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Volume 37 (2007)

Pennsylvania Bulletin  
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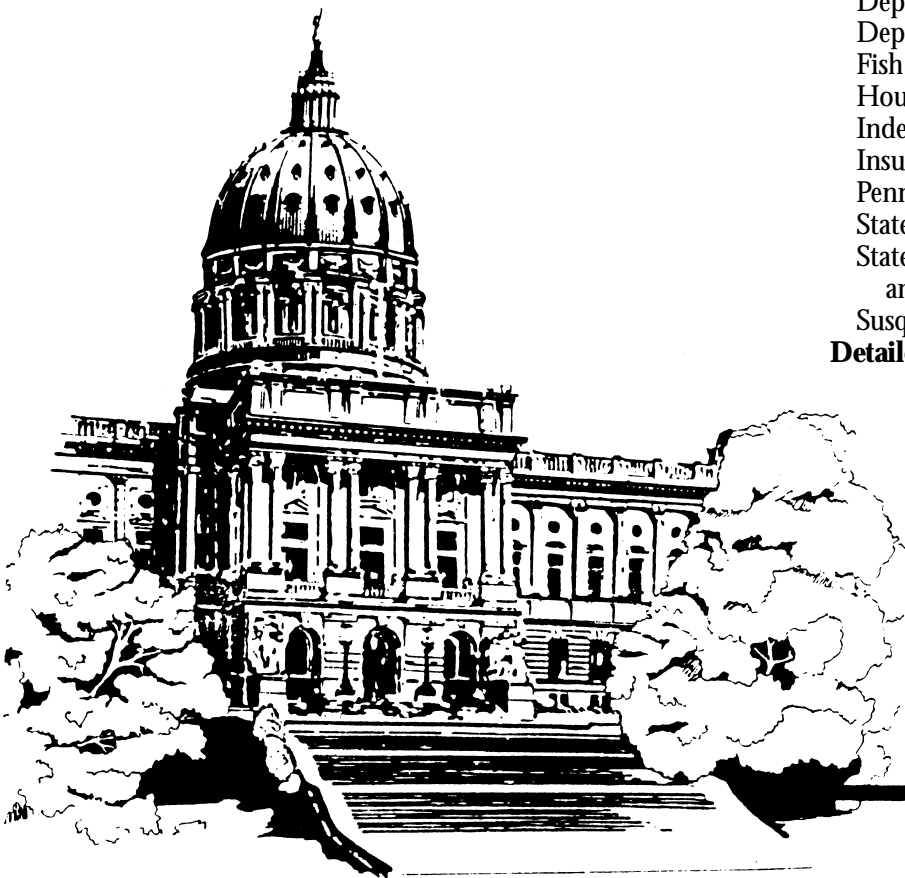
# PENNSYLVANIA BULLETIN

Volume 37  
Saturday, October 13, 2007 • Harrisburg, PA  
Number 41  
Pages 5515—5582

## Agencies in this issue

The Courts  
Delaware River Basin Commission  
Department of Agriculture  
Department of Conservation and Natural Resources  
Department of Environmental Protection  
Department of Health  
Department of Public Welfare  
Fish and Boat Commission  
Housing Finance Agency  
Independent Regulatory Review Commission  
Insurance Department  
Pennsylvania Public Utility Commission  
State Board of Cosmetology  
State Board of Vehicle Manufacturers, Dealers and Salespersons  
Susquehanna River Basin Commission

**Detailed list of contents appears inside.**



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

**No. 395, October 2007**

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**PENNSYLVANIA**



**BULLETIN**

(ISSN 0162-2137)

published weekly by Fry Communications, Inc. for the Commonwealth of Pennsylvania, Legislative Reference Bureau, 647 Main Capitol Building, State & Third Streets, Harrisburg, Pa. 17120, under the policy supervision and direction of the Joint Committee on Documents pursuant to Part II of Title 45 of the Pennsylvania Consolidated Statutes (relating to publication and effectiveness of Commonwealth Documents). Subscription rate \$82.00 per year, postpaid to points in the United States. Individual copies \$2.50. Checks for subscriptions and individual copies should be made payable to "Fry Communications, Inc." Periodicals postage paid at Harrisburg, Pennsylvania.

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

## ***Pennsylvania Code***

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

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

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

## **How to Find Documents**

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

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

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

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### Printing Format

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2007.

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# THE COURTS

## Title 25—LOCAL COURT RULES

### MCKEAN COUNTY

**Adoption of Civil Procedure; No. 158 December of  
1904**

#### Amended Order of Court

*And Now* this 20th day of September, 2007, it is ordered and decreed as follows:

1. McKean County Local Rules of Civil Procedure 205.2(a), 205.2(b), 206.1(a), 206.4(c), 208.2(c), 208.2(d), 208.2(e), 208.3(e), 208.3(a), 210, 1028(c), 1034(a), and 1035.2(a) are hereby adopted and are effective upon publication on the UJS Portal (<http://ujportal.pacourts.us>);

2. The District Court Administrator of the 48th Judicial District of Pennsylvania is hereby Ordered to:

a. Transmit a copy to the Civil Procedural Rules Committee which shall then forward a copy to the Administrative Office of Pennsylvania Courts (AOPC) for publication on the Pennsylvania Judiciary's Web Application Portal;

b. File two certified copies and a computer diskette containing this Order and the previously referenced Local Rules of Civil Procedure with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

d. Provide one copy of this Order and the previously referenced Local Rules of Civil Procedure to each member of the McKean County Bar Association; and

e. Keep continuously available for public inspection copies of this Order and the above referenced Local Rules of Civil Procedure.

*By the Court:*

JOHN M. CLELAND,  
*President Judge*

#### **RULE L205.2(a) Binding and Attachment**

(1) All papers filed with the Prothonotary shall be top bound and prepared for flat filing.

(2) Attachments to any paper filed with the Prothonotary shall be clearly legible. Copies shall faithfully represent the original in every respect.

#### **RULE L205.2(b) Cover Sheet**

All papers shall have a cover sheet in substantially the following form:

COURT OF COMMON PLEAS OF MCKEAN COUNTY  
PENNSYLVANIA

CIVIL ACTION-(LAW) (EQUITY)

No. \_\_\_\_\_

Type of Case: \_\_\_\_\_

Type of Pleading: \_\_\_\_\_

\_\_\_\_\_  
Plaintiff  
VS.

Filed on Behalf of:

\_\_\_\_\_  
(Plaintiff/Defendant)

\_\_\_\_\_  
Counsel of Record for this Party:

\_\_\_\_\_  
(Name of Attorney)

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Supreme Court No.:

\_\_\_\_\_  
(Firm name, if any)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Phone)

Dated: \_\_\_\_\_ Counsel of Record for Adverse  
Party:  
\_\_\_\_\_

#### **RULE L206.1(a) Petition Practice**

(a) As used in these rules, "petition shall mean only an application to open a default judgment or a judgment of non pros."

#### **RULE L206.4(c) Procedure for Issuance of a Rule to Show Cause**

(a) The issuance of a rule to show cause shall be discretionary with the court and shall be in accordance with Pa.R.C.P. 206.5.

(b) The petition seeking the issuance of a rule shall be supported with an appropriate statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief filed contemporaneously with the petition; or, in a routine petition that does not raise complex legal or factual issues, in the body of the petition itself.

(c) Attached to the petition shall be a proposed order in the form prescribed in Pa.R.C.P. 206.5(d). The court in its discretion may delete paragraphs (4) and (5) of the form order (regarding discovery and argument) and provide instead that the matter will proceed before the court on an evidentiary hearing to resolve disputed issues of fact. The court may also enter an order to require the filing of briefs or to authorize discovery to proceed other than by deposition.

(d) Any request for stay of execution pending disposition of a petition to open judgment shall be filed by separate motion.

(e) The petition and any motion seeking a stay of execution shall be scheduled for argument and/or hearing by the Court Administrator and it is not necessary for the moving party to request hearing and/or argument.

#### **RULE L208.2(c) Statement of Authority**

All motions shall be supported by a statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief filed contemporaneously with the motion; or, in routine motions that do not raise complex legal or factual issues, in the body of the motion itself.

**RULE L208.2(d) Uncontested Motions**

A motion that is represented to be uncontested shall contain a certification by counsel for the moving party that counsel has conferred with all interested parties and that the requested relief is uncontested.

**RULE L208.2(e) Discovery Motions**

A motion relating to discovery shall contain a certification by counsel for the moving party that counsel has conferred, or attempted to confer, with all interested parties in an attempt to resolve the matter without court action and has been unable to reach a satisfactory resolution of the issues presented.

**RULE L208.3(a) Motion Procedure: Scheduling and Argument****(a)(1) Filing and Scheduling:**

(i) All motions shall be filed with the Prothonotary in the form prescribed in Rule L205.2.

(ii) Motions should not be filed with the Court Administrator. Courtesy copies for the court are not required. Motions should not be filed in duplicate or by facsimile transmission, except in emergency circumstances.

(iii) The court will take no action until a motion has been filed of record, except in unusual circumstances.

(iv) All motions, including emergency motions, shall be scheduled for argument after filing and without the necessity of filing a praecipe for argument or like document. Argument will be scheduled for a time and date certain, and not at a regularly scheduled argument court. The court, in its discretion, may decide the matter at argument or take the matter under advisement.

(a)(2) Telephone or video conferences: The court, in its discretion, may hear any argument by telephone or video conference hookup provided counsel has made a prompt request to participate electronically in writing to the Court Administrator. The party requesting the opportunity to participate electronically shall bear the cost thereof, unless the court provides otherwise.

(a)(3) The Official Court Reporter does not attend arguments unless directed by the court, or unless counsel has made a timely request.

(a)(4) Transcripts: The moving party in all post-trial or post-hearing motions or petitions shall, if the argument relates to the testimony presented, arrange for the transcription of so much of the testimony as may be required to resolve the issues presented.

(b) Reply brief: The opposing party shall file an answer or reply brief to the motion within 20 days after service of the motion unless the time for filing the response is modified by court order.

**RULE L210 Form of Briefs**

Briefs shall be typewritten and double spaced (except for quotation) on paper approximately 8-1/2 inches by 11 inches in size, shall be bound at the top, not at the side, and shall contain:

- (a) A history of the case.
- (b) A statement of the question or questions involved.
- (c) A copy of, or reference to, the pertinent parts of any relevant document, report, recommendation, or order.
- (d) An argument with citation of the authority relied upon.
- (e) A conclusion.

**RULE L1028(c) Preliminary Objections**

(a) Filing: All preliminary objections shall be filed with the Prothonotary in the form prescribed in Rule L205.2. Preliminary objections should not be filed with the Court Administrator. Courtesy copies for the court are not required. Preliminary objections should not be filed in duplicate or by facsimile transmission, except in emergency circumstances.

(b) The court will take no action until the preliminary objections have been filed of record, except in unusual circumstances.

(c) Statement of applicable authority: All preliminary objections shall be supported by a statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief filed contemporaneously with the motion; or, if the preliminary objections do not raise complex legal or factual issues, in the body of the preliminary objections.

(d) Scheduling: Preliminary objections shall be scheduled for argument after filing and without the necessity of filing a praecipe for argument or like document. Argument will be scheduled for a time and date certain, and not at a regularly scheduled argument court. The court, in its discretion, may decide the matter at argument or take the matter under advisement.

(e) Reply brief: The opposing party shall file an answer or reply brief to the preliminary objections within 20 days after service of the motion unless the time for filing the response is modified by court order.

(f) Telephone or video conferences: The court, in its discretion, may hear any argument by telephone or video conference hookup provided counsel has made a prompt request to participate electronically in writing to the Court Administrator. The party requesting the opportunity to participate electronically shall bear the cost thereof, unless the court provides otherwise.

(g) The Official Court Reporter does not attend arguments unless directed by the court, or upon timely request of counsel.

**RULE L1034(a) Motion for Judgment on the Pleadings**

(a) Filing: A motion for judgment on the pleadings shall be filed with the Prothonotary in the form prescribed in Rule L205.2. It should not be filed with the Court Administrator. Courtesy copies for the court are not required. It should not be filed in duplicate or by facsimile transmission, except in emergency circumstances.

(b) The court will take no action until the motion has been filed of record, except in unusual circumstances.

(c) Statement of applicable authority: It shall be supported by a statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief filed contemporaneously with the motion; or, in routine motions that do not raise complex legal or factual issues, in the body of the motion itself.

(d) Scheduling: It shall be scheduled for argument after filing and without the necessity of filing a praecipe for argument or like document. Argument will be scheduled for a time and date certain, and not at a regularly scheduled argument court. The court, in its discretion, may decide the matter at argument or take the matter under advisement.

(e) Reply brief: The opposing party shall file an answer or reply brief to the motion within 20 days after service of the motion unless the time for filing the response is modified by court order.

(f) Telephone or video conferences: The court, in its discretion, may hear any argument by telephone or video conference hookup provided counsel has made a prompt request to participate electronically in writing to the Court Administrator. The party requesting the opportunity to participate electronically shall bear the cost thereof, unless the court provides otherwise.

(g) The Official Court Reporter does not attend arguments unless directed by the court, or upon timely request of counsel.

**RULE L1035.2(a) Motion for Summary Judgment**

(a) Filing: A motion for judgment on the pleadings shall be filed with the Prothonotary in the form prescribed in Rule L205.2. It should not be filed with the Court Administrator. Courtesy copies for the court are not required. It should not be filed in duplicate or by facsimile transmission, except in emergency circumstances.

(b) The court will take no action until the motion has been filed of record, except in unusual circumstances.

(c) Statement of applicable authority: It shall be supported by a statement of authority citing a statute, rule of court, or case law in support of the requested relief. The statement may be in the form of a brief filed contemporaneously with the motion; or in routine motions that do not raise complex legal or factual issues, in the body of the motion itself.

(d) Scheduling: It shall be scheduled for argument after filing and without the necessity of filing a praecipe for argument or like document. Argument will be scheduled for a time and date certain, and not at a regularly scheduled argument court. The court, in its discretion, may decide the matter at argument or take the matter under advisement.

(e) Reply brief: The opposing party shall file an answer or reply brief to the motion within 20 days after service of the motion unless the time for filing the response is modified by court order.

(f) Telephone or video conferences: The court, in its discretion, may hear any argument by telephone or video conference hookup provided counsel has made a prompt request to participate electronically in writing to the Court Administrator. The party requesting the opportunity to participate electronically shall bear the cost thereof, unless the court provides otherwise.

(g) The Official Court Reporter does not attend arguments unless directed by the court, or upon timely request of counsel.

(h) Transcripts: If the argument relates to the testimony presented, the moving party shall arrange for the transcription of so much of the testimony as may be required to resolve the issues presented.

[Pa.B. Doc. No. 07-1861. Filed for public inspection October 12, 2007, 9:00 a.m.]

# PROPOSED RULEMAKING

## DELAWARE RIVER BASIN COMMISSION

[ 25 PA CODE CH. 901 ]

### Proposed Amendments to the Water Quality Regulations, Water Code and Comprehensive Plan to Classify the Lower Delaware River as Special Protection Waters

#### *Summary*

The Delaware River Basin Commission (Commission or DRBC) will hold a public hearing to receive comments on proposed amendments to the Commission's *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 this reach the SPW classification "Significant Resource Waters" (SRW). The Lower Delaware extends from the southern boundary of the Delaware Water Gap National Recreation Area at River Mile ("RM") 209.4 to the head of tide at Trenton, New Jersey, RM 133.4. The Lower Delaware River has carried the SPW-SRW classification on a temporary basis since January of 2005, making this reach and its drainage area subject for the past three years to those provisions of the Commission's SPW regulations that do not depend for implementation upon the use of numeric values for existing water quality. The amendments that currently are proposed would make projects within the Lower Delaware drainage subject to all applicable SPW requirements, including those for "no measurable change" to existing water quality as defined by the rule. The amendments also would incorporate language intended to clarify aspects of the SPW regulations that have been a source of confusion for some DRBC docket holders and applicants since the program was originally adopted in 1992 for point sources and in 1994 for non-point sources. Notably, a new term—"substantial alterations or additions"—is proposed to be added to the Definitions section of the regulations and to be inserted in other sections of the rule to clarify which types of additions or alterations to existing wastewater treatment facilities will trigger certain SPW requirements that are deemed appropriate in connection with capital investment projects. A new paragraph also is proposed to expressly authorize effluent trading between point sources to satisfy the requirement for no measurable change to existing water quality under certain circumstances.

#### *Dates*

The public hearing will be held on December 4, 2007, at the Commission's office building, located at 25 State Police Drive, West Trenton, New Jersey. Driving directions are available on the Commission's website, [www.drbc.net](http://www.drbc.net). Please do not rely on Internet mapping services as they may not provide accurate directions to the DRBC. The hearing will begin at 2:30 P.M. and will continue until all those who wish to testify are afforded an opportunity to do so. Persons wishing to testify at the hearing are asked to register in advance by phoning Ms. Paula Schmitt at (609) 883-9500, Ext. 224. Written comments will be accepted through the close of business on December 6, 2007. Written comments may be submitted by email to [paula.schmitt@rbc.state.nj.us](mailto:paula.schmitt@rbc.state.nj.us); by fax to

Commission Secretary at (609) 883-9522; by United States Mail to Commission Secretary, DRBC, P. O. Box 7360, West Trenton, NJ 08628-0360; or by overnight mail to Commission Secretary, DRBC, 25 State Police Drive, West Trenton, NJ 08628-0360. In all cases, please include the commenter's name, address and affiliation if any in the comment document and include "SPW" in the subject line.

#### *Supplementary Information*

The Special Protection Waters regulations, consisting of Section 3.10.3.A.1. of the Commission's *Water Quality Regulations*, are intended to maintain the quality of interstate waters where existing water quality is better than the established stream quality objectives. They include rules that discourage new and increased discharges to designated waters. Where such discharges are permitted, the rules ensure that incremental pollutant loadings and visual impacts are minimized, that minimum standards of treatment are applied, and that new loadings cause no measurable change from existing water quality, as defined by the rule, except toward natural conditions. The SPW regulations currently include a table establishing the numeric values that define existing water quality in the stream reaches permanently designated by the Commission as SPW in 1992. These reaches include the main stem Delaware River from Hancock, New York, to the downstream boundary of the Delaware Water Gap National Recreation Area as well as the portions of intrastate tributaries to the Delaware located within the boundaries of the Upper Delaware Scenic and Recreational River Corridor and the Middle Delaware Scenic and Recreational River (Delaware River between River Miles 250.1 and 209.5). The locations of water quality control points between Hancock and River Mile 209.5 are provided in a second table. The water quality control points are the locations used to assess water quality for purposes of defining and protecting it. No changes are proposed to the permanent designations and water quality control points that were established in 1992.

Since 2005, the SPW regulations have listed the Lower Delaware River as "Significant Resource Waters" (SRW) on a temporary basis and have applied to this reach only a portion of the SPW regulations, pending the development of numeric values for existing water quality in the Lower Delaware; a determination as to whether the SRW classification should be assigned to the entire reach or whether the alternative classification, "Outstanding Basin Waters" (OBW), should be used for those portions eligible for that classification by virtue of their inclusion in the National Wild and Scenic Rivers System; and resolution of a number of questions relating to implementation of the program. The proposed amendments would permanently classify the entire Lower Delaware reach as SRW. By incorporating into the regulation numeric values for existing water quality at a set of Lower Delaware River water quality control points, the amendments also would allow all applicable provisions of the SPW regulations to apply to projects within the Lower Delaware drainage.

Key provisions of the SPW regulations that will continue to apply within the drainage area to the Lower Delaware River if the proposed amendments are approved include the following: sections 3.10.3 A.2.c.1. through 3., in part requiring that no new or expanded wastewater discharges may be permitted in waters classified as SPW until all non-discharge-load reduction alternatives have

been fully evaluated and rejected because of technical or financial infeasibility; sections 3.10.3 A.2.d.1. through 7., setting forth requirements for wastewater treatment facilities; and sections 3.10.3 A.2.e.1. and 2., conditioning project approval on the existence of an approved Non-Point Source Pollution Control Plan for the project area and requiring that approval of a new or expanded withdrawal and/or wastewater discharge project be subject to the condition that new connections to the project system be limited to service areas regulated by a non-point source pollution control plan approved by the Commission.

If the proposed amendments are adopted, numeric values for twenty parameters will be established, defining existing water quality by rule for purposes of the SPW program at 24 water quality control points in the Lower Delaware River. The parameters include: ammonia-ammonium  $\text{NH}_3\text{-NH}_4$  (mg/l), chloride (mg/l), chlorophyll a ( $\text{mg/m}^3$ ), dissolved oxygen (mg/l), dissolved oxygen saturation (%), E. coli (colonies/100 ml), enterococcus (colonies/100 ml), fecal coliform (colonies/100 ml), nitrate  $\text{NO}_3\text{-N}$  (mg/l), orthophosphate (mg/l), pH, specific conductance (umhos/cm), total dissolved solids (mg/l), total Kjeldahl nitrogen (mg/l), total nitrogen (mg/l), total phosphorus (mg/l), total suspended solids (mg/l), turbidity (NTU), alkalinity (mg/l), and hardness (mg/l). The proposed values are based upon five years of ambient water quality monitoring, from 2000 through 2004.

Adoption of numeric values for existing water quality and creation of a set of Boundary Control Points in the Lower Delaware River will mean that applicants seeking approval to construct new facilities or to expand existing facilities in the Lower Delaware drainage will be required for the first time to demonstrate that their new or increased discharges will cause no measurable degradation of existing water quality at the established water quality control points (sections 3.10.3 A.2.b.2. and 3.10.3 A.2.f.). As in the upper and middle portions of the non-tidal Delaware, the "no measurable change" requirement will apply whether a project discharges directly to the main stem or to a tributary. For certain main stem discharges, if minimum treatment standards alone do not ensure no measurable change at the downstream water quality control point, additional treatment may be required (section 3.10.3 A.2.b.2. in combination with section 3.10.3A.2.d.6.).

Importantly, the proposed amendments, if approved, will add language to clarify that for projects involving existing facilities discharging to SPW—whether in the upper, middle or lower portion of the Delaware River—only substantial additions or alterations as defined by the rule will trigger the requirements that no such project may be approved until (1) all non-discharge load reduction alternatives have been fully evaluated and rejected because of technical or financial infeasibility (section 3.10.3.A.2.c.1.) (OBW and SRW discharges); (2) the applicant has demonstrated the technical and/or financial infeasibility of using natural wastewater treatment technologies for all or a portion of the incremental load (section 3.10.3.A.2.d.5.) (OBW, SRW and tributary discharges); (3) the Commission has determined that the project is demonstrably in the public interest as defined by the rule (section 3.10.3.A.2.c.3.) (SRW discharges); and (4) the minimum level of treatment to be provided for such projects is Best Demonstrable Technology as defined by the rule (section 3.10.3.A.2.d.6.) (direct OBW and SRW discharges). The proposed amendments further clarify that alterations limited to changes in the method of disinfection and/or the addition of treatment works for

nutrient removal at existing facilities are not deemed to be "substantial alterations or additions" triggering the foregoing requirements.

The proposed amendments also include clarification as to the baseline to be used in measuring predicted changes to existing water quality, and the effect of discharge/load reduction alternatives and/or natural treatment alternatives for projects that involve substantial alterations or additions to existing facilities.

Previous register notices concerning designation of the Lower Delaware River as Special Protection Waters include notices published in the Federal Register on September 23, 2004 (69 FR 57008) (proposed designation), August 22, 2005 (70 FR 48923) (proposed extension), August 21, 2006 (71 FR 48497) (proposed extension), and August 22, 2007 (72 FR 46931) (proposed extension); and in the *Pennsylvania Bulletin* at 34 Pa.B. 5557 (October 9, 2004) (proposed designation), 35 Pa.B. 5005 and 5013 (September 10, 2005) (temporary amendment and proposed extension), 36 Pa.B. 4726 (August 26, 2006) (proposed extension), and 37 Pa.B. 4620 (August 15, 2007) (proposed extension). The proposed and final versions of the initial temporary designation, approved by Resolution No. 2005-2, and the subsequent extensions approved by Resolutions Nos. 2005-15 (extension through September 30, 2006) and 2006-22 (extension through September 30, 2007) also were published on the Commission's website, [www.drbc.net](http://www.drbc.net). The final rules have been filed in accordance with Section 14.2(a) of the Delaware River Basin Compact, Pa. Acts of 1961, Act No. 268.

