appear in the *Pennsylvania Bulletin* to provide notice of closing of the public comment period.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 08-1679. Filed for public inspection September 12, 2008, 9:00 a.m.]

### Bankers Life and Casualty Company Rate Increase Filing for Several Long-Term Care Policy Forms; Rate Filing

Bankers Life and Casualty is requesting approval to increase the premium 35% for the following Long-Term Care Forms: GR-7A1, GR-N050, GR-N055, GR-N100, GR-N105, GR-N115, GR-N160, GR-N165, GR-N240, GR-N270, GR-N250 and GR-N280. The premium increase will affect 7,453 Pennsylvania policyholders.

Unless formal administrative action is taken prior to November 26, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

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

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 08-1680. Filed for public inspection September 12, 2008, 9:00 a.m.]

**Hanover Hospital; Prehearing****Appeal of Hanover Hospital under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-08-013**

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 September 26, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's July 24, 2008, 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 October 9, 2008, at 9:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before October 6, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference. At the conference, parties shall be prepared to discuss the consolidation with Docket No. MM08-08-012 and other pending or possible requests for MCARE coverage for claims made in the same time period at issue in this case.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 26, 2008, 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 October 6, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 08-1681. Filed for public inspection September 12, 2008, 9:00 a.m.]

**Hanover Hospital; Prehearing****Appeal of Hanover Hospital under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-08-012**

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 September 26, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's July 17, 2008, 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 October 9, 2008, at 9:30 a.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before October 6, 2008. A hearing date shall be determined, if necessary, at the prehearing telephone conference. At the conference, parties shall be prepared to discuss the consolidation with Docket No. MM08-08-013 and other pending or possible requests for MCARE coverage for claims made in the same time period at issue in this case.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 26, 2008, 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 October 6, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 08-1682. Filed for public inspection September 12, 2008, 9:00 a.m.]

**Insurance Services Office, Inc.; Homeowners Prospective Loss Cost Revision; Rate Filing**

On August 21, 2008, the Insurance Department (Department) received from Insurance Services Office, Inc. a filing for a proposed loss cost level change for homeowners insurance.

The advisory organization requests an overall 4.9% increase in loss costs effective March 1, 2009.

Unless formal administrative action is taken prior to October 20, 2008, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Department's web site at [www.ins.state.pa.us](http://www.ins.state.pa.us). To access the filing, under "Quick Links" click on "Rate Filings Published in the PA Bulletin."

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

JOEL SCOTT ARIO,  
*Insurance Department*

[Pa.B. Doc. No. 08-1683. Filed for public inspection September 12, 2008, 9:00 a.m.]

**Review Procedure Hearings under the Unfair Insurance Practices Act**

The following insured has requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies'

termination of the insureds' policies. The administrative hearing will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Shirley Keahy; file no. 08-183-56203; State Farm Mutual Insurance Company; doc. no. P08-07-030; September 30, 2008, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 08-1684. Filed for public inspection September 12, 2008, 9:00 a.m.]

### Elizabeth Anne Sun, M. D.; Prehearing

#### Appeal of Elizabeth Anne Sun, M. D. under the Medical Care Availability and Reduction of Error (MCARE) Act (40 P. S. §§ 1303.101—1303.910); Doc. No. MM08-08-011

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 September 26, 2008, the appellant shall file a concise statement setting forth the factual and/or legal basis for the disagreement with MCARE's July 17, 2008, 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 October 8, 2008, at 2 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before October 6, 2008. 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 26, 2008, 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 October 6, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 08-1685. Filed for public inspection September 12, 2008, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The Liquor Control Board Lease will expire:

Bucks County, Wine & Spirits Store #0926, Doylestown, PA

*Lease Expiration Date:* October 31, 2010

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 14,000 net useable square feet of new or existing retail commercial space. Location must be within a 1 mile radius of the Doylestown Shopping Center, Doylestown, Bucks County, PA.

*Proposals due:* September 19, 2008, 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

The Liquor Control Board seeks the following new site:

Chester County, Wine & Spirits Store #1505, (Relocation), Malvern, PA

*Lease Expiration Date:* February 28, 2009

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space. Location must be within a 3 mile radius of the Lancaster Pike and Route 29, Malvern, Chester County, PA.

*Proposals due:* September 18, 2008, 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. 08-1686. Filed for public inspection September 12, 2008, 9:00 a.m.]

## PENNSYLVANIA EMERGENCY MANAGEMENT AGENCY

### Application for the Volunteer Fire Company and Volunteer Ambulance Services Grant Program

This notice provides updated information about the Volunteer Fire Company and Volunteer Ambulance Services Grant Program. Volunteer fire companies and volunteer ambulance services seeking grants under the Volunteer Fire Company and Volunteer Ambulance Services Program Act (72 P. S. §§ 3943.1—3944.5) shall submit completed applications no later than 4 p.m. Eastern Daylight Saving Time on October 17, 2008. Written instructions and guidelines for the grant program will be available on line at the Office of State Fire Commissioner web site [www.osfc.state.pa.us](http://www.osfc.state.pa.us) no later than September 1, 2008. Grant applications will be available on line at the Office of State Fire Commissioner web site [www.osfc.state.pa.us](http://www.osfc.state.pa.us) no later than September 2, 2008.

ROBERT P. FRENCH,  
*Director*

[Pa.B. Doc. No. 08-1687. Filed for public inspection September 12, 2008, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Default Service Program and Procurement Plan

**P-2008-2060309. Default Service Program and Procurement.** Petition of PPL Electric Utilities Corporation for approval of a Default Service Program and Procurement Plan for the period January 1, 2011, through May 31, 2014.

Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before September 29, 2008. Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the petitioner and a copy provided to the Administrative Law Judge. The documents filed in support of the petition are available for inspection and copying at the Office of the Secretary between of 8 a.m. and 4:30 p.m., Monday through Friday, and at the petitioner's business address.

*Applicant:* PPL Electric Utilities Corporation

*Through and By Counsel:* David B. MacGregor, Esquire, Post and Schell, Four Penn Center, 1600 John F. Kennedy Boulevard, Philadelphia, PA 19103

### Notice

This is to inform you that an Initial Prehearing Conference on the above-captioned case will be held as follows:

*Type:* Initial Prehearing Conference

*Date:* Thursday, October 2, 2008

*Time:* 10 a.m.

*Location:* Hearing Room 1  
 Plaza Level  
 Commonwealth Keystone Building  
 400 North Street  
 Harrisburg, PA 17120

*Presiding:* Administrative Law Judge Susan D. Colwell  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

Phone: (717) 783-5452

Fax: 717-787-0481

Persons with a disability who wish to attend the prehearing, should contact the Pennsylvania Public Utility Commission (Commission) to make arrangements for their special needs. Call the scheduling office at the Commission at least 2 business days prior to the prehearing conference:

- Scheduling Office: (717) 787-1399
- AT&T Relay Service number for persons who are deaf or hearing-impaired: (800) 654-5988

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-1688. Filed for public inspection September 12, 2008, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by September 29, 2008. 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-2008-2053106. Meadville Area Ambulance Service, LLC** (592 William Road, Meadville, Crawford County, PA 16335)—a limited liability corporation of the

Commonwealth—persons in paratransit service, from points in Crawford County, to points in Pennsylvania, and return.

**A-2008-2053567. Superior VIP Limousine, LLC** (819 Waterfront Drive, Lancaster, Lancaster County, PA 17602), a limited liability company of the Commonwealth—persons, in limousine service, from points in Lancaster County to points within Pennsylvania and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* Aaron D. Hollis, Esquire, Blakinger, Byler & Thomas, P.C., 28 Penn Square, Lancaster, PA 17603.

**A-2008-2056369. Joseph Parente, t/a Sapphire Coach and Limousine** (107 Pennington Avenue, Morton, Delaware County, PA 19070)—persons, in limousine service, from points in Delaware County to points in Pennsylvania and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority.

**A-2008-2057765. Richard Santiago** (221 South Pine Street, Hazleton, Luzerne County, PA 18201)—persons, in paratransit service, from Hazleton, Luzerne County to T.J. Maxx in Pittston Township, Luzerne County, PA, 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 household goods by transfer of rights as described under the application.**

**A-2008-2053912. Bekins A-1 Movers, Inc., t/a Ace Moving and Storage** (125 Stewart Road, Wilkes-Barre, Luzerne County, PA 18706), a corporation of the Commonwealth—household goods in use, which is to be a transfer of all the right authorized under the certificate issued at A-00101662 to Lindeman Moving Co., Inc., subject to the same limitations and conditions. *Attorney:* Frederick W. Alcaro, 590 Rutter Avenue, Kingston, PA 18704.

**Applications of the following for approval to begin operating as a broker for transportation of persons as described under each application.**

**A-2008-2057806. North Star Transportation, LLC** (8943 Turton Drive, Philadelphia, Philadelphia County, PA 19115), a limited liability company of the Commonwealth—brokerage license—to arrange for the transportation of persons, between points in Pennsylvania.

**Application of the following for the approval of the transfer of stock as described under each application.**

**A-2008-2046483. Quick Service Taxi Co., Inc.** (1101 Cedar Street, Allentown, Lehigh County, PA 18102), a corporation of the Commonwealth—for the approval of the transfer of 224 common shares and 164 preferred shares of stock of Quick Service Taxi Co., Inc. from Barbara A. Schaffer and Wayne R. Burrows, Executors of the Estate of E. Harold Burrows, deceased, to Wayne R. Burrows, son of the deceased, E. Harold Burrows. *Attorney:* Gary M. Miller, Esquire, 210 East Broad Street, Bethlehem, PA 18018.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Cedi Cab Co. Inc.;*  
*Doc. No. C-2008-2047064*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities

within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Cedi Cab Co., Inc., maintains its principal place of business at 1141 North 63rd Street, Philadelphia, PA 19151.

2. That respondent was issued a certificate of public convenience by this Commission on January 27, 1997, at Application Docket No. A-00113492.

3. That respondent abandoned or discontinued service without having first filed an application to this Commission for abandonment or discontinuance of service. Respondent has not reported intrastate revenue for calendar year 2007.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00113492.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Wendy J. Keezel, Chief of Enforcement

#### NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will

request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Lagos Cab Co.;  
Doc. No. C-2008-2050933*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Lagos Cab Co., maintains its principal place of business at 15 Wildwood Avenue, East Lansdowne, PA 19050-2727.

2. That respondent was issued a certificate of public convenience by this Commission on April 30, 1998, at Application Docket No. A-00114433.

3. That respondent abandoned or discontinued service without having first filed an application to this Commission for abandonment or discontinuance of service. Respondent has not reported intrastate revenue for calendar year 2007.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00114433.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I

understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Wendy J. Keezel, Chief of Enforcement

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Billa Cab Co.;  
Doc. No. C-2008-2049167*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Billa Cab Co., maintains its principal place of business at 38 Marian Ct., Upper Darby, PA 19082.

2. That respondent was issued a certificate of public convenience by this Commission on March 5, 1996 at Application Docket No. A-00112932.

3. That respondent abandoned or discontinued service without having first filed an application to this Commission for abandonment or discontinuance of service. Respondent has not reported intrastate revenue for calendar year 2007.



4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00112932.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Wendy J. Keezel, Chief of Enforcement

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Grewal Inc.;*  
*Doc. No. C-2008-2049774*

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Grewal, Inc., maintains its principal place of business at 491 Concord Road, Broomall, PA 19008.

2. That respondent was issued a certificate of public convenience by this Commission on July 8, 1995, at Application Docket No. A-00112128.

3. That respondent abandoned or discontinued service without having first filed an application to this Commission for abandonment or discontinuance of service. Respondent has not reported intrastate revenue for calendar year 2007.

4. That respondent, by failing to file an application with this Commission prior to abandoning or discontinuing service, violated 52 Pa. Code § 3.381(a)(1)(v) and 66 Pa.C.S. § 1102(a)(2) and, by failing to maintain adequate, efficient and safe service and facilities, violated 66 Pa.C.S. § 1501.

Wherefore, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission revoke respondent's Certificate of Public Convenience at A-00112128.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

VERIFICATION

Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Wendy J. Keezel, Chief of Enforcement

NOTICE

A. You must file an answer within twenty days of the date of service of this Complaint. The date of service is the mailing date, as indicated at the top of the Secretarial Cover Letter for this Complaint and Notice, 52 Pa. Code

§ 1.56(a). An answer is a written explanation of circumstances wished to be considered in determining the outcome. The answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your answer must be verified and the original and three copies sent to:

James J. McNulty, Secretary  
 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty days, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which will include the revocation of your Certificate of Public Convenience.

C. If you file an answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the revocation of your Certificate of Public Convenience.

D. If you file an answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision.

E. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1168.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-1689. Filed for public inspection September 12, 2008, 9:00 a.m.]

### Telecommunications

**A-2008-2060119. The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and DSLnet Communications, LLC, d/b/a DSL.net.** Joint petition of The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and DSLnet Communications, LLC, d/b/a DSL.net for approval of a master interconnection, collocation and resale agreement under section 252(e) of the Telecommunications Act of 1996.

The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and DSLnet Communications, LLC, d/b/a DSL.net, by its counsel, filed on August 26, 2008, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of a master interconnection, collocation and resale 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 The United Telephone Company of Pennsylvania, d/b/a Embarq Pennsylvania and DSLnet Communications, LLC, d/b/a DSL.net 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.

*By the Commission*

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-1690. Filed for public inspection September 12, 2008, 9:00 a.m.]

### Water Service

**A-2008-2059988. Aqua Pennsylvania, Inc.** Application of Aqua Pennsylvania, Inc. for approval to begin to offer, render, furnish and supply water service to the public in an additional portion of West Vincent Township, Chester County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant on or before September 29, 2008. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Aqua Pennsylvania, Inc.

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108-9500

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 08-1691. Filed for public inspection September 12, 2008, 9:00 a.m.]

## STATE BOARD OF DENTISTRY

**Bureau of Professional and Occupational Affairs v. Nicholas F. Breen, DMD; Doc. No. 0880-46-2007**

On June 16, 2008, Nicholas F. Breen, DMD, of Warminster, Bucks County, had his license to practice dentistry suspended for not less than 1 year, based on his having disciplinary action taken against his license by the proper licensing authority of another state.

Individuals may obtain a copy of the adjudication by writing to Christopher P. Grovich, Board Counsel, State Board of Dentistry, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Dentistry (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate

Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

JOHN W. REITZ, DDS,  
*Chairperson*

[Pa.B. Doc. No. 08-1692. Filed for public inspection September 12, 2008, 9:00 a.m.]

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## STATE BOARD OF NURSING

### Bureau of Professional and Occupational Affairs v. Kim B. Cleveland, RN; Doc. No. 1731-51-06

On June 9, 2005, the Commonwealth, Department of State, Bureau of Professional and Occupational Affairs, instituted a formal administrative action against Kim B. Cleveland by filing an Order to Show Cause, before the State Board of Nursing, alleging that she has violated certain provisions of The Professional Nursing Licensure Law (63 P. S. §§ 211—225). Under 1 Pa. Code § 33.31 (relating to service of documents) and Pa.R.C.P. Rule 430 (relating to relating to service pursuant to special order of court; publication), providing for service of process upon Kim B. Cleveland by publication.

