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Volume 39 (2009)

Pennsylvania Bulletin  
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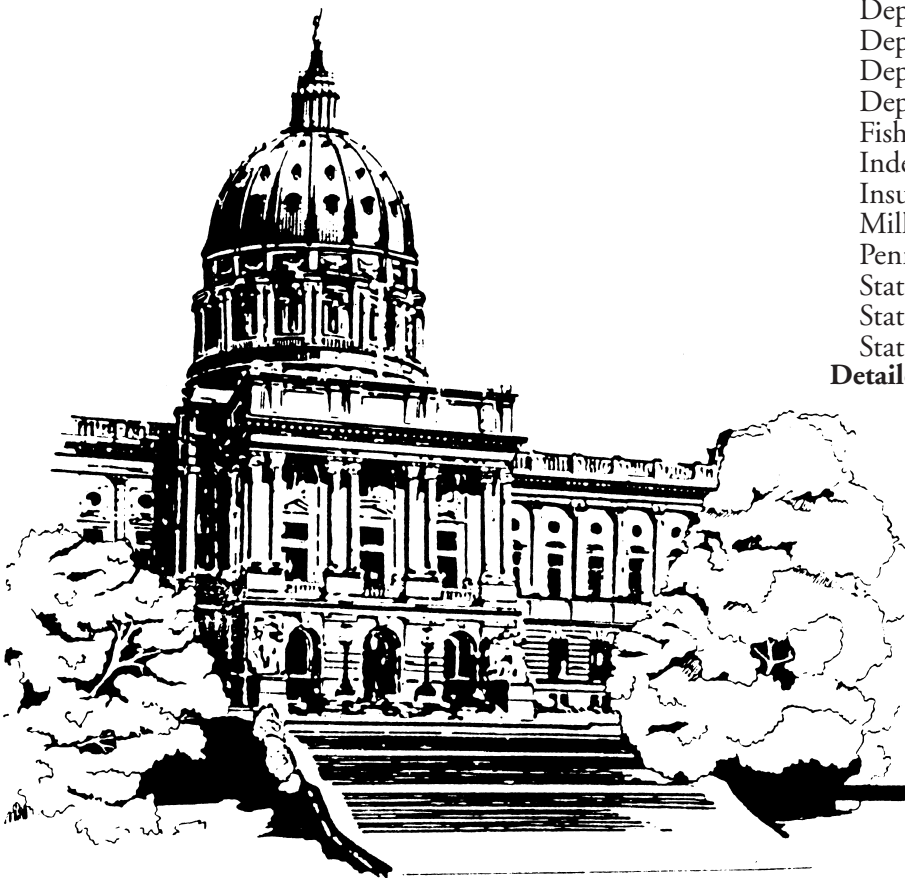
# PENNSYLVANIA BULLETIN

Volume 39  
Saturday, November 7, 2009 • Harrisburg, PA  
Number 45  
Pages 6417—6532

## Agencies in this issue

The Courts  
Department of Banking  
Department of Community and Economic  
Development  
Department of Conservation and Natural  
Resources  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Revenue  
Department of State  
Fish and Boat Commission  
Independent Regulatory Review Commission  
Insurance Department  
Milk Marketing Board  
Pennsylvania Public Utility Commission  
State Conservation Commission  
State Police  
State Real Estate Commission

Detailed list of contents appears inside.



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**Latest Pennsylvania Code Reporters  
(Master Transmittal Sheets):**

**No. 418A, effective retroactively  
to September 26, 2009**

**No. 420, November 2009**

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**BULLETIN**

(ISSN 0162-2137)

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

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# CONTENTS

## THE COURTS

<b>DISCIPLINARY BOARD OF THE SUPREME COURT</b>	
Notice of suspension .....	6428
<b>LOCAL COURT RULES</b>	
<b>Bucks County</b>	
Bucks County Regional Central Booking Program; administrative order no. 56.....	6427
<b>Montgomery County</b>	
Administrative order; clerk of courts fee bill; no. AD 301-2009 .....	6427
<b>MINOR COURT CIVIL RULES</b>	
Order amending rule 206 of the rules of conduct, office standards and civil procedure for magisterial district judges; no. 262; magisterial rules.....	6426
<b>RULES OF CIVIL PROCEDURE</b>	
Order amending rule 240 of the rules of civil procedure; civil procedural rules; no. 515.....	6426

## EXECUTIVE AGENCIES

<b>DEPARTMENT OF BANKING</b>	
<b>Notices</b>	
Actions on applications .....	6473
Regarding adjustment to definition of "base figure" in the Loan Interest and Protection Law .....	6474
<b>DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT</b>	
<b>Notices</b>	
Consolidated Plan Public meeting notice and Re- gional Housing Advisory Committee meetings (correction).....	6474
<b>DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES</b>	
<b>Notices</b>	
Proposed exchange of lands.....	6475
<b>DEPARTMENT OF ENVIRONMENTAL PROTECTION</b>	
<b>Proposed Rulemaking</b>	
Beneficial use of coal ash.....	6429
Hazardous waste management system; proposed exclusion for identification and listing of hazard- ous waste .....	6453
Paper, film and foil surface coating processes .....	6460
Wastewater treatment requirements .....	6467
<b>Notices</b>	
Applications, actions and special notices.....	6475
Availability of technical guidance .....	6520
Bid opportunity.....	6521
Proposed permit located in an environmental justice area: general permit number WMGR097R011 for research and development activities.....	6521
Recycling Fund Advisory Committee and Solid Waste Advisory Committee; rescheduling meeting.	6522
Sewage Advisory Committee meeting; cancellation notice .....	6522

## DEPARTMENT OF GENERAL SERVICES

<b>Notices</b>	
Real estate for sale .....	6522

## DEPARTMENT OF HEALTH

<b>Notices</b>	
Long-term care nursing facilities; requests for exception.....	6522
Pennsylvania Colorectal Cancer Advisory Commit- tee meeting.....	6522