#### *Further Information, Contacts:*

The proposed amendments, with the exception of proposed Table 2, defining Existing Water Quality in the Lower Delaware River, are set forth below. The current rule and the full text of the proposed amendments, including Table 2, are posted on the Commission's website, [www.drbc.net](http://www.drbc.net), along with supporting data, reports, maps and related documents. Copies may also be obtained by contacting Ms. Paula Schmitt at 609-883-9500, ext. 224. The Commission will hold two informational meetings on the proposed rulemaking. The first will be held on Thursday, October 25, 2007 from 7:00 to 9:00 P.M. at the office of the Delaware and Raritan Canal Commission at the Prallsville Mills Complex, 33 Risler Street (Route 29) in Stockton, New Jersey. The second will be held on Thursday, November 1, 2007 from 7:00 to 9:00 P.M. in Room 315 of the Acopian Engineering Building at Lafayette College, located at High Street, Easton, Pennsylvania. Please contact Commission Secretary Pamela Bush, 609-883-9500 ext. 203 with questions about the proposed rule or the rulemaking process.

It is proposed to amend Section 3.10.3 A.2. of the *Water Quality Regulations* and *Water Code* as set forth below. Material proposed to be added is printed in **bold face** and material proposed to be deleted is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of rule text retained without change. Explanatory text is printed in ordinary style face and enclosed in brackets [ ].

#### 3.10.3 A.2.a. Definitions

\* \* \* \* \*

[§ 3.10.3 A.2.a.3), the definition of "Existing Water Quality," is proposed to be replaced by the text below. Because much of the deleted definition appears later in this notice as a proposed footnote to Table 1, the deleted text is not reprinted here.]

3) "Existing Water Quality" in waters classified as Special Protection Waters 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 Special Protection Waters Control Point, from data obtained from sites within the same ecoregion, or on the basis of best scientific judgment.

4) "Measurable Change" is defined as an actual or estimated change in a mean or median [ (annual or ) seasonal or non-seasonal) in-stream pollutant concentration that is outside the range of the two-tailed upper and lower 95 percent confidence limits 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. ]

\* \* \* \* \*

[The definition of "Detection Limit" at § 3.10.2 A.2.a.8 is proposed to be deleted because the term is not used anywhere within the text of the current or proposed rule. Accordingly, the definitions numbered 8 through 16 are proposed to be re-numbered 7 through 15.]

[ 16 ] 15) 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 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 filtration tanks, whether conducted as a single phase or a multi-phased project; or (b) an increased flow or loading from an existing wastewater treatment plant that was not included in a NPDES permit or docket effective on the date of SPW designation. Among other projects, 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."

\* \* \* \* \*

§ 3.10.3 A.2.b. Policy of No Measurable Change to Existing Water Quality [ Water Quality Management Policies ]

\* \* \* \* \*

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. 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.

\* \* \* \* \*

§ 3.10.3 A.2.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 direct discharges to Special Protection Waters may be approved only after all non-discharge/load reduction 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. The evaluation of non-discharge/load reduction alternatives shall consider alternatives to any and all loadings—both existing and proposed—in excess of actual loadings at the time of SPW designation.

[In order to place within one section of the rule all provisions concerning analyses required prior to consideration of a proposed discharge, the following reorganization is proposed: Section 3.10.3 A.2.d.5), requiring an analysis of natural treatment alternatives, is proposed to be moved to subsection A.2.c. and re-numbered as § 3.10.3. A.2.c.2). Section 3.10.3 A.2.c.2), requiring the consideration of regional resource management plans for future wastewater discharges to OBW, is proposed to be re-numbered as § 3.10.3. A.2.c.4), with no proposed text changes. The proposed sequence of the paragraphs in § 3.10.3 A.2.c. tracks the sequence of the analyses performed or required of applicants by the Commission. Accordingly, the proposed text of paragraphs 2) and 3) of § 3.10.3 A.2.c. follows:]



2) The following categories of discharges within the drainage area of Special Protection Waters may be approved only after natural wastewater treatment technologies 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. The evaluation of natural treatment alternatives shall consider alternatives to any and all loadings—both existing and proposed—in excess of actual loadings at the time of SPW designation. [ 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. ]

3) The following categories of [ D ] discharges 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.

§ 3.10.3 A.2.d. Policies Related to Wastewater Treatment Facilities

\* \* \* \* \*

[Because paragraph 5 of § 3.10.3 A.2.d. is proposed to moved to § 3.10.3 A.2.c., paragraphs 6 and 7 of § 3.10.3 A.2.d. are proposed to be re-numbered 5 and 6. The text of paragraph 6 (proposed to be re-numbered as 5), with proposed changes, follows.]

[ 6 ] 5) The minimum level of wastewater treatment for the following categories of projects will be “Best Demonstrable Technology” as defined below: all new wastewater treatment facilities and projects involving substantial alterations or additions to existing wastewater treatment facilities [ all new and expanding wastewater treatment projects discharging to Special Protection 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.

\* \* \* \* \*

[A new paragraph 7 is proposed to be added to § 3.10.3 A.2.d., as follows.]

7) For point source 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 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.

§ 3.10.3 A.2.e. Policies Concerning the Control of Non-Point Sources

[Section § 3.10.3 A.2.e.1) consists of six un-numbered paragraphs, followed by five sub-paragraphs, labeled (a) through (e). The fifth un-numbered paragraph of the section and sub-section (a) of the section are proposed to be revised as follows:]

1)

\* \* \* \* \*

The [ Commission ] Executive Director may, upon agreement with the state, delegate review and approval responsibilities under this section to the appropriate state environmental agency.

\* \* \* \* \*

(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 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.

\* \* \* \* \*

§ 3.10.3 A.2.g. Classified Special Protection Waters

\* \* \* \* \*

3) The definitions of Existing Water Quality for waters classified in Sections 3.10.3 A.2.g.1) and 2) above are presented in Part A of Table 1 for the Upper Delaware Scenic & Recreational River and in Part B of Table 1 for the reach from Milrift, 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 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.

\* \* \* \* \*

[Section 3.10.3 A.2.g. 6), which is applicable only as long as SPW designation of the Lower Delaware remains temporary, is proposed to be deleted in its entirety.]

Table 1. Definition of Existing Water Quality in the Delaware River Between Hancock, New York and the Delaware Water Gap\*

[The asterisk proposed to be added to the title of Table 1 is a footnote reference.]

\* \* \* \* \*

**[ Part C: ] \*Notes on [ Statistics ] the Derivation of Values Used to Define Existing Water Quality**

[By deleting the label "Part C" of Table 1, the paragraph currently constituting Part C is proposed to become the second paragraph of a footnote to Table 1. The paragraph set forth immediately below is proposed to be inserted as the first paragraph of the footnote. The text of this paragraph was removed from the definition of Existing Water Quality at § 3.10.3 A.2.a.3). Proposed changes from the original (definition) text are shown in bold face type. Proposed changes to the first sentence of the paragraph that currently comprises Part C are also shown below.]

[Proposed note to Table 1.] **The numeric values for Existing Water Quality set forth in Parts A and B 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 which affect water quality. Existing water quality in Table 1 **[ 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 10 and 90 percentiles of the data set from which the mean was calculated.

**[ The definitions of Existing Water Quality presented in Parts A and B of this table were developed by performing p ]** Parametric statistical analyses was performed using logarithmic transformation of available water quality data to derive normality. The numbers **presented in the table** represent the anti-log of the statistical results and, thus, will differ from numbers generated by using non-transformed data. . . .

\* \* \* \* \*

**[ Table 2. ] Part C: Boundary and Interstate Special Protection Waters Control Points for the Delaware River Between Hancock, New York and the Delaware Water Gap**

\* \* \* \* \*

**Table 2. Definition of Existing Water Quality in the Delaware River Between the Delaware Water Gap and the Head of Tide at Trenton, New Jersey, Including the Lower Delaware National Wild and Scenic River\***

[The asterisk is a footnote reference. The text of the proposed footnote follows:]

**\*Note on the Derivation of Values Used to Define Existing Water Quality. The definitions of Existing Water Quality set forth in Table 2 were developed through field measurements and laboratory analy-**

**sis 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 in Table 2 is defined in terms of (a) a median of water quality data; and (b) the two-tailed upper and lower 95 percent confidence limits around the median.**

[Table 2, Parts A through Z, are available on the Commission's website, www.drbc.net, or in hard copy from the listed contacts.]

PAMELA M. BUSH, Esq.,  
*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. Comprehension Plan and water quality.**

The Comprehensive Plan regulations as set forth in 18 CFR Part 401, Subpart A (2007) and the Water Code and Water Quality Standards as set forth in 18 CFR Part 410 (2007) are hereby incorporated by reference and made a part of this title.

[Pa.B. Doc. No. 07-1862. Filed for public inspection October 12, 2007, 9:00 a.m.]

**SUSQUEHANNA RIVER  
BASIN COMMISSION**

**[ 25 PA. CODE CHS. 806 AND 808 ]**

**Review and Approval of Projects**

*Summary*

This document contains proposed rules that would amend project review regulations to clarify the definition of "agricultural water use" and to provide a qualified exception to the consumptive use approval requirements for agricultural water use projects. In addition, this proposed rule would make a technical correction to an error in the "Authority" citation for Part 808.

*Dates*

The Commission has scheduled a public hearing on the proposed rules on Wednesday, November 7, 2007, at 2 p.m. Comments on these proposed rules may be submitted to the Susquehanna River Basin Commission (Commission) on or before November 15, 2007.

The location of the public hearing is listed in the address section of this document. Additionally, individuals wishing to testify are asked to notify the Commission in advance, if possible, at the regular or electronic addresses given.

*Addresses*

Comments may be mailed to: Richard A. Cairo, Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391, rcairo@srbc.net.

The public hearing will be held in the Goddard Conference Room, Department of Environmental Protection, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701.

Those wishing to testify are asked to notify the Commission in advance, if possible, at the regular or electronic addresses given.

*For Further Information Contact:*

Richard A. Cairo, General Counsel, (717) 238-0423, fax (717) 238-2436, rcairo@srbc.net. Also, for further information on the proposed rulemaking, visit the Commission's website at www.srbc.net.

*Supplementary Information:*

*Background and Purpose of Amendments*

The Commission adopted final rulemaking on December 5, 2006, published at 71 FR 78570 (December 29, 2006) establishing: (1) the scope and procedures for review and approval of projects under Section 3.10 of the Susquehanna River Basin Compact, Pub. L. No. 91-575; 83 Stat. 1509 et seq. (the compact); (2) special standards under Section 3.4(2) of the compact governing water withdrawals, consumptive use of water; diversions of the basin's waters, water conservation and water use registration; and (3) procedures for hearings and enforcement actions.

The December 2006 rulemaking made extensive revisions to project review regulations that were promulgated in May 1995. Since 1995, the Commission has continued to suspend the application of its consumptive use regulation to agricultural water uses pending the implementation of a mitigation method that is more suited to agriculture's unique circumstances.

The Commission's member states have taken definitive steps to support projects that will provide storage and release of water to mitigate agricultural water use in their jurisdictions and thus satisfy the standards for consumptive use mitigation set forth in 18 CFR 806.22. The proposed rulemaking would amend 18 CFR 806.4(a)(1) to provide an exception for agricultural water use projects from the consumptive use review and approval requirements of 18 CFR 806.4(a)(1) and (3), unless water is diverted for use beyond lands that are at least partially in the basin, and provided the Commission makes a determination that the state-sponsored projects are sufficient to meet the consumptive use mitigation standards contained in 18 CFR 806.22.

A second amendment clarifies the definition of "agricultural water use" in 18 CFR 806.3, 806.4 and 806.6 by inserting the word "products" after the word "turf." This will clarify that the maintenance of turf grass as part of a project or facility, such as a golf course, does not constitute an agricultural water use. Only the raising of turf products for sale such as sod would constitute an agricultural water use with this clarification.

A third amendment corrects an error made as part of the December 5, 2006, rulemaking in the "Authority" citation to Part 808 by replacing the erroneous Sec. 3.5(9) with the correct Sec. 3.4(9).

List of Subjects in 18 CFR Part 806: Administrative practice and procedure, Water resources.

For the reasons set forth in the preamble, the Commission proposes to amend 18 CFR Part 806 as follows:

**PART 806—REVIEW AND APPROVAL OF PROJECTS**

1. The authority citation for Part 806 continues to read as follows:

**Authority:** Secs. 3.4, 3.5 (5), 3.8, 3.10 and 15.2, Pub. L. No. 91-575, 84 Stat. 1509 et seq.

2. In § 806.3, revise the definition of "agricultural water use" to read as follows:

**§ 806.3 Definitions.**

\* \* \* \* \*

*Agricultural water use.* A water use associated primarily with the raising of food, fiber or forage crops, trees, flowers, shrubs, turf products, livestock and poultry. The term shall include aquaculture.

\* \* \* \* \*

3. In § 806.4, revise paragraphs (a)(1) introductory text, (a)(3) introductory text and (b)(3) to read as follows:

**§ 806.4 Projects requiring review and approval.**

(a) \* \* \*

(1) *Consumptive use of water.* Any consumptive use project described below shall require an application to be submitted in accordance with § 806.13, and shall be subject to the standards set forth in § 806.22, and, to the extent that it involves a withdrawal from groundwater or surface water, shall also be subject to the standards set forth in § 806.23. Except to the extent that they involve the diversion of the waters of the basin, public water supplies shall be exempt from the requirements of this section regarding consumptive use; provided, however, that nothing in this section shall be construed to exempt individual consumptive users connected to any such public water supply from the requirements of this section. Provided the commission determines that low flow augmentation projects sponsored by the commission's member states provide sufficient mitigation for agricultural water use to meet the standards set forth in § 806.22, and except as otherwise provided below, agricultural water use projects shall not be subject to the requirements of this paragraph (a)(1). Notwithstanding the foregoing, an agricultural water use project involving a diversion of the waters of the basin shall be subject to such requirements unless the property, or contiguous parcels of property, upon which the agricultural water use project occurs is located at least partially within the basin.

\* \* \* \* \*

(3) *Diversions.* Except with respect to agricultural water use projects not subject to the requirements of paragraph (a)(1), the projects described below shall require an application to be submitted in accordance with § 806.13, and shall be subject to the standards set forth in § 806.24. The project sponsors of out-of-basin diversions shall also comply with all applicable requirements of this part relating to consumptive uses and withdrawals.

\* \* \* \* \*

(b) \* \* \*

(3) Transfer of land used primarily for the raising of food, fiber or forage crops, trees, flowers, shrubs, turf products, livestock, or poultry, or for aquaculture, to the extent that, and for so long as, the project's water use continues to be for such agricultural water use purposes.

\* \* \* \* \*

3. In § 806.6, revise paragraph (b)(3) to read as follows:

§ 806.6 Transfers of approval.

\* \* \* \* \*

(b) \* \* \*

(3) A project involving the transfer of land used primarily for the raising of food, fiber or forage crops, trees, flowers, shrubs, turf products, livestock or poultry, or for aquaculture, to the extent that, and for so long as, the project's water use continues to be for such agricultural water use purposes.

\* \* \* \* \*

**PART 808—HEARINGS AND ENFORCEMENT ACTIONS**

**Subpart A—Hearings**

**Subpart B—Compliance and Enforcement**

5. Revise the authority citation for Part 808 to read as follows:

**Authority:** Secs. 3.4(9), 3.5(5), 3.8, 3.10 and 15.2, Pub. L. 91-575, 84 Stat. 1509 et seq.

\* \* \* \* \*

Dated: September 21, 2007.

PAUL O. SWARTZ,  
*Executive Director*

**Fiscal Note:** 72-4. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART IV. SUSQUEHANNA RIVER BASIN COMMISSION**

**CHAPTER 806. REVIEW AND APPROVAL OF PROJECTS**

**§ 806.1. Incorporation by reference.**

The regulations and procedures for review of projects as set forth in 18 CFR Part 806 (2007) (relating to review and approval of projects) are incorporated by reference and made part of this title.

**CHAPTER 808. HEARINGS AND ENFORCEMENT ACTIONS**

**§ 808.1. Incorporation by reference.**

The regulations and procedures for hearings/enforcement actions as set forth in 18 CFR Part 808 (2007) (relating to hearings and enforcement actions) are incorporated by reference and made part of this title.

[Pa.B. Doc. No. 07-1863. Filed for public inspection October 12, 2007, 9:00 a.m.]

\_\_\_\_\_

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Quarantine Order; Viral Hemorrhagic Septicemia Virus

#### Recitals

A. Viral hemorrhagic septicemia (VHS) is an infectious disease caused by a rhabdovirus—the viral hemorrhagic septicemia virus (VHSV)—in a variety of fish species.

B. VHS has been designated a “dangerous transmissible disease” of animals under a temporary order issued by the Department of Agriculture (Department) under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases). The current temporary order making this designation was published at 36 Pa.B. 7974 (December 30, 2006).

C. The Department has broad authority under the Domestic Animal Law to regulate the keeping and handling of domestic animals to exclude, contain or eliminate dangerous transmissible diseases.

D. VHS has caused death losses to various fish species in the Great Lakes and other infected waterways.

E. VHS is of particular concern to Pennsylvania’s aquaculture industry, in that its presence and impact may severely limit the market for Pennsylvania-produced fish and fish products.

F. VHS virus exists within the Lake Erie and Lake Ontario Watersheds, which includes portions of Crawford, Erie and Potter Counties.

G. The Department registers “artificial propagators” of fish and “dealers” of fish under 3 Pa.C.S. §§ 4201—4223 (relating to Aquaculture Development Law). There are the Department-registered artificial propagators and dealers within the Lake Erie and the Lake Ontario Watersheds.

H. VHS virus exists in several States outside this Commonwealth, including Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin.

I. There is no known treatment for VHS infection, no vaccine against this disease and no feasible live animal test that can detect the presence of VHSV.

J. The Domestic Animal Law allows at 3 Pa.C.S. § 2329 (relating to quarantine) for the establishment of a Quarantine Order under the circumstances described previously.

#### Order

The Department enters a General Quarantine Order and an Interstate Quarantine Order with respect to VHS, incorporating the foregoing recitals into this order. This order is entered under authority of the Domestic Animal Law, at 3 Pa.C.S. § 2329, and establishes the following restrictions and conditions:

1. *General.* This order establishes a General Quarantine with respect to VHS-susceptible species (defined, in Paragraph 2) produced, held or transported by the Department-registered artificial propagators or the Department-registered dealers from those Pennsylvania Counties that are—in whole or in part—within the Lake Erie or Lake Ontario Watersheds. This order also estab-

lishes an Interstate Quarantine with respect to VHS-susceptible species transported from certain states within which VHS has been detected or is reasonably suspected to exist. For purposes of this order, the terms “VHSV” and “VHS” shall be considered synonymous.

2. *VHS-susceptible species.* For purposes of this order, the term “VHS-susceptible species” shall include live animals, dead animals and dead animal parts of the following fish species, as well as any other fish species designated “VHS-susceptible species” by the Animal and Plant Health Inspection Service of the United States Department of Agriculture (USDA APHIS) after the effective date of this Order: Atlantic Cod (*Gadus morhua*), Black Crappie (*Pomoxis nigromaculatus*), Bluegill (*Lepomis macrochirus*), Bluntnose Minnow (*Pimephales notatus*), Brown Bullhead (*Ictalurus nebulosus*), Brown Trout (*Salmo trutta*), Burbot (*Lota lota*), Channel Catfish (*Ictalurus punctatus*), Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*Oncorhynchus kisutch*), Chum Salmon (*Oncorhynchus keta*), Emerald Shiner (*Notropis atherinoides*), Freshwater Drum (*Aplodinotus grunniens*), Gizzard Shad (*Dorosoma cepedianum*), Grayling (*Thymallus thymallus*), Haddock (*Gadus aeglefinus*), Herring (*Clupea spp.*), Japanese Flounder (*Paralichthys olivaceus*), Largemouth Bass (*Micropterus salmoides*), Muskellunge (*Esox masquinongy*), Pacific Cod (*Gadus macrocephalus*), Pike (*Esox lucius*), Pink Salmon (*Oncorhynchus gorbuscha*), Pumpkinseed (*Lepomis gibbosus*), Rainbow Trout (*Oncorhynchus mykiss*), Redhorse Sucker (*Moxostoma spp.*), Rock Bass (*Ambloplites rupestris*), Rockling (*Onos mustelus*), Round Goby (*Neogobius melanostomus*), Smallmouth Bass (*Micropterus dolomieu*), Sprat (*Sprattus spp.*), Turbot (*Scophthalmus maximus*), Walleye (*Sander vitreus*), White Bass (*Morone chrysops*), White Perch (*Morone americana*), Whitefish (*Coregonus spp.*) and Yellow Perch (*Perca flavescens*). The term “VHS-susceptible species” does not include the eggs of these species.

#### 3. General Quarantine—Imposition.

a. A General Quarantine is hereby established with respect to the following counties, which are—in whole or in part—within the Lake Erie or Lake Ontario Watersheds: Crawford, Erie and Potter Counties (Quarantined Counties).

b. The Department-registered artificial propagator of fish species or the Department-registered dealer of fish species shall not transport VHS-susceptible species from the Quarantined Counties unless the testing and documentation requirements set forth, in Paragraph 5, are met. The following exceptions apply:

i. VHS-susceptible species may be moved from point-to-point within the Quarantined Counties without the Department-registered artificial propagator or dealer having to comply with the referenced testing and documentation requirements, if the VHS-susceptible species are accompanied in transit by documentation stating the point of origin of the fish and the location within the Quarantined Counties to which they are to be delivered.

ii. VHS-susceptible species may be moved from the Quarantined Counties for testing and scientific purposes without the Department-registered artificial propagator or

dealer having to comply with the referenced testing and documentation requirements, if the VHS-susceptible species are accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for testing.

iii. If the Department-registered artificial propagator or dealer located within the Quarantined Counties documents to the Department that its operation is not located within the Lake Erie or Lake Ontario Watersheds, the Department may issue the propagator or dealer a written permit exempting that part of the propagator or dealer's operation from the requirements of this General Quarantine.

iv. VHS-susceptible species may be moved from the Quarantined Counties directly to a slaughter facility, processing plant or restaurant within this Commonwealth, if accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for slaughter, processing or consumption.

c. The Department-registered artificial propagator of fish species or a Department-registered dealer of fish species moving VHS-susceptible species from the Quarantined Counties shall maintain records of any lot of VHS-susceptible species for 2 years and shall, upon request, produce these records for inspection by any employee or representative of the Department. The records shall include:

i. Species, quantity and destination of fish in the lot and date of movement.

ii. Origin of fish in the lot (whether hatched onsite or brought live from another source).

iii. Date of VHS-related testing, and results of these tests.

iv. Dates of any additions of fish to the lot, including the source, species and approximate number of fish added to the lot.

d. If VHS-susceptible species are transported from or within a Quarantined County in accordance with subparagraph (b), the following apply:

i. The VHS-susceptible species shall not be deposited, introduced, dumped, commingled or otherwise permitted to enter the natural water system outside of the Lake Erie or Lake Ontario Watersheds.

ii. Water in which VHS-susceptible species are transported shall not be deposited, introduced, dumped, commingled or otherwise permitted to enter the natural water system outside of the Lake Erie or Lake Ontario Watersheds.

#### 4. Interstate Quarantine—Imposition.

a. An Interstate Quarantine is hereby established with respect to the following States, which have been designated by USDA APHIS as being either affected by VHS or as being at risk of being affected by VHS (Quarantined VHS-Affected or VHS At-Risk States): Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin.

b. VHS-susceptible species shall not be transported into the Commonwealth from the Quarantined VHS-Affected or VHS-At-Risk States unless the testing and documentation requirements set forth, in Paragraph 5, are met. The following exceptions apply:

i. VHS-susceptible species may be moved from Quarantined VHS-Affected or VHS At-Risk States, through this Commonwealth to another State, if the shipping container (tank, trailer, holding vessel or other container) remains biosecure in transit and the VHS-susceptible species are accompanied in transit by documentation stating the point of origin of the fish and the location outside of this Commonwealth to which they are to be delivered.

ii. VHS-susceptible species may be moved from the Quarantined VHS-Affected or VHS At-Risk States to facilities located within the Commonwealth for testing and scientific purposes without the transporter having to comply with the referenced testing and documentation requirements, if the VHS-susceptible species are accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for testing.

iii. VHS-susceptible species may be moved from Quarantined VHS-Affected or VHS At-Risk States to a slaughter facility, processing plant or restaurant within the Commonwealth, if accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for slaughter, processing or consumption.

c. If VHS-susceptible species are transported into this Commonwealth from the Quarantined VHS-Affected or VHS-At-Risk States in accordance with subparagraph (b), the following apply:

i. VHS-susceptible species shall not be deposited, introduced, dumped, commingled or otherwise permitted to enter the natural water system within this Commonwealth.

ii. Water in which VHS-susceptible species are transported shall not be deposited, introduced, dumped, commingled or otherwise permitted to enter the natural water system within this Commonwealth.