#### Notice

Formal disciplinary action has been filed against you by way of an Order to Show Cause. You may lose your nursing license, certificate, registration or permit to prac-

tice your profession or occupation. You may be subject to civil penalties of up to \$1,000 for each violation.

If you wish to defend against the charges in the Order to Show Cause or to present evidence to mitigate any penalty that may be imposed, the procedures for doing so are explained in the Order to Show Cause. You may obtain a copy of the Order to Show Cause from Kelly Diller, Prothonotary, Department of State, 2601 North Third Street, Harrisburg, PA 17110, (717) 772-2686.

You have the right to retain an attorney. Although you may represent yourself without an attorney, you are advised to seek the help of an attorney. Proceedings are conducted under the 2 Pa.C.S. (relating to Administrative Agency Law and Procedure) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedures).

You are directed to respond to the charges by filing a written answer within 30 days of this notice. If you do not file an answer, disciplinary action may be taken against you without a hearing. To file your answer, you must bring or send an original and three copies of your answer and any pleadings or other documents related to this matter to the following address Kelly Diller, Prothonotary, Department of State, 2601 North Third Street, Harrisburg, PA 17110.

You must also send a separate copy of your answer and any other pleadings or documents related to this case to the prosecuting attorney named in the Order to Show Cause.

MARY E. BOWEN, RN, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 08-1693. Filed for public inspection September 12, 2008, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 25—ENVIRONMENTAL PROTECTION

DELAWARE RIVER BASIN COMMISSION

[ 25 PA. CODE CH. 901 ]

### Amendments to the Water Quality Regulations, Water Code and Comprehensive Plan to Classify the Lower Delaware River as Special Protection Waters

By Resolution No. 2008-9 on July 16, 2008, the Commission approved amendments to its Water Quality Regulations, Water Code and Comprehensive Plan to establish numeric values for existing water quality for the reach of the main stem Delaware River known as the "Lower Delaware" and to assign the Special Protection Waters (SPW) classification "Significant Resource Waters" (SRW) on a permanent basis to this reach. The Commission also approved amendments to clarify aspects of the SPW regulations, especially with respect to facilities in place prior to SPW classification, that have confused some Delaware River Basin Commission (DRBC) docket holders and applicants since the SPW program was originally adopted by the Commission in 1992 for point sources and in 1994 for nonpoint sources.

#### Effective Date

The final-form rulemaking is effective upon filing with each of the signatory parties in accordance with Section 14.2 of the Delaware River Basin Compact and publication of a notice of final rulemaking in the *Federal Register*. Temporary classification of the Lower Delaware River as SRW will remain in place until this final-form rulemaking takes effect.

#### Supplemental Information

A detailed comment and response document addressing comments offered at the public hearing on December 4, 2007 and written comments received through the close of the comment period on December 6, 2007 is available on the Commission's web site, DRBC.net. Printed copies of this document may be obtained by contacting the Information Resources Coordinator, Kim Wobick, at (609) 883-9500, Ext. 263 or by email to kimwobick@drbc.state.nj.us. A charge for printing and mailing will apply.

Notice of the proposed regulation was published at 37 Pa. B. 5527 (October 13, 2007), as well as in the 72 FR 57255 (October 9, 2007), 11 DE Reg. 376-378 (10/01/07), 39 N.J.R. 4392 (October 15, 2007) and the *New York State Register* (page 8) on October 10, 2007. In addition to the public hearing and comment period noted previously, the Commission held informational meetings about the proposed changes on October 25, 2007, in Stockton, NJ and on November 1, 2007 in Easton, PA.

#### Rule Text

DRBC Resolution No. 2008-9 incorporates the amended rule in its entirety as an attachment, showing the amendments as proposed in October of 2007 and as finally approved by the Commission on July 16, 2008. In the version of the resolution reprinted as follows, portions of the existing rule text that remain unchanged are replaced with asterisks. A complete copy of Resolution No. 2008-9 as adopted, including the full rule text, is avail-

able on the DRBC web site, DRBC.net. Hard copies may be obtained from the Commission by contacting Information Resources Coordinator Kim Wobick at (609) 883-9500, Ext. 263 or at kimwobick@drbc.state.nj.us. A charge for printing and mailing will apply.

NO. 2008-9

A RESOLUTION to amend the *Water Quality Regulations, Water Code and Comprehensive Plan* by permanently designating the Lower Delaware River as Special Protection Waters with the classification Significant Resource Waters.

*WHEREAS*, by Resolution No. 70-3, codified in the Commission's *Water Quality Regulations* at Section 3.10.3 A., the Commission established an antidegradation policy for interstate waters within its jurisdiction, and by Resolutions No. 92-21 and 94-2, it instituted a set of regulations known as the "Special Protection Waters" program to implement this policy in certain portions of the Basin. The program is intended to maintain or improve the quality of interstate waters where existing water quality is better than the established stream quality objectives; and

*WHEREAS*, in accordance with Section 3.10.3 A.2 of the Commission's *Administrative Manual-Part III, Water Quality Regulations* ("Regulations"), the Delaware Riverkeeper Network submitted to the Commission in April 2001 a nomination petition requesting that the Commission classify the Lower Delaware River—the reach of the main stem Delaware River extending from River Mile 209.5 (the downstream boundary of the Delaware Water Gap National Recreation Area) to River Mile 133.4 (the Head of Tide)—as Special Protection Waters; and

*WHEREAS*, to be protected as Special Protection Waters, waters must be classified as either "Outstanding Basin Waters" or "Significant Resource Waters," as defined in Section 3.10.3 A.2.a. of the Regulations; and

*WHEREAS*, "Outstanding Basin Waters" are defined as interstate and contiguous intrastate waters that are contained within the established boundaries of national parks; national wild, scenic and recreational rivers systems; and/or national wildlife refuges that the Commission has classified under Section 3.10.3 A.2.g.1 of the Regulations as having exceptionally high scenic, recreational and ecological values that require special protection; and

*WHEREAS*, "Significant Resource Waters" are defined as interstate waters that the Commission has classified under Section 3.10.3 A.2.g.2 of the Regulations as having exceptionally high scenic, recreational, ecological, and/or water supply uses that require special protection; and

*WHEREAS*, as set forth more fully in Resolution No. 2005-2, data and findings documenting the high quality of scenic, recreational, ecological and water supply attributes of the Lower Delaware River are contained in two studies (DRBC, 2004 and National Park Service, 1999, respectively), a management plan for the Lower Delaware that received a formal expression of Commission support in Resolution No. 98-2 (1997) (this plan was recently re-affirmed in the *Lower Delaware River Management Committee Action Plan 2007-2011*); a Federal designation of the Lower Delaware as part of the national Wild & Scenic Rivers System (Pub. L. No. 106-418, 106th

Congress), and the *Water Resources Plan for the Delaware River Basin* (DRBC, 2004); and

*WHEREAS*, after a duly noticed public comment period and a public hearing on the matter, by Resolution No. 2005-2 on January 19, 2005 the Commission found on the basis of the foregoing studies, findings, plans, and federal designation that “the section of the Delaware River from River Mile 133.4 to River Mile 209.5, known as the “Lower Delaware River,” is characterized by exceptionally high scenic, recreational, ecological and/or water supply values/uses within the meaning of Section 3.10.3 A. of the *Water Quality Regulations* and requires special protection in accordance with that section” (Res. No. 2005-2, par. 1); and

*WHEREAS*, by Resolution No. 2005-2 the Commission temporarily classified the Lower Delaware River (also “Lower Delaware”) as Significant Resource Waters, pending the determination of numeric values for existing water quality for this section of the river and a thorough evaluation of these data to determine whether or not to classify certain sections of the Lower Delaware as Outstanding Basin Waters and whether to make the temporary Special Protection Waters designation permanent for some or all of the Lower Delaware; and

*WHEREAS*, in the course of designating the Lower Delaware as Special Protection Waters the Commission determined that it would clarify certain provisions of the SPW rule to ensure the rule’s uniform application in all parts of the basin in which the rule is applied; and

*WHEREAS*, to allow the Commissioners and staff time to evaluate implementation options and develop language to clarify aspects of the rule, the Commission extended temporary designation of the Lower Delaware by resolutions No. 2005-15 (extension through September 30, 2006), No. 2006-22 (extension through September 30, 2007) and No. 2007-13 (extension through May 15, 2008), before they caused to be published in October of 2007 in the *Federal Register* and in the Delaware, New Jersey, New York and Pennsylvania registers a new Notice of Proposed Rulemaking to Amend the *Water Quality Regulations*, *Water Code* and *Comprehensive Plan* to classify the Lower Delaware River as Special Protection Waters; and

*WHEREAS*, the Commission has determined values for existing water quality for the Lower Delaware, enabling the Commission for the first time to require applicants for new wastewater treatment facilities or for substantial alterations or additions to existing facilities to demonstrate that their new or increased discharges will cause no measurable change to existing water quality except toward natural conditions at a set of established water quality control points; and

*WHEREAS*, the Commission established a public comment period on the proposed amendments to run through December 6, 2007; it held informational meetings in Stockton, New Jersey on October 25, 2007 and in Easton, Pennsylvania on November 1, 2007; it made presentations on the proposed rule at a series of professional conferences as well as at meetings hosted by citizens’ groups and elected officials within the affected regions; and it held a public hearing on the proposal on December 4, 2007; and;

*WHEREAS*, between September of 2004, when the Commission issued its first public notice of proposed rulemaking to classify the Lower Delaware River as Special Protection Waters, and December 6, 2007, when the comment period closed on the amendments noticed

formally in October of 2007, the Commission received thousands of comments from residents, elected officials, treatment plant operators, and administrative agencies, of which the majority constituted petitions and letters in support of the action, and of which approximately three dozen expressed objections to it; and

*WHEREAS*, during the months of February through July of 2008 Commissioners and Commission staff participated in additional meetings and conference calls at the request of interested parties in order to listen first-hand to the concerns that some constituents raised in written comments submitted during the comment period; and

*WHEREAS*, the Commissioners and staff have painstakingly sorted, categorized reviewed and prepared written responses to these comments, and in a number of instances have revised the proposed amendments to address concerns raised by commenters and to improve the rule’s clarity, especially as applied to existing facilities; and

*WHEREAS*, extending the full Special Protection Waters program to the Lower Delaware River on a permanent basis will afford these interstate waters the same uniform high standard of protection that has preserved water quality in the Upper and Middle Delaware for approximately 15 years—a standard of protection that could not be achieved by the Commission’s member states acting independently of one another; and

*WHEREAS*, the Commission will reevaluate the Best Demonstrable Technology (BDT) requirements of the rule in light of wastewater technologies developed since the BDT requirements were initially promulgated in 1992, and will consider among other things the effects of employing wastewater technologies on other media, greenhouse gas emissions and energy demands; now therefore,

*BE IT RESOLVED* by the Delaware River Basin Commission:

1. The section of the non-tidal Delaware River known as the “Lower Delaware” between River Miles 209.5 (the downstream boundary of the Delaware Water Gap National Recreation Area) and 134.4 (the Calhoun Street Bridge near the Head of Tide at Trenton, New Jersey), is hereby classified as Significant Resource Waters.

2. The Commission’s *Water Quality Regulations* and *Water Code* are amended as set forth in the attached, effective upon filing with each of the signatory parties in accordance with Section 14.2 of the *Delaware River Basin Compact*.

3. As of their effective date, these amendments are hereby incorporated in the Commission’s *Comprehensive Plan*. All aspects of the rule shall be in effect for classified reaches, including the Lower Delaware, in accordance with the amended provisions and including without limitation those requirements that depend for implementation upon the determination of numeric values for existing water quality.

4. Temporary classification of the Lower Delaware River as Significant Resource Waters in accordance with Resolution No. 2005-2 and as extended by resolutions No. 2005-15, No. 2006-22, No. 2007-13, and No. 2008-3 is hereby continued and shall remain in effect until these amendments to the *Water Quality Regulations* and *Water Code* are filed in accordance with Section 14.2 of the *Compact* and a notice of final rulemaking has appeared in the *Federal Register*.

5. The Commission's Comment and Response Document, containing detailed responses to written and oral comments submitted on the proposed amendments, shall be finalized and made a part of the official rulemaking record for this action and shall be available for public inspection not later than upon the filing of these amendments with each of the signatory parties in accordance with Section 14.2 of the Compact.

MICHELE PUTNAM,  
Chairwoman pro tem

PAMELA M. BUSH, ESQUIRE,  
Commission Secretary

THE AMENDMENTS TO SECTION 3.10.3 A. OF THE COMMISSION'S ADMINISTRATIVE MANUAL — PART III, WATER QUALITY REGULATIONS ARE SET FORTH BELOW. ADDITIONS APPEAR IN **BOLD FACE TYPE**. DELETIONS APPEAR IN [ **BOLD FACE TYPE WITHIN BRACKETS** ]. **UNDERScore** INDICATES CHANGES THAT DID NOT ACCOMPANY THE NOTICE OF PROPOSED RULEMAKING [I.E., THAT WERE MADE IN RESPONSE TO COMMENTS RECEIVED] ASTERISKS INDICATE ELLIPSES OF THE RULE TEXT RETAINED WITHOUT CHANGE. INSTRUCTIONS TO THE READER EMBEDDED IN THE TEXT ARE SHOWN IN ITALICS.

2. Special Protection Waters.

It is the policy of the Commission that there be no measurable change in existing water quality except towards natural conditions in waters considered by the Commission to have exceptionally high scenic, recreational, ecological, and/or water supply values. Waters with exceptional values **may [could]** be classified by the Commission as **either** Outstanding Basin Waters or Significant Resource Waters.