## DEPARTMENT OF REVENUE

<b>Notices</b>	
Pennsylvania Millionaire Raffle IX.....	6523

## DEPARTMENT OF STATE

<b>Notices</b>	
Corporation Bureau Advisory Committee meeting...	6524

## FISH AND BOAT COMMISSION

<b>Notices</b>	
Temporary changes to fishing regulations; miscella- neous special regulations regarding Lake Erie tributaries.....	6524

## INDEPENDENT REGULATORY REVIEW COMMISSION

<b>Notices</b>	
Action taken by the Commission.....	6524
Notice of filing of final rulemaking.....	6525

## INSURANCE DEPARTMENT

<b>Notices</b>	
Review procedure hearings; cancellation or refusal or insurance.....	6526
Review procedure hearings under the Unfair Insur- ance Practices Act .....	6526

## MILK MARKETING BOARD

<b>Notices</b>	
Hearing and presubmission schedule for all Milk Marketing Areas; over-order premium.....	6527

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

<b>Notices</b>	
Service of notice of motor carrier applications.....	6527
Telecommunications (4 documents).....	6529, 6530
Telecommunications services.....	6530
Water service.....	6531

## STATE CONSERVATION COMMISSION

<b>Notices</b>	
Action on Odor Management Plans for concentrated animal operations, and concentrated animal feed- ing operations and volunteers complying with Pennsylvania's Facility Odor Management Program .....	6531

## STATE POLICE

<b>Notices</b>	
Mobile video recording system equipment standards and approved mobile video recording systems.....	6532

## STATE REAL ESTATE COMMISSION

<b>Notices</b>	
Professional and Occupational Affairs v. Realty Management Services, Inc.; file no. 09-56-08168 ..	6532

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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 2009.

### 4 Pa. Code (Administration)

#### Adopted Rules

6	406
191	2947
250	5292

#### Statements of Policy

1	4760
9	427, 1008, 1212, 1970, 2116, 3327, 3471, 4903, 5164, 5923

### 7 Pa. Code (Agriculture)

#### Adopted Rules

111	2573
113	2584
115	2577
130f	1859
143	308

#### Proposed Rules

28	5315, 5564, 5915
28a	5315, 5564, 5915
59	4677, 5131
59a	4677, 5131
128	5564

#### Statements of Policy

28	310
----	-----

### 10 Pa. Code (Law)

#### Proposed Rules

44	2805, 2951, 5423
----	------------------

#### Statements of Policy

48	3172
----	------

### 12 Pa. Code (Commerce Trade and Local Government)

#### Proposed Rules

145	4423, 5915
-----	------------

#### Statements of Policy

31	1306
----	------

### 22 Pa. Code (Education)

#### Adopted Rules

14	17, 4750
711	4752

### 25 Pa. Code (Environmental Protection)

#### Adopted Rules

78	1982, 6232
85	5415
93	2523, 2949
109	2334, 2661, 5119, 5739
218	1201
260a	201
261a	201
262a	201
263a	201
264a	201
265a	201
266a	201
266b	201
267a	201

269a	201
270a	201
806	19, 5909
808	5909
1021	6035

#### Proposed Rules

78	838
93	3043
95	6467
109	5581, 5739
121	1636, 5318, 5423, 6049, 6061, 6068, 6460
123	6068
127	6049
129	1636, 5318, 5423, 6061, 6460
130	1636
139	6049
215	5423
252	3050
261a	6453
287	6429
290	6429
301	3591
302	3591, 5015
303	3591
305	3591
806	3467
808	3467
901	4892

#### Statements of Policy

16	2543, 2594
----	------------

### 28 Pa. Code (Health and Safety)

#### Adopted Rules

1101	5292
1103	5292
1105	5292
1107	5292
1113	5292

### 31 Pa. Code (Insurance)

#### Adopted Rules

89	2086
139	996
146d	5554
147	5730, 5913

#### Proposed Rules

147	841
-----	-----

### 34 Pa. Code (Labor and Industry)

#### Adopted Rules

111	6038, 6236
131	6038, 6236

#### Proposed Rules

13	4340, 5015
125	2331

### 37 Pa. Code (Law)

#### Adopted Rules

79	2780
221	5303

**Proposed Rules**  
411 ..... 2591

**Statements of Policy**  
96 ..... 1674  
96a ..... 3067

**40 Pa. Code (Liquor)**  
**Adopted Rules**  
13 ..... 682

**49 Pa. Code (Professional and Vocational Standards)**  
**Adopted Rules**  
7 ..... 219  
13 (correction) ..... 414, 523  
16 ..... 1625  
18 ..... 1625  
21 ..... 2103  
25 ..... 4754  
27 ..... 5309, 5312  
31 ..... 1985  
47 ..... 417

**Proposed Rules**  
5 ..... 1004  
11 ..... 2208  
13 ..... 2210  
31 ..... 5436, 5438  
33 ..... 5595, 5597, 5916  
36 ..... 5423  
37 ..... 2218  
39 ..... 1005  
40 ..... 5435  
41 ..... 2211  
43b ..... 2205, 2206, 2345

**51 Pa. Code (Public Officers)**  
**Adopted Rules**  
31 ..... 2204  
33 ..... 2204  
35 ..... 2204  
37 ..... 2204  
39 ..... 2204  
41 ..... 2204  
43 ..... 2204  
45 ..... 2204  
51 ..... 1939  
53 ..... 1939  
55 ..... 1939  
57 ..... 1939  
59 ..... 1939  
61 ..... 1939  
63 ..... 1939  
65 ..... 1939  
67 ..... 1939  
69 ..... 1939

**Proposed Rules**  
53 ..... 6049

**52 Pa. Code (Public Utilities)**  
**Adopted Rules**  
21 ..... 6236  
54 ..... 2707

**Proposed Rules**  
56 ..... 925  
62 ..... 1657, 1870, 3461

**Statements of Policy**  
69 ..... 1676, 3471, 6341

**55 Pa. Code (Public Welfare)**  
**Adopted Rules**  
283 ..... 6336  
285 ..... 6336  
1251 ..... 6336

**Proposed Rules**  
501 ..... 1114  
1187 ..... 4428  
1189 ..... 4428

**Statements of Policy**  
1223 ..... 1991  
2600 ..... 26, 2346  
3270 ..... 1011, 2347  
3280 ..... 1011, 2347  
3290 ..... 1011, 2347  
6000 ..... 3174  
6200 ..... 2714