5. *Testing and Documentation Requirements.* VHS-susceptible species that are required to be tested under Paragraphs 3 or 4, shall meet the following testing and documentation requirements:

a. Within 12 months preceding movement from a Quarantined County or a Quarantined VHS-Affected or VHS-At-Risk State, the VHS-susceptible species lot shall be tested in accordance with either the testing protocols described in the current edition of the *Fish Health Section Bluebook* adopted by the American Fisheries Society or the testing protocols of the Office of International Epizootiologies, and the lot shall be test-negative for VHS.

b. If fish are added to a lot of VHS-susceptible species after the testing described in Paragraph (a), previous, is completed, the lot shall be retested in accordance with Paragraph (a) and found VHS test-negative prior to movement.

c. Documentation of VHS status shall accompany VHS-susceptible species that are required to be tested under Paragraphs 3 or 4, at all times the VHS-susceptible species remain within the Commonwealth and shall, upon request, be produced for inspection by any employee or representative of the Department. This documentation shall include the following:

i. A completed Aquaculture Verification Certificate form. This form will be provided by the Department upon request. Requests can be made to the following:

Department of Agriculture  
 Bureau of Animal Health and Diagnostic Services  
 ATTN: Aquaculture  
 2301 North Cameron Street  
 Harrisburg, PA 17110-9408  
 (717) 772-2852

ii. A copy of the test results reflecting that the lot is VHS test-negative.

6. *Violations.* Any person violating the requirements of this Order shall be subject to criminal prosecution and/or civil penalties of up to \$10,000 per violation.

7. *Effective Date.* This Order is immediately effective on this date, and shall remain in effect unless rescinded or modified by subsequent order.

8. *Additional Restrictions.* This Order shall not be construed as limiting the Department's authority to establish additional quarantine or testing requirements relating to VHS.

DENNIS C WOLFF,  
*Secretary*

**AQUACULTURE VERIFICATION CERTIFICATE**

For artificial propagators and dealers of fish species located within the Viral Hemorrhagic Septicemia Virus Quarantined Counties in Pennsylvania, and also the states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin to ship VHS-susceptible fish species into the Commonwealth of Pennsylvania.

**Section A: Premise Information**

State of Origin: \_\_\_\_\_ Premise ID: \_\_\_\_\_  
 Aquaculture License Number: \_\_\_\_\_  
 Lot Owner: \_\_\_\_\_  
 Address of Lot: \_\_\_\_\_  
 Phone Number of Lot Owner/ Manager: \_\_\_\_\_  
 Type of Fish that Qualify for movement (Quantity, species, size/age.)  
 \_\_\_\_\_  
 \_\_\_\_\_

**Section B: Testing Information**

The above identified lot has been established and no fish have been added to this lot since testing. Randomly selected fish have been tested according to OIE or American Fisheries Society "Fish Health Section Blue Book" standards. The negative test results are valid for 365 days, if no additional fish were added to the lot. The negative test results must be attached to this Certificate.

Test Date: \_\_\_\_\_ Laboratory Accession Number: \_\_\_\_\_  
 Expiration Date of Certificate: \_\_\_\_\_

**Section C: Official Tester Verification**

I certify that I have randomly sampled the fish from the above identified lot. I have inspected the fish as described above and no signs of clinical disease were observed and the fish tested negative for Viral Hemorrhagic Septicemia Virus.

Printed name: \_\_\_\_\_ Telephone Number: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 I am a (select one):       State Official,                       Federal Official,  
     Accredited Veterinarian,                       Certified Aquaculture Technician

**Section D: Lot Owner/ Manager Verification**

Lot Owner/Manager Printed Name: \_\_\_\_\_  
 Date: \_\_\_\_\_ Signature: \_\_\_\_\_

[Pa.B. Doc. No. 07-1864. Filed for public inspection October 12, 2007, 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, October 24, 2007, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

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

MICHAEL DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 07-1865. Filed for public inspection October 12, 2007, 9:00 a.m.]

### Snowmobile and ATV Advisory Committee Meeting

The Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources (Department) will hold a meeting on Thursday, October 18, 2007, at 9 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA.

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

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact John Quigley at (717) 787-9632 or through the

Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 07-1866. Filed for public inspection October 12, 2007, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Acceptance of Applications for New or Innovative Water/Wastewater Technology Grants Through the Growing Greener Program

As part of the Department of Environmental Protection's (Department) Growing Greener Program, applications are now being accepted for New or Innovative Water/Wastewater Technology Grants. The Environmental Stewardship and Watershed Protection Act, 27 Pa.C.S. §§ 6101—6113, authorizes the Department to make these grants available to municipalities, municipal authorities, counties and school districts that are making improvements to existing drinking water or sewage treatment facilities using new or innovative technology. Grants for individual projects will be available up to \$500,000 under this program. Preference will be given to the following new or innovative projects:

\* Wastewater treatment that utilizes new or innovative technology to reduce energy consumption or the carbon footprint of a system when compared to conventional processes.

The deadline for submitting grant applications to the Department's Growing Greener Grants Center is November 30, 2007. The grant application form is available electronically on the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (Select "Forms and Publications" and "Water Standards and Facility Regulation"). The form number and name are: 3800-FM-WSFR0271, Application for Growing Greener Grant Assistance New or Innovative Water/Wastewater Technology.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-1867. Filed for public inspection October 12, 2007, 9:00 a.m.]

### Applications, Actions and Special Notices

## APPLICATIONS

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

This notice provides information about persons who have applied for a new, amended or renewed NPDES or WQM permit, a permit waiver for certain stormwater discharges or submitted a Notice of Intent (NOI) for coverage under a general permit. The applications concern, but are not limited to, discharges related to industrial, animal or sewage waste, discharges to groundwater, discharges associated with municipal separate storm sewer systems (MS4), stormwater



associated with construction activities or concentrated animal feeding operations (CAFOs). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92 and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act.

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

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

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

Unless indicated otherwise, the 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>
PA0062880 (Minor Sewage Renewal)	KidsPeace Corporation 4085 Independence Road Schnecksville, PA 18078-2574	North Whitehall Township Lehigh County	Jordan Creek 02C	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>
PA0221775	HRI, Inc. 1750 West College Avenue State College, PA 16801	Pine Creek Township Jefferson County	UNT to Fivemile Run 17-C	Y
PA0005584	Owens-Brockway Glass Container, Inc. Route 219 North Brockway, PA 15824	Snyder Township Jefferson County	Little Toby Creek 17-A	Y

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

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

**PA0026026**, Sewage, **New Brighton Borough Sanitary Authority**, 610 Third Street, New Brighton, PA 15066. This application is for renewal of an NPDES permit to discharge treated sewage from New Brighton Borough Sanitary Authority Sewage Treatment Plant in New Brighton Borough, **Beaver County**.

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

*Outfall 001:* existing discharge, design flow of 2.0 mgd.

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

The EPA waiver is not in effect.

**PA0036609**, Sewage, **Borough of Conway**, 1208 Third Avenue, Conway, PA 15027. This application is for renewal of an NPDES permit to discharge treated sewage from Borough of Conway Wastewater Treatment Plant in Conway Borough, **Beaver County**.

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

*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	37.5		50
Suspended Solids	30	45		60
Fecal Coliform (5-1 to 10-31)	200/100 ml as a geometric mean			
(11-1 to 4-30)	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.0			3.3
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

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

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

**WQM Permit No. 6507404**, Sewerage, **Thomas and Sandra Usher Camp, Inc.**, 400 Manordale Road, Pittsburgh, PA 15241. This proposed facility is located in Cook/Ligonier Townships, **Westmoreland County**.

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

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

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

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

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

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

NPDES Permit No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
PAI023907023	Plantique Real Estate, LLC Michael McShane 6344 Schantz Road Allentown, PA 18104	Lehigh	Upper Macungie Township	Little Lehigh Creek HQ-CWF

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


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

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### **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**

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

<b>Application No. 4607506</b> , Public Water Supply.	
Applicant	<b>Red Hill Water Authority, PA</b>
Township	Red Hill Borough
County	<b>Montgomery</b>
Responsible Official	Phillip Palencar 56 West 4th Street Red Hill, PA 18076
Type of Facility	PWS
Consulting Engineer	U.S. Engineering, LLC 13742 Mary Lane Aviston, IL 62216
Application Received Date	August 31, 2007

Description of Action      Recoating of the wet interior of the 250 kg elevated tank.

<b>Application No. 0907509</b> , Public Water Supply.	
Applicant	<b>Richland Township Water Authority</b>
Township	Richland Township
County	<b>Bucks</b>
Responsible Official	Timothy Arnold 1328 California Road Suite D Quakertown, PA 18951
Type of Facility	PWS
Consulting Engineer	Van Cleef Engineering, Associates 551 Main Street Bethlehem, PA 18018
Application Received Date	June 11, 2007

Description of Action      Installation of Fe/Mn removal system.

<b>Application No. 4607507</b> , Public Water Supply.	
Applicant	<b>Eadeh Family Family Limited Partnership</b>
Township	Lower Providence Township
County	<b>Montgomery</b>
Responsible Official	Ernest C. Eadeh, Owner 511 Old Lancaster Road No. 8 Berwyn, PA 19312
Type of Facility	PWS
Consulting Engineer	Ebert Engineering, Inc. P. O. Box 540 4092 Skippack Pike Skippack, PA 19474
Application Received Date	September 6, 2007

Description of Action      Operation of VOC removal system at Mill Hill Seafood.

<b>Application No. 0907518</b> , Public Water Supply.	
Applicant	<b>Barley Sheaf Farm and Spa</b>
Township	Doylestown
County	<b>Bucks</b>
Responsible Official	Christine Figueroa 5281 Old York Road P. O. Box 10 Holicong, PA 18928
Type of Facility	PWS
Consulting Engineer	Ebert Engineering, Inc. 4092 Skippack Pike Skippack, PA 19474

Application Received Date September 18, 2007  
 Description of Action Addition of filtration and ultraviolet disinfection to the existing water system.

Application Received Date September 6, 2007  
 Description of Action Operation of VOC removal system at Mill Hill Seafood.

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

**Permit No. 3607512**, Public Water Supply.

Applicant **David L. Fite Reality, LTD**  
 Municipality Providence Township  
 County **Lancaster**  
 Responsible Official David L. Fite Reality, LTD  
 President  
 103 Fite Way  
 Suite D  
 Quarryville, PA 17566-9394  
 Type of Facility Public Water Supply  
 Consulting Engineer Charles A. Kehew II, P. E.  
 James R. Holley & Assoc., Inc.  
 18 South George Street  
 York, PA 17401

Application Received: June 28, 2007  
 Description of Action This project is for a new water system to serve a proposed development. The water system will consist of one well, disinfection, 6,000 gallon underground concrete tank, booster pumps and 4-inch distribution system.

**Permit No. 0107511**, Public Water Supply.

Applicant **Crazy Horse Steakhouse**  
 Municipality New Oxford Borough  
 County **Adams**  
 Responsible Official Crazy Horse Steakhouse, Owner  
 6465 York Road  
 New Oxford, PA 17350  
 Type of Facility Public Water Supply  
 Consulting Engineer George W. Ruby, P. E.  
 Ruby Engineering  
 3605 Island Club Drive  
 North Port, FL 34288-6611

Application Received: September 20, 2007  
 Description of Action Installation of VOC treatment for tetrachloroethylene (PCE).

**Application No. 0707504 MA**, Minor Amendment, Public Water Supply.

Applicant **Spring Cove School District**  
 Municipality Freedom Township  
 County **Blair**  
 Responsible Official Mark Fluke  
 1100 East Main Street  
 Roaring Spring, PA 06673

Type of Facility Public Water Supply  
 Consulting Engineer Daniel J. Carbaugh, P. E.  
 Keller Engineers, Inc.  
 420 Allegheny Street  
 Hollidaysburg, PA 16648

Application Received: August 31, 2007  
 Description of Action Permit application is for the installation of corrosion control treatment to address the lead action level exceedence. Treatment will consist of a chemical feed system to inject a phosphate compound.

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

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

Applicant **Pepper Hills Mobile Home Park**  
 Township or Borough Cooper Township  
 County **Montour**  
 Responsible Official Luther and Patricia Ernst,  
 Owners  
 P. O. Box 139  
 Danville, PA 17821

Type of Facility Public Water Supply—Construction  
 Consulting Engineer Daniel J. Carbaugh, P. E.  
 Keller Engineers, Inc.  
 420 Allegheny Street  
 P. O. Box 61  
 Hollidaysburg, PA 16648

Permit Application Date September 27, 2007

Description of Action Modification of the existing water treatment system to include iron removal facilities as well as other improvements.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 1

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a

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

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

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

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

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

**Former Grace Mine Facility/Bryne Eyre**, New Morgan Borough, **Berks County**. Pennoni Associates, Inc., 3001 Market Street, Philadelphia, PA 19104, on behalf of Morgantown Properties, 502 Gordon Drive, Exton, PA 19341, submitted a Notice of Intent to Remediate soils and groundwater contaminated with inorganics and petroleum compounds from historical mining and iron ore processing. The property's future use is residential, commercial and municipal development of the town of Bryne Eyre. The applicant seeks to remediate the site to the Statewide Health and Site-Specific Standards.

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

**Beaver County Family Services Center**, Hopewell Township, **Beaver County**. Mark Orzechowski, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Richard Dorothy, Bet-Tech, 3468 Brodhead Road, Monaca, PA 15061 and William West, Castlebrook Development, LP, 307 Fourth Avenue, Suite 1400, Pittsburgh, PA 15222 has submitted a Notice of Intent to Remediate. The site is a former slag dump for a former steel manufacturing facility. Site

characterization activities to define the environmental conditions of soil and groundwater at the site were conducted in November 2006. The results of the investigation revealed some soils at the site contained iron and arsenic at concentrations greater than direct contact medium specific concentrations. The site will be remediated based on a Site-Specific Standard and will include institutional and engineering controls. The controls will include a deed notice and cap to restrict direct contact with impacted soil and groundwater.

**FMC Technologies, Inc., (Former)**, Homer City, **Indiana County**. Paul M. Becks, Bureau Veritas North America, Inc., 520 South Main Street, Suite 2444, Akron, OH 44311 on behalf of David K. Miller, MWM Real Estate, LP, 111 Second Street, P. O. Box G, Brookville, PA 15825 and Steven Ward, Corporate Director, Environmental Health & Safety, FMC Technologies, Inc., 1803 Gears Road, Houston, TX 77067 has submitted a Notice of Intent to Remediate. The 19 acre site currently has one large industrial building with approximately 250,000 square feet of interior floor space. The site has been used for industrial purposes since the early 1900s. A phase II investigation identified soil and groundwater contaminated with either chlorinated solvents, including TCE and CIS-1,2-DCE, vinyl chloride and/or lead. Remedial measures include excavation, accelerated natural attenuation of groundwater and Engineering and Institutional Controls. Both Statewide Health and Site-Specific Standards will be used to attain relief of liability under Act 2. The site will remain nonresidential.

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

**John Maneely Company, Sharon Pipe Plant**, City of Sharon, **Mercer County**. ENVIRON International Corporation, 1760 Market Street, Philadelphia, PA 19103 on behalf of John Maneely Company, 1 Council Avenue, Wheatland, PA 16161, has submitted a Notice of Intent to Remediate. The site is a former pipe manufacturing facility. Soil and groundwater at the site appear to be impacted from historical industrial operations. The known primary contaminants to be addressed consist of the following: soil—ethyl benzene, tetrachloroethene, trichloroethene, xylenes (total), benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, dibenzofuran, naphthalene, N-nitroso-di-n-propylamine, Aroclor-1248, Aroclor-1254, antimony, arsenic, cadmium, chromium (total), cobalt, lead, mercury, selenium and zinc; groundwater—1,2,4-Trichlorobenzene, 1,3-Dichlorobenzene, 1,4-Dichlorobenzene, 2,3,7,8-TCDD equivalent, benzene, chlorobenzene, cis-1,2-dichloroethene, tetrachloroethene, trichloroethene, vinyl chloride, 2-Picoline, benzo(a)pyrene, bis(2-Ethylhexyl) phthalate, dibenz(a,h)anthracene, phenanthrene, Aroclor-1242, Aroclor-1254, Aroclor-1260, antimony, arsenic, barium, beryllium, cadmium, chromium III, chromium VI, copper, lead, manganese, mercury, nickel, selenium, sulfate, thallium and zinc. The intended future use of the property is commercial/industrial or it will remain as undeveloped open-space.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSES

**Applications received or withdrawn under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 of June 28, 1988 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Renewal Applications Received*

**Bestrans, Inc.**, 931 Red Toad Road, North East, MD 21901. License No. PA-HC 0209. Received on August 15, 2007.

**Altoona Regional Health System**, 620 Howard Avenue, Altoona, PA 16601-4819. License No. PA-HC 0124. Received on August 23, 2007.

**Geisinger System Services**, 100 North Academy Avenue, Danville, PA 17822-1540. License No. PA-HC 0141. Received on August 31, 2007.

**S.H. Bio-Waste, Ltd.**, P. O. Box 2117, Norristown, PA 19401. License No. PA-HC 0096. Received on August 30, 2007.

## 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 con-

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

### PLAN APPROVALS

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

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

**22-03002A: Conopco, d/b/a Unilever Bestfoods NA** (523 South 17th Street, Harrisburg, PA 17104) to permit burning of No. 6 fuel oil in their two boilers in the City of Harrisburg, **Dauphin County**. The boilers are subject to 40 CFR, Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Unit.

**28-03023A: Valley Quarry, Inc.** (169 Quarry Road, Chambersburg, PA 17201) for installation of a sandstone crusher at the Mt. Cydonia Sand Plant No. 2 in Greene Township, **Franklin County**.

**36-05107C: Pepperidge Farm, Inc.** (2195 North Reading Road, Denver, PA 17517) to remove a catalytic oxidizer on a bread line at the Denver Plant in East Calocalico Township, **Lancaster County**.

**67-03045B: Acco Material Handling Solutions, Inc.** (P. O. Box 792, York, PA 17405) for construction of a spray paint booth with a dry panel filter for control of particulate matter emissions at its hoist and crane component manufacturing facility in York Township, **York County**.

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

**04-00702B: USG Corp.** (1 Woodlawn Road, Aliquippa, PA 15001) for addition of an additional raw material for wallboard manufacturing at the Aliquippa Plant in Aliquippa, **Beaver County**.

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

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

**09-0015G: Rohm and Haas Co.** (Route 413 and State Road, Bristol, PA 19007) for installation of a Natural Gas Injection System on a regenerative thermal oxidizer in Bristol Township, **Bucks County**. The oxidizer controls emissions from No. 10 kettle acryloid coatings batch production process, building 30 spot vents, No. 7 kettle acryloid coatings batch production process and volatile organic liquid storage tanks in polymers area. This is a Title V facility. The installation will reduce the use of natural gas. This installation will result in increased emissions of NOx and CO. The company will continue to monitor and continuously record the inlet, combustion chamber and outlet temperature of the thermal oxidizer.

**15-0015D: Sartomer Co., Inc.** (502 Thomas Jones Way, Exton, PA 19341) for installation of a new reactor and ancillary equipment at their West Chester facility in West Chester Borough, **Chester County**. The Sartomer plant is a Title V facility, operating under TVOP-15-00015. The new reactor will include a condenser system that will recover at the minimum 95% of evolved VOCs and HAPs. Operation of the new reactor will result in an increase of 2.3 tpy of VOC, of which 0.6 tpy are toluene, a HAP. The Plan Approval will contain monitoring, recordkeeping and operating restrictions designed to minimize emissions and keep the facility operating within all applicable air quality requirements.

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

**54-303-019: Lehigh Asphalt Paving and Construction Co.** (P. O. Box 549, Tamaqua, PA 18252) for construction of a batch mix asphalt plant that will utilize alternative fuels, to include on-spec waste derived liquid fuel, No. 4 fuel oil and No. 2 fuel oil, as well as recycled asphalt pavement in the process at their Andreas Asphalt Plant in West Penn Township, **Schuylkill County**. The proposed asphalt plant will replace the existing asphalt plant at the facility, which will be removed from the site. This facility is not a Title V facility. The company has elected to take a voluntary production restriction of 750,000 tons of asphalt per year. The asphalt plant is subject to Subpart I of the Federal Standards of Performance for New Stationary Sources for Hot Mix Asphalt Facilities, 40 CFR 60.90–60.93. The plan approval will include all appropriate testing, monitoring, recordkeeping and reporting requirements designed to keep the batch asphalt plant operating within all applicable air quality requirements.

**39-309-068: Lafarge North America** (5160 Main Street, Whitehall, PA 18052) for modification of an air cleaning device (fabric collector) for the quarry impactor and the installation of four air cleaning devices (fabric collectors) for four existing raw feed belts in **Lehigh County**. The particulate emissions from each fabric collector will not exceed the BAT standard of 0.015 grain/dscf and will result in a total maximum particulate emission rate of 18.1 tpy. The Plan Approval and Operating Permit will contain emission restrictions, work practice standards and monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. The facility currently has a Title V Operating Permit No. 39-00011. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date.

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

**67-03144A: KRB Machinery** (1058 Cool Creek Road, Wrightsville, PA 17368) for installation of one NorAm M-3 downdraft paint booth in Lower Windsor Township, **York County**. VOC emissions are expected to be 4.9 tpy. The plan approval will include emission limits, monitoring, recordkeeping and work practice standards designed to keep the facility operating within all applicable air quality requirements.

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

**19-313-001B: Milco Industries, Inc.** (550 East 5th Street, Bloomsburg, PA 17815) has submitted to the Department of Environmental Protection (Department) a plan approval application for the construction of a new tenter frame textile dryer to replace an existing textile dryer and for the installation of two electrostatic precipitators (ESPs) to control the air contaminant emissions from the new dryer and from an existing tenter frame textile dryer at the facility located in Bloomsburg Borough, **Columbia County**. The respective facility is a nonmajor facility for which a State-only operating permit application (19-00016) has been submitted. There is no proposed increase in emissions above existing amounts. HAP emissions and PM emissions are proposed to decrease from existing levels. Potential VOC emissions from the new dryer are expected to be approximately 18 tpy but could reach 36 tpy, if operated alone.

The Department's review of the information contained in the application indicates that the proposed dryer will comply with all applicable requirements pertaining to air contamination sources and the emission of air contaminants including the best available control technology requirements of 25 Pa. Code §§ 127.1 and 127.12 and 25 Pa. Code §§ 123.13, 123.21, 123.31 and 123.41, for both the new and existing dryers. Based on this finding, the Department intends to issue a plan approval for the proposed construction and installations. Additionally, if the Department determines that the source and the air cleaning devices are operating in compliance with the plan approval conditions, the conditions established in the plan approval will be incorporated into the operating permit by means of an administrative amendment under 25 Pa. Code § 127.450.

The Department proposes to place in the plan approval the following conditions to ensure compliance with all applicable regulatory requirements:

1. Source ID P101 is a tenter frame dryer manufactured by Bruckner Textile Technologies GmbH & Co. KG model no. HN-SFP-56/5-937-KK-dG. The dryer is equipped with 10 natural gas fired Maxon Valupak 150 low-NOx burners, each with a heat input of 0.61 mmBtu/hr (for a total heat input of 6.1 mmBtu/hr). Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the air contaminant emissions from the dryer shall be controlled by two air-to-air heat exchangers in series followed by a Bruckner model Aerofog EW size 3/3 dry two-stage ESP (Control Device ID C101).