\* \* \* \* \*

a. Definitions

\* \* \* \* \*

3) "Existing Water Quality" **for purposes of the Special Protection Waters program is defined for a limited set of parameters, consisting of those listed in Tables 1 and 2. Existing water quality is defined in Table 1 for stream reaches between Hancock, New York and the Delaware Water Gap and in Table 2 for stream reaches between the Delaware Water Gap and Trenton, New Jersey. Where existing water quality is not defined in Tables 1 and 2, existing water quality may be defined by extrapolation from the nearest upstream or downstream Interstate Control Point, from data obtained from sites within the same ecoregion, or on the basis of best scientific judgment. [is defined as the actual concentration of a water constituent at an in-stream site or sites, as determined through field measurements and laboratory analysis of data collected over a time period determined by the Commission to adequately reflect the natural range of the hydraulic and climatologic factors which affect water quality. Existing water quality shall be described in terms of (a) an annual or seasonal mean of the available water quality data, (b) two-tailed upper and lower 95 percent confidence limits around the mean, and (c) the 10th and 90th percentiles of the data set from which the mean was calculated. Where available data are insufficient to determine existing water quality, existing water quality may be esti-**

**mated from data obtained from sites within the same ecoregion or from best scientific judgment. ]**

4) "Measurable Change **to Existing Water Quality**" is defined as an actual or estimated change in a **seasonal or non-seasonal mean (for SPW waters upstream of and including River Mile 209.5) or median (for SPW waters downstream of River Mile 209.5) [ (annual or seasonal) ]** in-stream pollutant concentration that is outside the range of the two-tailed upper and lower 95 percent confidence [ **limits** ] **intervals** that define existing water quality. [ **In the absence of adequate available data, background concentrations will be assumed to be zero and "measurable change" will be based on in-stream concentrations greater than the detection limit for each parameter, based on the lowest limit of the most sensitive technique specified in 40 CFR Part 136. ]**

\* \* \* \* \*

[ 8) "Detection limit" is the lowest level of a substance that can be measured in natural waters by a specific analytical method. Detection limit as defined herein, corresponds to the most currently-acceptable values for parameter specific detection limits as specified in 40 CFR Part 136. ]

*Subsections 3.10.3A.2.a.9) through 12 are renumbered 3.10.3A.2.a.8) through 11).*

*Subsection 3.10.3A.2.a.13) is renumbered 3.10.3A.2.a.12) and is amended by the addition of the following sentence at the end of the existing text:*

**The locations of Boundary and Interstate Control Points are described in Part C of Table 1 for the reach between Hancock, N.Y. and the Delaware Water Gap and in Tables 2A and 2B for the reach between the Delaware Water Gap and Trenton, N.J.).**

13[ 14 ] "Interstate [ **Special Protection Waters** ] Control Points" are general locations used to assess water quality for purposes of defining and protecting Existing Water Quality. **The locations of Boundary and Interstate Control Points are described in Part C of Table 1 for the reach between Hancock, N.Y. and the Delaware Water Gap and in Tables 2A and 2B for the reach between the Delaware Water Gap and Trenton, N.J.).**

*Subsection 3.10.3A.2.a.15) is renumbered 3.10.3A.2.a.14).*

15[ 16 ] An "Expanding Wastewater Treatment Project" is [ **refers to** ] a project involving either (a) alterations or additions to an existing wastewater treatment facility [ **facilities** ] that result in a reviewable project in accordance with the Commission's *Rules of Practice and Procedure*; or (b) a [ **any** ] new load or increased flow or loading from an existing facility that was not included in a NPDES permit or docket effective on the date of SPW designation [ **anticipated at the time of NPDES permit issuance** ].

16) "Substantial Alterations or Additions" are those additions and alterations resulting in: (a) a

\* River Mile 209.5 is the downstream boundary of the Delaware Water Gap National Recreation Area. SPW waters upstream of and including this point received SPW designation in 1992 and SPW waters below this point received SPW designation in 2005. The water quality strategy use to support the later designation differed from that employed a decade earlier.

complete upgrade or modernization of an existing wastewater treatment plant, including substantial replacement or rehabilitation of the existing wastewater treatment process or major physical structures such as headworks, settling tanks, and biological/chemical treatment [ or ] and filtration tanks, whether conducted as a single phase or a multi-phased project or related projects; or (b) a new load or increased flow or loading from an existing facility that was not included in a NPDES permit or docket effective on the date of SPW designation. Among other projects, **modifications made solely to address wet weather flows; and alterations that are limited to changes in the method of disinfection and/or the addition of treatment works for nutrient removal are not deemed to be "Substantial Alterations or Additions."**

**17) "Load" and "loading" are used interchangeably in these regulations and refer to the amount of a substance or material, expressed as a weight per unit time (pounds per day, for example), that is discharged from a facility.**

**18) "Incremental load" and "incremental loading" are used interchangeably in these regulations and refer to the load that is greater than the actual load discharged by a facility at the time of SPW designation.**

*Subsections 3.10.3A.2.a.17) through 20) are renumbered 3.10.3A.2.a.19) through 22).*

**b. No Measurable Change to Existing Water Quality [ Management Policies ]**

1) Outstanding Basin Waters shall be maintained at their existing water quality. Point and non-point sources of pollutants originating from outside the boundaries of stream reaches classified as Outstanding Basin Waters shall be treated as required and then dispersed in the receiving water so that no measurable change occurs at Boundary and Interstate [ **Special Protection Waters** ] Control Points. Point sources of pollutants discharged to Outstanding Basin Waters shall be treated as required and then dispersed in such a manner that complete mixing of effluent with the receiving stream is, for all practical intents and purposes, instantaneous.

2) Significant Resource Waters shall not be degraded below existing water quality as defined in these regulations, although localized degradation of water quality may be allowed for initial dilution if the Commission, **after consultation with the state NPDES permitting agency**, finds that the public interest warrants these changes. Point and non-point sources of pollutants originating from outside the boundaries of stream reaches classified as Significant Resource Waters shall be treated as required and then dispersed in the receiving water so that no measurable change occurs at Boundary and Interstate [ **Special Protection Waters** ] Control Points, **unless a mixing zone is allowed in Significant Resource Waters, and then to the extent of the mixing zone designated as set forth in this section.** If [ **localized** ] degradation of water quality is allowed for initial dilution purposes, the Commission, **after consultation with the state NPDES permitting agency**, will designate mixing zones for each point source and require the highest possible point [ **and non-point** ] source treatment levels necessary to limit the size and extent of the mixing zones. [ **Mixing zone size will be based on** ] **The dimensions of the mixing zone will**

**be determined by the Commission after consultation with the state NPDES permitting agency based upon an evaluation of (a) site-specific conditions, including channel characteristics; (b) the cost and feasibility of treatment technologies; and (c) the design of the discharge structure. [ In general, mixing zones should not exceed a radial distance equal to 1/4 of the width of the river under low flow design conditions ]** Mixing zones will be developed using the wastewater treatment facility design conditions and low ambient flow conditions unless site-specific characteristics indicate otherwise. **Non-point sources shall be subject to the requirements of Section 3.10.3 A.2.e. for the implementation of non-point source control plans.**

c. [ **Policy on** ] Allowable Discharges

1. Direct discharges of wastewater to Special Protection Waters are discouraged. [ **No new or expanded wastewater discharges shall be permitted in waters classified as Special Protection Waters until** ] **The following categories of projects discharging directly to Special Protection Waters may be approved only after the applicant demonstrates that it has fully evaluated all non-discharge/load reduction alternatives and is unable to implement these alternatives [ have been fully evaluated and rejected ] because of technical and/or financial infeasibility: new wastewater treatment facilities and substantial alterations or additions to existing wastewater treatment facilities. When evaluating non-discharge/load reduction alternatives, the applicant shall consider alternatives to any and all loadings — both existing and proposed — in excess of actual loadings at the time of SPW designation.**

2) **The following categories of projects within the drainage area of Special Protection Waters may be approved only after the applicant demonstrates that it has fully evaluated all natural wastewater treatment system alternatives and is unable to implement these alternatives because of technical and/or financial infeasibility: new wastewater treatment facilities and substantial alterations or additions to existing wastewater treatment facilities. When evaluating natural treatment alternatives, the applicant shall consider alternatives to any and all loadings — both existing and proposed — in excess of actual loadings at the time of SPW designation.**

[ 2) **The general number, location and size of future wastewater treatment facilities discharging to Outstanding Basin Waters (if any) shall be developed taking into consideration any adopted regional resource management plan as defined in Section 3.10.3.A.2.a.6) and, on an individual project basis, based on the feasibility of non-discharging options. ]**

3) [ **Discharges** ] **The following categories of projects discharging directly to Significant Resource Waters may be approved only following a determination that the project is [ shall only be allowed for circumstances which are demonstrably ] in the public interest as that term is defined in Section 3.10.3.A.2.a.5): new wastewater treatment facilities and substantial alterations or additions to existing wastewater treatment facilities.**

4) The general number, location and size of future wastewater treatment facilities discharging to Outstanding Basin Waters (if any) shall be developed taking into consideration any adopted regional resource management plan as defined in Section 3.10.3 A.2.a.6) and, on an individual project basis, considering [based on] the feasibility of non-discharge [non-discharging] /load reduction alternatives.

d. [Policies Related to] Wastewater Treatment Facilities

\* \* \* \* \*

[5) All applicants seeking wastewater treatment project approval under Section 3.8 of the Compact shall satisfactorily prove the technical and/or financial infeasibility of using natural wastewater treatment technologies.]

5[6]) The minimum level of wastewater treatment for the following categories of projects will be "Best Demonstrable Technology" as defined below: all new [and expanding] wastewater treatment facilities and all projects involving substantial alterations or additions to existing wastewater treatment facilities when the new or expanding facility discharges directly to Outstanding Basin Waters or Significant Resource Waters[, including projects approved by the Commission after September 1988, will be "Best Demonstrable Technology" ]. Equivalent effluent criteria for industrial facilities and seasonal limits, if any, will be developed on a case-by-case basis. The following 30-day average effluent criteria define Best Demonstrable Technology\*:

5-day CBOD:	10 mg/l or less
Dissolved oxygen:	6.0 mg/l or greater
Total suspended solids:	10 mg/l or less
Ammonia-nitrogen:	1.5 mg/l or less
Total nitrogen:	10.0 mg/l or less
Total phosphorus:	2.0 mg/l or less
Fecal coliform:	50/100 ml or less

\* The effluent criteria that define Best Demonstrable Technology (BDT) were established by these Regulations in 1992 when DRBC originally promulgated the Special Protection Waters regulations for point source discharges. Although treatment technologies have advanced since that year, these "BDT" criteria have been retained for the limited purposes of the SPW program. BDT as defined herein may be superseded, however, by applicable federal, state or DRBC criteria that are more stringent.

6[7]) Best demonstrable technology for disinfection shall be ultraviolet light disinfection or an equivalent disinfection process that results in no harm to aquatic life, does not produce toxic chemical residuals, and results in effective bacterial and viral destruction.

7) For wastewater treatment facility discharge projects that satisfy applicable requirements of Sections 3.10.3 A.2.b. through d. above, the Commission may approve effluent trading on a voluntary basis between point sources within the same watershed or between the same Interstate or Boundary Control Points to achieve no measurable change to existing water quality. Applicants seeking the Commission's approval for a trade must demonstrate

equivalent load and pollutant reductions and the ability (through contracts, docket conditions, NPDES effluent limits or other legal instruments) to ensure continuous achievement of the required reductions for a term of not less than five (5) years or the time required for the point source(s) to install the treatment needed to demonstrate no measurable change to Existing Water Quality, whichever term is longer. States will be encouraged to incorporate appropriate conditions in the next NPDES permits issued to the trading dischargers.

8) For wastewater treatment facilities within the drainage area to Special Protection Waters, the actual loads and design flows included in a NPDES permit or docket effective at the time of Special Protection Waters designation ("SPW designation") may continue without triggering the additional treatment requirements and alternatives analyses required by these regulations. However, when Substantial Alterations or Additions as defined herein are proposed, although the actual discharge at the time of SPW designation remains exempt from additional requirements, the proposed expansion cannot be approved until (a) the applicant demonstrates that it has evaluated all non-discharge load reduction alternatives for all or a portion of the incremental load and is unable to implement these alternatives because of technical or financial infeasibility (for discharges directly to Outstanding Basin Waters (OBW) and Significant Resource Waters (SRW)); (b) the applicant demonstrates that it has evaluated all natural wastewater treatment system alternatives for all or a portion of the incremental load and is unable to implement these alternatives because of technical or financial infeasibility (for discharges directly to OBW and SRW and for tributary discharges); (c) the Commission has determined that the project is demonstrably in the public interest as defined herein (for discharges directly to SRW); (d) the minimum level of treatment to be provided for the incremental discharge is Best Demonstrable Technology as defined herein (for discharges directly to OBW and SRW); and (e) the applicant demonstrates that the project will cause no measurable change to Existing Water Quality as defined herein (for discharges directly to OBW and SRW and for tributary discharges).

9) For wastewater treatment facility projects subject to the no measurable change requirement, the demonstration of no measurable change to existing water quality shall be satisfied if the applicant demonstrates that the new or incremental increase in the facility's flow or load will cause no measurable change at the relevant water quality control point for the parameters denoted by asterisks in Tables 1 and 2 of this section: ammonia (NH<sub>3</sub> N); dissolved oxygen (DO); fecal coliform (FC); nitrate (NO<sub>3</sub> N) or nitrite + nitrate (NO<sub>2</sub> N + NO<sub>3</sub> N); total nitrogen (TN) or total Kjeldahl nitrogen (TKN); total phosphorus (TP); total suspended solids (TSS); and biological oxygen demand (BOD) (Table 1 only). In making the demonstration required in the preceding sentence the applicant shall use a DRBC-approved model of the tributary or main stem watershed if available. Where a DRBC-approved model is not available, the applicant shall use other methodologies submitted to and approved in advance by the Commission to estimate cumulative effect at the applicable control point.



e. **[ Policies Concerning the ]** Control of Non-Point Sources

\* \* \* \* \*

The **[ Commission ] Executive Director** may, upon agreement with the state, delegate review and approval responsibilities under this section to the appropriate state environmental agency.

Exceptions to this policy are:

(a) Public authorities, other special purpose districts, and private corporations that do not have the legal authority to implement non-point source controls in their new or expanded service areas. **Such entities are subject, however, to the requirement set forth in paragraph 3.10.3 A.2.e.2) below, that no new connection may be approved unless the area(s) served is (are) regulated by a non-point source pollution control plan approved by the Commission.**

\* \* \* \* \*

3) Within two years after the adoption of Special Protection Waters non-point source control regulations, . . .

\* \* \* \* \*

Watershed priorities will be determined from a comparative analysis of each watershed's location and potential, future impact on existing water quality at designated Boundary and Interstate **[ Special Protection Waters ]** Control Points. In determining priorities, the Commission will consider:

\* \* \* \* \*

f. Policies Regarding Inter-Government Responsibilities

1) Inter-relationship of State and Commission Responsibilities.

The applicable state environmental agency shall assure to the extent possible [ , ] that existing water quality in Special Protection Waters is not measurably changed by pollution discharged into the intrastate tributary watersheds within its jurisdiction. For water quality management purposes, the state environmental agency and the Commission will jointly establish Boundary Control Points as described in Section 3.10.3.A.2a.12 **[ 13 ]** and g.4).

\* \* \* \* \*

g. Classified Special Protection Waters

\* \* \* \* \*

2) The following stream reaches are classified as Significant Resource Waters:

\* \* \* \* \*

(b) The Lower Delaware River between River Miles 209.5 (the downstream boundary of the Delaware Water

Gap National Recreation Area) and **[ 133.4 ] 134.34 (the Calhoun Street Bridge near** the Head of Tide at Trenton, NJ).

3) **Definitions of Existing Water Quality** for waters classified in paragraphs 1) and 2) above are presented in Part A of Table 1 for the Upper Delaware Scenic & Recreational River and Part B of Table 1 for the reach from Millrift, Pa. to the Delaware Water Gap, including the Middle Delaware Scenic and Recreational River; and in Table 2 for the reach between the Delaware Water Gap and Trenton, N.J. **[ Definitions of existing water quality for waters classified in 1) and 2) above are presented in Table 1. ]**

4) The locations of Boundary and Interstate **[ Special Protection Waters ]** Control Points are described in **[ Table 2 ]** Part C of Table 1 for the reach between Hancock, N.Y. and the Delaware Water Gap and in Table 2 for the reach between the Delaware Water Gap and Trenton, N.J.