**58 Pa. Code (Recreation)**  
**Adopted Rules**  
29 ..... 523  
51 ..... 1860  
53 ..... 1860, 5736  
56 ..... 1860  
61 ..... 1201  
63 ..... 1860  
65 ..... 1860  
69 ..... 1859, 1860  
75 ..... 1202, 1860, 3442  
91 ..... 5736  
97 ..... 5736  
101 ..... 1860, 5736  
105 ..... 5736  
109 ..... 5736  
111 ..... 5736  
113 ..... 1860  
131 ..... 2791  
135 ..... 5119, 5120, 5121  
139 ..... 2792  
141 ..... 1110, 2798, 2800, 2801, 5122  
143 ..... 1388, 1990, 2802  
147 ..... 1205, 1388, 2802, 5122, 5123  
401 ..... 2113  
401a ..... 235, 2588, 3446  
403a ..... 3446, 5125  
405a ..... 3446  
431a ..... 2588  
435a ..... 2588, 5125  
437a ..... 2588, 4891, 5559  
439a ..... 1868, 2113, 5562  
441a ..... 3451, 5125  
443a ..... 21  
451a ..... 2588  
461a ..... 4338, 4422, 5125, 5562  
463a ..... 4338, 4422, 5562  
465a ..... 1868, 2113, 2588, 5125, 5562  
491a ..... 3446  
493a ..... 3446  
494a ..... 3446  
495a ..... 3446  
497a ..... 3446  
499a ..... 3446, 5562  
511a ..... 3446

**Proposed Rules**  
53 ..... 1870  
61 ..... 3455  
73 ..... 3458



91 ..... 1870  
 97 ..... 1870  
 101 ..... 1870  
 105 ..... 1870  
 109 ..... 1870  
 111 ..... 1870, 5916  
 131 ..... 1531  
 135 ..... 2811, 2812, 2951  
 139 ..... 1532, 5016  
 141 ..... 1391, 1392, 1393, 1668, 2809, 5016, 5153  
 143 ..... 1529, 5152  
 147 ..... 1529, 2809, 2813, 5153, 5163  
 401a ..... 2113, 3459  
 403a ..... 418  
 435a ..... 418, 3459, 4894, 5018, 6073  
 437a ..... 1003, 4894  
 439a ..... 1662, 2113  
 441a ..... 418, 3459  
 461a ..... 418, 423, 1662, 5018, 6073  
 463a ..... 423, 1662, 5018  
 465a ..... 418, 1662, 2113, 5018, 5022, 6073  
 467a ..... 6073  
 499a ..... 1662  
 501a ..... 5018, 6073

**Statements of Policy**

461b ..... 685

**61 Pa. Code (Revenue)**

**Proposed Rules**

53 ..... 1209  
 151 ..... 1207  
 153 ..... 1207

**67 Pa. Code (Transportation)**

**Proposed Rules**

171 ..... 5016  
 229 ..... 997  
 231 ..... 999  
 233 ..... 4435  
 427 ..... 4104

**70 Pa. Code (Weights, Measures and Standards)**

**Proposed Rules**

110 ..... 5921

**101 Pa. Code (General Assembly)**

**Statements of Policy**

1 ..... 5321

**201 Pa. Code (Judicial Administration)**

**Adopted Rules**

19 ..... 5722

**Proposed Rules**

40 ..... 1293  
 50 ..... 1293

**204 Pa. Code (Judicial System General Provisions)**

**Adopted Rules**

29 ..... 5542  
 71 ..... 2433  
 81 ..... 1980, 3431  
 82 ..... 5412  
 83 ..... 1846, 1980, 2193, 2318, 4737, 4887  
 85 ..... 4725  
 87 ..... 2687  
 89 ..... 4725  
 91 ..... 2687, 4725  
 93 ..... 2687, 4725  
 211 ..... 5543

**207 Pa. Code (Judicial Conduct)**

**Adopted Rules**

5 ..... 4419, 5412, 5543  
 51 ..... 675

**210 Pa. Code (Appellate Procedure)**

**Adopted Rules**

1 ..... 508, 1094  
 3 ..... 6324  
 9 ..... 508, 1094  
 11 ..... 508, 1094  
 19 ..... 508, 1094  
 21 ..... 508, 1094  
 25 ..... 508, 1094  
 37 ..... 508, 1094  
 65 ..... 1615

**Proposed Rules**

9 ..... 2693  
 15 ..... 2691  
 17 ..... 2691

**225 Pa. Code (Rules of Evidence)**

**Adopted Rules**

ART. I ..... 410

**Proposed Rules**

ART. VI ..... 5722

**231 Pa. Code (Rules of Civil Procedure)**

**Adopted Rules**

200 ..... 304, 4738, 6426  
 1000 ..... 676  
 2950 ..... 304

**Proposed Rules**

200 ..... 4739  
 1000 ..... 4740, 5412  
 1900 ..... 6325  
 3000 ..... 1849  
 4000 ..... 4742

**234 Pa. Code (Rules of Criminal Procedure)**

**Adopted Rules**

1 ..... 829, 1106, 2434, 2567  
 4 ..... 8, 6327  
 6 ..... 6331  
 10 ..... 2568, 6327

**Proposed Rules**

1 ..... 5892  
 4 ..... 983, 2318, 2435, 4332  
 5 ..... 991, 5892  
 6 ..... 2324  
 7 ..... 983, 4332  
 9 ..... 2694  
 10 ..... 2435  
 11 ..... 5892

**237 Pa. Code (Juvenile Rules)**

**Adopted Rules**

1 ..... 4743, 5544, 6029  
 2 ..... 676  
 3 ..... 676, 4743, 6029  
 5 ..... 4743  
 8 ..... 1614  
 11 ..... 1614, 5544  
 13 ..... 1614  
 16 ..... 4887, 5546  
 18 ..... 1614, 5546