2. This condition supersedes condition no. 4 of operating permit 19-313-001A. Source ID P102 is a tenter frame dryer manufactured by Kenyon. The dryer is equipped with six natural gas fired burners each with a rated heat input of 1.5 mmBtu/hr (for a total heat input of 9 mmBtu/hr). The air contaminant emissions from the dryer shall be controlled by one air-to-water heat exchanger followed by a Bruckner model Aerofog EW size 3/3 dry two-stage ESP (Control Device ID C102)

3. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the PM concentration of the exhaust from the ESP (Control Device ID C101) associated with the Bruckner tenter frame dryer (Source ID P101) shall not exceed 0.002 gr/dscf.

4. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, total production from the facility shall not exceed 9,000,000 lbs of fabric in any 12-consecutive month period.

5. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the total VOC emissions from the Bruckner

tenter frame dryer (Source ID P101) and the Kenyon tenter frame dryer (Source ID P102) shall not exceed 36.00 tons in any 12-consecutive month period.

6. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the total HAP emissions from the Bruckner tenter frame dryer (Source ID P101) and the Kenyon tenter frame dryer (Source ID P102) shall not exceed 2.80 tons in any 12-consecutive month period.

7. Under the BAT provisions of 25 Pa. Code §§ 127.1 and 127.12, the ESP (Control Device ID C101) associated with the Bruckner tenter frame dryer (Source ID P101) shall achieve a PM removal efficiency of 95%.

8. The ESP (Control Device ID C102) associated with the Kenyon tenter frame dryer (Source ID P102) shall achieve a PM removal efficiency of 95%.

9. Temperature monitoring equipment shall be installed in the duct of each dryer (Source IDs P101 and P102) after the last heat exchanger and prior to entering the ESP that shall accurately and continuously measure the exhaust temperature entering each ESP. The temperatures shall be recorded at least once every 15 minutes and shall not exceed 122° F. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

10. Each stage (that is, each 3 × 3 matrix section) of each ESP (Control Device IDs C101 and C102) shall be equipped with instrumentation that shall accurately and continuously measure the secondary power to each ESP stage. The secondary powers shall be recorded at least once every 15 minutes and shall not be less than 788 watts. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

11. Within 180 days of the start of operation of the Bruckner tenter frame dryer (Source ID P101), the permittee shall perform stack testing to determine compliance with the PM emission limit of 0.002 gr/dscf from the Bruckner dryer ESP (Control Device ID C101). In addition, the permittee shall perform testing on both ESPs (Control Device IDs C101 and C102) to determine compliance with the PM removal efficiency requirements. Stack testing shall be performed in accordance with the applicable provisions of 25 Pa. Code Chapter 139 (relating to sampling and testing) using test methods and procedures approved by the Department. Testing shall be performed when the dryers are operating at maximum routine operating conditions.

At least 60 days prior to all stack testing required in this plan approval, the permittee shall submit two copies of a test protocol to the Department's Northcentral Region for review and approval. This protocol shall describe the test methods and procedures to be used in the performance of testing, and shall include dimensioned sketches of the exhaust systems showing the locations of all proposed sampling ports. The protocol shall also identify all process parameters, which will be monitored and recorded during testing to verify maximum routine operating conditions during testing, and to verify that all associated air cleaning devices are operating normally during testing.

At least 14 days prior to stack testing, the permittee shall notify the Department (Northcentral Regional Office and Central Office, Source Testing Section) of the actual dates and times that testing will occur so that Department personnel can arrange to be present during testing.

The Department is under no obligation to accept the results of the testing without having been given proper notification.

Within 60 days following the completion of the stack testing, the permittee shall submit two copies of a test report to the Department's Northcentral Region for review and approval. The test report shall contain the results of the testing, a description of the test methods and procedures actually used, copies of all raw test data with sample calculations and copies of all process data recorded during testing. Since the testing is required for the purpose of demonstrating compliance with emission limitations identified in this plan approval, the results of the testing shall be expressed in units identical to the units of the limitations identified in this plan approval.

12. The permittee shall keep records of the total facility-wide production each month to verify compliance with the facilitywide production limit contained in this plan approval. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

13. The permittee shall keep records of the VOCs and HAPs emitted each month from the Bruckner and Kenyon tenter frame dryers (Source IDs P101 and P102) to verify compliance with the annual VOC and HAP emission limits contained in this plan approval. The records shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

14. Each ESP (Control Device IDs C101 and C102) shall be equipped with and shall operate a cleaning system consisting of three nozzles at the inlet of each field and three nozzles at the outlet of each field. The nozzles shall be tilted so that the water jets from both sides meet in the center of the field. Each ESP shall be cleaned at least once each week. The permittee shall maintain a cleaning log for each ESP that shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

15. Each air-to-air heat exchanger of the Bruckner dryer (Source ID P101) shall be equipped with a lint screen at the inlet of the heat exchanger. In addition, each air-to-air heat exchanger shall be equipped with a pressure monitoring/pressure control device that shall accurately and continuously measure the pressure drop across each heat exchanger and shall alert the operator when the pressure drop increase across the exchanger exceeds 300 Pa. The lint screens shall be cleaned at least once each day. The permittee shall maintain a cleaning log for the lint screens and heat exchangers that shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

16. The air-to-water heat exchanger of the Kenyon dryer (Source ID P102) shall be equipped with and shall operate the Bruckner automatic steam cleaning unit. A log shall be kept of the pause time and cleaning time settings entered into the cleaning unit. The log shall be retained for a minimum of 5 years and shall be made available to the Department upon request.

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

Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager,



Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, (570) 327-0512.

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

**24-083L: Carbone of America Ind., Corp.** (215 Stackpole Street, St. Marys, PA 15857) for construction of two new kilns (Nos. 36 and 37) with associated thermal oxidizers and a new scrubber "C" in St. Marys City, **Elk County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- The following requirements are for both kilns:
  - Subject to 25 Pa. Code § 123.13 for PM emissions:
    1. Emissions shall comply with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions respectively.
      - SO<sub>2</sub> emissions from Car kiln Nos. 1—3 and CBH Kiln Nos. 29—32, 36 and 37, shall not exceed the following (as measured from scrubber stack):
        1. Instantaneous SO<sub>2</sub> Limit based on 3-hour average, from scrubber stack 500 ppm(v) on a dry basis (ppm(v) on a wet basis, may be substituted; however, the effluent moisture concentration from the scrubber stack must be determined during stack testing).
        - b. SO<sub>2</sub> limit based on rolling 30-day average, from scrubber stack—13.5 lbs/hour.
          - Annual SO<sub>2</sub> limit based on rolling 12-month total, from scrubber stack—29.5 tpy.
          - Compliance with the above SO<sub>2</sub> emission limits shall be demonstrated through the installation of a Department of Environmental Protection (Department) approved SO<sub>2</sub> continuous emission monitor (CEM).
          - No person may permit the emission into the outdoor atmosphere of SO<sub>x</sub> from the Kiln "Clean Air Stack" in a manner that the concentration of SO<sub>x</sub>, expressed as SO<sub>2</sub>, in the effluent gas exceeds 500 ppmv, dry basis.
          - The permittee shall use only natural gas as a fuel for this source.
          - A SO<sub>2</sub> CEM and continuous flow monitor to monitor airflow from the scrubber stack to which this source will emit has been installed. The CEM shall be installed in accordance with 25 Pa. Code Chapter 139, and the latest version of the Continuous Source Monitoring Manual, published by the Department. Department approval of Phase I of the SO<sub>2</sub> CEM requirement, as defined in the source-monitoring manual, shall be implemented within 6 months of the issue date of this plan approval, or a Department approved revised date based upon the expected completion of construction of the source. Phase II shall be completed with 180 days of Phase I approval. Phase III shall be submitted to the Department within 60 days of completion of Phase II.
          - The permittee shall maintain a record of all preventative maintenance inspections of the control device.

These records shall, at a minimum, contain the dates of the inspections, any problems or defects, the actions taken to correct the problems or defects and any routine maintenance performed.

- The permittee shall maintain records of the operational inspections. These records shall, at a minimum, contain the following:
  - Pressure drop across the scrubber.
  - Scrubber gas flow rate.
  - Scrubber liquid pressure and flow rate.
  - Scrubber liquid pH.
  - Scrubber outlet gas temperature.
  - Thermal oxidizer exhaust temperature.
- The permittee shall keep a record of the emissions of SO<sub>2</sub> to demonstrate compliance.
- The permittee shall perform a weekly operational inspection of the control device.
  - The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.
    - The thermal oxidizer shall be operated, at a minimum, during the pitch-off cycle. The pitch-off cycle is defined as the period during a cycle in which kiln temperatures are increasing from 200° C—600° C.
    - The thermal oxidizer shall operate at a temperature not less than 750° C (1,380° F) during the pitch-off cycle of the kiln. Thermal oxidizer temperature shall be continuously monitored and recorded during the pitch-off cycle.
    - The scrubber shall be operated, at a minimum, from the beginning of the pitch-off cycle until the period in which the kiln is cooled by water-injection at the end of a cycle.
    - Scrubber operating parameters, including pH and pressure drop shall be operated in a range defined by the manufacturer, or in a range developed during compliant stack testing. Pressure drop and pH meters shall be mounted in accessible areas, and shall be maintained in good operating conditions at all times. The operating range for pH and scrubber pressure drop shall be determined within 90 days after startup of the scrubber, and shall be indicated to the Department in writing prior to administratively amending into the facility operating permit. Scrubber pH and pressure drop ranges shall be made part of the facility-operating permit.

#### 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, Edward Jurdones Brown, Facilities Permitting Chief, (484) 250-5920.*

**09-00015: Rohm and Haas Co.** (Routes 413 and 13, P. O. Box 219, Bristol, PA 19007) for an administrative amendment to the Title V Operating Permit at their facility in Bristol Township, **Bucks County**. The facility is a diverse chemical manufacturing plant with a variety of continuous and batch type processes. The amended Title V operating permit will contain additional monitor-

ing, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

The following conditions that have been addressed in the amended Title V Permit, as outlined as follows:

(1) The name of the facility in Owner Information section of the title/cover page has been changed from Rohm & Haas Chemicals, LLC to Rohm & Haas Company.

(2) Section D, Sources 034, 035, 037 and 039—Removed source testing requirements and included additional requirements to ensure compliance with the pollutant emission limits.

(3) The permit map in Sections A and D for the Source Group 518 (Polymer Area Sources) has been revised to remove the control device Source C18 (Regenerative Thermal Oxidizer).

(4) The Shipping Dept. has been removed as a source in the Source Group 518, Section D, Condition No. 001(iii).

(5) Section D, Source C09, Condition No. 008(b) and Source C18, Condition No. 016(b)—Revised this condition to establish a 15 minute period for the inlet and the combustion chambers temperatures, respectively, from which a departure would be considered an excursion.

(6) Section D, Source C18, Condition No. 017(a) which established values for the inlet and exit gas temperature ranges for the RTO has been omitted.

(7) Section C, Condition No. 019—Included notation to clarify that the nonreportable “cold stack” events are exempted from the report of accumulated data of excursions as required by Source C09, Condition No. 014(a) or Source C18, Condition No. 023(a).

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

**65-00183: Allegheny Ludlum Corp.** (100 River Road, Brackenridge, PA 15014) for operation of their anneal and pickle lines, various rolling mills, boilers and other supporting equipment at their West Leechburg Township facility in **Westmoreland County**. This is a Title V Operating Permit Renewal.

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

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

**06-03085: Power Packaging, Inc.** (1055 Cross Roads Boulevard, Reading, PA 19605) for operation of three dual fuel fired boilers at their facility in Muhlenberg Township, **Berks County**. This action is a renewal of the State-only operating permit issued in 2002.

**21-05035: Hempt Bros., Inc.** (P. O. Box 278, Camp Hill, PA 17001) for operation of their Locust Point Batch Asphalt Plant in Silver Spring Township, **Cumberland County**. The batch asphalt plant is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities. 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.

**21-05036: Hempt Bros., Inc.** (P. O. Box 278, Camp Hill, PA 17001) for operation of their Camp Hill Batch Asphalt Plants in Lower Allen 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.

**22-05033: Hempt Bros., Inc.** (P. O. Box 278, Camp Hill, PA 17001) for operation of their Steelton Batch Asphalt Plant in Steelton Borough, **Dauphin 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.

**36-05125: Department of Corrections** (1451 North Market Street, Elizabethtown, PA 17022) for operation of their Training Academy in the Township of Mount Joy, **Lancaster County**. This is a renewal of the State-only operating permit issued in January 2003.

**67-05093: Kinsley Construction, Inc.** (P. O. Box 2886, York, PA 17405) for operation of their Emigsville Batch Asphalt Plant in Manchester Township, **York County**. The batch asphalt plant is subject to 40 CFR Part 60, Subpart I—Standards of Performance for Hot Mix Asphalt Facilities. 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.

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

**19-00022: Berwick Area School District** (500, Line Street, Berwick, PA 18603) for their junior-senior school, middle school and elementary school located in Berwick Borough, **Columbia County**. The facility's main sources include one natural gas/No. 2 fuel oil fired boiler, two natural gas fired boilers, two diesel/No. 2 fuel oil fired emergency generators and 10 small natural gas fired boilers. The facility has the potential to emit SO<sub>x</sub>, NO<sub>x</sub>, CO, PM<sub>10</sub>, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

**59-00012: Dietrich's Milk Products, LLC** (P. O. Box 102, Middlebury Center, PA 16935) for their milk powdered manufacturing facility located in Middlebury Township, **Tioga County**. The facility's main sources include two natural gas fired boilers, one natural gas fired milk spray dryer and one parts washer. The facility has the

potential to emit SOx, NOx, CO, PM10, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

**49-00043: Shamokin Filler Company, Inc.** (P. O. Box 568, Shamokin, PA 17872), for their coal preparation facility located in coal Township, **Northumberland County**. The facility's main sources include one anthracite coal fired rotary dryer, one No. 2 fuel oil fired rotary dryer, one parts washer, a rail/truck car loading operation, various pieces of material handling equipment and site haul roads. The facility has the potential to emit SOx, NOx, CO, PM10, VOCs and HAPs below the major emission thresholds. The proposed operating permit contains all applicable requirements including Federal and State regulations. In addition, monitoring, recordkeeping and reporting conditions regarding compliance with all applicable requirements are included.

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

**04-00724: DCP Midstream** (370 17th Street, Suite 2500, Denver, CO 80202) for operation of petroleum bulk stations and terminals at their Midland Propane Terminal in Borough Industry, **Beaver County**. This is a State-only Operating Permit.

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

**S07-001: Methodist Hospital—Thomas Jefferson Health System** (2301 South Broad Street, Philadelphia, PA 19148) for operation of a hospital facility in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes a two No. 2 oil or natural gas fired 16.76 mmBtu/hr boilers, two natural gas fired emergency generator and two No. 2 oil fired emergency generators

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

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

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation

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

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

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

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations as identified in this notice for the respective coal and noncoal applications. In addition, more restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies who have requested review of NPDES permit requirements for a particular mining activity within the previously mentioned public comment period will be provided with a 30-day period to review and submit comments on the requirements.

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

### *Coal Applications Received*

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

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

\*The parameter is applicable at all times.

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

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

**11020102 and NPDES No. PA0249220. Bell Resources, Inc.**, 1340 Hoyt Road, Curwensville, PA 16833, permit renewal for reclamation only of a bituminous surface auger mine in Reade Township, **Cambria County**, affecting 78.2 acres. Receiving stream: UNT to Muddy Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received September 21, 2007.

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

**17010103 and NPDES No. PA0243051. Bell Resources, Inc.**, 1340 Hoyt Road, Curwensville, PA 16833,

revision of an existing bituminous surface mine to add acres in Greenwood and Penn Townships, **Clearfield County**, affecting 35.0 acres. Receiving streams: UNT to West Branch Susquehanna River, classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received September 21, 2007.

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

**22070201. Meadowbrook Coal Co., Inc.**, 6690 SR 209, Lykens, PA 17048, commencement, operation and restoration of an anthracite coal refuse reprocessing operation in Williams Township, **Dauphin County** affecting 23.5 acres, receiving stream: UNT to Wiconisco Creek, classified for the following use: CWF. Application received September 21, 2007.

#### *Noncoal Applications Received*

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

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
Suspended solids	35 mg/l	70 mg/l	90 mg/l
Alkalinity exceeding acidity <sup>1</sup>		greater than 6.0; less than 9.0	
pH <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. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

**Permit No. 21072801. John W. Nolt**, 199 Ridge Road, Newville, PA, 17241, commencement, operation and restoration of a small noncoal (industrial minerals) operation in North Newton Township, **Cumberland County**, affecting 5.0 acres, receiving streams: UNT to Green Spring Creek. Application received September 21, 2007.

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

**25900304. Wroblewski Sand & Gravel, Inc.**, 12907 Half Moon Road, Wattsburg, PA 16442. Transfer of an existing sand and gravel operation in Venango Township, **Erie County** affecting 49.3 acres. Receiving streams:

groundwater to West Branch of French Creek, classified for the following use: WWF. There are no potable surface water supply intakes within 10 miles downstream. Transfer from Hoover Sand & Gravel Co., Inc. Application received September 25, 2007.

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

**7974SM3C10 and NPDES Permit No. PA0595583.** New Hope Crushed Stone & Lime Co., P. O. Box 248, New Hope, PA 18938, renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Solebury Township, **Buck County**, receiving stream: Primrose Creek, classified for the following use: TSF. Application received September 11, 2007.

**7775SM10C2 and NPDES Permit No. PA0011789. Lehigh Cement Company**, 537 Evansville Road, Fleetwood, PA 19522, depth correction for an existing quarry operation in Maiden Creek Township, **Berks County** affecting 329.92 acres, receiving stream: UNT to Lake Ontelaunee. Application received September 24, 2007.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E45-509. Brodhead Creek Regional Authority**, 410 Stokes Avenue, East Stroudsburg, PA 18301, in Pocono Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District. To temporarily impact 0.09 acre of exceptional value wetlands along Scot Run (HQ-CWF) for the purpose of relocating a 12-inch water main (Mount Pocono, PA Quadrangle N: 12.6 inches; W: 10.1 inches).

**E45-506. Alexander Bichutsky**, 24 South Belair Avenue, Cedar Knolls, NJ 07927, in Coolbaugh Township, **Monroe County**, United States Army Corps of Engineers, Philadelphia District. To place approximately 0.07 acre of fill in an area of exceptional value PFO Wetlands for the purpose of construction of a single-family residence (Thornhurst, PA Quadrangle N: 6.9 inches; W: 8.4 inches).

**E39-480. John Grogan and Jenny Vogt**, 4600 Mill Road, Coopersburg, PA 18036-1525, in Coopersburg Borough, **Lehigh County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain a 6-inch diameter ductile iron sewer line across approximately 30 feet of PSF Wetlands and to construct and maintain a 6-inch diameter ductile iron sewer line and a 4-inch diameter PVC electrical conduit, both concrete encased, across Mill Creek (HQ-CWF). The project is located at 4600 Mill Road (Allentown East, PA Quadrangle N: 2.9 inches; W: 3.8 inches).

**E52-209. Mast Hope Mountain Community**, 196 Karl Hope Boulevard, Lackawaxen, PA 18435, in Lackawaxen Township, **Pike County**, United States Army Corps of Engineers, Philadelphia District.

To construct and maintain three dry hydrants, two in Westcolang Lake and one in a pond locally known as Briers Pond. The hydrants are located in the Mast Hope Mountain Community Residential Development (Narrowsburg, NY-PA Quadrangle N: 2.1 inches; W: 5.3 inches).

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

**E07-418. Kevin Coho**, 308 North Pine Street, Altoona, PA 16602, Logan Township, **Blair County**, ACOE Baltimore District.

To fill in 0.06 acre of wetland in the watershed of Brush Run (WWF) to construct the Coho Lakemont House located along Eldon Avenue about 200 feet from its intersection with Rosewell Street (Hollidaysburg, PA Quadrangle N: 15.68 inches; W: 3.22 inches, Latitude: 40° 27' 41"; Longitude: 78° 23' 53") in Logan Township, Blair County.

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

**E08-446. Water Obstruction and Encroachment Permit Application. Troy Area School District**, 310 Elmira Street, Sayre, PA 16947. Troy Borough, **Bradford County**, United States Army Corps of Engineers, Baltimore District, (Troy, PA 7.5' Quadrangle N: 7.4"; W: 4.9").

To place and maintain fill in 0.55 acre of a palustrine emergent wetland system and to place and maintain fill in 0.84 acre of an open water system for the purpose of constructing a new track on the Middle School property. 0.60 acre of replacement wetlands are proposed in the same watershed. The site is located in the Sugar Creek watershed, approximately a few hundred yards north of the Middle School property, near the intersection of King and High Streets in Troy, PA.

**E49-298 Muncy Machine and Tool Company**, P. O. Box 205, Muncy, PA 17756. Muncy Machine and Tool business expansion project in Lewis Township, **Northumberland County**, Baltimore ACOE District (Milton, PA Quadrangle N: 21.3 inches; W: 6.5 inches).

The applicant proposes to construct a 13,000 square foot addition to the existing manufacturing facility to increase product storage and manufacturing capacity, as well as improve work flow and product shipping and handling. The parking lot and access roadway will also be expanded to accommodate increased truck traffic with the business expansion. The project will involve permanently filling 0.21 acre of forested and 0.23 acre of emergent

wetland that drains to Warrior Run, a perennial stream classified as a WWF. The applicant proposes to create 0.65 acre of wetland habitat in the adjacent Chillisquaque

Creek watershed as compensation for the wetland impacts.

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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 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

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>
PA0063631 (Minor Sewage)	Parkland School District (Parkland High School) 2219 North Cedar Crest Boulevard Allentown, PA 18104	South Whitehall Township Lehigh	Jordan Creek 02C	Y
PA0061352	Delaware Water Gap Municipal Authority P. O. Box 128 Delaware Water Gap, PA 18327	Delaware Water Gap Monroe County	Cherry Creek 1E	Y

<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>
PA0043311	Camp Towanda, Inc. 4 York Court New City, NY 10956-4418	Lebanon Township Wayne County	UNT to Big Brook Creek 1B	Y
PA0020940 (Minor Sewage)	Tunkhannock Borough Municipal Authority 203 West Tioga Street Tunkhannock, PA 18657-6655	Wyoming County Tunkhannock Borough	Tunkhannock Creek 4F	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>
PA0035505	Faith Builders Educational Program P. O. Box 127 Guys Mills, PA 16327	Randolph Township Crawford County	UNT to Woodcock Creek 16-A	Y
PA0035718	John Koller and Son, Inc. Fairview Swiss Cheese 1734 Perry Highway Fredonia, PA 15124	Fairview Township Mercer County	UNT to Otter Creek 20-A	Y

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

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

**NPDES Permit No. PA-0063428-A1**, Sewage, **Tuthill Corporation**, Blue Mountain Ski Area, P. O. Box 216, Palmerton, PA 18071-0216. This proposed facility is located in Lower Towamensing Township, **Carbon County**.

Description of Proposed Action/Activity: Issuance of NPDES Permit Amendment for an expanded discharge.

## 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. 5206407**, Sewerage, **Aqua Pennsylvania, Inc.**, HC6, Box 6040, Palmyra Professional Center, Hawley, PA 18428. This proposed facility is located in Lackawaxen Township, **Pike County**.

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

**WQM Permit No. 4006405**, Sewerage, **Little Washington Wastewater Company (d/b/a Suburban Wastewater Company)**, 762 West Lancaster Avenue, Bryn Mawr, PA 19010-3420. This facility is located in White Haven Borough, **Luzerne County**.

Description of Proposed Action/Activity: Issuance of Water Quality Management Permit for the expansion of the White Haven Wastewater Treatment Plant to a capacity of 0.60 mgd, Power House Road Pumping Station upgrades and related gravity sewer conveyance system upgrades.

**WQM Permit No. 4006406**, Sewerage, **Foster Township**, 1000 Wyoming Avenue, Freeland, PA 18224. This proposed facility is located in Foster Township, **Luzerne County**.

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

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

**WQM Permit No. WQG018578**, Sewerage, **Caroline M. and William D. Trimm**, 32 Tanner Road, Greenville, PA 16125. This proposed facility is located in West Salem Township, **Mercer County**.