\* \* \* \* \*

**[ 6) For the stream reach listed in Section 3.10.3A.2.g.2).(b), all provisions of Section 3.10.3A.2 shall be in effect except those listed below: ]**

• **[ The requirement at Section 3.10.3A.2.b.2). that "[ p]oint and non-point sources from outside the boundaries of stream reaches classified as Significant Resource Waters shall be treated as required and then dispersed in the receiving water so that no measurable change occurs at Boundary and Interstate Special Protection Waters Control Points." ]**

• **[ The requirement of Section 3.10.3A.2.b., read in combination with Section 3.10.3A.2.d.6), that new and expanding wastewater treatment projects discharging to Special Protection Waters may be subject to additional treatment requirements, above and beyond the effluent criteria defining Best Demonstrable Technology, as necessary to ensure no measurable change in existing water quality in Special Protection Waters. ]**

• **[ The requirement at Section 3.10.3A.2.f. that state environmental agencies "shall assure to the extent possible, that existing water quality in Special Protection Waters is not measurably changed by pollution discharged into the intrastate tributary watersheds within their jurisdiction." ]**

**[ Sections 3.10.3A.2.g.2).(b) and 3.10.3A.2.g.6). shall expire on May 15, 2008 unless extended by amendment to this rule. ]**

**TABLE 1. DEFINITION OF EXISTING WATER QUALITY IN THE DELAWARE RIVER BETWEEN HANCOCK, NEW YORK AND THE DELAWARE WATER GAP<sup>1</sup>**

PART A: UPPER DELAWARE SCENIC & RECREATIONAL RIVER <sup>2</sup>				
PARAMETER	MEAN	95 PERCENT CONFIDENCE LIMITS OF MEAN	10TH AND 90TH PERCENTILES	ADDITIONAL
Dissolved oxygen* (mg/l)	9.0	8.9 to 9.2	7.5 and 11.0	Never below 6.0 mg/l (night time); May-Sept; reachwide
BOD <sub>5</sub> * (mg/l)	0.67	0.6 to 0.8	0.3 and 1.9	May-Sept; reachwide
Conductivity (umhos/cm)	68	66.6 to 69.3	52 and 88	non-seasonal; reachwide
Fecal coliform* (colonies/100 ml)	24	21 to 28	4 and 200	May-Sept; reachwide
Total suspended* solids (mg/l)	4.0	2.9 to 5.6	2.0 and 16	non-seasonal; reachwide
Total phosphorus* (ug/l)	29	27 to 31	18 and 50	non-seasonal; reachwide
Ammonia + ammonium* (ug/l)	15	13 to 18	10 and 50	as nitrogen; May-Sept; reachwide
Ammonia + ammonium* (ug/l)	22	20 to 25	10 and 60	as nitrogen; non-seasonal; reachwide
Total kjeldahl nitrogen* (ug/l)	202	172 to 237	100 and 530	May-Sept; reachwide
Nitrite + nitrate nitrogen* (ug/l)	293	256 to 336	123 and 492	May-Sept; reachwide
Hardness (mg/l as CaCO <sub>3</sub> )	21	19.9 to 22.2	17.0 and 27.0	non-seasonal; reachwide
Biocriteria: Shannon-Wiener	3.6	3.4 to 3.8	2.7 and 4.3	May-Sept; reachwide
Biocriteria: Equitability	0.8	0.7 to 0.9	0.5 and 1.1	May-Sept; reachwide
Biocriteria: EPT	15.5	13.8 to 17.2	8.0 and 24.0	May-Sept; reachwide

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

<sup>1</sup> The numeric values for Existing Water Quality set forth in Parts A, B and C of Table 1 were developed through field measurements and laboratory analysis of data collected over a time period determined by the Commission to adequately reflect the natural range of the hydraulic and climatologic factors that [ which ] affect water quality. Existing water quality [ shall be ] is defined in terms of (a) an annual or seasonal mean of the available water quality data, (b) two-tailed upper and lower 95 percent confidence limits around the mean, and (c) the 10th and 90th percentiles of the data set from which the mean was calculated.

## RULES AND REGULATIONS

PART B: DELAWARE RIVER FROM MILLRIFT THROUGH THE DELAWARE WATER GAP INCLUDING THE MIDDLE DELAWARE SCENIC AND RECREATIONAL RIVER <sup>2</sup>				
PARAMETER	MEAN	95 PERCENT CONFIDENCE LIMITS OF MEAN	10TH AND 90TH PERCENTILES	ADDITIONAL
Dissolved oxygen* (mg/l)	9.2	9.1 to 9.4	7.5 and 12.8	Never below 6.0 mg/l (night time); non-seasonal; reachwide
BOD <sub>5</sub> * (mg/l)	0.63	0.6 to 0.7	0.3 and 1.6	May-Sept; reachwide
Conductivity (umhos/cm)	76	75 to 77	60 and 95	non-seasonal; reachwide
Fecal coliform* (colonies/100 ml)	47	42 to 53	9 and 272	May-Sept; reachwide
Total suspended solids* (mg/l)	3.4	3.0 to 3.8	1.0 and 12.0	non-seasonal; reachwide
Total phosphorus* (ug/l)	27	25 to 29	14 and 40	May-Sept; reachwide
Ammonia + ammonium* (ug/l)	23	21 to 26	10 and 50	May-Sept; reachwide
Ammonia + ammonium* (ug/l)	41	37 to 44	10 and 187	non-seasonal; reachwide
Total kjeldahl nitrogen* (ug/l)	293	276 to 312	101 and 860	non-seasonal; reachwide
Total kjeldahl nitrogen* (ug/l)	206	189 to 225	100 and 490	May-Sept; reachwide
Nitrite + nitrate nitrogen* (ug/l)	246	233 to 260	100 and 490	non-seasonal; reachwide
Nitrite + nitrate nitrogen* (ug/l)	206	191 to 223	92 and 392	May-Sept; reachwide
Hardness (mg/l as CaCO <sub>3</sub> )	24	24 to 25	20 and 30	non-seasonal; reachwide
Biocriteria: Shannon-Wiener	3.6	3.4 to 3.7	3.2 and 4.1	May-Sept; reachwide
Biocriteria: Equitability	0.8	0.7 to 0.9	0.5 and 1.1	May-Sept; reachwide
Biocriteria: EPT	13.9	12.8 to 15.1	8.0 and 20.0	May-Sept; reachwide

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

[ PART C: NOTES ON STATISTICS USED TO DEFINE EXISTING WATER QUALITY ] <sup>2</sup> The definitions of Existing Water Quality presented in Parts A and B of this table were developed by performing parametric statistical analyses using logarithmic transformation of available water quality data to derive normality. The numbers represent the anti-log of the statistical results and, thus, will differ from numbers generated by using non-transformed data. Means derived from log transformations, for example, will be lower than means derived from non-transformed data. The 95 percent confidence limits were derived from a two-tailed distribution. Biocriteria were not developed using log-transformed data. The three indices used to develop the biocriteria were derived from specialized transformations of the original data, resulting in values that are normally distributed.

[ TABLE 2. BOUNDARY AND INTERSTATE SPECIAL PROTECTION WATERS CONTROL POINTS ]

PART C: BOUNDARY AND INTERSTATE CONTROL POINTS FOR THE DELAWARE RIVER BETWEEN HANCOCK, N.Y. AND THE DELAWARE WATER GAP		
BOUNDARY	CONTROL POINTS	MAP REFERENCE
Northern Boundary-UDSRR	Delaware River Mile 330.7	DRBC River Mile maps & UDSRR River Management Plan
Eastern Boundary-UDSRR	New York streams in Delaware & Sullivan Counties: Blue Mill; Humphries; Abe Lord; Bouchoux; Pea; Hoolihan; Basket; Hankins; Callicoon; Mitchell Pond; Tenmile; Grassy Swamp; Narrow Falls; York Lake; Beaver Brook; Halfway; Mill; Fish Cabin; Mongaup; Shingle Kill	UDSRR River Management PLAN
Western Boundary-UDSRR	Pennsylvania streams in Wayne & Pike Counties: Shingle Hollow; Stockport; Factory; Equinunk; Weston; Little Equinunk; Cooley; Hollister; Schoolhouse; Beaverdam; Calkins; Peggy Run; Masthope; Westcolang; Lackawaxen; Verga Pond; Panther; Shohola; Twin Lakes; Pond Eddy; Bush Kill	UDSRR River Management PLAN
Northern Boundary-Eight mile reach between UDSRR and MDSRR	Delaware River Mile 258.4 (railroad crossing at Millrift, Pennsylvania)	DRBC River Mile maps; UDSRR River Management Plan
Eastern & Western Boundaries-Eight mile reach between UDSRR & MDSRR	Confluence of New York streams (Orange County); Pennsylvania streams (Pike County); and New Jersey streams (Sussex County) with the Delaware River: Sparrowbush; Neversink; Cummins	U.S.G.S. Port Jervis South & North topographic maps
Northern Boundary-DWGNRA	Delaware River Mile 250.1 near the confluence of Cummins Creek	DRBC River Mile map & DWGNRA Tract Map
Eastern Boundary-DWGNRA	New Jersey streams in Sussex County: Shimers; White; Big Flatbrook; Little Flatbrook	DWGNRA Tract Maps
Western Boundary-DWGNRA	Pennsylvania streams in Pike & Monroe Counties: Crawford Branch; Vandermark; Sawkill; Raymondskill; Conashaugh; Dry; Adams; Dingmans; Hornbeck; Deckers; Alicias; Brodhead-Hellers; Hellers; Toms; Denmark; Little Bushkill; Bushkill; Shawnee; Brodhead; Cherry; Caledonia; Slateford	DWGNRA Tract Maps
<b>[SPECIAL PROTECTION WATERS]</b>		
<b>INTERSTATE</b>	<b>CONTROL POINTS (General Locations)</b>	<b>RIVER MILE</b>
Upper Delaware Scenic & Recreational River	Buckingham Access Area	325
	Lordville Bridge	322
	Kellams Bridge	313
	Callicoon Access Areas	303
	Damacus/Cochection	298
	Skinnners Falls	295
	Narrowsburg area	290
	Ten Mile River Access Area	284
	Lackawaxen Access Area	277
	Barryville/Shohola Bridge	273
Pond Eddy Bridge	266	
Delaware River between the UDSRR & the DWGNRA	Millrift	258
	Matamoras/Port Jervis	254
	Northern boundary-DWGNRA	250
Delaware Water Gap National Recreation Area	Milford Beach	247
	Dingmans Access Area	239
	Eshback Access Area	232
	Bushkill Access Area	228
	Depew Access Area	221
	Smithfield Beach	218
	Worthington S.F. Access	215
	Kittatinny Visitor Center	211
	Upstream end of Arrow Island	210

[TABLE 2 is an entirely new table within Section 3.10.3 A.2.]

**TABLE 2A. INDEX to Lower Delaware River CONTROL POINTS, by River Mile Location.**

<b>EWQ Table</b>	<b>Tributary or Delaware River Site</b>	<b>Latitude</b>	<b>Longitude</b>	<b>River Mile</b>	<b>Control Point (ICP = Interstate CP BCP = Boundary CP)</b>	<b>Drainage Area (square miles)</b>
<b>Table 2C</b>	<b>Portland ICP</b>	40.784722	-75.184722	<b>207.50</b>	<b>Portland ICP</b>	<b>4,165</b>
	Jacoby Creek (PA)			207.48	Belvidere ICP	6.45
<b>Table 2D</b>	<b>Paulins Kill (NJ)</b>	40.920833	-75.088333	<b>207.16-0.07</b>	<b>Paulins Kill BCP</b>	<b>177.0</b>
	Delawanna Creek (NJ)			205.20	Belvidere ICP	4.49
	Allegheny Creek (PA)			199.76	Belvidere ICP	9.06
<b>Table 2E</b>	<b>Belvidere ICP</b>	40.828889	-75.085000	<b>197.84</b>	<b>Belvidere ICP</b>	<b>4,378</b>
<b>Table 2F</b>	<b>Pequest River (NJ)</b>	40.834167	-75.061111	<b>197.80-1.48</b>	<b>Pequest River BCP</b>	<b>157.0</b>
	Pophandusing Brook (NJ)			197.66	Easton ICP	5.62
	Oughoughton Creek (PA)			194.32	Easton ICP	11.9
	Buckhorn Creek (NJ)			192.90	Easton ICP	11.8
<b>Table 2G</b>	<b>Martins Creek (PA)</b>	40.784722	-75.184722	<b>190.65-0.96</b>	<b>Martins Creek BCP</b>	<b>44.5</b>
	Mud Run (PA)			189.10	Easton BCP	6.00
<b>Table 2H</b>	<b>Bushkill Creek (PA)</b>	40.695278	-75.206111	<b>184.10-0.05</b>	<b>Bushkill Creek BCP</b>	<b>80.0</b>
<b>Table 2I</b>	<b>Easton ICP</b>	40.691111	-75.204167	<b>183.82</b>	<b>Easton ICP</b>	<b>4,717</b>
<b>Table 2J</b>	<b>Lehigh River (PA)</b>	40.691111	-75.204722	<b>183.66-0.27</b>	<b>Lehigh River BCP</b>	<b>1,368</b>
	Lopatcong Creek (NJ)			182.00	Riegelsville ICP	14.7
<b>Table 2K</b>	<b>Pohatcong Creek (NJ)</b>	40.624722	-75.186111	<b>177.36-0.35</b>	<b>Pohatcong Creek BCP</b>	<b>57.1</b>
	Fry's Run (PA)			176.60	Riegelsville ICP	6.14
<b>Table 2L</b>	<b>Riegelsville ICP</b>	40.593889	-75.191111	<b>174.80</b>	<b>Riegelsville ICP</b>	<b>6,172</b>
<b>Table 2M</b>	<b>Musconetcong River (NJ)</b>	40.592500	-75.186667	<b>174.60-0.15</b>	<b>Musconetcong BCP</b>	<b>156.0</b>
<b>Table 2N</b>	<b>Cooks Creek (PA)</b>	40.586667	-75.211944	<b>173.70-1.06</b>	<b>Cooks Creek BCP</b>	<b>29.5</b>
	Gallows Run (PA)			171.80	Milford ICP	8.72
<b>Table 2O</b>	<b>Milford ICP</b>	40.566389	-75.098889	<b>167.70</b>	<b>Milford ICP</b>	<b>6,381</b>
	Hakihokake Creek (NJ)			167.20	Bulls Island ICP	17.5
	Harihokake Creek (NJ)			165.70	Bulls Island ICP	9.85
<b>Table 2P</b>	<b>Nishisakawick Creek (NJ)</b>	40.526389	-75.060278	<b>164.10-0.35</b>	<b>Nishisakawick BCP</b>	<b>11.1</b>
	Little Nishisakawick Creek (NJ)			164.00	Bulls Island ICP	3.51
	Copper Creek (NJ)			162.90	Bulls Island ICP	3.27
<b>Table 2Q</b>	<b>Tinicum Creek (PA)</b>	40.485278	-75.072500	<b>161.60-0.24</b>	<b>Tinicum Creek BCP</b>	<b>24.0</b>
	Warford Creek (NJ)			160.50	Bulls Island ICP	1.43
	Smithtown Creek (PA)			159.90	Bulls Island ICP	1.38