**Proposed Rules**

1 ..... 6019  
 2 ..... 6019  
 3 ..... 3319  
 4 ..... 1850  
 5 ..... 6019  
 6 ..... 6019  
 8 ..... 3319  
 11 ..... 6019  
 12 ..... 6019  
 15 ..... 6019  
 16 (correction) ..... 9, 1854, 1981, 6019

**246 Pa. Code (Minor Court Civil Rules)**

**Adopted Rules**

200 ..... 6426

**Proposed Rules**

100 ..... 1856

**249 Pa. Code (Philadelphia Rules)**

Unclassified 189, 192, 830, 1199, 2327, 2571, 2929, 5115, 6222

**252 Pa. Code (Allegheny County Rules)**

Unclassified ..... 994

**255 Pa. Code (Local Court Rules)**

Unclassified . . . 10, 16, 306, 306, 513, 514, 517, 520, 679, 680, 832, 833, 835, 994, 995, 1107, 1199, 1200, 1386, 1478, 1522, 1523, 1524, 1525, 1526, 1527, 1621, 1857, 1981, 2084, 2200, 2201, 2438, 2439, 2571, 2696, 2699, 2703, 2705, 2929, 2946, 3040, 3041, 3165, 3321, 4096, 4102, 4337, 4419, 4420, 4749, 4889, 5115, 5231, 5548, 5552, 5553, 5723, 5728, 5898, 5908, 6033, 6229, 6230, 6334, 6427

# THE COURTS

## Title 231—RULES OF CIVIL PROCEDURE

### PART I. GENERAL

[ 231 PA. CODE CH. 200 ]

#### Order Amending Rule 240 of the Rules of Civil Procedure; Civil Procedural Rules; No. 515

##### Order

*Per Curiam:*

And Now, this 22nd day of October, 2009, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

It is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 240 of the Pennsylvania Rules of Civil Procedure is amended as follows.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective immediately.

##### Annex A

#### TITLE 231. RULES OF CIVIL PROCEDURE

### PART I. GENERAL

#### CHAPTER 200. BUSINESS OF COURTS

#### Rule 240. In Forma Pauperis.

\* \* \* \* \*

(h) The affidavit in support of a petition for leave to proceed in forma pauperis shall be substantially in the following form:

(Caption)

\* \* \* \* \*

3. I represent that the information below relating to my ability to pay the fees and costs is true and correct:

(a) Name: \_\_\_\_\_  
Address: \_\_\_\_\_

[ Social Security Number: \_\_\_\_\_ ]

\* \* \* \* \*

(c) Other income within the past twelve months

Business or profession: \_\_\_\_\_

Other self-employment: \_\_\_\_\_

Interest: \_\_\_\_\_

Dividends: \_\_\_\_\_

Pension and annuities: \_\_\_\_\_

Social security benefits: \_\_\_\_\_

Support payments: \_\_\_\_\_

Disability payments: \_\_\_\_\_

Unemployment compensation and supplemental benefits: \_\_\_\_\_

[ Workman's ] Workers' compensation: \_\_\_\_\_

Public assistance: \_\_\_\_\_

Other: \_\_\_\_\_

\* \* \* \* \*

(e) Property owned

Cash: \_\_\_\_\_

Checking account: \_\_\_\_\_

Savings account: \_\_\_\_\_

Certificates of deposit: \_\_\_\_\_

Real estate (including home): \_\_\_\_\_

Motor vehicle: Make \_\_\_\_\_, Year \_\_\_\_\_,

Cost \_\_\_\_\_, Amount Owed \$ \_\_\_\_\_

Stocks [ ; ] and bonds: \_\_\_\_\_

Other: \_\_\_\_\_

\* \* \* \* \*

#### Explanatory Comment

There has been an increase in the concern about the use of social security numbers in court paper records. Consequently, the Supreme Court of Pennsylvania has amended Rule 240(h) governing the form for the petition to proceed *in forma pauperis* by deleting the requirement for a petitioner to supply his or her social security number.

[Pa.B. Doc. No. 09-2057. Filed for public inspection November 6, 2009, 9:00 a.m.]

## Title 246—MINOR COURT CIVIL RULES

### PART I GENERAL

[ 246 PA. CODE CH. 200 ]

#### Order Amending Rule 206 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges; No. 262; Magisterial Rules

##### Order

*Per Curiam:*

And Now, this 22nd day of October, 2009, upon the recommendation of the Minor Court Rules Committee; the proposal having been submitted without publication pursuant to Pa.R.J.A. No. 103(a)(3):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 206 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges is amended as follows.

This Order shall be processed in accordance with Pa.R.J.A. No. 103(a)(3), and shall be effective immediately.

**Annex A**

**TITLE 246. MINOR COURT CIVIL RULES  
CHAPTER 200. RULES OF CONSTRUCTION;  
GENERAL PROVISIONS**

**Rule 206. Costs; Proceedings In Forma Pauperis.**

\* \* \* \* \*

**E. Proceedings in Forma Pauperis**

\* \* \* \* \*

(vi) The petition for leave to proceed in forma pauperis and affidavit shall be substantially in the following form:

[Caption]

Petition

\* \* \* \* \*

3. I represent that the information below relating to my ability to pay the costs is true and correct:

(a)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

[ Social Security No. \_\_\_\_\_ ]

\* \* \* \* \*

**FINAL REPORT**

*Amendment to Rule 206 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges*

**REMOVAL OF SOCIAL SECURITY NUMBER IN IFP PETITION**

On October 22, 2009, effective immediately, upon recommendation of the Minor Court Rules Committee,<sup>1</sup> the Supreme Court of Pennsylvania approved an amendment to Rule 206 of the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges.

**I. Background and Discussion**

In the spring of 2007, the Court Administrator of Pennsylvania convened a working group to formulate a Statewide public access policy for official case records of the magisterial district courts. The working group was asked to specifically address release of sensitive information, such as social security numbers (“SSNs”). Staff Counsel for the Minor Court Rules Committee (“Committee”) was a member of the working group.