Description of Proposed Action/Activity: A Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018438**, Sewerage, **Kayle A. Kitcey**, 13004 Ridge Road, West Springfield, PA 16443. This proposed facility is located in Springfield Township, **Erie 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>
PAI011506038	Bala Investments, Inc. 321 South Valley Forge Road Devon, PA 19333	Chester	Charlestown Township	Pickering Creek HQ-TSF
PAI015106001	County Builders	Philadelphia	City of Philadelphia	Poquessing Creek WWF

*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>
PAI024806032	T & B Associates 2299 Brodhead Road Suite C Bethlehem, PA 18020	Northampton	Lower Nazareth Township	Bushkill Creek HQ-CWF
PAI023907013	Howard Land Company Saratoga Chase 203 East Emmaus Avenue Allentown, PA 18103	Lehigh	Weisenberg Township	Tributary to Schaefer Run HQ-CWF
PAI024807007	James and Sharon Carty 619 East Lawn Road Nazareth, PA 18064	Northampton	Bushkill Township	Bushkill Creek HQ-CWF
PAI025207002	Steve Clark Aqua Pennsylvania, Inc. Hawley, PA 18428	Pike	Lackawaxen Township	West Falls Creek HQ-CWF, MF
PAI024006005	Foster Township 1000 Wyoming Avenue P. O. Box 465 Freeland, PA 18224	Luzerne	Foster Township	Black Creek CWF Pond Creek HQ-CWF
PAI024807003	Nolan A. Perin P. O. Box 639 Wind Gap, PA 18091	Northampton	Bushkill Township Plainfield Township	Tributary to Bushkill Creek HQ-CWF Bushkill Creek HQ-CWF
PAI024506021	Northland Dev. Corp. P. O. Box 287 Brodheadsville, PA 18322	Monroe	Pocono Township	Butz Run HQ-CWF Cranberry Creek HQ-CWF
PAI024807008	Jack Muschlitz 615 Moorestown Drive Bath, PA 18014-9716	Northampton	Wind Gap Borough	Little Bushkill Creek HQ-CWF, MF
PAI024006008	Foster Township 1000 Wyomissing Avenue Freeland, PA 18224	Luzerne	Foster Township	Tributary to Lehigh River HQ-CWF
PAI023906030	Brookhaven Development 2910 Lindberg Avenue Allentown, PA 18103	Lehigh	Lower Macungie Township	Little Lehigh Creek HQ-CWF

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

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

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

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Small Flow Treatment Facilities
PAG-5	General Permit for Discharges From Gasoline Contaminated 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-02*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Bethel Township Delaware County	PAG2002306068	John McClenahan 3139 Laghead Lane Boothwyn, PA 19061	Spring Run/Naaman's Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Whitemarsh Township Montgomery County	PAG2004607044	Masonic Village at Lafayette Hill One Masonic Drive Elizabethtown, PA 17022	UNT Wissahickon Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Horsham Township Montgomery County	PAG2004607067	Griggs Properties, LLC P. O. Box 587 Royersford, PA 19468	Mill Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Salford Township Montgomery County	PAG2004606200	Alex McConnell HCI Box 4679 Chippewa Trail Box Albrightsville, PA 18210	Skipack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Limerick Township Montgomery County	PAG2004606160	Greenway Development 3625 Welsh Road Willow Grove, PA 19090	Sanatoga Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franconia Township Montgomery County	PAG2004607009	Franconia Township 671 Allentown Road P. O. Box 128 Franconia, PA 18924	Skipack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Towamencin Township Montgomery County	PAG2004607023	Detwiler Associates, LP 718 Arch Street Suite 401 N Philadelphia, PA 19106	Skipack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Skipack Township Montgomery County	PAG20046031321	Erb Mascio Builders 2930 Felton Road East Norriton, PA 19401	Perkiomen Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Perkiomen Township Montgomery County	PAG2004507053	Antonia Mazzamuto 391 Wartman Road Collegeville, PA 19426	Schoolhouse Run TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Franconia Township Montgomery County	PAG2004606191	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Skipack Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
City of Philadelphia Philadelphia County	PAG2015107015	8001 Torresdale Corporation 8801 Torresdale Avenue Philadelphia, PA 19116	Pennypack Creek WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900

## NOTICES

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<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
City of Philadelphia Philadelphia County	PAG2005107022	Impact CDC 1952 East Allegheny Avenue Philadelphia, PA 19134	Tacony-Frankford Creeks WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Hazle Township Luzerne County	PAG2004006017 (Phase 2)	Randy Gracy Eagle Rock Resort Co. 1031 Valley of Lakes Hazleton, PA 18201	Mill Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Plains Township Luzerne County	PAG2004007024	David S. Stellfox Geisinger Wyoming Valley Medical Center 1000 East Mountain Boulevard Wilkes-Barre, PA 18711	Mill Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Hazle Township Luzerne County	PAG2004007030	Mericle 585 Oak Ridge, LLC Robert Mericle 100 Baltimore Drive Wilkes-Barre, PA 18702	Tomhicken Creek CWF	Luzerne Co. Cons. Dist. (570) 674-7991
Lower Saucon Township Northampton County	PAG2004807019	Kenneth and Pamela Brown 2315 Brick Tavern Road Quakertown, PA 18951	Saucon Creek CWF Black River CWF	Northampton Co. Cons. Dist. (610) 746-1971
East Manchester Township York County	PAG2006707053	Thomas Brant York County Department of Parks and Recreation 400 Mundis Race Road York, PA 17406-9721	Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Allegheny Township Blair County	PAG2000707003	Lawruk Builders, Inc. 210 West Plank Road Altoona, PA 16602	UNT to Brush Run WWF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877, Ext. 5
West Providence Township Bedford County	PAG2000507011	Akers Funeral Home Shaun Akers 715 Church Street Saxton, PA 16678	Bloody Run CWF	Bedford County Conservation District 702 West Pitt Street Fairlawn Court Suite 4 Bedford, PA 15522 (814) 623-7900
West Providence Township Bedford County	PAG2003107008	Geisel Funeral Home c/o Russell Styer 330 East Pitt Street Bedford, PA 15522	Johns Branch of Raystown Branch TSF	Bedford County Conservation District 702 West Pitt Street Fairlawn Court Suite 4 Bedford, PA 15522 (814) 623-7900
East Manchester Township York County	PAG2006707048	Richard Poole Richard Poole, LLC 150 Farm Trail Drive York, PA 17402	Musser Run WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Southampton Township Cumberland County	PAG2002107037	Daniel Miller 490 Walnut Bottom Road Shippensburg, PA 17257	Burd Run CWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812
Silver Spring Cumberland County	PAG2002106017	Cornerstone Development Group Mark Cummings 1 Market Way East York, PA 17401	Conodoguinet Creek CWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
South Middleton Township Cumberland County	PAG2002107031	Second State Enterprises, Inc. Bernard L. Washabaugh 20 Spring Street Chambersburg, PA 17201-1538	Conodoguinet Creek WWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 (717) 240-7812
Upper Bern Township Berks County	PAG2000607052	Randy M. Martin 3186 Mountain Road Hamburg, PA 19526	UNT to Mill Creek TSF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Earl Township Lancaster County	PAG2003606022	Elmer J. King 601 Overlys Grove Road New Holland, PA 17557	Mill Creek CWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Mount Joy Township Lancaster County	PAG2003606132	Department of Military and Veteran Assoc. Building 0-47 Fort Indiantown Gap, PA 17003	UNT Conoy Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
West Hempfield Township Lancaster County	PAG2003607044	3733 Marietta Avenue Assocs. 1770 Oregon Pike Lancaster, PA 17601	UNT Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
West Donegal Township Lancaster County	PAG2003607059	Masonic Homes 1 Masonic Drive Elizabethtown, PA 17022	Conoy Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
West Earl Township Lancaster County	PAG2003607060	Lloyd F. Weaver 395 South Farmersville Road Ephrata, PA 17522	Groffs Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
West Hempfield Township Lancaster County	PAG2003607061	CNA Corporation, LLC 138 Bentley Lane Lancaster, PA 17603	UNT Chickies Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Upper Leacock Township Lancaster County	PAG2003607063	Lancaster Laboratories, Inc. 2425 New Holland Pike Lancaster, PA 17605	Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Providence Township Lancaster County	PAG2003607064	David L. Fite 103 Fite Way Suite D Quarryville, PA 17566	South Fork Big Beaver Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Manheim Township Lancaster County	PAG2003607067	Joel Gibbel 3001 Lititz Pike Box 5093 Lancaster, PA 17606	UNT Little Conestoga Creek TSF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Ephrata Township Lancaster County	PAG2003607068	WXZ Acquisition Co., LLC 22720 Fairview Center Drive Suite 150 Fairview Park, OH 44126	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Akron Borough Lancaster County	PAG2003607069	Haller Builders 307 East Lexington Avenue Lititz, PA 17543	UNT Cocalico Creek WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Upper Leacock Township Lancaster County	PAG2003607071	Amos Glick 86 Geist Road Lancaster, PA 17601	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
East Earl Township Lancaster County	PAG2003607072	Elmer S. Zook 1510 Briertown Road East Earl, PA 17519	UNT Conestoga River WWF	Lancaster County Conservation District 1383 Arcadia Road Room 200 Lancaster, PA 17601 (717) 299-5361, Ext. 5
Shenango Township Mercer County	PAR808311	Pitt Ohio Express, LLC 15 27th Street Pittsburgh, PA 15222	UNT to the Shenango River	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
West Salem Township Mercer County	PAG049378	Caroline M. and William D. Trimm 32 Tanner Road Greenville, PA 16125	UNT to the Shenango River 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942
Harborcreek Township Erie County	PAG048485	Edward J. Paradise 7100 Station Road Erie, PA 16510	UNT to Six Mile Creek 15-6M	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 (814) 332-6942

## **PUBLIC WATER SUPPLY (PWS) PERMITS**

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

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service,

(800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free

pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

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

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

**Emergency Operations Permit No. 0107512 E.** issued to **Crazy Horse Steakhouse**, 7010930, New Oxford Borough, **Adams County** on September 28, 2007, for the operation of VOC removal treatment.

**Wellhead Protection Program Approval** issued to **Greencastle Area, Franklin County, Water Authority**, 60 North Washington Street, Greencastle, PA 17225, PWSID 7280014, Greencastle Borough, **Franklin County** on August 31, 2007.

**Permit No. 0507504**, Public Water Supply.

Applicant	<b>Bob Evans Farms, Inc.</b>
Municipality	East Providence Township
County	<b>Bedford</b>
Type of Facility	Installation of treatment for the removal of arsenic from the source water.
Consulting Engineer	Larry Brehm, P. E. MS Consultants, Inc. 2221 Schrock Road Columbus, OH 43229
Permit to Construct Issued	September 26, 2007

## 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.*

**Albright College former Scrap Yard Parcel**, City of Reading, **Berks County**. Synergy Environmental, Inc., 607 Washington Street, Reading, PA 19601, on behalf of Albright College, P. O. Box 15234, Reading, PA 19612-5234, submitted a Baseline Environmental Report concerning remediation of site soils and groundwater contaminated with metals, PCBs, VOCs and SVOCs. The report is intended to document remediation of the site to the special industrial area standard.

**Cloister Flooring, Inc.**, Clay Township, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Marcus Kline, Homestead Investments, LLP, 325 West Mt. Airy Road, Stevens, PA 17578-9664 submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil from an aboveground storage tank. The report is intended to document remediation of the site to the Residential Statewide Health Standard and was submitted within 90 days of the release.

**WLYH Tower**, West Cornwall Township, **Lebanon County**. GeoServices, Ltd., 1525 Cedar Cliff Drive, Camp Hill, PA 17011, on behalf of Clear Channel Broadcasting, 3300 North Sixth Street, Harrisburg, PA 17110-1407, submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil from an unregulated aboveground storage tank. The report is intended to document remediation of the site to the Residential Statewide Health Standard.

**Turbine Airfoil Design**, City of Harrisburg, **Dauphin County**. Alliance Environmental Services, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of NL Ventures V Cameron, LP, 8080 North Central Expressway, Suite 1220, Dallas, TX 75206 and Turbine Airfoil Designs, Inc., 1400 North Cameron Street, Harrisburg, PA 17102-1012, submitted a Baseline Environmental Report concerning remediation of site soils and groundwater contaminated from industrial use of the property. The report is intended to document remediation of the site to the special industrial area standard.

**Franklin & Marshall College**, City of Lancaster, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Franklin & Marshall College, 415 Harrisburg Pike, P. O. Box 3003, Lancaster, PA 17604-3003 submitted a Final Report concerning remediation of site soils contaminated with No. 2 fuel oil from a removed underground storage tank. The report is intended to document remediation of the site to the Residential Statewide Health Standard.

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

**Bellefonte Former MPG Site**, Spring Township, **Centre County**. Haley & Aldrich, Inc., 465 Medford Street, Suite 2200, Boston, MA 02129-1400 on behalf of PPL Service Corp., 2 North 9th Street (GENTW-17), Allentown, PA 18101-1179 has submitted a Risk Assessment Report concerning remediation of site soil contaminated with inorganics, lead (metals), organics and PAHs and groundwater contaminated with inorganic, organics and PAHs.

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

**Oakmont Riverfront Community**, Borough of Oakmont, **Allegheny County**. Alan Halperin, D'Appolonia Engineering, 275 Center Road, Monroeville, PA 15146 (on behalf of Daniel Mancosh, Brooks and Blair Waterfront Properties, LP, 5541 Walnut Street, Pittsburgh, PA 15232-2352) has submitted a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of site soil contaminated with arsenic, iron and lead concentrations that exceed State-wide Health Standard. Manganese concentrations in site groundwater exceed Statewide Health Standards for used aquifers. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Reichhold Property**, South Fayette Township, Borough of Bridgeville, **Allegheny County**. Robert Anderson, BB&L, 600 Waterfront Drive, Pittsburgh, PA 15222 (on behalf of Michael Slenska, Beazer East, Inc., c/o Three Rivers Management, Inc., One Oxford Centre, Suite 3000, Pittsburgh, PA 15219) has submitted a Remedial Investigation Report concerning remediation of site soils contaminated with xylene, styrene, toluene, naphthalene, maleic anhydride, phthalic anhydride, formaldehyde and vanadium pentoxide. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**I. Richman Company, Inc.**, Canton Township, **Washington County**. Cathy G. Hainaut, Gregg, Inc., P. O. Box 4544, Eighty Four, PA 15330 (on behalf of John W. Richman, I Richman Company, Inc., P. O. Box 232, Washington, PA 15301 and Franklin S. Gregg, Sr., Gregg, Inc., 2329 Hill Church-Houston Road, Canonsburg, PA 15317) has submitted a Cleanup Plan and a Final Report concerning remediation of site soil contaminated with lead and PCBs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**U.S. Steel Carrie Furnace Property**, Swissvale, Rankin, Whitaker, Munhall and City of Pittsburgh, **Allegheny County**. Mark P. Zatezalo, Chester Engineers, Airside Business Park, 260 Airside Drive, Moon Township, PA 15108 (on behalf of Redevelopment Authority of Allegheny County, 425 Sixth Avenue, Suite 800, Pittsburgh, PA 15219) has submitted a Risk Assessment Report and a Cleanup Plan concerning remediation of site soil contaminated with lead, heavy metals and PAHs. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**Beaver County Family Services Center**, Hopewell Township, **Beaver County**. Mark Orzechowski, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 (on behalf of Richard Dorothy, Bet-Tech, 3468 Brodhead Road, Monaca, PA 15061 and William West, Castlebrook Development, LP, 307 Fourth Avenue, Suite 1400, Pittsburgh, PA 15222) has submitted

a Remedial Investigation Report, Risk Assessment Report and Cleanup Plan concerning remediation of site soil and groundwater contaminated with inorganics. 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

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**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).**

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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:

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

**William G. Rice Residence**, Manor Township, **Lancaster County**. Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073, on behalf of the following residents in Conestoga, PA 17516: William G. and Shirley Rice, 153 Pittsburg Valley Road; John Schopf, 149 Pittsburg Valley Road; Daniel and Sandra Brown, 138 Pittsburg Valley Road; Gary and Sheryl Ann Brinkman, 133 Pittsburg Valley Road; John McDonald, 128 Pittsburg Valley Road; Brian Hornberger, 127 Pittsburg Valley Road; William Burgess, 108 Pittsburg Valley Road; Richard and Annette Dailey, 75 Pittsburg Valley Road; Wesley Bleacher, 70 Pittsburg Valley Road; Anne Miller, 35 Pittsburg Valley Road and State Farm Mutual Insurance Company, P. O. Box 13, Concordville, PA 19331, submitted a Final Report concerning the remediation of site surface water and sediment contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on September 27, 2007.

**Robert Shenton Residence**, Manor Township, **Lancaster County**. GemChem, Inc., 53 North Cedar Street, Lititz, PA 17543, on behalf of Robert Shenton, 612 Millersville Road, Lancaster, PA 17603-6026, submitted a Final Report concerning the remediation of site soils contaminated with unleaded gasoline from an automobile accident. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved by the Department of Environmental Protection on September 26, 2007.

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

**BP Site No. 07020**, Ross Township, **Allegheny County**. Mark Shaheen, The Shaw Group, Inc., 2790 Mossie Boulevard, Monroeville, PA 15146-2792 on behalf of Tony Barcia, 1619 Pin Oak Drive, Pittsburgh, PA 15237 and Richard Blackburn, BP Products North America, Inc., 1 West Pennsylvania Avenue, Suite 440, Towson, MD 21204 has submitted a Remedial Investigation Report/Cleanup Plan and a Final Report concerning the remediation of site soil contaminated with waste oil and unleaded gasoline. The Remedial Investigation Report/Cleanup Plan was approved by the Department of Environmental Protection (Department) on December 8, 2005, and the Final Report demonstrated attainment of the Statewide Health Standard and Site-Specific Standard and was approved by the Department on August 22, 2007

**Beaver County Family Services Center**, Hopewell Township, **Beaver County**. Mark Orzechowski, Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of Richard Dorothy, Bet-Tech, 3468 Brodhead Road, Monaca, PA 15601 and William West, Castlebrook Development, LP, 307 Fourth Avenue, Suite 1400, Pittsburgh, PA 15222 has submitted a Remedial Investigation Report, Risk Assessment Report and a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with inorganics. The Remedial Investigation Report, Risk Assessment Report and Cleanup Plan were approved by the Department of Environmental Protection on September 12, 2007.

**Powerex, Inc.**, Hempfield Township **Westmoreland County**. Heather Gawn, CORE Environmental Services Inc., 4068 Mt. Royal Boulevard, Allison Park, PA 15108 on behalf of Andrew Varga, Powerex, Inc., 200 Hillis

Street, Youngwood, PA 15697 has submitted a Final Report concerning the remediation of site soil contaminated with silver. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on May 21, 2007.

**Champion Tool & Die Company**, North Huntingdon Township, **Westmoreland County**. Gary Cribbs, Cribbs & Associates, Inc., P. O. Box 44, Delmont, PA 15626 on behalf of J. Herbert Burkman, Champion Tool & Die Company, 2501 Oak Lawn Avenue, Suite 310, Dallas, TX 75219 has submitted a Final Report concerning the remediation of site soil contaminated with inorganics. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on May 11, 2007.

**Edgewater Steel Property**, Borough of Oakmont, **Allegheny County**. Frank W. Benaquista, P. G., KU Resources, Inc., 22 South Linden Street, Duquesne, PA 15110 on behalf of Maureen Ford, RIDC, 425 Sixth Avenue, Suite 500, Pittsburgh, PA 15219 has submitted a Risk Assessment Report/Cleanup Plan concerning the remediation of site soil and groundwater contaminated with lead, heavy metals, solvents and SVOCs. The Risk Assessment Report/Cleanup Plan was approved by the Department of Environmental Protection on August 17, 2007.

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

**Honeywell Farmers Valley Wax Plant Main**, Keating Township, **McKean County**. MACTEC Engineering & Consulting, Inc., Carnegie Office Park, Building 4, 700 North Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of Honeywell Specialty Materials, 45 Route 446, Route 46 and 446, Smethport, PA 16749 has submitted a Remedial Investigation Report and Risk Assessment Report concerning remediation of site soil contaminated with benzene, toluene, ethylbenzene, xylene and other organic constituents of gasoline as well as lead and site groundwater contaminated with benzene, toluene, ethylbenzene, xylene and other organic constituents of gasoline as well as lead. The Risk Investigation Report and Risk Assessment Report were disapproved by the Department of Environmental Protection on September 26, 2007.

**Crossett Spill Site Allegheny Forest**, Corydon Township, **McKean County**. Environmental Remediation & Recovery, Inc., 5719 Route 6N, Edinboro, PA 16412 on behalf of Crossett, Inc., P. O. Box 946, Warren, PA 16365 has submitted a Final Report concerning remediation of site soils contaminated with 1,3,4-trimethylbenzene (1,2,4-trimethylbenzene) and site groundwater contaminated with 1,3,4-trimethylbenzene (1,2,4-triethylbenzene). The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on September 7, 2007.

**Universal Motor Sales of Butler**, Butler Township, **Butler County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601 on behalf of Jean Wiles, c/o Louis A. Naugle, Esquire, Reed Smith LLP, 435 Sixth Avenue, Pittsburgh, PA 15219 has submitted a Final Report concerning the remediation of site groundwater contaminated with 1,3,5-trimethylbenzene. The Final Report demonstrated attainment of the Residential Statewide Health Standard and was approved on September 26, 2007.

**Keller Residence**, Pine Creek Township, **Jefferson County**. Blazosky Associates, Inc., 2525 Green Tech

Drive, State College, PA 16803 on behalf of Art Keller, 1420 North SR 830, Brookville, PA 15825 has submitted a Final Report concerning remediation of site soil contaminated with benzene, cumene, ethyl benzene, fluorine, naphthalene, phenanthrene and toluene. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on September 26, 2007.

#### HAZARDOUS WASTE TRANSPORTER LICENSE

#### Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

#### *Hazardous Waste Transporter License Renewed*

**Republic Services of South Carolina, LLC**, P. O. Box 62679, North Charleston, SC 29419. License No. PA-AH 0542. Effective August 17, 2007.

**Environmental Products & Services, Inc.**, 532 State Fair Boulevard, Syracuse, NY 13204. License No. PA-AH 0327. Effective August 22, 2007.

**Vexor Technology, Inc.**, 955 West Smith Road, Medina, OH 44256. License No. PA-AH 0685. Effective August 27, 2007.

**Safety-Kleen Systems, Inc.**, 5400 Legacy Drive, Cluster II B3, Plano, TX 75024. License No. PA-AH 0172. Effective August 31, 2007.

**Set Environmental, Inc.**, 450 Sumac Road, Wheeling, IL 60090. License No. PA-AH S226. Effective September 5, 2007.

**SMP, Inc.**, 402 Route 519, Phillipsburg, NJ 08865. License No. PA-AH S221. Effective September 5, 2007.

**Midwest Environmental Transport, Inc.**, 10163 Cincinnati-Dayton Road, Cincinnati, OH 45241. License No. PA-AH 0368. Effective September 7, 2007.

**Heritage Transport, LLC**, 7901 West Morris Street, Indianapolis, IN 46231. License No. PA-AH 0200. Effective September 12, 2007.

**Waste Recovery Solutions, Inc.**, 343 King Street, Myerstown, PA 17067. License No. PA-AH 0683. Effective September 18, 2007.

**Lacy's Express, Inc.**, P. O. Box 130, Pedricktown, NJ 08067. License No. PA-AH 0243. Effective September 18, 2007.

**T. F. Boyle Transportation, Inc.**, 15 River Hurst Road, Billerica, MA 01821. License No. PA-AH 0572. Effective September 27, 2007.

#### *Hazardous Waste Transporter License Issued*

**PSC Recovery Systems, Inc.**, 8025 Spence Road, Fairburn, GA 30213. License No. PA-AH 0734. Effective September 11, 2007.

#### INFECTIOUS AND CHEMOTHERAPEUTIC WASTE TRANSPORTER LICENSE

#### Actions on applications for Infectious and Chemotherapeutic Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and Act 93 (P. L. 525, No. 93) and regulations to transport infectious and chemotherapeutic waste.

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

#### *Infectious and Chemotherapeutic Waste Transporter License Renewed*

**Bestrans, Inc.**, 931 Red Toad Road, North East, MD 21901. License No. PA-HC 0209. Effective August 20, 2007.

**Altoona Regional Health System**, 620 Howard Avenue, Altoona, PA 16601-4819. License No. PA-HC 0124. Effective August 24, 2007.

**Geisinger System Services**, 100 North Academy Avenue, Danville, PA 17822-1540. License No. PA-HC 0141. Effective September 12, 2007.