<b>EWQ Table</b>	<b>Tributary or Delaware River Site</b>	<b>Latitude</b>	<b>Longitude</b>	<b>River Mile</b>	<b>Control Point (ICP = Interstate CP BCP = Boundary CP)</b>	<b>Drainage Area (square miles)</b>
	Warsaw Creek (NJ)			159.50	Bulls Island ICP	1.60
<b>Table 2R</b>	<b>Tohickon Creek (PA)</b>	40.423056	-75.066667	<b>157.00-0.19</b>	<b>Tohickon Creek BCP</b>	<b>112.0</b>
	Hickory Creek (PA)			156.98	Bulls Island ICP	1.50
<b>Table 2S</b>	<b>Paunacussing Creek (PA)</b>	40.407500	-75.041667	<b>155.90-0.12</b>	<b>Paunacussing BCP</b>	<b>7.87</b>
<b>Table 2T</b>	<b>Bulls Island ICP</b>	40.407500	-75.037778	<b>155.40</b>	<b>Bulls Island ICP</b>	<b>6,598</b>
	Cuttalossa Creek (PA)			154.50	Lambertville ICP	3.00
<b>Table 2U</b>	<b>Lockatong Creek (NJ)</b>	40.415833	-75.018056	<b>154.00-0.75</b>	<b>Lockatong Creek BCP</b>	<b>23.2</b>
<b>Table 2V</b>	<b>Wickecheoke Creek (NJ)</b>	40.411667	-74.986944	<b>152.51-0.21</b>	<b>Wickecheoke BCP</b>	<b>26.6</b>
	Primrose Creek (PA)			150.50	Lambertville ICP	3.00
	Alexauken Creek (NJ)			149.50	Lambertville ICP	15.0
	Rabbit Run (PA)			149.45	Lambertville ICP	0.42
<b>Table 2W</b>	<b>Lambertville ICP</b>	40.365833	-74.949167	<b>148.70</b>	<b>Lambertville ICP</b>	<b>6,680</b>
	Swan Creek (NJ)			148.60	Wash. Crossing ICP	3.28
	Aquetong Creek (PA)			148.50	Wash. Crossing ICP	8.01
	Dark Hollow Run (PA)			148.20	Wash. Crossing ICP	0.71
<b>Table 2X</b>	<b>Pidcock Creek (PA)</b>	40.32907	-74.94566	<b>146.30-0.90</b>	<b>Pidcock Creek BCP</b>	<b>12.7</b>
	Moore Creek (NJ)			145.20	Wash. Crossing ICP	10.2
	Jericho Creek (PA)			144.20	Wash. Crossing ICP	9.63
	Fiddlers Creek (NJ)			143.20	Wash. Crossing ICP	2.02
<b>Table 2Y</b>	<b>Washington Crossing ICP</b>	40.295278	-74.868889	<b>141.80</b>	<b>Wash. Crossing ICP</b>	<b>6,735</b>
	Houghs Creek (PA)			140.60	Trenton ICP	5.19
	Jacobs Creek (NJ)			140.46	Trenton ICP	13.3
	Dyers Creek (PA)			139.80	Trenton ICP	1.20
	Reeds Run (NJ)			138.50	Trenton ICP	1.50
	Buck Creek (PA)			138.00	Trenton ICP	6.99
	Gold Run (NJ)			137.25	Trenton ICP	1.66
<b>Table 2Z</b>	<b>Trenton ICP</b>	40.219722	-74.778333	<b>134.34</b>	<b>Trenton ICP</b>	<b>6,780</b>

**TABLE 2B. Alphabetical INDEX to Lower Delaware River CONTROL POINTS.**

<b>EWQ Table</b>	<b>Tributary or Delaware River Site</b>	<b>Latitude</b>	<b>Longitude</b>	<b>River Mile</b>	<b>Control Point (ICP = Interstate CP BCP = Boundary CP)</b>	<b>Drainage Area (square miles)</b>
	Alexauken Creek (NJ)			149.50	Lambertville ICP	15.0
	Allegheny Creek (PA)			199.76	Belvidere ICP	9.06
	Aquetong Creek (PA)			148.50	Wash. Crossing ICP	8.01

<b>EWQ Table</b>	<b>Tributary or Delaware River Site</b>	<b>Latitude</b>	<b>Longitude</b>	<b>River Mile</b>	<b>Control Point (ICP = Interstate CP BCP = Boundary CP)</b>	<b>Drainage Area (square miles)</b>
<b>Table 2E</b>	<b>Belvidere ICP</b>	40.828889	-75.085000	<b>197.84</b>	<b>Belvidere ICP</b>	<b>4,378</b>
	Buck Creek (PA)			138.00	Trenton ICP	6.99
	Buckhorn Creek (NJ)			192.90	Easton ICP	11.8
<b>Table 2T</b>	<b>Bulls Island ICP</b>	40.407500	-75.037778	<b>155.40</b>	<b>Bulls Island ICP</b>	<b>6,598</b>
<b>Table 2H</b>	<b>Bushkill Creek (PA)</b>	40.695278	-75.206111	<b>184.10-0.05</b>	<b>Bushkill Creek BCP</b>	<b>80.0</b>
<b>Table 2N</b>	<b>Cooks Creek (PA)</b>	40.586667	-75.211944	<b>173.70-1.06</b>	<b>Cooks Creek BCP</b>	<b>29.5</b>
	Copper Creek (NJ)			162.90	Bulls Island ICP	3.27
	Cuttalossa Creek (PA)			154.50	Lambertville ICP	3.00
	Dark Hollow Run (PA)			148.20	Wash. Crossing ICP	0.71
	Delawanna Creek (NJ)			205.20	Belvidere ICP	4.49
	Dyers Creek (PA)			139.80	Trenton ICP	1.20
<b>Table 2I</b>	<b>Easton ICP</b>	40.691111	-75.204167	<b>183.82</b>	<b>Easton ICP</b>	<b>4,717</b>
	Fiddlers Creek (NJ)			143.20	Wash. Crossing ICP	2.02
	Fry's Run (PA)			176.60	Riegelsville ICP	6.14
	Gallows Run (PA)			171.80	Milford ICP	8.72
	Gold Run (NJ)			137.25	Trenton ICP	1.66
	Hakihokake Creek (NJ)			167.20	Bulls Island ICP	17.5
	Harihokake Creek (NJ)			165.70	Bulls Island ICP	9.85
	Hickory Creek (PA)			156.98	Bulls Island ICP	1.50
	Houghs Creek (PA)			140.60	Trenton ICP	5.19
	Jacobs Creek (NJ)			140.46	Trenton ICP	13.3
	Jacoby Creek (PA)			207.48	Belvidere ICP	6.45
	Jericho Creek (PA)			144.20	Wash. Crossing ICP	9.63
<b>Table 2W</b>	<b>Lambertville ICP</b>	40.365833	-74.949167	<b>148.70</b>	<b>Lambertville ICP</b>	<b>6,680</b>
<b>Table 2J</b>	<b>Lehigh River (PA)</b>	40.691111	-75.204722	<b>183.66-0.27</b>	<b>Lehigh River BCP</b>	<b>1,368</b>
	Little Nishisakawick Creek (NJ)			164.00	Bulls Island ICP	3.51
<b>Table 2U</b>	<b>Lockatong Creek (NJ)</b>	40.415833	-75.018056	<b>154.00-0.75</b>	<b>Lockatong Creek BCP</b>	<b>23.2</b>
	Lopatcong Creek (NJ)			182.00	Riegelsville ICP	14.7
<b>Table 2G</b>	<b>Martins Creek (PA)</b>	40.784722	-75.184722	<b>190.65-0.96</b>	<b>Martins Creek BCP</b>	<b>44.5</b>
<b>Table 2O</b>	<b>Milford ICP</b>	40.566389	-75.098889	<b>167.70</b>	<b>Milford ICP</b>	<b>6,381</b>
	Moore Creek (NJ)			145.20	Wash. Crossing ICP	10.2
	Mud Run (PA)			189.10	Easton BCP	6.00
<b>Table 2M</b>	<b>Musconetcong River (NJ)</b>	40.592500	-75.186667	<b>174.60-0.15</b>	<b>Musconetcong BCP</b>	<b>156.0</b>

<b>EWQ Table</b>	<b>Tributary or Delaware River Site</b>	<b>Latitude</b>	<b>Longitude</b>	<b>River Mile</b>	<b>Control Point (ICP = Interstate CP BCP = Boundary CP)</b>	<b>Drainage Area (square miles)</b>
<b>Table 2P</b>	<b>Nishisakawick Creek (NJ)</b>	40.526389	-75.060278	<b>164.10-0.35</b>	<b>Nishisakawick BCP</b>	<b>11.1</b>
	Oughoughton Creek (PA)			194.32	Easton ICP	11.9
<b>Table 2D</b>	<b>Paulins Kill (NJ)</b>	40.920833	-75.088333	<b>207.16-0.07</b>	<b>Paulins Kill BCP</b>	<b>177.0</b>
<b>Table 2S</b>	<b>Paunacussing Creek (PA)</b>	40.407500	-75.041667	<b>155.90-0.12</b>	<b>Paunacussing BCP</b>	<b>7.87</b>
<b>Table 2F</b>	<b>Pequest River (NJ)</b>	40.834167	-75.061111	<b>197.80-1.48</b>	<b>Pequest River BCP</b>	<b>157.0</b>
<b>Table 2X</b>	<b>Pidcock Creek (PA)</b>	40.32907	-74.94566	<b>146.30-0.90</b>	<b>Pidcock Creek BCP</b>	<b>12.7</b>
<b>Table 2K</b>	<b>Pohatcong Creek (NJ)</b>	40.624722	-75.186111	<b>177.36-0.35</b>	<b>Pohatcong Creek BCP</b>	<b>57.1</b>
	Pophandusing Brook (NJ)			197.66	Easton ICP	5.62
<b>Table 2C</b>	<b>Portland ICP</b>	40.784722	-75.184722	<b>207.50</b>	<b>Portland ICP</b>	<b>4,165</b>
	Primrose Creek (PA)			150.50	Lambertville ICP	3.00
	Rabbit Run (PA)			149.45	Lambertville ICP	0.42
	Reeds Run (NJ)			138.50	Trenton ICP	1.50
<b>Table 2L</b>	<b>Riegelsville ICP</b>	40.593889	-75.191111	<b>174.80</b>	<b>Riegelsville ICP</b>	<b>6,172</b>
	Smithtown Creek (PA)			159.90	Bulls Island ICP	1.38
	Swan Creek (NJ)			148.60	Wash. Crossing ICP	3.28
<b>Table 2Q</b>	<b>Tinicum Creek (PA)</b>	40.485278	-75.072500	<b>161.60-0.24</b>	<b>Tinicum Creek BCP</b>	<b>24.0</b>
<b>Table 2R</b>	<b>Tohickon Creek (PA)</b>	40.423056	-75.066667	<b>157.00-0.19</b>	<b>Tohickon Creek BCP</b>	<b>112.0</b>
<b>Table 2Z</b>	<b>Trenton ICP</b>	40.219722	-74.778333	<b>134.34</b>	<b>Trenton ICP</b>	<b>6,780</b>
	Warford Creek (NJ)			160.50	Bulls Island ICP	1.43
	Warsaw Creek (NJ)			159.50	Bulls Island ICP	1.60
<b>Table 2Y</b>	<b>Washington Crossing ICP</b>	40.295278	-74.868889	<b>141.80</b>	<b>Wash. Crossing ICP</b>	<b>6,735</b>
<b>Table 2V</b>	<b>Wickecheoke Creek (NJ)</b>	40.411667	-74.986944	<b>152.51-0.21</b>	<b>Wickecheoke BCP</b>	<b>26.6</b>



Table 2C. Definition of Existing Water Quality: Portland ICP

Delaware River at Portland-Columbia Pedestrian Bridge, Pennsylvania/New Jersey, River Mile 207.50

Parameter (Y)	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH <sub>3</sub> -N (mg/l) *	<0.05	<0.05	<0.05	
Chloride (mg/l)	12	11	13	$Y = -0.00019515 Q + 13.325$
Chlorophyll a (mg/m <sup>3</sup> )	2.13	1.30	2.70	
Dissolved Oxygen (mg/l) mid-day*	8.70	8.38	9.06	
Dissolved Oxygen Saturation (%)	97%	95%	99%	
E. coli (colonies/100 ml)	16	8	25	$Y = \text{antilog}(0.00007074 Q + 0.6659)$
Enterococcus (colonies/100 ml)	20	12	60	
Fecal coliform (colonies/100 ml) *	20	12	36	$Y = \text{antilog}(0.00006854 Q + 0.955)$
Nitrate NO <sub>3</sub> -N (mg/l) *	0.68	0.48	0.74	
Orthophosphate (mg/l)	0.01	0.005	0.01	
pH	7.40	7.29	7.58	
Specific Conductance (umhos/cm)	97	88	104	$Y = -0.00151181 Q + 106.6$
Total Dissolved Solids (mg/l)	83	74	91	
Total Kjeldahl Nitrogen (mg/l)	0.29	0.19	0.40	
Total Nitrogen (mg/l) *	0.86	0.74	1.05	
Total Phosphorus (mg/l) *	0.04	0.03	0.05	
Total Suspended Solids (mg/l) *	3.0	2.0	4.0	$Y = 0.00122363 Q - 2.8618$
Turbidity (NTU)	1.6	1.1	2.8	$Y = \text{antilog}(0.00005157 Q - 0.1356)$
Alkalinity (mg/l)	20	16	22	$Y = -0.00046984 Q + 23.547$
Hardness (mg/l)	30	28	31	

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints.

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

\*\* EWQ value does not meet DRBC water quality criterion, state water quality criterion or both.

Table 2D. Definition of Existing Water Quality: Paulins Kill BCP

Paulins Kill, New Jersey, River Mile 207.16 - 0.07  
Boundary Control Point is located at Route 46 bridge.

Parameter (Y)	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH3-N (mg/l) *	0.06	0.04	0.08	
Chloride (mg/l)	41.9	36	48	$Y = -17.4858 (\log Q) + 79.5946$
Chlorophyll a (mg/m <sup>3</sup> )	3.3	2.7	5.3	
Dissolved Oxygen (mg/l) mid-day *	7.95	7.31	8.39	
Dissolved Oxygen Saturation (%)	88%	83%	91%	
E. coli (colonies/100 ml)	75	40	140	$Y = \text{antilog} (0.7993 (\log Q) + 0.157)$
Enterococcus (colonies/100 ml)	120 **	84 **	180 **	
Fecal coliform (colonies/100 ml) *	110	84	190	$Y = \text{antilog} (0.967 (\log Q) - 0.0255)$
Nitrate NO3-N (mg/l) *	0.75	0.70	0.86	
Orthophosphate (mg/l)	0.02	0.01	0.02	
pH	7.79	7.70	7.87	
Specific Conductance (umhos/cm)	416	380	453	$Y = -141.2449 (\log Q) + 715.5098$
Total Dissolved Solids (mg/l)	280	250	300	$Y = -75.186 (\log Q) + 426.1389$
Total Kjeldahl Nitrogen (mg/l)	0.39	0.29	0.53	
Total Nitrogen (mg/l) *	1.13	0.99	1.28	
Total Phosphorus (mg/l) *	0.05	0.05	0.06	
Total Suspended Solids (mg/l) *	7.0	5.0	8.0	
Turbidity (NTU)	4.0	3.0	4.8	$Y = \text{antilog} (0.4057 (\log Q) - 0.269)$
Alkalinity (mg/l)	125	110	140	$Y = -49.5 (\log Q) + 229.2$
Hardness (mg/l)	158	140	176	$Y = -56.8657 (\log Q) + 280.7477$

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints.