The working group concluded that SSNs should not be included on forms filed with magisterial district courts if that information is unnecessary for the court’s adjudication of the case or collection of the information is not otherwise required by law. In light of that conclusion, the working group asked Staff Counsel if the Committee would consider removing the SSN requirement from the *in forma pauperis* (“IFP”) petition described in Rule 206E(vi).

The Committee members discussed the working group’s request and agreed that the Rules of Conduct, Office Standards and Civil Procedure for Magisterial District Judges should be consistent with any procedures adopted by the Court governing access to information in the official case records of the magisterial district courts. In addition, the Committee unanimously concurred that there was no judicial rationale for requesting SSNs.

<sup>1</sup> Minor Court Rules Committee Recommendation 1-2009.

Therefore, the Committee recommended removal of the SSN requirement from the IFP petition.

**II. Approved Rule Changes**

Accordingly, the Committee proposed the deletion of the line in the IFP petition that requires entry of a petitioner’s SSN.

The Committee believes this amendment to be of a perfunctory nature. Therefore, the Committee respectfully recommended that the Court adopt this recommendation in accordance with Pa.R.J.A. No. 103(a)(3), without prior publication for public comment.

[Pa.B. Doc. No. 09-2058. Filed for public inspection November 6, 2009, 9:00 a.m.]

**Title 255—LOCAL  
COURT RULES**

**BUCKS COUNTY**

**Bucks County Regional Central Booking Program;  
Administrative Order No. 56**

*And Now*, this 26th day of October 2009, it is hereby ordered and directed that all defendants convicted of any misdemeanor or felony criminal offense or anyone accepted into Accelerated Rehabilitative Disposition in such matters, shall be assessed an additional fee of \$150.00 to offset costs of Central and/or Regional Booking Centers located throughout Bucks County. Said fees shall be assessed as court costs. This fee is in addition to all other authorized fines, costs and supervision fees legally assessed.

Fees so collected shall be paid into the General Fund of Bucks County. Each year, the Controller’s Office shall proportionately disburse these funds to the participating jurisdictions in accordance with the Regional Booking Center Plan developed by those jurisdictions and approved by the Court.

This Order shall become effective January 1, 2010.

*By the Court*

SUSAN D. SCOTT,  
*President Judge*

[Pa.B. Doc. No. 09-2059. Filed for public inspection November 6, 2009, 9:00 a.m.]

**MONTGOMERY COUNTY**

**Administrative Order; Clerk of Courts Fee Bill; No.  
AD 301-2009**

**Order**

*And Now*, this 19th day of October, 2009, the Court approves the attached Clerk of Courts Fee Schedule to be effective January 1, 2010.

*By the Court*

RICHARD J. HODGSON,  
*President Judge*

## Montgomery County Clerk of Courts

## Fee Schedule

Effective 01/01/2010

<i>Description</i>	<i>Fee</i>
Clerk of Courts Fee Prior to Trial	\$255.25
Clerk of Courts Processing Fee—Summary	\$27.50
Clerk of Courts Fee During and After Trial	\$306.00
Appeal to Superior Court (Clerk of Courts Fee)	\$66.50
Appeal to Superior Court (Superior Court Fee)	\$60.00
Constable Appointment Petitions	\$25.25
Expungements	\$25.25
Pre-Trial Motions and Miscellaneous Filings	\$25.25
Private Detective License (New Application)	\$25.25
Private Detective License (Renewal Application)	\$25.25
New Private Detective License (Person)	\$220.00
New Private Detective License (Corporation)	\$330.25
Renewal Private Detective License (Person)	\$550.50
Renewal Private Detective License (Corporation)	\$825.75
Return of Property Filings	\$25.25
Summary Appeals	\$55.50
Nunc Pro Tunc	\$25.25
Summary Appeals Granted through Nunc Pro Tunc	\$50.50
Tax Collector Bonds	\$25.25
Finger Print Cards (Per Card)	\$13.75
Subpoenas	\$3.25
Bail Bond Filing Fees (Applicable to Bonding Companies Only)	\$25.25
Bail Pieces	\$20.25
Property Bail	\$25.25
Certified Copies	\$9.25

<i>Description</i>	<i>Fee</i>
Checks returned due to Insufficient Funds	\$33.00
Copies (Per Sheet)	\$1.00
Copies from Micro Fiche (Per Sheet)	\$2.00
Criminal Record Searches (Computer search back to 1984)	\$20.25
Criminal Record Searches (Computer and Micro Fiche search)	\$20.25

\* Please note that the Automation is NOT to be collected on Summary Appeals Granted through Nunc Pro Tunc

[Pa.B. Doc. No. 09-2060. Filed for public inspection November 6, 2009, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Suspension

Notice is hereby given that Daniel Louis Inserra having been suspended from the practice of law in the State of Arizona for a period of 1 year by Judgment and Order of the Supreme Court of Arizona dated January 7, 2009; the Supreme Court of Pennsylvania issued an Order dated October 26, 2009, suspending Daniel Louis Inserra from the practice of law in this Commonwealth for a period of 1 year. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,

*Secretary*

*The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 09-2061. Filed for public inspection November 6, 2009, 9:00 a.m.]

# PROPOSED RULEMAKING

## ENVIRONMENTAL QUALITY BOARD

[ 25 PA. CODE CHS. 287 AND 290 ]

### Beneficial Use of Coal Ash

The Environmental Quality Board (Board) proposes to amend Article IX (relating to residual waste management) by adding Chapter 290 (relating to beneficial use of coal ash) to read as set forth in Annex A.