**S.H. Bio-Waste, Ltd.**, P. O. Box 2117, Norristown, PA 19401. License No. PA-HC 0096. Effective September 12, 2007.

#### MUNICIPAL WASTE GENERAL PERMITS

#### Permit 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 Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit Application No. WMGM017D005. Briar Patch Organic Farm**, 691 Cannon Road, Mifflinburg PA 17844. General Permit Number WMGM017D005 is for the beneficial use of processed manure, yard waste and food waste for use as a soil amendment processed at its facility located in Buffalo Township, **Union County**. The general permit was issued by Central Office on September 28, 2007.

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

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

*Northeast Region: Regional Solid Waste Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**Permit Application No. 101590. Beach Lake Transfer Station**, Waste Management of PA, Inc., P. O. Box 40, Beach Lake, PA 18405. A major permit modification for an increase in daily volume from 400 tpd to 700 tpd for this municipal waste transfer station located in Berlin Township, **Wayne County**. The permit was issued in the Regional Office on September 24, 2007.

#### AIR QUALITY

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



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

**GP3-21-05040C: Valley Quarries, Inc.** (P. O. Box J, Chambersburg, PA 17201) on September 25, 2007, for Portable Nonmetallic Mineral Processing Plants under GP3 in Southampton Township, **Cumberland County**.

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

**GP-42-203: Atlas Pipeline McKean LLC—Hamilton Township Station** (Forestry Road 455, McKean, PA 16426) on September 25, 2007, to operate a natural gas fired compressor engine in Hamilton Township, **McKean County**.

**GP-42-207: Atlas Pipeline McKean LLC—Dent Station** (SR 219, Big Run, PA 15715) on September 25, 2007, to operate a natural gas fired compressor engine in Lafayette Township, **McKean County**.

**GP-42-212: Atlas Pipeline McKean LLC—SR 59 Station** (SR 59, Lewis Run, PA 16738) on September 25, 2007, to operate a natural gas fired compressor engine in Lafayette Township, **McKean County**.

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**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.**

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

**09-0196: Abington Reldan Metals, LLC** (550 Old Bordentown Road, Fairless Hills, PA 19030) on September 28, 2007, to operate several thermal destructors in Falls Township, **Chester County**.

**09-0186A: Kinder Morgan Bulk Terminals, Inc.** (1 Sinter Lane, Fairless Hills, PA 19030) on September 28, 2007, to operate Cargo products Handling in Falls Township, **Bucks County**.

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

**22-03073: Advanced Communications Agency, Inc.** (1000 North Cameron Street, Harrisburg, PA 17103-1312) on September 27, 2007, to install three heatset web offset printing presses controlled by a regenerative thermal oxidizer at their facility in the City of Harrisburg, **Dauphin County**.

**36-05142B: Masterfoods, USA, Inc.** (295 Brown Street, Elizabethtown, PA 17022-2127) on September 27, 2007, to modify the winnowing system as well as the addition of two conveying systems and a central vacuum system, each controlled by a dust collector in Elizabethtown Borough, **Lancaster County**.

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

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

**36-05136A: Granger Energy of Honeybrook, LLC** (481 South Churchtown Road, Narvon, PA 17555) on September 26, 2007, to construct a landfill gas-fired engine at their Lanchester Landfill in Caernarvon Township, **Lancaster County**. This plan approval was extended.

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

**53-399-008: PA Pellets, LLC** (705 South Main Street, Coudersport, PA 16915) on September 24, 2007, to extend the authorization to operate a wood-fired rotary wood chip dryer and associated air cleaning device (a multiclone collector), two pellet mills, a hammermill and associated air cleaning device (a fabric collector), a pellet cooler and associated air cleaning device (a cyclone collector), two dried wood chip storage bins and one wood pellet storage bin on a temporary basis to January 22, 2008, in Ulysses Borough, **Potter County**. The plan approval has been extended.

**53-00009A: Morgan Advance Materials & Technology, Inc.** (441 Hall Avenue, St. Marys, PA 15857) on September 13, 2007, to authorize the construction and operation of three electric powered heat treat ovens, each to be equipped with a natural gas fired thermal oxidizer to control air contaminant emissions in their Coudersport plant until January 11, 2008, in Eulalia Township, **Potter County**. The plan approval has been extended.

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

**04-00033B: Nova Chemicals** (400 Frankfort Road, Monaca, PA 15061) on September 27, 2007, to allow the applicant additional time for reactor testing at the Beaver Valley Facility located in Potter Township, **Beaver County**. This plan approval was extended.

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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.*

**05-05007: Texas Eastern Gas Pipeline Co.** (P. O. Box 1642, Houston, TX 77251-1642) on September 26, 2007, to operate a natural gas compressor station in Bedford Township, **Bedford 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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*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790, Mark Wejkszner, New Source Review Chief, (570) 826-2531.*

**35-00057: Finch Hill Veterinary Clinic** (436 Route 106, Greenfield Township, PA 18407) on September 28, 2007, to issue a State-only (Natural Minor) Operating Permit for operation of an animal crematory in Greenfield Township, **Lackawanna County**.

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

**05-05001: Cannondale Corp.** (172 Friendship Village Road, Bedford, PA 15522-6600) on September 26, 2007, to operate a bicycle manufacturing facility in Bedford Township, **Bedford County**. This is a renewal of the State-only operating permit.

**21-05033: Wilson Paving, Inc.** (480 West Old York Road, Carlisle, PA 17015-7503) on September 24, 2007, to operate their batch asphalt plant in South Middleton Township, **Cumberland County**. This is a renewal of the State-only operating permit.

**67-03041: City Line Quarry, Inc.** (South Front Street, Wrightsville, PA 17368) on September 24, 2007, to operate their quarry and stone crushing facility in Wrightsville Borough, **York County**. This is a renewal of the State-only operating permit.

**67-03099: Bituminous Paving Materials** (1300 Zinn's Quarry Road, York, PA 17404-3553) on September 27, 2007, to operate a natural gas-fired asphalt plant in West Manchester Township, **York County**. This is a renewal of the State-only operating permit.

**67-03105: American Colloid Co.** (600 Lincoln Street, York, PA 17401-3317) on September 26, 2007, to operate their foundry premix blending and cat litter packaging facility in the City of York, **York County**. This is a renewal of the State-only operating permit.

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

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

**65-00858: Commonwealth Renewable Energy, Inc.** (777 Technology Drive, Mt. Pleasant, PA 15666-2715) on September 26, 2007, for emission sources at this facility that include two hot water boilers, miscellaneous combustion sources and an emergency generating engine in East Huntingdon Township, **Westmoreland County**.

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

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

**63-00886B: All-Clad Metalcrafters, LLC** (424 Morganza Road, Canonsburg, PA 15317) de minimis emission increase of 0.11 ton PM10 in size per year resulting from the installation on or about September 27, 2007, of a replacement grinder at the plant in Canonsburg, **Washington County**.

**63-00886C: All-Clad Metalcrafters, LLC** (424 Morganza Road, Canonsburg, PA 15317) De Minimis potential annual emission increase of 0.7 ton NOx, 0.6 ton CO and lesser amounts of other pollutants resulting from the installation of a new 1.6 mmBtu/hr burner to an existing furnace, on or about September 11, 2007, at the plant in Canonsburg, **Washington County**.

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

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining**

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

*Coal Applications Returned*

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

**32970105 and NPDES No. PA0234419. TLH Coal Company**, 4401 Pollock Road, Marion Center, PA 15759, revision of an existing bituminous surface mine to change the land use from wildlife habitat to pastureland in Grant Township, **Indiana County**, affecting 54.2 acres. Receiving stream: East Run classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 26, 2006. Permit returned September 24, 2007.

**32990103 and NPDES No. PA0212687. TLH Coal Company**, 4401 Pollock Road, Marion Center, PA 15759, revision of an existing bituminous surface mine to change the land use from woodland and wildlife habitat to unmanaged natural habitat in Grant Township, **Indiana County**, affecting 30.1 acres. Receiving streams: UNT to/and East Run classified for the following use: HQ-CWF. There are no potable water supply intakes within 10 miles downstream. Application received June 26, 2006. Permit returned September 24, 2007.

*Coal Permits Actions*

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

**Permit Number 03961301 and NPDES Permit No. PA0214787**, Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, to renew the permit for the Tracy Lynne Mine in Kiskiminetas Township, **Armstrong County** and related NPDES permit. No additional discharges. Application received September 29, 2006. Permit issued September 25, 2007.

**Permit Number 30841316 and NPDES Permit No. PA0213535**, Consol Pennsylvania Coal Company, 1525 Pleasant Grove Road, P. O. Box J, Claysville, PA 15323, to revise the permit for the Bailey Mine and Prep Plant in Richhill Township, **Greene County** to perform stream restoration as may be necessary for five areas of Polly Hollow, seven areas of UNTs of North Fork Dunkard Fork and one area of Crows Nest at UNT North Fork to alleviate subsidence pooling impacts from longwall mining bound by the following points on the Wind Ridge USGS Quad, N: 5.75 inches; W: 7.79 inches, N: 5.35 inches; W: 14.41 inches, N: 2.57 inches; W: 13.87 inches, N: 2.67 inches; W: 8.14 inches. No additional discharges. Application received August 17, 2006. Permit issued September 25, 2007.

**Permit Number 32850701 and NPDES Permit No. PA0213683**, AMFIRE Mining Company, LLC, One Energy Place, Latrobe, PA 15650, to renew the permit for the

Clymer Refuse Disposal Site in Cherryhill Township, **Indiana County** and related NPDES permit. No additional discharges. Application received January 8, 2007. Permit issued September 25, 2007.

**Permit Number 56841328 and NPDES Permit No. PA0033677**, Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, to renew the permit for the Mine 78 in Paint Township, **Somerset County** and Adams and Richland Townships, **Cambria County** and related NPDES permit. Application received June 1, 2007. Permit issued September 26, 2007.

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

**32050103 and NPDES No. PA0249734. Amerikohl Mining, Inc.**, 1384 SR 711, Stahlstown, PA 15687, revision of an existing bituminous surface mine to change the postmining land use from forestland to unmanaged natural habitat in Center Township, **Indiana County**, affecting 79.8 acres. Receiving streams: UNTs to Two Lick Creek and Two Lick Creek classified for the following uses: CWF and TSF. There are no potable water supply intakes within 10 miles downstream. Application received June 8, 2007. Permit issued September 25, 2007.

**32980111 and NPDES No. PA0234885. Kraynak Coal Company**, 3124 Firetower Road, Mahaffey, PA 15757, revision of an existing bituminous surface auger mine to change land use from forestland to wildlife habitat in Green Township, **Indiana County**, affecting 97.6 acres. Receiving streams: UNTs to Dixon Run classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received August 1, 2007. Permit issued September 25, 2007.

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

**26-07-08 and NPDES Permit No. 0251178. Cherep's Excavating**, 9742 Saltsburg Road, Pittsburgh, PA 15239. Government Financed Construction Contract to reclaim abandoned surface and deep mine land located in Lower Tyrone Township, **Fayette County**, affecting 14.2 acres. Receiving streams: UNTs to Jacobs Creek and Hickman Run. GFCC application received April 5, 2007. GFCC issued September 26, 2007.

**65020102 and NPDES Permit No. 0250112. Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001. Renewal permit for reclamation only of an existing bituminous surface mine, located in East Huntingdon Township, **Westmoreland County**, affecting 144.4 acres. Receiving streams: UNTs to Sherrick Run. Renewal application received June 25, 2007. Renewal permit issued September 26, 2007.

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

**24070102 and NPDES Permit No. PA0227501. Energy Resources, Inc.**, P. O. Box 259, Brockway, PA 15824. Renewal of an existing bituminous strip operation in Fox Township, **Elk County** affecting 230.5 acres. This renewal is issued for reclamation only. Receiving streams: Two UNTs to Brandy Camp Creek, one UNT to McCauley Run and McCauley Run. Application received July 27, 2007. Permit issued September 25, 2007.

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

**49060101. Last Time Coal Company**, R. R. 1, Box 461, Shamokin, PA 17872, commencement, operation and

restoration of an anthracite surface mine operation in Zerbe Township, **Northumberland County** affecting 242.1 acres, receiving stream: none. Application received July 5, 2006. Permit issued September 26, 2007.

#### *Noncoal Permits Actions*

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

**33890808. Olson, Inc.**, 16300 Route 322, Brookville, PA 15825. Transfer of an existing small noncoal sandstone operation from Bob Olson Contracting in Clover Township, **Jefferson County** affecting 5.0 acres. Receiving stream: Simpson Run. Application received September 10, 2007. Permit issued September 24, 2007.

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

**08070807. Kenneth E. Ober**, R. R. 2, Box 120, Towanda, PA 18848, commencement, operation and restoration of a bluestone quarry operation in Asylum Township, **Bradford County**, affecting 5.0 acres. Receiving stream: UNT to Bennetts Creek. Application received August 3, 2007. Permit issued September 24, 2007.

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

**58060871. Joseph L. Roberts**, 320 Franklin Avenue, Susquehanna, PA 18847, commencement, operation and restoration of a quarry operation in Franklin Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received October 30, 2006. Permit issued September 27, 2007.

**58070840. Northeast Stone Works, Inc.**, R. R. 1, Box 1BB, Springville, PA 18844, commencement, operation and restoration of a quarry operation in Bridgewater Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received July 2, 2007. Permit issued September 27, 2007.

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

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

#### *Blasting Permits Actions*

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

**21074163. M & J Explosives, Inc.**, P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for university student housing development in Shippensburg Borough and Shippensburg Township, **Cumberland County**. Blasting activity permit end date is September 30, 2008. Permit issued September 18, 2007.

**21074164. Newville Construction Services, Inc.**, 408 Mohawk Road, Newville, PA 17241-9424, blasting activity permit issued for commercial development in Shippensburg and Southampton Townships, **Cumberland County**. Blasting activity permit end date is September 17, 2008. Permit issued September 19, 2007.

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

**30074001. Penn Development Services**, 732 McClelland Road, Uniontown, PA 15401. Blasting activity permit for construction at Greene Energy Power Plant, located in Cumberland Township, **Greene County**, with an expected duration of 1 year. Permit issued September 25, 2007.

**26074001. Wampum Hardware Co.**, 175 Prugh Road, Shelocta, PA 15774. Blasting activity permit for construction to relocate the Spectra gasoline, located in Dunbar Township, **Fayette County**, with an expected duration of 90 days. Permit issued September 26, 2007.

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

**17074018. Glenn O. Hawbaker, Inc.**, P. O. Box 135, State College, PA 16804, construction blasting for Nittany Glen Club House Project located in Benner Township, **Centre County**. Permit issued September 26, 2007. Permit expires September 21, 2008.

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

**40074133. DC Guelich Explosives, Inc.**, R. R. 3 Box 125A, Clearfield, PA 16830, construction blasting for Stauffer Pointe in Pittston Borough and Pittston Township, **Luzerne County** with an expiration date of September 15, 2008. Permit issued September 20, 2007.

**15074120. Rock Work, Inc.**, 1257 DeKalb Pike, Blue Bell, PA 19422, construction blasting for Eagle View Corporate Center in Upper Uwchlan Township, **Chester County** with an expiration date of October 1, 2008. Permit issued September 24, 2007.

**360741101. Brubacher Excavating, Inc.**, P. O. Box 528, Bowmansville, PA 17507, construction blasting for Habitat for Humanity in Lancaster City, **Lancaster County** with an expiration date of August 31, 2008. Permit issued September 24, 2007.

**360741102. Keystone Blasting Service**, 381 Reifsnyder Road, Lititz, PA 17543, construction blasting for a single dwelling in Earl Township, **Lancaster County** with an expiration date of December 30, 2008. Permit issued September 24, 2007.

**360741103. Warren's Excavating & Drilling, Inc.**, P. O. Box 1022, Honey Brook, PA 19344, construction blasting for Regency Park Development on Windsong Way in East Lampeter Township, **Lancaster County** with an expiration date of September 1, 2008. Permit issued September 24, 2007.

**360741104. Brubacher Excavating, Inc.**, P. O. Box 528, Bowmansville, PA 17507, construction blasting for Lancaster Mennonite School in East Lampeter Township, **Lancaster County** with an expiration date of August 31, 2008. Permit issued September 24, 2007.

**360741105. Keystone Blasting Service**, 381 Reifsnyder Road, Lititz, PA 17543, construction blasting for a chicken house in West Earl Township, **Lancaster County** with an expiration date of November 30, 2007. Permit issued September 24, 2007.

**67074143. TJ Angelozzi, Inc.**, 7845 Kabik Court, Woodbine, MD 21797, construction blasting at Penn's Preserve in York Township, **York County** with an expiration date of January 1, 2008. Permit issued September 24, 2007.

**67074144. J. Roy's, Inc.**, Box 125, Bowmansville, PA 17507, construction blasting for High Pointe in Penn Township, **York County** with an expiration date of September 22, 2008. Permit issued September 24, 2007.

**36074106. Keystone Blasting Service**, 381 Reifsnyder Road, Lititz, PA 17543, construction blasting for a manure pit in Salisbury Township, **Lancaster County** with an expiration date of December 30, 2007. Permit issued September 25, 2007.

**36074107. Keystone Blasting Service**, 381 Reifsnyder Road, Lititz, PA 17543, construction blasting for CNH of America in New Holland Borough, **Lancaster County** with an expiration date of December 30, 2007. Permit issued September 25, 2007.

**64074110. Explosive Services, Inc.**, 7 Pine Street, Bethany, PA 18431, construction blasting for a single dwelling in Dyberry Township, **Wayne County** with an expiration date of September 23, 2008. Permit issued September 24, 2007.

**67074145. Dyno Nobel, Inc.**, 1320 Galiffa Drive, Donora, PA 15033, construction blasting for Stone Hill Development in York Township, **York County** with an expiration date of September 30, 2008. Permit issued September 25, 2007.

**35074128. Hayduk Enterprises, Inc.**, 257 Riverside Drive, Factoryville, PA 18419, construction blasting for a single dwelling in North Abington Township, **Lackawanna County** with an expiration date of September 30, 2008. Permit issued September 27, 2007.

**35074129. Hayduk Enterprises, Inc.**, 257 Riverside Drive, Factoryville, PA 18419, construction blasting for Old Grove Estates in Jefferson Township, **Lackawanna County** with an expiration date of September 30, 2008. Permit issued September 27, 2007.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

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

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

**E67-813: Izaak Walton League of America, York County Chapter 67**, 7131 Ironstone Hill Road, Dallastown, PA 17313, North Hopewell and Springfield Townships, **York County**, ACOE Baltimore District.

To construct and maintain a stream restoration project on 2,125 feet of the East Branch Codorus Creek (HQ-CWF), including rock and log structures and bank grading for the purpose of correcting the stream pattern, improving streambank stabilization, sediment transport and aquatic habitat and establishing a riparian buffer. The project is located near the intersection of Swamp Road and Route 214 (Glen Rock, PA Quadrangle N: 21.0 inches; W: 4.9 inches, Latitude: 39° 51' 55"; Longitude: 76° 39' 35" to N: 21.8 inches; W: 5.5 inches, Latitude: 39° 52' 9"; Longitude: 76° 39' 51") in Springfield and North Hopewell Townships, York County. No wetland impacts are proposed.

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

**E18-425. Robert W. Wehler**, 1952 River Road, Jersey Shore, PA 17740. Wehler Project, in Pine Creek Township, **Clinton County**, ACOE Baltimore District (Jersey Shore, PA Quadrangle N: 9.6875 inches; W: 5.125 inches).

To construct, operate and maintain: 1) a 30-foot diameter by 27-foot high metal agricultural grain storage bin; 2) an open rail 5-foot high, 40-foot wide by 50-foot long protective fence around; and 3) a 20-foot wide by 30-foot long in-ground swimming pool, within the right 100-year

floodway of Pine Creek (Jersey Shore, PA Quadrangle N: 9.69 inches; W: 5.13 inches) in Pine Creek Township, Clinton County. This permit was issued under section 105.13(e) "Small Projects."

**E55-217. Timothy and Tammie Reigle**, 266 Oriental Road, Liverpool, PA 17045. Reigle Addition, in Middleburg Borough, **Snyder County**, ACOE Baltimore District (Middleburg, PA Quadrangle Latitude 40° 47' 37.8"; Longitude 77° 02' 46.98").

To construct, operate and maintain a 390 square foot addition within the floodway of a UNT to Middle Creek, CWF. The entire addition is 1,060 square feet; although, only a portion lies within the floodway. The first floor elevation shall be elevated above the 100-year flood elevation and supported on piers. This project is located on the corner of North Main Street and Stumps Alley Run in the Borough of Middleburg, Snyder County. This permit was issued under section 105.13(e) "Small Projects."

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E10-430. INDSPEC Chemical Corporation**, 133 Main Street, P. O. Box 307, Petrolia, PA 16050. Acid House Control Room Project, in Petrolia Borough, **Butler County**, ACOE Pittsburgh District (Parker Quadrangle N: 41° 01' 05"; W: 79° 42' 56").

To construct and maintain building addition measuring approximately 30 feet long by 15 feet wide onto the upstream side of the existing acid house building, partially within the assumed 50 foot let (west) floodway of South Branch of Bear Creek (WWF). The building will be approximately 600 feet north of West Main Street and 160 feet east of SR 268.

**ENVIRONMENTAL ASSESSMENTS**

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

**D56-097EA. Stonycreek Valley Development Corporation**, P. O. Box 163, Shanksville, PA 15560. Stonycreek Township, **Somerset County**, ACOE Pittsburgh District.

Project proposes to dredge approximately 18 acres of accumulated silts and sediments from the reservoir impounded by the Lake Stonycreek Dam across Rhoads Creek (CWF). The dam is located approximately 4,700 feet northeast of the intersection of Stutzmantown Road (SR 1001) and Shanksville Road (SR 1007) (Stoystown, PA Quadrangle Latitude: 40° 01' 13"; Longitude: 78° 53' 31").

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**STORAGE TANKS**

**SITE-SPECIFIC INSTALLATION PERMITS**

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

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<i>SSIP Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
07-42-006	American Refining Group, Inc. 77 North Kendall Avenue Bradford, PA 16701 Attn: Steve Sherk	McKean	Bradford City	1 AST storing Isomerase	504,000 gallons

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### SPECIAL NOTICES

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#### Certification to Perform Radon-Related Activities in Pennsylvania

In the month of September 2007, 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>
Advantage Radon Control Center	626 Jacksonville Road Suite 200 Warminster, PA 18974	Mitigation
Amerispec	179 West Broad Street Suite 2 Telford, PA 18969	Testing
Dr. Joseph Baicker	403 Skillman Road Skillman, NJ 08558	Laboratory
George Basista	1336 Seaborn Street Suite 6 Mineral Ridge, OH 44440	Testing
Terrance Best Best Building Inspection Service Inc.	65 Johnson Street Pittston, PA 18640	Testing
Bill Brodhead WPB Enterprise Inc.	2844 Slifer Valley Road Riegelsville, PA 18077	Mitigation and Laboratory
Kenneth DeFelice	95 Big Ridge Drive East Stroudsburg, PA 18302	Testing
Gregory Frazier	1632 Aster Lane Crescent, PA 15046	Testing
David Gunselman	4 Theresa Drive Conestoga, PA 17516	Testing
Catherine Hall	115 East Glenside Avenue No. 14 Glenside, PA 19038	Testing
Fred Hohman	26 Windihill Drive Greensburg, PA 15601	Testing
James Humphryes Radon Control Professionals, Inc.	2510 Soapstone Drive Reston, VA 20191	Mitigation
Rick Hynes	1037 Carnes School Road Seneca, PA 16346	Testing
Michael Israel	165 Red Haven Drive North Wales, PA 19454	Testing
Darryl Jamison	125 East 42nd Street Erie, PA 16504	Testing
Robert Johnson	340 Freed Road Harleysville, PA 19438	Testing
David Kapturowski AccuStar Labs	11 Awl Street Medway, MA 02053	Laboratory
Fred Klein	702 Manchester Drive Maple Glen, PA 19022	Testing
Lawrence Lucas	397 McClincy Road Bellefonte, PA 16823	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Thomas Murray	24 South Pearl Street P. O. Box 221 North East, PA 16428	Testing
Wayne Murray	63 Bethesda Church Road East Holtwood, PA 17532	Testing
Timothy A. Musser Timothy A. Masser Co., Inc.	213 North 14th Street Allentown, PA 18102	Mitigation
Thomas O'Hara	104 Spring Street Wilkes-Barre, PA 18702	Testing
Roger Olson, P. E.	17 Sylvania Road Hershey, PA 17033	Testing
Patrick Orr	10 Clifford Road McDonald, PA 15057	Testing
Prosser Laboratories	P. O. Box 118 Effort, PA 18330	Laboratory
Radon Technology & Environmental	826 North Lewis Road Limerick, PA 19468	Mitigation
Celia Rajkovich	171 Hall Road Aliquippa, PA 15001	Testing
Jerry Reed	456 Avoy Road Lake Ariel, PA 18436	Testing
Brian Reuss Radon Control Services, LLC	9125 Marshall Road Suite B-12 Cranberry Township, PA 16066	Mitigation
Lance Schweizer	101 Locust Knoll Road Downingtown, PA 19335	Testing
David Scott	417 Pikeland Avenue Spring City, PA 19475	Testing and Mitigation
Matthew Tracy	1523 Poplar Road Feasterville, PA 19053	Testing
Jacob Troost	332 Church Road Palmerton, PA 18071	Testing

**Notice of Joint Public Hearing for NPDES  
Stormwater from Construction Activities Permit  
Application No. PAI024507008 and Water Quality  
Management Permit Application No. 4507404**

The Department of Environmental Protection (Department) will hold a joint public hearing to accept comments on NPDES Stormwater from Construction Activities Permit Application No. PAI024507008 and Water Quality Management Permit Application No. 4507404.