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

\*\* EWQ value does not meet DRBC water quality criterion, state water quality criterion or both.

Table 2E. Definition of Existing Water Quality: Belvidere ICP

Delaware River at Belvidere-Riverton Bridge, NJ/PA, River Mile 197.84

Parameter (Y)	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH <sub>3</sub> -N (mg/l) *	<0.05	<0.05	<0.05	
Chloride (mg/l)	14	12	15	$Y = -0.00020113 Q + 14.872$
Chlorophyll a (mg/m <sup>3</sup> )	1.9	1.3	2.7	
Dissolved Oxygen (mg/l) mid-day*	8.52	8.00	8.95	
Dissolved Oxygen Saturation (%)	94%	92%	96%	
E. coli (colonies/100 ml)	20	5	30	$Y = \text{antilog}(0.00005716 Q + 0.8244)$
Enterococcus (colonies/100 ml)	50	35	68	
Fecal coliform (colonies/100 ml) *	30	20	50	$Y = \text{antilog}(0.00006282 Q + 1.0055)$
Nitrate NO <sub>3</sub> -N (mg/l) *	0.53	0.47	0.71	
Orthophosphate (mg/l)	0.01	0.01	0.02	
pH	7.49	7.25	7.60	
Specific Conductance (umhos/cm)	111.5	105.0	125.0	$Y = -0.00185194 Q + 125.8$
Total Dissolved Solids (mg/l)	98	86	100	
Total Kjeldahl Nitrogen (mg/l)	0.33	0.24	0.40	
Total Nitrogen (mg/l) *	0.89	0.82	1.11	
Total Phosphorus (mg/l) *	0.04	0.04	0.05	
Total Suspended Solids (mg/l) *	3.0	2.0	4.0	$Y = 0.00120841 Q - 3.003$
Turbidity (NTU)	1.7	1.2	2.5	$Y = \text{antilog}(0.00003844 Q + 0.0483)$
Alkalinity (mg/l)	26	24	28	$Y = -0.00046346 Q + 29.199$
Hardness (mg/l)	35	33	36	

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

\*\* EWQ does not meet DRBC water quality criterion, state water quality criterion or both.

Table 2F. Definition of Existing Water Quality: Pequest River BCP

Pequest River, New Jersey, River Mile 197.80 - 1.48  
 Boundary Control Point is located at Orchard Street Bridge, Belvidere

Parameter (Y)	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH3-N (mg/l) *	<0.05	<0.05	0.05	
Chloride (mg/l)	35.9	34.0	38.0	$Y = -12.7769 (\log Q) + 62.875$
Chlorophyll a (mg/m <sup>3</sup> )	2.14	2.00	2.70	
Dissolved Oxygen (mg/l) mid-day *	9.89	9.37	10.37	
Dissolved Oxygen Saturation (%)	103%	99%	107%	
E. coli (colonies/100 ml)	130	110	160	
Enterococcus (colonies/100 ml)	250 **	140 **	460 **	
Fecal coliform (colonies/100 ml) *	180	150	230 **	
Nitrate NO3-N (mg/l) *	1.29	1.13	1.45	
Orthophosphate (mg/l)	0.05	0.05	0.07	
pH	8.20	8.10	8.30	
Specific Conductance (umhos/cm)	491	472	511	$Y = -0.18929204 Q + 517.8326$
Total Dissolved Solids (mg/l)	330	310	340	$Y = -75.8279 (\log Q) + 479.4783$
Total Kjeldahl Nitrogen (mg/l)	0.47	0.32	0.55	
Total Nitrogen (mg/l) *	1.69	1.54	2.00	
Total Phosphorus (mg/l) *	0.10	0.08	0.11 **	
Total Suspended Solids (mg/l) *	6.5	4.0	11.0	
Turbidity (NTU)	3.4	2.1	5.8	$Y = \text{antilog} (1.0964 (\log Q) - 1.87)$
Alkalinity (mg/l)	189	180	200	$Y = -64.33 (\log Q) + 319.85$
Hardness (mg/l)	228	220	230	$Y = -50.0952 (\log Q) + 329.8323$

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints.

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

\*\* EWQ does not meet DRBC water quality criterion, state water quality criterion or both.

Table 2G. Definition of Existing Water Quality: Martins Creek BCP

Martins Creek, Pennsylvania, River Mile 190.65 - 0.96

Boundary Control Point is located at Little Creek Road bridge in Martins Creek Village.

Parameter (Y)	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH <sub>3</sub> -N (mg/l) *	<0.05	0.02***	0.05	
Chloride (mg/l)	21	19	24.3	$Y = -11.0817 (\log Q) + 39.9172$
Chlorophyll a (mg/m <sup>3</sup> )	1.80	0.50	2.70	
Dissolved Oxygen (mg/l) mid-day *	9.55	9.23	9.62	
Dissolved Oxygen Saturation (%)	98%	96%	99%	
E. coli (colonies/100 ml)	150	48	350	
Enterococcus (colonies/100 ml)	380	260	620	
Fecal coliform (colonies/100 ml) *	355 **	190	640 **	
Nitrate NO <sub>3</sub> -N (mg/l) *	2.38	2.04	2.80	
Orthophosphate (mg/l)	0.11	0.07	0.13	
pH	7.73	7.6	7.78	
Specific Conductance (umhos/cm)	322	283	338	$Y = -114.3186 (\log Q) + 506.634$
Total Dissolved Solids (mg/l)	229	210	250	$Y = -89.8812 (\log Q) + 373.2748$
Total Kjeldahl Nitrogen (mg/l)	0.34	0.28	0.50	
Total Nitrogen (mg/l) *	2.95	2.65	3.32	
Total Phosphorus (mg/l) *	0.13	0.10	0.20	
Total Suspended Solids (mg/l) *	4.0	2.0	5.0	
Turbidity (NTU)	2.4	1.6	4.0	$Y = \text{antilog} (0.642 (\log Q) - 0.684)$
Alkalinity (mg/l)	50	43	52	$Y = -19.48 (\log Q) + 81.48$
Hardness (mg/l)	120	112	130	$Y = -46.9931 (\log Q) + 201.407$

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints.

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

\*\* EWQ does not meet DRBC water quality criterion, state water quality criterion or both.

\*\*\* Based on laboratory 'J' values reported below the 0.05 lower reporting limit.

Table 2H. Definition of Existing Water Quality: Bushkill Creek BCP

Bushkill Creek, Northampton County, Pennsylvania, River Mile 184.10 - 0.05  
 Boundary Control Point is located at Route 611 bridge, Easton.

Parameter (Y)	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH3-N (mg/l) *	0.10	0.07	0.13	
Chloride (mg/l)	27	25	28.4	$Y = -13.4942 (\log Q) + 54.7837$
Chlorophyll a (mg/m <sup>3</sup> )	n/a	n/a	n/a	
Dissolved Oxygen (mg/l) mid-day *	10.10	9.69	10.30	
Dissolved Oxygen Saturation (%)	102%	100%	104%	
E. coli (colonies/100 ml)	330	220	620	
Enterococcus (colonies/100 ml)	350	280	540	
Fecal coliform (colonies/100 ml) *	540 **	370 **	880 **	
Nitrate NO3-N (mg/l) *	3.90	3.63	4.26	
Orthophosphate (mg/l)	0.02	0.02	0.03	
pH	8.00	7.99	8.08	
Specific Conductance (umhos/cm)	578	542	615	$Y = -1.32108663 Q + 751.3559$
Total Dissolved Solids (mg/l)	410	360	440	$Y = -394.9208 (\log Q) + 1231.0249$
Total Kjeldahl Nitrogen (mg/l)	0.40	0.29	0.50	
Total Nitrogen (mg/l) *	4.41	4.11	4.73	
Total Phosphorus (mg/l) *	0.05	0.04	0.06	
Total Suspended Solids (mg/l) *	5.0	3.0	8.0	
Turbidity (NTU)	3.0	2.5	5.1	
Alkalinity (mg/l)	140	130	155	$Y = -152.34 (\log Q) + 459$
Hardness (mg/l)	218	210	225	$Y = -159.4372 (\log Q) + 549.8009$

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints.

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

\*\* EWQ does not meet DRBC water quality criterion, state water quality criterion or both.

Table 2I. Definition of Existing Water Quality: Easton ICP

Delaware River at Northampton Street Bridge, Easton-Phillipsburg, PA/NJ, River Mile 183.82

Parameter (Y)	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH <sub>3</sub> -N (mg/l) *	<.05	<.05	<0.05	
Chloride (mg/l)	16	14	17	$Y = -0.00022184 Q + 16.751$
Chlorophyll a (mg/m <sup>3</sup> )	1.45	1.07	2.14	
Dissolved Oxygen (mg/l) mid-day*	8.10	7.90	8.58	
Dissolved Oxygen Saturation (%)	95%	92%	96%	
E. coli (colonies/100 ml)	31	24	64	$Y = \text{antilog}(0.00004425 Q + 1.273)$
Enterococcus (colonies/100 ml)	145	80	250	
Fecal coliform (colonies/100 ml) *	100	64	130	
Nitrate NO <sub>3</sub> -N (mg/l) *	0.85	0.70	0.90	
Orthophosphate (mg/l)	0.02	0.01	0.02	
pH	7.55	7.41	7.70	
Specific Conductance (umhos/cm)	142	127	155	$Y = -0.0024666 Q + 158.76$
Total Dissolved Solids (mg/l)	110	103	120	
Total Kjeldahl Nitrogen (mg/l)	0.35	0.26	0.46	
Total Nitrogen (mg/l) *	1.19	1.01	1.35	
Total Phosphorus (mg/l) *	0.05	0.04	0.06	
Total Suspended Solids (mg/l) *	4.0	3.0	5.0	$Y = 0.00177536 Q - 4.8027$
Turbidity (NTU)	2.6	1.8	4.0	$Y = \text{antilog}(0.00003836 Q + 0.1845)$
Alkalinity (mg/l)	34	30	39	$Y = -0.00073929 Q + 39.867$
Hardness (mg/l)	48	45	52	

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints.

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

\*\* EWQ does not meet DRBC water quality criterion, state water quality criterion or both.

Table 2J. Definition of Existing Water Quality: Lehigh River BCP

Lehigh River, Pennsylvania, River Mile 183.66 - 0.27  
 Boundary Control Point is located at Route 611 bridge, Easton.

Parameter (Y)	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH3-N (mg/l) *	0.08	0.06	0.09	
Chloride (mg/l)	21	19	24	$Y = -16.5077 (\log Q) + 76.7534$
Chlorophyll a (mg/m <sup>3</sup> )	2.70	1.80	3.60	
Dissolved Oxygen (mg/l) mid-day *	8.85	8.39	9.20	
Dissolved Oxygen Saturation (%)	97%	94%	98%	
E. coli (colonies/100 ml)	49	36	120	$Y = \text{antilog} (1.5045 (\log Q) - 3.0132)$
Enterococcus (colonies/100 ml)	110	56	210	
Fecal coliform (colonies/100 ml) *	120	70	200	$Y = \text{antilog} (1.4387 (\log Q) - 2.5712)$
Nitrate NO3-N (mg/l) *	1.80	1.70	2.00	
Orthophosphate (mg/l)	0.11	0.09	0.15	
pH	7.61	7.50	7.70	
Specific Conductance (umhos/cm)	264	218	292	$Y = -186.4602 (\log Q) + 870.6296$
Total Dissolved Solids (mg/l)	180	158	195	$Y = -93.4568 (\log Q) + 482.4929$
Total Kjeldahl Nitrogen (mg/l)	0.50	0.41	0.58	
Total Nitrogen (mg/l) *	2.43	2.13	2.74	
Total Phosphorus (mg/l) *	0.17	0.15	0.24	
Total Suspended Solids (mg/l) *	4.0	3.0	6.0	
Turbidity (NTU)	3.1	2.2	6.0	$Y = \text{antilog} (0.901 (\log Q) - 2.335)$
Alkalinity (mg/l)	55	49	69	$Y = -51.44 (\log Q) + 227.86$
Hardness (mg/l)	94	77	105	$Y = -58.1224 (\log Q) + 285.2788$

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints.

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

\*\* EWQ does not meet DRBC water quality criterion, state water quality criterion or both.



Table 2K. Definition of Existing Water Quality: Pohatcong Creek BCP

Pohatcong Creek, New Jersey, River Mile 177.36 - 0.35  
Boundary Control Point is located at River Road bridge.

Parameter (Y)	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH <sub>3</sub> -N (mg/l) *	<.05	<.05	<0.05	
Chloride (mg/l)	20	19	21	
Chlorophyll a (mg/m <sup>3</sup> )	n/a	n/a	n/a	
Dissolved Oxygen (mg/l) mid-day *	9.50	9.20	9.90	
Dissolved Oxygen Saturation (%)	97%	96%	100%	
E. coli (colonies/100 ml)	305	190	550	$Y = \text{antilog}(1.0503(\log Q) + 0.976)$
Enterococcus (colonies/100 ml)	610 **	380 **	820 **	
Fecal coliform (colonies/100 ml) *	580 **	420 **	810 **	
Nitrate NO <sub>3</sub> -N (mg/l) *	2.61	2.30	2.88	
Orthophosphate (mg/l)	0.05	0.05	0.07	
pH	7.90	7.88	7.95	
Specific Conductance (umhos/cm)	340	316	352	$Y = -0.84542072 Q + 365.5539$
Total Dissolved Solids (mg/l)	220	211	260	$Y = -99.9173(\log Q) + 381.5349$
Total Kjeldahl Nitrogen (mg/l)	0.33	0.19	0.36	
Total Nitrogen (mg/l) *	3.14	2.87	3.26	
Total Phosphorus (mg/l) *	0.10	0.08	0.11 **	
Total Suspended Solids (mg/l) *	6.5	5.0	8.0	
Turbidity (NTU)	4.6	2.1	5.1	$Y = \text{antilog}(0.867(\log Q) - 0.69)$
Alkalinity (mg/l)	116	104	120	$Y = -81.8(\log Q) + 238.83$
Hardness (mg/l)	140	135	160	$Y = -76.5277(\log Q) + 261.5315$

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints.

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

\*\* EWQ does not meet DRBC water quality criterion, state water quality criterion or both.