The proposed rulemaking consists of amendments to Chapter 287 (relating to residual waste management—general provisions) and the addition of Chapter 290. New Chapter 290 contains the standards, procedures and requirements that apply to the beneficial use of coal ash, which are further modified by four defined terms in § 287.1 (relating to definitions). Proposed Chapter 290 includes regulations that currently exist in Subchapter H (relating to beneficial use), §§ 287.661—287.666 (relating to beneficial use of coal ash), along with recent additions. Proposed Chapter 290 adopts recommendations from the National Academy of Sciences' 2006 report, *Managing Coal Combustion Residues in Mines* and the Department of Environmental Protection's (Department) amended policies, "Certification Guidelines for the Chemical and Physical Properties of Coal Ash Beneficially Used at Mines," Document Number 563-2112-224 and "Mine Site Approval for the Beneficial Use of Coal Ash," Document Number 563-2112-225. Incorporating appropriate recommendations and policy provisions into regulations clarifies for the Department, regulated community and public, the procedures and standards that apply to coal ash and will be enforced by the Department.

This proposal was adopted by the Board at its meeting on July 21, 2009.

#### A. Effective Date

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

#### B. Contact Persons

For further information, contact Stephen Socash, Chief, Division of Municipal and Residual Waste, P. O. Box 8472, Rachel Carson State Office Building, Harrisburg, PA 17105-8472, (717) 787-7381, or Susan Seighman, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposal appears in Section J of this preamble. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (select Public Participation).

#### C. Statutory Authority

This proposed rulemaking is being made under the authority of the following:

The Solid Waste Management Act (SWMA) (35 P. S. §§ 6018.101—6018.1003), which in section 105(a) (35 P. S. § 6018.105(a)) grants the Board the power and duty to adopt the rules and regulations of the Department to accomplish the purposes and carry out the provisions of

the SWMA. Sections 102(4) and 104(6) of SWMA (35 P. S. §§ 6018.102 and 104), which provide the Department with the power and duty to regulate the storage, collection, transportation, processing, treatment and disposal of solid waste to protect the public health, safety and welfare. Section 508 of SWMA (35 P. S. § 6018.508), which provides the Department with the authority to regulate the beneficial use of coal ash, including establishing siting criteria and design and operating standards governing the storage of coal ash prior to beneficial use and the use and certification of coal ash as structural fill, soil substitutes and soil additives.

The Clean Streams Law (CSL) (52 P. S. § 691.1—691.1001), which in section 5 (35 P. S. § 691.5(b)) grants the Department the authority to formulate, adopt, promulgate and repeal the rules and regulations that are necessary to implement the provisions of the CSL. Section 402 of the CSL (35 P. S. § 691.402), which grants the Department the authority to adopt rules and regulations that require permits or conditions under which an activity shall be conducted when an activity creates a danger of pollution to waters of the Commonwealth or regulation of an activity is necessary to avoid pollution.

Section 4.2(a) of the Surface Mining Conservation and Reclamation Act (SMCRA), (52 P. S. § 1396.4b(a)), which authorizes the Board to adopt regulations the Department deems necessary to fulfill the purposes and provisions of SMCRA. Section 4(a) of SMCRA (52 P. S. § 1396.4(a)), which authorizes the Department to charge and collect a reasonable filing fee from persons submitting applications for a surface mining permit to cover the costs of reviewing and administering such permits. Section 3.2 of the Coal Refuse Disposal Control Act (52 P. S. § 30.53b) (CRDA), which grants the Board the power and duty to adopt regulations to accomplish the purposes of the CRDA.

The Administrative Code of 1929 (Code) (71 P. S. §§ 510-1—510-27), which in section 1917-A (71 P. S. § 510-17) authorizes and requires the Department to protect the people of this Commonwealth from unsanitary conditions and other nuisances, including any condition that is declared to be a nuisance by any law administered by the Department. Section 1920-A of the Code (71 P. S. § 510-20), which grants the Board the power and duty to formulate, adopt and promulgate rules and regulations as may be determined by the Board for the proper performance of the work of the Department.

#### D. Background and Purpose

This proposed rulemaking incorporates the key provisions of the Department's policies and procedures on the beneficial use of coal ash into the Department's regulations. The key provisions address the general and specific operating requirements for beneficial use, which include certification guidelines for the chemical and physical properties of coal ash beneficially used at active and abandoned mine sites. These provisions also relate to water quality monitoring and the storage of coal ash in piles and surface impoundments. This proposed rulemaking also adopts recommendations by the National Academy of Sciences in their 2006 report, *Managing Coal Combustion Residues in Mines*.

This Commonwealth has hundreds of thousands of acres of mine lands that need to be reclaimed. These lands contain many dangerous pits and highwalls that have

caused the deaths of numerous citizens over the years. The use of coal ash to reclaim these mines eliminates the dangers associated with the open pits and highwalls and restores a safe environment. Reclamation also restores positive drainage to watersheds by allowing rain water to flow on the surface to streams, rather than infiltrating into deep mines into which it discharges as acid mine drainage. Reclamation of these lands cannot be accomplished fully through Federal and State funds. Therefore, a program that allows for the beneficial use of coal ash for mine reclamation in an environmentally responsible manner can aid in closing the gap between available and necessary resources.

The Department has been involved successfully with mine reclamation using coal ash for approximately 25 years. Information on several mine reclamation projects is contained in the 2006 report on the collaboration between the Department and the Materials Research Institute at the Pennsylvania State University, entitled *Coal Ash Beneficial Use in Mine Reclamation and Drainage Remediation in Pennsylvania*.

In addition to unreclaimed mines, more than 2 billion tons of waste coal piles are scattered across the Anthracite and Bituminous Coal Regions of this Commonwealth. These piles can cause several different types and degrees of adverse impacts on the environment. Waste coal piles produce some of the most significant mine drainage in the State, often having a pH less than 3.0 and acidity in the hundreds to thousands of milligrams per liter and are also a troublesome source of sediment that has impacted hundreds of miles of stream. Stormwater runoff from waste coal piles also carries large loads of metals including iron, manganese, zinc, nickel, arsenic and cadmium. Finally, waste coal piles can catch fire and produce noxious fumes.

The use of waste coal to fuel power plants has assisted in the elimination of these waste coal piles and remedied the potentially harmful conditions resulting from the continued existence of the piles. To date, 145 million tons of waste coal has been used to fuel power plants. Annually 10% of this Commonwealth's power is produced from power plants burning waste coal. The ash that is generated from the waste coal has been used to reclaim thousands of acres of abandoned mines. ARIPPA places a value of \$90 million on the reclamation that has been achieved at abandoned mine sites by the coal and power industries through the burning of waste coal and subsequent reclamation with the coal ash that was generated. Additionally, the Department has observed numerous instances where removal of the piles and reclamation has significantly reduced pollutant loads for metals, such as arsenic, zinc, nickel, iron and manganese.