The Water Quality Management Permit Application is for the construction and operation of 4.5 miles of sewer main, highway borings, manholes, laterals and appurtenances in the Swiftwater and Scotrun areas of Pocono Township. This portion of the Township's sewerage project is considered a "dry sewer" as the treatment system will not yet be constructed and no properties will be connected for service at this time. The schedule calls for construction of these sections in 2008, in advance of a proposed Department of Transportation road widening project. The NPDES Stormwater from Construction Activities Permit Application is for the discharge of stormwater associated with the construction of the "dry sewer" project. The hearing is in response to the applications submitted to the Department by the Pocono Township Board of Supervisors. Both applications are currently under review.

The joint public hearing will be conducted on Wednesday, November 14, 2007, at 7 p.m. in the auditorium of

Pocono Mountain School District's Swiftwater Intermediate School on Pocono Mountain Road.

The Department requests that individuals wishing to testify at the hearing submit a written notice of intent to Mark Carmon, Community Relations Coordinator, Attn: Pocono Township Public Hearing, Department of Environmental Protection, 2 Public Square, Wilkes-Barre, PA 18711-0790. The Department will accept notices up to the day of the hearing.

The written notice should include the person's name, address, telephone number and a brief statement as to the nature (oral or written) of their presentation. The Department requests that individuals limit their testimony to 10 minutes so that all individuals have the opportunity to testify. Written copies of oral testimony are requested. Relinquishing of time to others will not be allowed. Individuals attending the hearing will have the opportunity to testify if they so desire; however, individuals who preregister to testify will be given priority on the agenda. Persons unable to attend the hearing may submit written statement/comments to the Department on or before November 30, 2007.

Persons with a disability who wish to testify and require an auxiliary aid, service or other accommodation should contact Christine Domashinski, (570) 826-2511 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department can meet their needs.

The Water Quality Management permit application is available for review at the Department's Northeast Regional Office in Wilkes-Barre. Contact the Records Management Section at (570) 826-2511 to schedule an appointment to review the application. The NPDES construction permit application is available for review at the Monroe County Conservation District, 8050 Running Valley Road, Stroudsburg, PA 18360-0917, (570) 629-3060.

For further information, contact Mark Carmon, Northeast Regional Office, (570) 826-2511.

### Special Notice

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

**EGS02003. Montour Run Watershed Assoc., P. O.** Box 15509, Pittsburgh, PA 15244. An Environmental Good Samaritan Project application for the McCaslin Road Mine Drainage Treatment to abate mine drainage pollution, located in Findlay Township, **Allegheny County**, affecting 10 acres. Receiving stream: West Fork of Enlow Run, classified for the following use: WWF. EGS application received September 19, 2007.

### BUREAU OF DEEP MINE SAFETY

#### Approval of Request for Variance

The Department of Environmental Protection (Department), Bureau of Deep Mine Safety (BMS) has approved Rosebud Mining Company's request for a variance from the requirements of section 290(d) of the Pennsylvania Bituminous Coal Mine Act at the Tracy Lynne Mine. This notification contains a summary of this request and the basis for the Department's approval. A complete copy of the variance request may be obtained from Cathy Dunn by calling (724) 439-7469 or from the BMS web site at [www.depweb.state.pa.us/deepminesafety/site/default.asp](http://www.depweb.state.pa.us/deepminesafety/site/default.asp)

*Summary of the Request:* Rosebud Mining Company requests a variance to reduce the number of main entries in the 2nd Northwest Mains Section at the Tracy Lynne Mine.

The basis for the Bureau's approval is summarized as follows:

1. Tracy Lynne has developed portions of the mine with less than five entries previously without any complications.
2. Longwall mines have successfully ventilated three entry systems for distances up to 12,000 feet. Longwall gate-road development generally encounters methane liberations far in excess of those shown at the Tracy Lynne Mine.
3. According to a June 2007, air sample collected by MSHA, the Tracy Lynne Mine produces 70,217 CFM of CH<sub>4</sub> per 24 hours.
4. The pitch adjustment to the main fan blades provided an increase of 13.5% to the quantity of air delivered to the intake.
5. Reducing the number of main entries from five to four reduces the amount of exposed roof.
6. A CO monitoring system will enhance escapability through the variance area by providing early warning.

Continued authorization for operation under the approval is contingent upon compliance with the measures described in the enclosed plan and the following conditions.

1. All unused crosscuts through the variance area must have two cribs placed on both entrances in line with the entry rib. Additional supplemental support will be installed throughout the area as required.

2. All roof falls that occur in the variance area must be completely cleaned and permanently supported before resumption of mining.

3. A CO monitoring system is required. The CO sensors should be placed in the primary intake escapeway at the beginning of the variance area. The second sensor should be permanently positioned along the primary intake escapeway at the end of the variance area.

4. The CO system shall provide visual and audible alarms. The audible alarms shall be transmitted over the mine communication system.

[Pa.B. Doc. No. 07-1868. Filed for public inspection October 12, 2007, 9:00 a.m.]

### Certification Program Advisory Committee and the State Board for Certification of Water and Wastewater Systems Operators Joint Meeting; Cancellation Notice

The joint meeting of the Certification Program Advisory Committee (CPAC) and the State Board for Certification of Water and Wastewater Systems Operators (Board) on October 19, 2007, is cancelled. The Board will still have a conference call meeting on October 19, 2007, at 11:30 a.m. in Conference Room 9B of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105.

Questions concerning the next scheduled meeting of the CPAC can be directed to Cheri Sansoni at (717) 772-5158 or [csansoni@state.pa.us](mailto:csansoni@state.pa.us). The agenda and meeting materials for the Board meeting on October 19, 2007, will be available through the Public Participation Center on the Department of Environmental Protection's (Department) website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 772-5158 or through the AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-1869. Filed for public inspection October 12, 2007, 9:00 a.m.]

### Proposed 8-Hour Ozone Maintenance Plans/State Implementation Plan Revisions for Columbia, Crawford, Juniata, Lawrence, Northumberland, Pike, Schuylkill, Snyder, Somerset, Susquehanna, Warren and Wayne Counties

Ground-level ozone concentrations pose a serious human health threat and can also cause damage to crops, forests and wildlife. On April 30, 2004, the United States Environmental Protection Agency (EPA) designated nonattainment areas and classified areas Nationwide for the 8-hour ozone National Ambient Air Quality Standard, 0.08 parts per million (69 FR 23858). The EPA also designated Columbia, Crawford, Juniata, Lawrence, Northumberland, Pike, Schuylkill, Snyder, Somerset,



Susquehanna, Warren and Wayne Counties as 8-hour ozone "unclassifiable/attainment" areas (69 FR 23932). Therefore, maintenance plans consistent with the requirements of section 110(a)(1) of the Clean Air Act (CAA) must be developed and submitted to the EPA for approval as a revision to the State Implementation Plan (SIP).

Under section 110(a)(1) of the CAA and the EPA's Phase I Implementation Rule, the Department of Environmental Protection (Department) is obligated to develop 8-hour ozone maintenance plans for the counties mentioned previously because 1-hour ozone redesignation requests and maintenance plans for these counties, previously designed nonattainment areas, were not submitted to the EPA and approved prior to the revocation of the 1-hour ozone standard in June 2005. The Department is seeking comment on 12 separate 8-hour ozone maintenance plans and 2002 base-year inventories that will be submitted to the EPA as revisions to the SIP. The plans must provide for continued attainment for at least 10 years and include control measures relied upon for maintaining the standard, contingency measures for the prompt correction of any violation of the standard, continued operation of the ambient air quality monitoring network and a means for tracking the progress of the plan.

The proposed SIP revisions are available on the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (choose "Air Plans") or through the contact persons listed. Copies of the SIP revisions may also be reviewed at the following Department regional offices: Southwest Regional Office in Pittsburgh; Southcentral Regional Office in Harrisburg; Northcentral Regional Office in Williamsport; Northwest Regional Office in Erie and Northeast Regional Office in Wilkes-Barre.

The Department will hold a public hearing to receive comments on the proposed SIP revisions on Tuesday, November 13, 2007, at 1 p.m. at the Department of Environmental Protection's, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110. Persons wishing to present testimony at the hearing should contact Yvette House, P. O. Box 8468, Harrisburg, PA 17105, (717) 787-9495 or [yhousestate.pa.us](mailto:yhousestate.pa.us) to reserve a time. Persons who do not reserve a time will be able to testify as time allows. Witnesses should keep testimony to 10 minutes and should provide two written copies of their statement at the hearing.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceeding should contact Yvette House at (717) 787-9495 or [yhouse@state.pa.us](mailto:yhouse@state.pa.us). TDD users may contact the AT&T Relay Service at (800) 654-5984 to discuss how the Department can best accommodate their needs.

The Department must receive comments no later than November 16, 2007. Written comments should be sent to the attention of Arleen Shulman, Division of Air Resource Management, Bureau of Air Quality, P. O. Box 8468, Harrisburg, PA 17105-8468 or [ashulman@state.pa.us](mailto:ashulman@state.pa.us).

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-1870. Filed for public inspection October 12, 2007, 9:00 a.m.]

### Proposed Revisions to General NPDES Permit for Petroleum Product Contaminated Groundwater Remediation Systems (PAG-05); Public Notice of Availability

The Department of Environmental Protection (Department) by this notice is proposing to revise its National Pollutant Discharge Elimination System (NPDES) General Permit for Petroleum Product Contaminated Groundwater Remediation Systems (PAG-05) for issuance for another 5 years. This General Permit is issued under the authority of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20). The current General Permit is scheduled to expire on December 12, 2007, and will continue to be in force until formal revision of the General Permit is completed following the public review process. The General Permit will continue to not be applicable to discharges into waters designated as "special protection" under 25 Pa. Code Chapter 93 (relating to water quality standards). The aforementioned discharges are required to be covered through an individual permit.

In the existing general permit, the instructions for completing the Notice of Intent (NOI) list five parameters (benzene, pyrene, phenanthrene, chrysene and naphthalene) for Fuel Oil No. 4—6, however, in the General Permit, pyrene and chrysene were left out. These parameters have now been added to the revised General Permit. In addition, to improve monitoring, the frequency of analysis for oil and grease has been increased in the revised General Permit from once a year to once every 6 months.

By this notice, the Department invites public comments on the proposed revisions to PAG-05. Comments must be submitted by November 13, 2007. If there is significant public interest or if requested, the comment period may be extended at the discretion of the Department for an additional 15-day period. Only comments received during the specified comment period will be considered in the final and revised General Permit. If more significant issues of public interest are raised, the Department may schedule a public meeting or hearing. Written comments should be submitted to Geoffrey O. Maduka at the address to follow. Comments will also be accepted by e-mail to [gmaduka@state.pa.us](mailto:gmaduka@state.pa.us). Comments will not be accepted by facsimile or voice mail.

The proposed General Permit package is available from the Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Division of Water Management, Rachel Carson State Office Building, P. O. Box 8774, 11th Floor, Harrisburg, PA 17105-8774, (717) 787-8184 or [gmadukastate.pa.us](mailto:gmadukastate.pa.us), [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (choose "Public Participation" under "Quick Access"; then scroll down to "Proposals Currently Open for Comment").

Persons with a disability may use the AT&T Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). Following the specified comment period, the Department will review the submitted comments, prepare a comment and response document and the final document package for this General Permit. The final General Permit package, including the comment and response document, will be available on the Department's website at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: "NPDES Permits;" choose "General Permits"). Availability of the final permit documents will also be published in the *Pennsylvania Bulletin*. Individuals who wish to receive a copy of

the final documents may contact the Department at the address or phone number listed previously.

KATHLEEN A. MCGINTY,  
*Secretary*

[Pa.B. Doc. No. 07-1871. Filed for public inspection October 12, 2007, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Governor's Advisory Council on Physical Fitness and Sports Committee Meeting

The Governor's Advisory Council on Physical Fitness and Sports Committee will hold a public meeting on Monday, October 29, 2007, from 10 a.m. to 3 p.m. The meeting will be held at the Park Hyatt Philadelphia at the Bellevue, Broad and Walnut Streets, Philadelphia, PA.

For additional information contact Cyndi Malinen, Physical Activity Program Consultant, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA (717) 346-3975.

Persons with a disability who desire to attend the meeting and require an auxiliary aid, service or other accommodation to do so contact Cyndi Malinen, Physical Activity Program Consultant at (717) 346-3975. Speech and/or hearing impaired persons may contact V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

This meeting is subject to cancellation without notice.

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-1872. Filed for public inspection October 12, 2007, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building).

Longwood at Oakmont  
500 Route 909  
Verona, PA 15147

This request is on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from the Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@state.pa.us.

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

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommoda-

tion to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

CALVIN B. JOHNSON, M. D., M.P.H.,  
*Secretary*

[Pa.B. Doc. No. 07-1873. Filed for public inspection October 12, 2007, 9:00 a.m.]

## DEPARTMENT OF PUBLIC WELFARE

### Payment for Nursing Facility Services Provided by County and Nonpublic Nursing Facilities; Notice of Change in Methods and Standards of Setting Payment Rates

#### *Purpose*

The purpose of this announcement is to provide additional and updated information regarding the budget adjustment factors (BAFs) that the Department of Public Welfare (Department) will apply to Medical Assistance (MA) nonpublic nursing facility payment rates and to MA county nursing facility payment rates for Fiscal Year (FY) 2007-2008.

#### *Background*

On June 30, 2007, a notice was published announcing that the Department intended to change its payment methods and standards, and amend the Commonwealth's Title XIX Medicaid State Plan to continue the use of a BAF in setting MA nonpublic and county nursing facility payment rates for FY 2007-2008. In that notice, the Department described how the Department would calculate the BAFs and apply them in the rate-setting process. The Department also identified the BAFs that would be used if the General Assembly appropriated the level of funding requested in the Governor's Executive Budget. See 37 Pa.B. 3036 and 3037 (June 30, 2007).

After the Department submitted the notice to the Legislative Reference Bureau, the Pennsylvania General Assembly enacted two laws that affect MA nursing facility payment rates and the BAF for FY 2007-2008: The act of June 30, 2007 (P. L. 49, No. 16) (Act 16); and the General Appropriation Act of 2007, (Act 8A).

Act 16 amended section 443.1 of the Public Welfare Code (code) (62 P. S. § 443.1) to establish statutory standards for payments to county and nonpublic nursing facilities beginning with FY 2007-2008. As amended by Act 16, section 443.1 of the code requires the Department to determine "payments to county and nonpublic nursing facilities . . . in accordance with the methodologies for establishing payment rates for county and nonpublic nursing facilities specified in the department's regulations and the Commonwealth's approved Title XIX State Plan for nursing facility services in effect after June 30, 2007." (62 P. S. § 443.1(7)). It further directs that,

"For the fiscal year 2007-2008, the Department shall apply a revenue adjustment neutrality factor and make adjustments to county and nonpublic nursing facility payment rates for medical assistance nursing facility services. The revenue adjustment factor shall limit the estimated aggregate increase in the State-wide day-weighted average payment rate over the

3-year period commencing July 1, 2005, and ending June 30, 2008, from the Statewide day-weighted average payment rate for medical assistance nursing facility services in FY 2004-2005 to 6.912% plus any percentage rate of increase permitted by the amount of funds appropriated for nursing facility services in the General Appropriations Act of 2007. Application of the revenue adjustment neutrality factor shall be subject to Federal approval of any amendments as may be necessary to the Commonwealth's approved Title XIX State Plan for nursing facility services." See 62 P. S. § 443.1(7)(i).

As noted in the June 30, 2007 notice, two State Plan Amendments (SPA 07-007 and SPA 07-008) were submitted to amend the Commonwealth's Title XIX Plan to specify the formula that the Department intends to use to determine the BAFs for FY 2007-2008. See 37 Pa.B. 3036. Consistent with section 443.1(7)(i) of the code and 55 Pa. Code §§ 1187.96(e)(2)(iii) and (iv) and 1189.91 (relating to price- and rate-setting computations; and per diem rates for county nursing facilities), the SPAs, if approved by the Centers for Medicare and Medicaid Services (CMS), will authorize such adjustments to FY 2007-2008 rates as are necessary to ensure that the increase in payment rates during the 3-year period from July 2005 to June 2008, is limited to the amounts appropriated in the General Fund Budgets for payment for nursing facility services provided to MA recipients.

When the Department published the June 30, 2007 notice and submitted the SPAs to CMS, the General Appropriations Act of 2007 had not yet been enacted. In preparing the notice and the SPAs, the Department calculated estimated BAFs to limit the aggregate increase for the 3-year period using the 2% rate of increase proposed in the Governor's Executive Budget. The Department advised, both in its notice<sup>1</sup> and its submission to CMS, that it would recalculate the BAFs, as necessary, once the General Appropriation Act was enacted. Having reviewed the level of funding appropriated in the General Appropriations Act, the Department determined that it permits a different rate of increase, and the Department recalculated the BAFs as described as follows.

#### *FY 2007-2008 BAFs*

As set forth in SPA 07-007 (nonpublic nursing facilities) and SPA 07-008 (county nursing facilities), the Department will use the following formulas to determine the BAFs for nonpublic and county nursing facilities respectively.

For rate-setting year 2007-2008, the BAFs that will be applied to county and nonpublic nursing facility payment rates for MA nursing facility services shall limit the estimated aggregate increase in the Statewide day-weighted average payment rate over the 3-year period commencing July 1, 2005, and ending June 30, 2008, from the Statewide day-weighted average payment rate for MA nursing facility services in FY 2004-2005 to 10.12%.

Based on the 3% rate of increase permitted by the General Appropriations Act of 2007 and the updated projected revenues, the estimated Statewide day-weighted average rate will increase from \$166.37 to \$183.21, a 3-year aggregate increase of 10.12%.

<sup>1</sup> 37 Pa.B. 3037 (June 30, 2007).

The following formula will be used to determine the BAF which the Department will apply in setting rates for nonpublic nursing facilities:

- (nonpublic nursing facilities' share of total appropriated funds + estimated annual patient pay amount) divided by
- estimated acuity-adjusted annual payments.

Based on the level of funding set forth in the General Appropriations Act of 2007, the nonpublic BAF produced by this formula will be .93194.<sup>2</sup> This BAF was applied in computing the proposed per diem rates for rate year 2007-2008. The proposed per diem rates will be announced in a separate notice published in this *Pennsylvania Bulletin*.

A nonpublic nursing facility's case-mix per diem rate for an MA resident day will be the sum of the nursing facility's three net operating components and its capital rate component, multiplied by the BAF.

The formula for this BAF as it applies to county nursing facilities is as follows:

- BAF = 1.00 + the percent increase permitted by the General Appropriations Act of 2007.

Based on the level of funding set forth in the General Appropriations Act of 2007, the county BAF produced by this formula will be 1.03.

A county nursing facility's per diem rate for an MA resident will be the facility's July 1, 2006, per diem rate as calculated under Chapter 1189, Subchapter D (relating to rate setting), § 1189.91(b) multiplied by the BAF.

Application of the BAFs in FY 2007-2008 is subject to Federal approval of the amendments to the Commonwealth's State Plan.

#### *Fiscal Impact*

These changes will result in an estimated cost of \$75.794 million (\$34.746 million in State funds) for nonpublic nursing facilities and \$17.251 million (\$7.908 million in State funds) for county nursing facilities in 2007-2008 compared to the final April 1, 2007 rates. Funding for these changes has been included in the Medical Assistance Long-Term Care appropriation.

#### *Public Comment*

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

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-529. (1) General Fund; (2) Implementing Year 2007-08 is \$42,654,000; (3) 1st Succeeding Year 2008-09 is \$46,532,000; 2nd Succeeding Year 2009-10 is \$46,532,000; 3rd Succeeding Year 2010-11 is \$46,532,000; 4th Succeeding Year 2011-12 is \$46,532,000;

<sup>2</sup> In updating the calculations based on the final appropriated amounts, the Department determined that the estimated BAF identified in the June 30, 2007, notice was understated. Based on the funding requested in the Governor's Executive Budget and the estimated patient pay amounts used in determining that funding level, the correct amount of that BAF should have been .92359.

5th Succeeding Year 2012-13 is \$46,532,000; (4) 2006-07 Program—\$695,279,000; 2005-06 Program—\$817,890,000; 2004-05 Program—\$476,116,000; (7) Medical Assistance—Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover these increases.

[Pa.B. Doc. No. 07-1874. Filed for public inspection October 12, 2007, 9:00 a.m.]

### Payments to County Nursing Facilities; Proposed Rates for State Fiscal Year 2007-2008

#### *Purpose of Notice*

This notice announces the Department of Public Welfare's (Department) proposed annual rates for State Fiscal Year (FY) 2007-2008, for county nursing facilities that participate in the Medical Assistance (MA) Program.

The rates will be calculated in accordance with 55 Pa. Code Chapter 1189, Subchapter D (relating to rate setting). As stated at § 1189.91(b) (relating to per diem rates for county nursing facilities), for each rate year beginning on or after July 1, 2007, the per diem rate paid to a county nursing facility for a rate year will be the facility's prior rate year per diem rate multiplied by a budget adjustment factor (BAF).

As required by § 1189.91(d), the Department intends to follow the formula set forth in the Commonwealth's approved State Plan to determine the BAF to be applied to county nursing facility payment rates for FY 2007-2008. On June 29, 2007, the Department submitted State Plan Amendment (SPA) 07-008 to the Federal Centers for Medicare and Medicaid Services (CMS) to include the BAF formula which the Department will use in FY 2007-2008.

The Department published a public notice at 37 Pa.B. 3036 (June 30, 2007), which announced the BAF for county and nonpublic nursing facilities for FY 2007-2008 based on the funding provided in the Governor's executive budget. Subsequent to publication of the notice, the General Assembly approved the final budget bill. The Department has determined, based on the appropriation in the final budget, that the percentage rate of increase appropriated for nursing facility services for FY 2007-2008 is 3%.

The budget adjustment factor for rate setting year 2007-2008 shall limit the estimated aggregate increase in the Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities over the 3 year period commencing July 1, 2005, and ending June 30, 2008, from the Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities in rate year 2004-2005 to 10.12%. The formula for this budget adjustment factor as it applies to county nursing facilities is as follows:  $BAF = 1.00 + 0.03$ .

Due to the change in the amount appropriated for nursing facilities, on July 26, 2007, the Department submitted revised State Plan pages for SPA 07-008 to CMS. The budget adjustment factor for county nursing facilities for FY 2007-2008 will be 1.03, contingent upon CMS' approval of SPA 07-008.

The proposed per diem rates for FY 2007-2008 are available on the website for the Office of Medical Assistance Programs (OMAP) at [www.dpw.state.pa.us/omap](http://www.dpw.state.pa.us/omap) and at local county assistance offices throughout the Commonwealth or by contacting Tom Jayson, Policy Unit, Office of Long-Term Living at (717) 705-3705.