Table 2L. Definition of Existing Water Quality: Riegelsville ICP

Delaware River at Riegelsville Bridge, PA/NJ, River Mile 174.80

Parameter (Y)	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH3-N (mg/l) *	<0.05	<0.05	0.05	
Chloride (mg/l)	17	15	19	$Y = -0.00026948 Q + 19.644$
Chlorophyll a (mg/m <sup>3</sup> )	2.42	1.80	3.60	
Dissolved Oxygen (mg/l) mid-day *	8.80	8.20	9.05	
Dissolved Oxygen Saturation (%)	97%	95%	98%	
E. coli (colonies/100 ml)	40	20	80	$Y = \text{antilog}(0.0000513 Q + 0.9973)$
Enterococcus (colonies/100 ml)	80	52	110	
Fecal coliform (colonies/100 ml) *	84	54	160	$Y = \text{antilog}(0.00003636 Q + 1.5438)$
Nitrate NO3-N (mg/l) *	1.17	1.02	1.23	
Orthophosphate (mg/l)	0.04	0.04	0.07	
pH	7.60	7.48	7.80	
Specific Conductance (umhos/cm)	183	155	197	$Y = -0.00298102 Q + 207.26$
Total Dissolved Solids (mg/l)	140	130	150	$Y = -0.00168753 Q + 152.78$
Total Kjeldahl Nitrogen (mg/l)	0.31	0.22	0.46	
Total Nitrogen (mg/l) *	1.44	1.31	1.62	
Total Phosphorus (mg/l) *	0.09	0.07	0.12	
Total Suspended Solids (mg/l) *	4.5	3.5	6.5	$Y = 0.00061523 Q + 0.2725$
Turbidity (NTU)	2.7	2.1	3.5	$Y = \text{antilog}(0.00002645 Q + 0.2252)$
Alkalinity (mg/l)	42	36	48	$Y = -0.0008322 Q + 50.44$
Hardness (mg/l)	65	54	70	$Y = -0.00121951 Q + 73.708$

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints.

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

\*\* EWQ does not meet DRBC water quality criterion, state water quality criterion or both.

Table 2M. Definition of Existing Water Quality: Musconetcong River BCP

Musconetcong River, New Jersey, River Mile 174.60 - 0.15  
Boundary Control Point is located at River Road (Rt. 627) bridge

Parameter (Y)	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH <sub>3</sub> -N (mg/l) *	0.06	0.05	0.08	
Chloride (mg/l)	43	42	45	
Chlorophyll a (mg/m <sup>3</sup> )	3.20	2.56	3.71	
Dissolved Oxygen (mg/l) mid-day *	9.10	8.90	9.60	
Dissolved Oxygen Saturation (%)	99%	97%	100%	
E. coli (colonies/100 ml)	125	70	240	
Enterococcus (colonies/100 ml)	210 **	150 **	360 **	
Fecal coliform (colonies/100 ml) *	270 **	190	400 **	
Nitrate NO <sub>3</sub> -N (mg/l) *	2.09	1.85	2.30	
Orthophosphate (mg/l)	0.02	0.02	0.03	
pH	7.90	7.90	8.00	
Specific Conductance (umhos/cm)	396	375	426	$Y = -0.23045946 Q + 440.1906$
Total Dissolved Solids (mg/l)	255	240	270	$Y = -0.0954 Q + 272.5773$
Total Kjeldahl Nitrogen (mg/l)	0.49	0.37	0.87	
Total Nitrogen (mg/l) *	2.56	2.36	2.91	
Total Phosphorus (mg/l) *	0.07	0.05	0.09	
Total Suspended Solids (mg/l) *	7.0	5.5	11.0	
Turbidity (NTU)	3.5	2.3	5.4	$Y = \text{antilog}(0.86 (\log Q) - 1.294)$
Alkalinity (mg/l)	103	97	118	$Y = -79.84 (\log Q) + 298.41$
Hardness (mg/l)	149	130	160	$Y = -67.6003 (\log Q) + 297.8314$

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints.

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

\*\* EWQ does not meet DRBC water quality criterion, state water quality criterion or both.

Table 2N. Definition of Existing Water Quality: Cooks Creek BCP

Cooks Creek, Pennsylvania, River Mile 173.70 - 1.06  
Boundary Control Point is located at Red Bridge Road bridge.

Parameter (Y)	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH3-N (mg/l) *	<0.05	<0.05	<0.05	
Chloride (mg/l)	9.7	8.9	10.9	
Chlorophyll a (mg/m <sup>3</sup> )	n/a	n/a	n/a	
Dissolved Oxygen (mg/l) mid-day *	9.93	9.70	10.30	
Dissolved Oxygen Saturation (%)	102%	98%	108%	
E. coli (colonies/100 ml)	110	80	200	$Y = \text{antilog}(1.1307(\log Q) + 0.6483)$
Enterococcus (colonies/100 ml)	380	250	520	
Fecal coliform (colonies/100 ml) *	210 **	140	360 **	
Nitrate NO3-N (mg/l) *	1.80	1.70	1.90	
Orthophosphate (mg/l)	0.01	0.01	0.02	
pH	8.04	7.94	8.19	
Specific Conductance (umhos/cm)	258	244	278	$Y = -0.94618228 Q + 290.6508$
Total Dissolved Solids (mg/l)	180	161	194	$Y = -0.7015 Q + 197.6165$
Total Kjeldahl Nitrogen (mg/l)	0.21	0.13	0.34	
Total Nitrogen (mg/l) *	2.01	1.95	2.32	
Total Phosphorus (mg/l) *	0.04	0.03	0.06	
Total Suspended Solids (mg/l) *	2.5	2.0	4.0	
Turbidity (NTU)	1.5	1.1	2.3	$Y = \text{antilog}(0.888(\log Q) - 0.981)$
Alkalinity (mg/l)	98	89	104	$Y = -50.25(\log Q) + 168.52$
Hardness (mg/l)	120	110	125	$Y = -40.8625(\log Q) + 175.8628$

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints.

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

\*\* EWQ does not meet DRBC water quality criterion, state water quality criterion or both.

Table 2O. Definition of Existing Water Quality: Milford ICP

Delaware River at Milford-U. Black Eddy Bridge, NJ/PA, River Mile 167.70

Parameter (Y)	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH <sub>3</sub> -N (mg/l) *	<0.05	<0.05	0.05	
Chloride (mg/l)	17	15	20	$Y = -0.00027835 Q + 20.221$
Chlorophyll a (mg/m <sup>3</sup> )	1.80	0.90	2.70	
Dissolved Oxygen (mg/l) mid-day *	8.74	8.20	8.96	
Dissolved Oxygen Saturation (%)	96%	95%	97%	
E. coli (colonies/100 ml)	28	15	60	$Y = \text{antilog}(0.00004814 Q + 0.905)$
Enterococcus (colonies/100 ml)	45	28	98	
Fecal coliform (colonies/100 ml) *	60	40	120	$Y = \text{antilog}(0.00004177 Q + 1.2688)$
Nitrate NO <sub>3</sub> -N (mg/l) *	1.09	0.96	1.25	
Orthophosphate (mg/l)	0.04	0.04	0.07	
pH	7.58	7.44	7.80	
Specific Conductance (umhos/cm)	189	159	203	$Y = -0.00313416 Q + 212.42$
Total Dissolved Solids (mg/l)	149	130	160	$Y = -0.00270722 Q + 173.806$
Total Kjeldahl Nitrogen (mg/l)	0.34	0.26	0.46	
Total Nitrogen (mg/l) *	1.48	1.23	1.68	
Total Phosphorus (mg/l) *	0.09	0.07	0.12	
Total Suspended Solids (mg/l) *	6.0	4.5	7.0	$Y = 0.0006379 Q + 0.3729$
Turbidity (NTU)	2.9	2.2	3.8	$Y = \text{antilog}(0.00002693 Q + 0.1674)$
Alkalinity (mg/l)	44	37	49	$Y = -0.00087657 Q + 51.613$
Hardness (mg/l)	67	55	73	$Y = -0.0011369 Q + 74.63$

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints.

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

\*\* EWQ does not meet DRBC water quality criterion, state water quality criterion or both.

Table 2P. Definition of Existing Water Quality: Nishisakawick Creek BCP

Nishisakawick Creek, New Jersey, River Mile 164.10 - 0.35  
 Boundary Control Point is located at Route 12 bridge, Frenchtown.

Parameter (Y)	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH3-N (mg/l) *	<0.05	<0.05	0.06	
Chloride (mg/l)	15	14	16	
Chlorophyll a (mg/m <sup>3</sup> )	n/a	n/a	n/a	
Dissolved Oxygen (mg/l) mid-day *	9.65	9.11	10.10	
Dissolved Oxygen Saturation (%)	101%	99%	105%	
E. coli (colonies/100 ml)	48	20	96	$Y = \text{antilog}(0.5217(\log Q) + 1.5665)$
Enterococcus (colonies/100 ml)	240 **	170 **	790 **	
Fecal coliform (colonies/100 ml) *	85	50	120	
Nitrate NO3-N (mg/l) *	1.62	1.52	1.83	
Orthophosphate (mg/l)	0.04	0.03	0.05	
pH	7.89	7.56	8.00	
Specific Conductance (umhos/cm)	181	176	190	$Y = -24.8604(\log Q) + 189.4554$
Total Dissolved Solids (mg/l)	130	120	144	$Y = -0.9989 Q + 139.9081$
Total Kjeldahl Nitrogen (mg/l)	0.35	0.21	0.59	
Total Nitrogen (mg/l) *	2.09	1.70	2.39	
Total Phosphorus (mg/l) *	0.06	0.05	0.07	
Total Suspended Solids (mg/l) *	1.5	1.0	2.0	
Turbidity (NTU)	1.3	0.9	2.0	$Y = \text{antilog}(0.0315 Q - 0.1328)$
Alkalinity (mg/l)	45	40	51	$Y = -16.39(\log Q) + 55.14$
Hardness (mg/l)	60	59	65	$Y = -12.5184(\log Q) + 66.8341$

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints.

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

\*\* EWQ does not meet DRBC water quality criterion, state water quality criterion or both.

Table 2Q. Definition of Existing Water Quality: Tincum Creek BCP

Tincum Creek, Pennsylvania, River Mile 161.60 - 0.24

Boundary Control Point is located on private property by Tincum Creek Road, just below confluence of first unnamed tributary.

Parameter (Y)	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH <sub>3</sub> -N (mg/l) *	<0.05	<0.05	<0.05	
Chloride (mg/l)	14	12	16	
Chlorophyll a (mg/m <sup>3</sup> )	n/a	n/a	n/a	
Dissolved Oxygen (mg/l) mid-day *	9.80	8.90	10.10	
Dissolved Oxygen Saturation (%)	104%	101%	107%	
E. coli (colonies/100 ml)	80	55	180	
Enterococcus (colonies/100 ml)	200	96	340	
Fecal coliform (colonies/100 ml) *	155	124	280 **	
Nitrate NO <sub>3</sub> -N (mg/l) *	0.79	0.64	1.00	
Orthophosphate (mg/l)	0.01	0.01	0.02	
pH	8.00	7.70	8.30	
Specific Conductance (umhos/cm)	247	219	262	$Y = -69.3482 (\log Q) + 285.899$
Total Dissolved Solids (mg/l)	180	170	190	$Y = -39.2799 (\log Q) + 204.5375$
Total Kjeldahl Nitrogen (mg/l)	0.30	0.13	0.41	
Total Nitrogen (mg/l) *	1.14	0.79	1.23	
Total Phosphorus (mg/l) *	0.04	0.03	0.04	
Total Suspended Solids (mg/l) *	2.0	1.0	3.0	
Turbidity (NTU)	1.1	0.9	1.8	$Y = \text{antilog} (0.4453 (\log Q) - 0.2226)$
Alkalinity (mg/l)	61	52	72	$Y = -19.56 (\log Q) + 75.97$
Hardness (mg/l)	91	75	101	$Y = -29.6089 (\log Q) + 113.3701$

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints.

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

\*\* EWQ does not meet DRBC water quality criterion, state water quality criterion or both.

Table 2R. Definition of Existing Water Quality: Tohickon Creek BCP

Tohickon Creek, Pennsylvania, River Mile 157.00 - 0.19

Boundary Control Point is located at the Delaware Canal Aqueduct crossing in Point Pleasant.

Parameter (Y)	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH3-N (mg/l) *	<0.05	<0.05	<0.05	
Chloride (mg/l)	27	25	29	$Y = -4.6046 (\log Q) + 34.3562$
Chlorophyll a (mg/m <sup>3</sup> )	2.14	1.07	3.20	
Dissolved Oxygen (mg/l) mid-day *	9.06	8.60	9.20	
Dissolved Oxygen Saturation (%)	100%	98%	103%	
E. coli (colonies/100 ml)	38	20	60	$Y = \text{antilog} (0.8609 (\log Q) + 0.2319)$
Enterococcus (colonies/100 ml)	540	250	980	
Fecal coliform (colonies/100 ml) *	90	60	170	$Y = \text{antilog} (0.6939 (\log Q) + 0.9399)$
Nitrate NO3-N (mg/l) *	0.63	0.52	0.72	
Orthophosphate (mg/l)	0.015	0.01	0.02	
pH	8.00	7.80	8.20	
Specific Conductance (umhos/cm)	218	212	226	$Y = -27.1873 (\log Q) + 261.345$
Total Dissolved Solids (mg/l)	162	150	170	$Y = -27.494 (\log Q) + 204.9618$
Total Kjeldahl Nitrogen (mg/l)	0.37	0.34	0.49	
Total Nitrogen (mg/l) *	1.03	0.87	1.16	
Total Phosphorus (mg/l) *	0.04	0.04	0.05	
Total Suspended Solids (mg/l) *	2.0	1.0	2.5	
Turbidity (NTU)	1.3	0.9	2.0	$Y = \text{antilog} (0.5292 (\log Q) - 0.6216)$
Alkalinity (mg/l)	46	40	49	$Y = -8.96 (\log Q) + 60$
Hardness (mg/l)	64	62	68	$Y = -10.6687 (\log Q) + 81.5734$

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints.

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

\*\* EWQ does not meet DRBC water quality criterion, state water quality criterion or both.



Table 2S. Definition of Existing Water Quality: Paunacussing Creek BCP

Paunacussing Creek, Pennsylvania, River Mile 155.90 - 0.12

Boundary Control Point is located at Route 32 bridge, Lumberville.

Parameter (Y)	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH3-N (mg/l) *	<0.05	<0.05	<0.05	
Chloride (mg/l)	24	23	25	
Chlorophyll a (mg/m <sup>3</sup> )	n/a	n/a	n/a	
Dissolved Oxygen (mg/l) mid-day *	9.42	8.90	9.81	
Dissolved Oxygen Saturation (%)	98%	96%	101%	
E. coli (colonies/100 ml)	28	15	84	$Y = \text{antilog}(0.742(\log Q) + 1.3102)$
Enterococcus (colonies/100 ml)	320	160	520	
Fecal coliform (colonies/100 ml) *	80	60	130	$Y = \text{antilog}(0.5676(\log Q) + 1.7382)$
Nitrate NO3-N (mg/l) *	2.58	2.15	2.75	
Orthophosphate (mg/l)	0.05	0.04	0.05	
pH	7.60	7.47	7.72	
Specific Conductance (umhos/cm)	229	218	242	$Y = -18.8373(\log Q) + 238.7433$
Total Dissolved Solids (mg/l)	130	120	144	$Y = -24.3907(\log Q) + 154.9198$
Total Kjeldahl Nitrogen (mg/l)	0.30	0.17	0.36	
Total Nitrogen (mg/l) *	2.96	2.83	3.15	
Total Phosphorus (mg/l) *	0.07	0.06	0.08	
Total Suspended Solids (mg/l) *	1.0	1.0	2.0	
Turbidity (NTU)	0.8	0.5	1.6	
Alkalinity (mg/l)	47	42	55	$Y = -13.64(\log Q) + 52.88$
Hardness (mg/l)	80	75	85	$Y = -12.1905(\log Q) + 84.3707$

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints.