Prior to this proposed rulemaking, the beneficial use of coal ash, including abandoned and active mine reclamation, was managed through existing residual waste regulations and Department technical guidance. In 2008, the Department proposed amendments to the technical guidance documents "Mine Site Approval for the Beneficial Use of Coal Ash," Document Number 563-2112-225 and "Certification Guidelines for the Chemical and Physical Properties of Coal Ash Beneficially Used at Mines," Document Number 563-2112-224. The most frequent comment received during the public comment period on these amendments was that the content of the technical guidance should be placed in regulations rather than Department technical guidance. The Board agrees with the commentators and has included the key provisions of the technical guidance in this proposed rulemaking and fur-

ther enhanced the existing residual waste regulations related to the beneficial use of coal ash.

This proposed rulemaking includes operating requirements for the beneficial use of coal ash in a general nature and more specifically for use: as structural fill; a soil substitute or soil additive; at active and nonactive coal mine sites; and other beneficial uses, including the manufacture of concrete, extraction or recovery of materials within the coal ash, stabilized product, antiskid material, raw material for a commercial product, drainage material or pipe bedding, and mine subsidence control, mine fire control and mine sealing. The general requirements incorporate the chemical and physical characteristics of the certification process. A chemical analysis must demonstrate that the coal ash does not exceed any of the maximum acceptable leachate levels established under that process. Similarly, the physical characteristics must be met for the intended use. These requirements also provide that a water quality monitoring plan must be developed when more than 10,000 tons of coal ash per acre is to be used on a project or more than 100,000 tons in total on a project.

The specific sections include notification and other operating requirements. At least 60 days prior to beneficial use, the Department must be notified by the person proposing the beneficial use. The Department publishes a summary of each notice in the *Pennsylvania Bulletin*. Public notice by the person proposing to beneficially use coal ash as structural fill, at a coal mine activity site and at an abandoned mine are included in this proposed rulemaking. Public notice will be accomplished through a series of newspaper advertisements and applies to structural fill and abandoned mine requests above the identified threshold amounts. Public notice at coal mining activity sites is a current requirement under the mining regulations. The Board believes public notification to be an integral part of implementing this program.

The notification process to the Department requires that construction plans be submitted, along with a stability analysis if necessary, as prepared by a professional engineer. Engineering requirements related to lift and compaction rates have been added for mine reclamation and structural fill. The engineering requirements were carried over from the technical guidance documents to ensure that the coal ash will form a stable structure. Insufficient structural stability of coal ash placed more than 50 years ago led to a landslide in Forward Township in 2005. Although regulations were not in effect at the time of placement, this landslide illustrates the need for proper engineering when placed at mine sites or when used as structural fill.

The certification guidelines for certifying coal ash for beneficial use at mine sites have been transferred into the regulations. The guidelines that must be followed to receive a certification set the chemical leaching levels and testing standards for physical characteristics that must be met for beneficial use. Parameters have been added to these guidelines to account for changes in the combustion process and to incorporate the recommendations of the National Academy of Sciences. The bulk chemistry ash analysis contains additional parameters for Ag, Be, Co, TI, V, Ca, Mg, K and S. The leaching chemistry analysis has added parameters for Ag, Be, Co, TI, V, NO<sub>2</sub>, NO<sub>3</sub>, Ca, Mg, K, Na, SO<sub>4</sub>, Cl and F.

The proposed rulemaking also includes expanded water quality requirements. Water quality monitoring has been required for many years at permitted coal mining activity sites that use coal ash for reclamation purposes. The

Board believes water quality monitoring is appropriate at sites where large quantities of coal ash are placed to ensure that no water quality degradation occurs. The proposed regulations expand water quality monitoring to any site where large quantities of coal ash are beneficially used. It also requires water quality monitoring at all coal ash storage impoundments.

Although contamination of groundwater and surface water has not been observed, coal ash may contain metals at levels above normal soil background levels. To further address this issue, several provisions have been added. A minimum of 12 monthly background samples from each monitoring point is required prior to placement of coal ash. The following chemical parameters have been incorporated for monitoring: Ag, B, Ba, Be, Co, Mo, Sb, Tl, V, Na, Cl, Ca, Mg and K. Additionally, monitoring requirements have been included for water elevations and flow, upgradient monitoring points, and at least three downgradient monitoring points. The requirement for a complete water monitoring analysis has been increased from annually to quarterly for 5 years after placement and annually for years 6 through 10. If water monitoring shows the potential for contamination of groundwater, a groundwater assessment is required to determine whether groundwater degradation has occurred. If degradation of groundwater quality is detected at a site, an abatement plan must be submitted and implemented.

Finally, the proposed rulemaking includes design and operating standards for the storage of coal ash in piles and surface impoundments. Isolation distances are provided to ensure that storage is prohibited within certain areas. These standards aid in protecting groundwater and surface water. Further protection is afforded through the permit requirement imposed upon impoundments under the Department's Dams and Waterways Program.

#### E. Summary of Regulatory Requirements

##### Section 287.1.

The proposed rulemaking adds a definition in § 287.1 for "water table" and amends definitions for "coal ash," "solid waste" and "structural fill" to provide clarity.

##### Sections 287.661—287.666.

The proposed rulemaking rescinds §§ 287.661—287.666 and replaces these sections with proposed Chapter 290, Subchapter B.

#### Subchapter A. General

##### Proposed § 290.1.

Subsection (a) establishes that this chapter applies to the beneficial use of coal ash.

Subsection (b) specifies that beneficial use of coal ash mixed with residual waste or ash produced by co-firing coal and alternative fuels must be authorized by a residual waste permit and meet the requirements of this chapter.

Subsection (c) specifies that beneficial use of coal ash mixed with construction and demolition waste must be authorized by a municipal waste permit and meet the requirements of this chapter.