#### *Fiscal Impact*

The change in county nursing facility payment rates, effective July 1, 2007, is estimated to cost the Department \$17.251 million (\$7.908 million in State funds) in FY 2007-2008.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the proposed rates for FY 2007-2008 or the BAF formula, to the Department at the following address: Department of Public Welfare, Office of Long-Term Living, Attention: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-527. (1) General Fund; (2) Implementing Year 2007-08 is \$7,908,000; (3) 1st Succeeding Year 2008-09 is \$8,627,000; 2nd Succeeding Year 2009-10 is \$8,627,000; 3rd Succeeding Year 2010-11 is \$8,627,000; 4th Succeeding Year 2011-12 is \$8,627,000; 5th Succeeding Year 2012-13 is \$8,627,000; (4) 2006-07 Program—\$695,279,000; 2005-06 Program—\$817,890,000; 2004-05 Program—\$476,116,000; (7) Medical Assistance—Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover these increases.

[Pa.B. Doc. No. 07-1875. Filed for public inspection October 12, 2007, 9:00 a.m.]

### Payments to Nonpublic Nursing Facilities; Proposed Rates for State Fiscal Year 2007-2008

#### *Purpose of Notice*

This notice announces the Department of Public Welfare's (Department) proposed annual case-mix per diem payment rates for State Fiscal Year (FY) 2007-2008 for nonpublic nursing facilities that participate in the Medical Assistance (MA) Program.

As required by the case-mix payment methodology set forth in 55 Pa. Code Chapter 1187, Subchapter G (relating to rate setting), the Department intends to set a new annual MA per diem rate for each nonpublic nursing facility provider. Each facility's annual per diem rate will have four components: resident care; other resident related; administrative and capital. For each quarter of FY 2007-2008, the Department will adjust the resident care component of each facility's rate by multiplying the resident care cost component by the facility's MA case-mix index (CMI) for the appropriate picture date. In addition, the Department will adjust each facility's CMI-adjusted quarterly rate by multiplying the rate by a "budget adjustment factor" (BAF).

As required by 55 Pa. Code § 1187.96(e)(2)(iv) (relating to price- and rate-setting computations), the Department intends to follow the formula set forth in the Commonwealth's approved State Plan to determine the BAF for FY 2007-2008. On June 29, 2007, the Department submitted State Plan Amendment (SPA) 07-007 to the Federal Centers for Medicare and Medicaid Services (CMS) to include the BAF formula which the Department will use in FY 2007-2008.

The Department published a public notice at 37 Pa.B. 3036 (June 30, 2007), which announced the BAF for county and nonpublic nursing facilities for FY 2007-2008 based on the funding provided in the Governor's executive budget. Subsequent to publication of the notice, the General Assembly approved the final budget bill. The Department has determined, based on the appropriation in the final budget, that the percentage rate of increase appropriated for nursing facility services for FY 2007-2008 is 3%.

The BAF for rate setting year 2007-2008 shall limit the estimated aggregate increase in the Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities over the 3 year period commencing July 1, 2005, and ending June 30, 2008, from the Statewide day-weighted average payment rate for MA nursing facility services for county and nonpublic nursing facilities in rate year 2004-2005 to 10.12%. The formula for this BAF as it applies to nonpublic nursing facilities is as follows: (the nonpublic nursing facilities' share of total appropriated funds plus the estimated annual patient pay amount) divided by the estimated acuity-adjusted annual payments of \$3,147,260,444 which equals .93194.

Due to the change in the amount appropriated for nursing facilities, on July 26, 2007, the Department submitted revised State Plan pages for SPA 07-007 to CMS. Implementation of the BAF formula is contingent upon CMS' approval of SPA 07-007.

The proposed annual per diem rates for FY 2007-2008 are available on the website for the Office of Medical Assistance Programs (OMAP) at [www.dpw.state.pa.us/omap](http://www.dpw.state.pa.us/omap) and at local county assistance offices throughout

the Commonwealth or by contacting Tom Jayson, Policy Unit, Office of Long-Term Living, at (717) 705-3705. In addition, the Department will calculate adjusted quarterly rates for the October, January and April quarters of FY 2007-2008 for each nonpublic MA nursing facility provider. These adjusted quarterly rates will be posted on the OMAP website, at local county assistance offices and from Tom Jayson, as they become available.

#### *Fiscal Impact*

The change in payment rates effective July 1, 2007, and the quarterly case-mix adjustments, are estimated to cost the Department \$75.794 million (\$34.746 million in State funds) in FY 2007-2008.

#### *Public Comment*

Interested persons are invited to submit written comments regarding the proposed annual rates for FY 2007-2008 or the BAF formula to the Department at the following address: Department of Public Welfare, Office of Long-Term Living, Attention: Gail Weidman, P. O. Box 2675, Harrisburg, PA 17105. Comments received within 30 days will be reviewed and considered for any subsequent revision of the notice.

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

ESTELLE B. RICHMAN,  
*Secretary*

**Fiscal Note:** 14-NOT-528. (1) General Fund; (2) Implementing Year 2007-08 is \$34,746,000; (3) 1st Succeeding Year 2008-09 is \$37,905,000; 2nd Succeeding Year 2009-10 is \$37,905,000; 3rd Succeeding Year 2010-11 is \$37,905,000; 4th Succeeding Year 2011-12 is \$37,905,000; 5th Succeeding Year 2012-13 is \$37,905,000; (4) 2006-07 Program—\$695,279,000; 2005-06 Program—\$817,890,000; 2004-05 Program—\$476,116,000; (7) Medical Assistance—Long-Term Care; (8) recommends adoption. Funds have been included in the budget to cover these increases.

[Pa.B. Doc. No. 07-1876. Filed for public inspection October 12, 2007, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Tripliod Grass Carp Permit Application

Under 58 Pa. Code § 71.7 (relating to tripliod grass carp), the Fish and Boat Commission (Commission) may issue permits to stock tripliod grass carp in Commonwealth waters. Tripliod grass carp are sterile fish that may, in appropriate circumstances, help control aquatic vegetation. The Commission has determined consistent with 58 Pa. Code § 71.7(e)(3) to seek public input with respect to any proposed stockings of tripliod grass carp in waters having a surface area of more than 5 acres.

Interested persons are invited to submit written comments, objections or suggestions about the notice to the Executive Director, Fish and Boat Commission, P. O. Box 67000, Harrisburg, PA 17106-7000, within 10 days after publication of this notice in the *Pennsylvania Bulletin*. Comments submitted by facsimile will not be accepted. Comments also may be submitted electronically by completing the form at [www.fishandboat.com/regcomments](http://www.fishandboat.com/regcomments). If an acknowledgment of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

The following application to stock tripliod grass carp in waters having a surface area of greater than 5 acres is currently undergoing staff review:

<i>Applicant</i>	<i>Water</i>	<i>Location of Water</i>	<i>Description of Water</i>	<i>Nature of Vegetation to be Controlled</i>
Apollo Spring Church Sportsmen's Club	Spring Church Lake	Kiskiminetas Township Armstrong County	10 acre lake which discharges into Roaring Run	Elodea canadensis

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

[Pa.B. Doc. No. 07-1877. Filed for public inspection October 12, 2007, 9:00 a.m.]

## HOUSING FINANCE AGENCY

### Request for Proposal; 2007 Annual Report

The Housing Finance Agency (Agency) is seeking proposals for the creation of its *2007 Annual Report*. As the Agency's premier publication, the *Annual Report* must represent the highest standards of concept, design, layout, appearance and production.

The budget for the *2007 Annual Report* is \$75,000, an amount that may not be exceeded, that includes all research, writing, design, artwork, photography and production costs. Deadline for delivery of completed publication is 5 p.m., Friday, February 15, 2008.

Interested vendors may submit proposals along with samples of previous work and concepts for the Agency's annual report to Paula Brightbill, PHFA, 211 North Front Street, Harrisburg, PA 17101. Print specifications for an earlier report are provided as a guide for what would be expected in the 2007 document.

To assist applicants, the specifications listed may be used for proposals or applicants may submit alternative proposals of their own specifications. In any case, however, the decision reached by the Agency will be based on its own needs as it determines those needs, with no requirement that these be explained or justified to any other parties.

Proposals and supporting materials must be received at the Agency no later than 2 p.m., Friday, November 16, 2007. There will be no presentations by applicants. The Agency will make its selection and notify applicants of their proposal's status.

The Agency reserves the right to withdraw, modify or otherwise amend the request for proposal at any time. All information submitted shall be the property of the Agency.

#### Print specifications for document

Quantity:	6,000
Number of Pages:	46 text plus cover. Refer to info below for page breakdown.
Flat size:	17 × 11 plus spine for perfect bind (Spine is .172")
Folded final size:	8.5 × 11 or 11 × 8.5
Bleed:	yes
Inks/varnish:	refer to info below
Ink coverage:	heavy
Supplied to printer as:	QuarkXPress in Mac, on disk

Proof required (type):	Digital color and digital blueline proof
Press Proof:	OK on press
Stock(s):	refer to info below
Binding/Finishing:	Trim, hinge score cover, fold, collate, perfect bind
Packaging:	shrink wrap packages of 20 in conventional carton
Delivery/ship to:	PHFA, 211 North Front Street, Harrisburg, PA 17101

#### Page specifications for paper and inks

<i>Covers:</i>	
Stock:	100# Cover, McCoy Silk
Front cover:	seven-color (four-color process plus one PMS, plus one varnish, flood)
Inside front cover:	seven-color (four-color process plus one PMS, plus one varnish, flood)
Inside Back cover:	three-color (black and two PMS colors)
Back Cover:	seven-color (four-color process plus one PMS, plus one varnish, flood)
<i>Text Pages:</i>	

Page #s:	
1-26—	six-color (four-color process plus one PMS plus one varnish, spot)
80# Text, McCoy Silk	
21-46—	three-color (black and two PMS colors)
70# text, Finch Fine	

BRIAN A. HUDSON,  
*Executive Director*

[Pa.B. Doc. No. 07-1878. Filed for public inspection October 12, 2007, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### 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 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.

This schedule is tentative. Please contact the Commission at (717) 783-5417 or check our website at [www.irrc.state.pa.us](http://www.irrc.state.pa.us) for updates.

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
15-429	Department of Revenue Realty Transfer Tax Amendments	10/1/07	11/1/07

<i>Final-Omit Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
11-155	Insurance Department Objections and Procedure for Hearings on Reports of Examination	9/28/07	11/1/07
8-12	Department of General Services Death Benefits for Survivors of Emergency and Law Enforcement Personnel	10/1/07	11/1/07

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 07-1879. Filed for public inspection October 12, 2007, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Application for Approval of a Proposed Merger

Mid-America Insurance Company, a stock casualty insurance company organized under the laws of the Commonwealth, has filed an application for approval to merge with Harleysville Worcester Insurance Company, a Pennsylvania domiciled stock casualty insurance company, with Harleysville Worcester Insurance Company surviving the merger. The filing was made under the requirements set forth under the Insurance Holding Companies Act (40 P. S. §§ 991.1401—991.1413), 15 Pa.C.S. §§ 1921—1932 (relating to merger, consolidation, share exchanges and sale of assets) and the GAA Amendments Act of 1990 (15 P. S. §§ 21101—21208). Persons wishing to comment on the merger are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include name, address and telephone number of the interested party, identification of the application to which the statement is addressed and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Robert Brackbill, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557, [rbrackbill@state.pa.us](mailto:rbrackbill@state.pa.us).

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1880. Filed for public inspection October 12, 2007, 9:00 a.m.]

### Central Reserve Life Insurance Company; Application for Approval of Revised Rates for Standardized Medicare Supplement Policy Forms; Rate Filing

Central Reserve Life Insurance Company has filed for approval increased rates for its individual standardized Medicare supplement policy forms. The filing requests an aggregate rate increase of 23.7%, which varies by form as follows:

<i>Plan</i>	<i>Form Number</i>	<i>Increase %</i>
A	3MA(PA)	24%
B	3MB(PA)	24%
C	3MC(PA)	24%
D	3MD(PA)	24%
F	3MF(PA)	24%
High Deductible F	3MK(PA)	24%
G	3MG(PA)	24%
I	3MI(PA)	12%

These rate increases will affect approximately 887 insureds in this Commonwealth, and will generate approximately \$444,000 in additional premium annually. The company requests that the revised rates take effect on January 1, 2008.

Unless formal administrative action is taken prior to December 27, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's offices in Harrisburg, Philadelphia and Pittsburgh.

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

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1881. Filed for public inspection October 12, 2007, 9:00 a.m.]

### Genworth Life Insurance Company; 8% Rate Increase Filing for Several LTC Policies; Rate Filing

Genworth Life Insurance Company is requesting approval to increase the premium 8% on the following individual policy forms: the 6318 Series and 6328 Series issued from July 1982, through March 1987 and the 6395 Series issued from June 1987 through February 1989. The company is seeking to increase the premium 8% on the following group policy forms: the 6394 Series issued

from September 1986 through December 1990 and the 6465 Series issued from April 1987 through July 1989. A total of 530 Commonwealth policyholders will be affected.

Unless formal administrative action is taken prior to December 26, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's 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 or [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1882. Filed for public inspection October 12, 2007, 9:00 a.m.]

### **Genworth Life Insurance Company; 11% Rate Increase Filing for Several LTC Policies; Rate Filing**

Genworth Life Insurance Company is requesting approval to increase the premium 11% on 8,331 policyholders with the following individual policy forms: the 7030 Series issued from August 1998 through October 2001 and the 7032 Series issued from August 1998 through February 2004.

Unless formal administrative action is taken prior to December 26, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's 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 or [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1883. Filed for public inspection October 12, 2007, 9:00 a.m.]

### **Genworth Life Insurance Company; 9% Rate Increase Filing for Several LTC Policies; Rate Filing**

Genworth Life Insurance Company is requesting approval to increase the premium 9% on the following individual policy forms: the 50000 Series issued from September 1988, through July 1992, the 50003N Series issued from April 1990, through October 1991, the 50003P Series issued from March 1990, through December 1991, the 50020 and 50022 Series issued from October 1991, through April 1997 and the 7021 Series issued from August 1996, through January 1999. The company is seeking to increase the premium 9% on the following group policy forms: the 6484 Series issued from March 1989, through March 1991, the 50001 Series issued from August 1988, through December 1992 and the 50021 Series issued from July 1992, through August 1996. A total of 8,913 Pennsylvania policyholders will be affected.

Unless formal administrative action is taken prior to December 26, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's 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 or [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
*Acting Insurance Commissioner*

[Pa.B. Doc. No. 07-1884. Filed for public inspection October 12, 2007, 9:00 a.m.]

### **Genworth Life Insurance Company; 12% Rate Increase Filing for Several LTC Policies; Rate Filing**

Genworth Life Insurance Company is requesting approval to increase the premium 12% on 4,949 policyholders with the following individual policy forms: the 7000 Series and 7020 Series issued from October 1994 through June 2003.

Unless formal administrative action is taken prior to December 26, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's 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 or [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1885. Filed for public inspection October 12, 2007, 9:00 a.m.]

### Stonebridge Life Insurance Company; 25% Rate Increase Filing for Several LTC Policy Forms; Rate Filing

Stonebridge Life Insurance Company is requesting approval to increase the premium 25% on several Long-Term Care policy forms. The company is requesting a 25% increase on the following forms which were originally issued by JC Penny Insurance Company; D425, D428 and D430. A total of 365 Commonwealth policyholders will be affected by this rate adjustment.

Unless formal administrative action is taken prior to December 26, 2007, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) website at [www.ins.state.pa.us](http://www.ins.state.pa.us). Under the Quick Links section, click on the link "Rate Filings Published in the PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's 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 or [jlaverty@state.pa.us](mailto:jlaverty@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

JOEL SCOTT ARIO,  
Acting Insurance Commissioner

[Pa.B. Doc. No. 07-1886. Filed for public inspection October 12, 2007, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by November 5, 2007. Documents filed in support of the applications are available for inspection and copying at the Office of the

Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

**A-00120961, F.2. Warner's Central Garage, Inc.** (8 Hudsonale Street, Weatherly, Carbon County, PA 18255)—a corporation of the Commonwealth—persons, in paratransit service, between points in Carbon County and the portion of Luzerne County south of Interstate 80.

**A-00123650. Rizk-Co-Zann Foods Corporation, t/a International Food Mart** (112 Market Street, 7th Floor, Suite 701, Harrisburg, Dauphin County, PA 17101), a corporation of the Commonwealth—persons upon call or demand, in Dauphin County.

**A-00123650. F.2. Rizk-Co-Zann Foods Corporation, t/a International Food Mart** (112 Market Street, 7th Floor, Suite 701, Harrisburg, Dauphin County, PA 17101), a corporation of the Commonwealth—persons in airport transfer service, from points in Dauphin County to the Harrisburg International Airport.

**A-00123650, F.3. Rizk-Co-Zann Foods Corporation, t/a International Food Mart** (112 Market Street, 7th Floor, Suite 701, Harrisburg, Dauphin County, PA 17101), a corporation of the Commonwealth—persons in group and party service, in vehicles seating from 11 to 15 including the driver, from points in Dauphin County to points in Pennsylvania, and return.

**A-00124114. J. David Lapp** (392 Myer Terrace, Leola, Lancaster County, PA 17540)—persons whose personal convictions prevent them from owning or operating motor vehicles, in paratransit service, from points in Lancaster County, to points in Pennsylvania, and return.

### Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as contract carriers for the transportation of household goods as described under each application.

**A-00123819. (Corrected) Rides, Inc., t/a Rides** (2757 Germantown Avenue, Philadelphia, PA 19133)—certificate of public convenience to begin to transport, as a contract carrier for LogistiCare Solutions, LLC (A-00123240), persons in paratransit service, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

### Applications of the following for the approval of the transfer of stock as described under each application.

**A-00117376, F.5000. Stylin' Limousine, Inc.** (1938 North Center Avenue, Somerset, PA 15501)—a corporation of the Commonwealth, for the approval of the transfer of 100 shares of the issued and outstanding stock, from Daniel E. Colflesh (50 shares) and Pamela S. Colflesh (50 shares), to Anthony Shuhayda. *Attorney:* Rex W. McQuaide, 334 Bloomfield Street, Suite 101, Johnstown, PA 15904.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Hay Now Inc.; Doc. No. A-00123329C0701*

### 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 del-

egated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Hay Now Inc. (respondent) is under suspension effective April 22, 2007, for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at Hay Now Inc., 8508 Breezewood Drive, Pittsburgh, PA 15237.

3. That respondent was issued a Certificate of Public Convenience by this Commission on December 20, 2006, at Application Docket No. A-00123329.

4. That respondent has failed to maintain evidence of bodily injury and property damage liability insurance on file with this Commission.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c) and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00123329 for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the

outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty (20) days of the date of service of this Complaint. The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation  
and Safety  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Upon receipt of the evidence of insurance from your insurer, the Complaint proceeding shall be closed. *Acord Certificates of Insurance and Faxed Form Es and Hs are Unacceptable as Evidence of Insurance.*

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Hay Now Inc.; Doc. No. A-00123329C0702*

#### COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That all authority issued to Hay Now Inc. (respondent) is under suspension effective April 21, 2007 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at Hay Now Inc., 8508 Breezewood Drive, Pittsburgh, PA 15237.

3. That respondent was issued a Certificate of Public Convenience by this Commission on December 20, 2006 at Application Docket No. A-00123329.

4. That respondent has failed to maintain evidence of cargo insurance on file with this Commission.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00123329 for failure to maintain evidence of current insurance on file with the Commission, (2) orders such other remedy as the Commission may deem to be appropriate, which may include a fine and the suspension of a vehicle registration and (3) imposes an additional fine on the respondent.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

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

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services and Enforcement  
Division  
Bureau of Transportation and Safety

#### NOTICE

A. You must file an Answer within twenty (20) days of the date of service of this Complaint. The date of service is the mailing date as indicated at the top of the Secretarial cover letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense and must include the reference number of this Complaint. Your Answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

B. If you fail to answer this Complaint within twenty (20) days of the date of service, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty. Pursuant to 66 Pa.C.S. § 3301(a), the penalty could include a fine of up to \$1,000 for each violation, the revocation of your Certificate of Public Convenience, or any other remedy as may be appropriate. Each day you continue to violate any regulation, direction, requirement, determination or Order of the Commission is a separate and distinct offense, subject to additional penalties.

C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations within twenty (20) days of the date of service of this Complaint. The proof of insurance must be filed with the:

Compliance Office, Bureau of Transportation and  
Safety  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Upon receipt of the evidence of insurance from your insurer, the Complaint proceeding shall be closed. *Acord Certificates of Insurance and Faxed Form Es and Hs are Unacceptable as Evidence of Insurance.*

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-1887. Filed for public inspection October 12, 2007, 9:00 a.m.]

#### **Telecommunications**

**A-311067F7028. Hickory Telephone Company and Dobson Cellular Systems, Inc.** Joint petition of Hickory Telephone Company and Dobson Cellular Systems, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Hickory Telephone Company and Dobson Cellular Systems, Inc., by its counsel, filed on September 26, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Hickory Telephone Company and Dobson Cellular Systems, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-1888. Filed for public inspection October 12, 2007, 9:00 a.m.]

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 Pymatuning Independent Telephone Company and Dobson Cellular Systems, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-1890. Filed for public inspection October 12, 2007, 9:00 a.m.]

### Telecommunications

**A-311067F7010. Laurel Highland Telephone Company and Dobson Cellular Systems, Inc.** Joint petition of Laurel Highland Telephone Company and Dobson Cellular Systems, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Laurel Highland Telephone Company and Dobson Cellular Systems, Inc., by its counsel, filed on September 26, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Laurel Highland Telephone Company and Dobson Cellular Systems, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-1889. Filed for public inspection October 12, 2007, 9:00 a.m.]

### Telecommunications

**A-311067F7032. Pymatuning Independent Telephone Company and Dobson Cellular Systems, Inc.** Joint petition of Pymatuning Independent Telephone Company and Dobson Cellular Systems, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Pymatuning Independent Telephone Company and Dobson Cellular Systems, Inc., by its counsel, filed on September 26, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

### Telecommunications

**A-311067F7036. Yukon-Waltz Telephone Company and Dobson Cellular Systems, Inc.** Joint petition of Yukon-Waltz Telephone Company and Dobson Cellular Systems, Inc. for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Yukon-Waltz Telephone Company and Dobson Cellular Systems, Inc., by its counsel, filed on September 26, 2007, at the Pennsylvania Public Utility Commission (Commission), a joint petition for approval of an interconnection agreement under sections 251 and 252 of the Telecommunications Act of 1996.

Interested parties may file comments concerning the petition and agreement with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. Comments are due on or before 10 days after the date of publication of this notice. Copies of the Yukon-Waltz Telephone Company and Dobson Cellular Systems, Inc. joint petition are on file with the Commission and are available for public inspection.

The contact person is Cheryl Walker Davis, Director, Office of Special Assistants, (717) 787-1827.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 07-1891. Filed for public inspection October 12, 2007, 9:00 a.m.]

## STATE BOARD OF COSMETOLOGY

**Bureau of Professional and Occupational Affairs v. Kevin T. Gaskins; Doc. No. 1791-45-07**

On August 21, 2007, Kevin T. Gaskins, license no. CO234027L, of Upper Darby, Delaware County, was reinstated under the Order of the Court of Common Pleas of Philadelphia County, which the Court issued under 23 Pa.C.S. § 4355 (relating to denial or suspension of licenses). The reinstatement is retroactive to August 14, 2007.

Individuals may obtain a copy of the order by writing to Gerald S. Smith, Senior Counsel in Charge, State Board of Cosmetology, P. O. Box 2649, Harrisburg, PA 17105-2649.

SUSAN E. RINEER,  
*Chairperson*

[Pa.B. Doc. No. 07-1892. Filed for public inspection October 12, 2007, 9:00 a.m.]

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**STATE BOARD OF VEHICLE  
MANUFACTURERS,  
DEALERS AND  
SALESPERSONS**

**Bureau of Professional and Occupational Affairs v.  
Mark J. Engel; Doc. No. 0039-60-05**

On July 10, 2007, Mark J. Engel, of McKeesport, Allegheny County, was suspended, with said suspension

stayed in favor of probation and ordered to pay a civil penalty of \$1,000, based upon his multiple criminal convictions for felony crimes of moral turpitude.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Vehicle Manufacturers, Dealers and Salespersons, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Vehicle Manufacturers, Dealers and Salespersons (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.

GARY M. BARBERA,  
*Chairperson*

[Pa.B. Doc. No. 07-1893. Filed for public inspection October 12, 2007, 9:00 a.m.]

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