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

\*\* EWQ does not meet DRBC water quality criterion, state water quality criterion or both.

Table 2T. Definition of Existing Water Quality: Bulls Island ICP

Delaware River at Bulls Island (Lumberville-Raven Rock) Foot Bridge, PA/NJ, River Mile 155.40

Parameter (Y)	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH3-N (mg/l) *	<0.05	<0.05	<0.05	
Chloride (mg/l)	17	15	20	$Y = -0.00044266 Q + 21.906$
Chlorophyll a (mg/m <sup>3</sup> )	2.70	1.07	3.20	
Dissolved Oxygen (mg/l) mid-day *	8.80	8.40	9.30	
Dissolved Oxygen Saturation (%)	98%	95%	100%	
E. coli (colonies/100 ml)	40	23	80	
Enterococcus (colonies/100 ml)	49	32	100	
Fecal coliform (colonies/100 ml) *	71	36	90	$Y = \text{antilog}(0.00003537 Q + 1.3646)$
Nitrate NO3-N (mg/l) *	1.00	0.88	1.23	
Orthophosphate (mg/l)	0.04	0.04	0.06	
pH	7.60	7.50	7.74	
Specific Conductance (umhos/cm)	186	170	202	$Y = -0.00482529 Q + 229.19$
Total Dissolved Solids (mg/l)	140	130	160	$Y = -0.00277475 Q + 169.368$
Total Kjeldahl Nitrogen (mg/l)	0.32	0.27	0.55	
Total Nitrogen (mg/l) *	1.48	1.26	1.59	
Total Phosphorus (mg/l) *	0.10	0.07	0.12	
Total Suspended Solids (mg/l) *	5.0	4.0	7.0	$Y = 0.0007482 Q - 0.48$
Turbidity (NTU)	3.8	2.2	6.0	
Alkalinity (mg/l)	45	38	51	$Y = -0.00129755 Q + 56.978$
Hardness (mg/l)	68	60	72	$Y = -0.00134498 Q + 78.78$

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints.

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

\*\* EWQ does not meet DRBC water quality criterion, state water quality criterion or both.

Table 2U. Definition of Existing Water Quality: Lockatong Creek BCP

Lockatong Creek, New Jersey, River Mile 154.00 - 0.75

Boundary Control Point is located at Rosemont-Raven Rock Road bridge.

Parameter (Y)	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH3-N (mg/l) *	<0.05	<0.05	<0.05	
Chloride (mg/l)	13	11	14	$Y = -3.0659 (\log Q) + 14.6262$
Chlorophyll a (mg/m <sup>3</sup> )	n/a	n/a	n/a	
Dissolved Oxygen (mg/l) mid-day *	8.70	8.30	9.10	
Dissolved Oxygen Saturation (%)	94%	90%	96%	
E. coli (colonies/100 ml)	33	20	50	$Y = \text{antilog} (0.6703 (\log Q) + 1.1906)$
Enterococcus (colonies/100 ml)	260 **	98 **	480 **	
Fecal coliform (colonies/100 ml) *	32	20	76	$Y = \text{antilog} (1.0321 (\log Q) + 1.1157)$
Nitrate NO3-N (mg/l) *	1.13	0.92	1.40	
Orthophosphate (mg/l)	0.03	0.02	0.04	
pH	7.30	7.20	7.50	
Specific Conductance (umhos/cm)	180	165	191	$Y = -35.3137 (\log Q) + 193.0827$
Total Dissolved Solids (mg/l)	140	130	142	$Y = -24.7785 (\log Q) + 150.0884$
Total Kjeldahl Nitrogen (mg/l)	0.39	0.23	0.58	
Total Nitrogen (mg/l) *	1.56	1.26	1.81	
Total Phosphorus (mg/l) *	0.05	0.05	0.06	
Total Suspended Solids (mg/l) *	1.0	0.5	2.0	
Turbidity (NTU)	1.2	0.8	3.0	$Y = \text{antilog} (0.6517 (\log Q) - 0.2066)$
Alkalinity (mg/l)	43	35	46	$Y = -11.425 (\log Q) + 48.85$
Hardness (mg/l)	60	56	63	

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints.

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

\*\* EWQ does not meet DRBC water quality criterion, state water quality criterion or both.

Table 2V. Definition of Existing Water Quality: Wickecheoke Creek BCP

Wickecheoke Creek, New Jersey, River Mile 152.51 - 0.21  
 Boundary Control Point is located at Route 29 bridge, Stockton.

Parameter (Y)	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH3-N (mg/l) *	<0.05	<0.05	<0.05	
Chloride (mg/l)	17	15	18	
Chlorophyll a (mg/m <sup>3</sup> )	n/a	n/a	n/a	
Dissolved Oxygen (mg/l) mid-day *	9.45	8.95	9.90	
Dissolved Oxygen Saturation (%)	101%	96%	104%	
E. coli (colonies/100 ml)	52	40	76	
Enterococcus (colonies/100 ml)	170 **	84 **	300 **	
Fecal coliform (colonies/100 ml) *	92	65	190	
Nitrate NO3-N (mg/l) *	1.83	1.69	2.20	
Orthophosphate (mg/l)	0.03	0.03	0.04	
pH	7.53	7.40	7.70	
Specific Conductance (umhos/cm)	183	175	200	Y = -28.7787 (log Q) + 199.7338
Total Dissolved Solids (mg/l)	130	120	134	Y = -30.5576 (log Q) + 148.5061
Total Kjeldahl Nitrogen (mg/l)	0.44	0.30	0.70	
Total Nitrogen (mg/l) *	2.12	1.99	2.65	
Total Phosphorus (mg/l) *	0.06	0.05	0.07	
Total Suspended Solids (mg/l) *	1.0	0.5	1.5	
Turbidity (NTU)	1.2	0.7	2.0	Y = antilog(0.5729 (log Q) - 0.2123)
Alkalinity (mg/l)	40	33	43	Y = -9.35 (log Q) + 45.46
Hardness (mg/l)	58	51	62	

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints.

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted..

\*\* EWQ does not meet DRBC water quality criterion, state water quality criterion or both.

Table 2W. Definition of Existing Water Quality: Lambertville ICP

Delaware River at Lambertville-New Hope Bridge, NJ/PA, River Mile 148.70

Parameter (Y) Note: only the parameters marked (*) are currently used in NMC analysis for new and expanding discharges	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH3-N (mg/l) *	<0.05	<0.05	0.05	
Chloride (mg/l)	18	16	20	$Y = -0.00046965 Q + 22.449$
Chlorophyll a (mg/m <sup>3</sup> )	2.95	2.00	4.70	
Dissolved Oxygen (mg/l) mid-day *	8.50	7.90	8.63	
Dissolved Oxygen Saturation (%)	94%	93%	95%	
E. coli (colonies/100 ml)	40	16	62	$Y = \text{antilog} (0.00004662 Q + 1.0027)$
Enterococcus (colonies/100 ml)	60	38	80	
Fecal coliform (colonies/100 ml) *	55	32	120	$Y = \text{antilog} (0.00003689 Q + 1.3656)$
Nitrate NO3-N (mg/l) *	1.11	0.90	1.28	
Orthophosphate (mg/l)	0.04	0.04	0.07	
pH	7.55	7.40	7.60	
Specific Conductance (umhos/cm)	191	156	207	$Y = -0.00448812 Q + 229.4$
Total Dissolved Solids (mg/l)	140	127	160	$Y = -0.0020763 (\log Q) + 159.338$
Total Kjeldahl Nitrogen (mg/l)	0.46	0.34	0.66	
Total Nitrogen (mg/l) *	1.56	1.36	1.84	
Total Phosphorus (mg/l) *	0.10	0.08	0.12	
Total Suspended Solids (mg/l) *	6.5	3.5	9.0	$Y = 0.00075399 Q - 0.3458$
Turbidity (NTU)	2.5	1.8	6.0	$Y = \text{antilog} (0.00003256 Q + 0.0989)$
Alkalinity (mg/l)	46	36	52	$Y = -0.00162641 Q + 60.322$
Hardness (mg/l)	68	56	77	$Y = -0.00146091 Q + 80.092$

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints.

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

\*\* EWQ does not meet DRBC water quality criterion, state water quality criterion or both.

Table 2X. Definition of Existing Water Quality: Pidcock Creek BCP

Pidcock Creek, Pennsylvania, River Mile 146.30 - 0.90

Boundary Control Point is located at stone foot bridge within Bowman's Hill Wildflower Preserve. Par

Parameter (Y)	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH3-N (mg/l) *	0.05	<0.05	0.06	
Chloride (mg/l)	19	17	21	
Chlorophyll a (mg/m <sup>3</sup> )	n/a	n/a	n/a	
Dissolved Oxygen (mg/l) mid-day *	7.45	7.20	8.50	
Dissolved Oxygen Saturation (%)	81%	78%	86%	
E. coli (colonies/100 ml)	91	64	170	$Y = \text{antilog}(0.6675(\log Q) + 1.5652)$
Enterococcus (colonies/100 ml)	485	170	720	
Fecal coliform (colonies/100 ml) *	195	130	310 **	$Y = \text{antilog}(0.6669(\log Q) + 1.8192)$
Nitrate NO3-N (mg/l) *	0.99	0.90	1.28	
Orthophosphate (mg/l)	0.07	0.05	0.08	
pH	7.39	7.20	7.44	
Specific Conductance (umhos/cm)	255	243	276	$Y = -45.1671(\log Q) + 281.0884$
Total Dissolved Solids (mg/l)	185	170	190	
Total Kjeldahl Nitrogen (mg/l)	0.50	0.28	0.72	
Total Nitrogen (mg/l) *	1.63	1.46	2.09	
Total Phosphorus (mg/l) *	0.10	0.08	0.12	
Total Suspended Solids (mg/l) *	3.0	2.0	4.0	
Turbidity (NTU)	3.7	2.5	5.3	$Y = \text{antilog}(0.6463(\log Q) + 0.163)$
Alkalinity (mg/l)	77	64	87	$Y = -27.32(\log Q) + 92.67$
Hardness (mg/l)	108	97	110	$Y = -15.6248(\log Q) + 112.7103$

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints.

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

\*\* EWQ does not meet DRBC water quality criterion, state water quality criterion or both.

Table 2Y. Definition of Existing Water Quality: Washington Crossing ICP

Delaware River at Washington Crossing Bridge, PA/NJ, River Mile 141.80

Parameter (Y)	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH <sub>3</sub> -N (mg/l) *	0.05	<0.05	0.09	
Chloride (mg/l)	18	16	20	$Y = -0.00032977 Q + 21.336$
Chlorophyll a (mg/m <sup>3</sup> )	2.30	1.30	4.27	
Dissolved Oxygen (mg/l) mid-day *	8.69	8.46	9.00	
Dissolved Oxygen Saturation (%)	96%	95%	99%	
E. coli (colonies/100 ml)	33	20	60	
Enterococcus (colonies/100 ml)	55	23	90	
Fecal coliform (colonies/100 ml) *	70	48	110	
Nitrate NO <sub>3</sub> -N (mg/l) *	0.99	0.86	1.20	
Orthophosphate (mg/l)	0.04	0.03	0.06	
pH	7.69	7.52	7.90	
Specific Conductance (umhos/cm)	187	158	206	$Y = -0.00579709 Q + 239.8$
Total Dissolved Solids (mg/l)	138	130	160	$Y = -0.00317926 Q + 175.218$
Total Kjeldahl Nitrogen (mg/l)	0.37	0.30	0.64	
Total Nitrogen (mg/l) *	1.47	1.24	1.69	
Total Phosphorus (mg/l) *	0.10	0.07	0.12	
Total Suspended Solids (mg/l) *	6.0	5.0	8.0	$Y = 0.0007895 Q + 0.7126$
Turbidity (NTU)	4.0	2.4	5.3	
Alkalinity (mg/l)	45	36	50	$Y = -0.00128607 Q + 56.134$
Hardness (mg/l)	67	53	75	$Y = -0.0019019 Q + 82.144$

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints.

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

\*\* EWQ does not meet DRBC water quality criterion, state water quality criterion or both.

Table 2Z. Definition of Existing Water Quality: Trenton ICP

Delaware River at Calhoun Street Bridge, Trenton-Morrisville, NJ/PA, River Mile 134.34

Parameter (Y)	Definition of Existing Water Quality			
	Median	Lower 95% CI	Upper 95% CI	Flow Relationships Site specific regression equation.
Ammonia NH3-N (mg/l) *	<0.05	<0.05	<0.05	
Chloride (mg/l)	17	16	21	$Y = -0.00046454 Q + 22.687$
Chlorophyll a (mg/m <sup>3</sup> )	2.70	1.60	4.81	
Dissolved Oxygen (mg/l) mid-day *	8.74	8.40	9.20	
Dissolved Oxygen Saturation (%)	97%	94%	101%	
E. coli (colonies/100 ml)	40	24	65	
Enterococcus (colonies/100 ml)	45	20	80	
Fecal coliform (colonies/100 ml) *	88	60	140	
Nitrate NO3-N (mg/l) *	1.05	0.85	1.21	
Orthophosphate (mg/l)	0.04	0.03	0.06	
pH	7.78	7.56	8.00	
Specific Conductance (umhos/cm)	185	163	202	$Y = -0.00563728 Q + 240.35$
Total Dissolved Solids (mg/l)	140	130	156	$Y = -0.00300322 Q + 169.514$
Total Kjeldahl Nitrogen (mg/l)	0.48	0.36	0.58	
Total Nitrogen (mg/l) *	1.45	1.22	1.71	
Total Phosphorus (mg/l) *	0.10	0.07	0.12	
Total Suspended Solids (mg/l) *	6.3	5.0	8.5	$Y = 0.00085809 Q - 0.2021$
Turbidity (NTU)	2.9	2.2	5.8	
Alkalinity (mg/l)	45	36	50	$Y = -0.00160669 Q + 58.973$
Hardness (mg/l)	69	60	73	$Y = -0.00141561 Q + 79.891$

EWQ values represent data collected twice per month from May through September 2000-2004. Total number of samples varied by parameter, however, due to design and sampling constraints.

\* Wastewater treatment facility projects subject to the no measurable change requirement must demonstrate no measurable change to EWQ for this parameter. Implementation guidance should be consulted.

\*\* EWQ does not meet DRBC water quality criterion, state water quality criterion or both.

PAMELA M. BUSH, ESQ.,  
Commission Secretary

**Fiscal Note:** 68-50 No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART V. DELAWARE RIVER BASIN COMMISSION**

**CHAPTER 901. GENERAL PROVISIONS**

**§ 901.2. Comprehensive Plan and water quality.**

The Comprehensive Plan regulations as set forth in 18 CFR Part 401, Subpart A (2008) and the Water Code and Water Quality Standards as set forth in 18 CFR Part 410 (2008) are hereby incorporated by reference and made a part of this title.

[Pa.B. Doc. No. 08-1694. Filed for public inspection September 12, 2008, 9:00 a.m.]