Subsection (d) specifies that coal ash mixed with municipal waste, other than construction and demolition waste, shall not be beneficially used by direct placement into the environment. Other beneficial uses may be authorized by a municipal waste permit.

Subsection (e) establishes that beneficial use of coal ash under this chapter does not require a disposal permit.

#### Subchapter B. Beneficial Use of Coal Ash

##### Proposed § 290.101.

Subsection (a) establishes that use of coal ash that is not consistent with this chapter is considered disposal and requires a disposal permit.

Subsection (b) specifies that maximum leachate levels and sampling and analysis requirements for certification in Subchapter C apply to all beneficial uses of coal ash. For other uses under § 290.106(1)—(3), the Department may waive or modify this requirement.

Subsection (c) specifies that the physical characteristics required for certification for the intended beneficial use of the coal ash in Subchapter C must be met.

Subsection (d) establishes that a water quality monitoring plan is required for any project involving use of more than 10,000 tons of coal ash per acre or more than 100,000 tons. The Board seeks comment on the appropriateness of these threshold quantities for triggering monitoring.

Subsection (e) specifies that coal ash may not be placed within 8 feet of the water table. It allows the Department to approve placement within 8 feet at mining activity sites if it can be demonstrated that groundwater contamination will not occur.

Subsection (f) specifies that coal ash may not be used in ways that may cause water pollution.

##### Proposed § 290.102.

Subsection (a) establishes the notification requirements for coal ash to be used as structural fill. This notification includes a description of the project, including maps, estimated project starting and completion dates, construction plans, estimated volume of coal ash to be utilized, chemical analysis and landowner consent. The landowner consent is a recordable document for projects involving use of more than 10,000 tons of coal ash per acre. The Board seeks comment on the appropriateness of this threshold quantity for triggering recording.

Subsection (b) establishes that the Department will publish a notice in the *Pennsylvania Bulletin* of each notification received for use of coal ash as structural fill.

Subsection (c) specifies that notices in local newspapers must be published for coal ash structural fill projects involving use of more than 10,000 tons of coal ash per acre or more than 100,000 tons. The notice must include the name and business address, a brief description of location and scope of the project, and the Departmental office location where the request was sent. The Board seeks comment on the appropriateness of these threshold quantities for triggering monitoring.

Subsection (d) establishes additional requirements for coal ash used as structural fill, including, compaction and layer thickness, runoff minimization and stormwater management, surface water diversion, cover, minimum compaction and dust minimization. The requirements specify that coal ash must be either spread and compacted within 24 hours or stored in accordance with Subchapter E. The Board seeks comment on the appropriateness of the pH range, 6.0—9.0, for coal ash used as structural fill.

Subsection (e) establishes siting restrictions for structural fill, including distances from streams, water sources, bedrock outcrops, sinkholes and areas draining into sinkholes, floodplains and wetlands.



Subsection (f) establishes annual reports required for projects involving use of more than 10,000 tons of coal ash per acre. The report must include contact information, site location, identity of each source of coal ash and the volume and weight of coal ash from each source. The Board seeks comment on the appropriateness of this threshold quantity for triggering recording.

*Proposed § 290.103.*

Subsection (a) establishes that coal ash may be beneficially used as a soil substitute or soil amendment without a permit if the user complies with this section.

Subsection (b) establishes the notification requirements for coal ash to be used as a soil substitute or soil amendment. This notification includes a description of the project, including maps, estimated project starting and completion dates, construction plans, estimated volume of coal ash to be utilized, chemical analysis of the coal ash and soil at placement site, an analysis showing that coal ash will be beneficial to productivity or soil properties and landowner consent.

Subsection (c) establishes that the Department will respond to the notifier as to whether the proposed use is consistent with this section.

Subsection (d) establishes additional requirements for coal ash used as a soil substitute or soil amendment, including coal ash and soil pH, calcium carbonate equivalency, surface runoff minimization and stormwater management, surface water diversion, application rate, protection of biota and dust minimization. It specifies that coal ash must be either incorporated within 24 hours or stored in accordance with Subchapter E. The Board seeks comment on the appropriateness of the pH range, 6.5–8.0, for coal ash used as a soil substitute or soil amendment.

Subsection (e) establishes siting restrictions for coal ash used as a soil substitute or soil amendment, including distances from streams, water sources, occupied dwellings, sinkholes and areas draining into sinkholes and wetlands.

Subsection (f) establishes cumulative contaminant loading rates for coal ash used as a soil substitute or soil amendment.

*Proposed § 290.104.*

Subsection (a) establishes the laws and regulations upon which this section is based.

Subsection (b) establishes the procedures for requesting beneficial use of certified coal ash at a specific mine site.

Subsection (c) establishes the amount of the permit filing fee for permits that will be beneficially using coal ash and where the money will be deposited.

Subsection (d) establishes the requirement for public notice.

Subsection (e) establishes appropriate beneficial uses for coal ash at active coal mine sites.

Subsection (f) establishes operational requirements for beneficial use of coal ash at active coal mines.

Subsection (g) establishes operational requirements for beneficial use of coal ash when used as a soil substitute or soil additive.

Subsection (h) establishes operational requirements for the beneficial use of coal ash at coal refuse disposal sites.

Subsection (i) establishes the requirement for mine site monitoring of coal ash.

Subsection (j) establishes annual reporting requirements pertaining to the amount and sources of ash used at a mine site.

*Proposed § 290.105.*

Subsection (a) establishes procedures and requirements for proposals to use coal ash at abandoned coal surface mine sites.

Subsection (b) establishes the elements required to submit a request for a proposal to use coal ash at an abandoned coal surface mine site. This includes a requirement to publish a notice in local newspapers of the proposed use of coal ash at an abandoned coal surface mine site involving use of more than 10,000 tons of coal ash per acre or more than 100,000 tons in total at any project.

Subsection (c) establishes that the Department may issue contracts for the reclamation of abandoned coal surface mine sites that include the beneficial use of coal ash. Contracts that include the beneficial use of coal ash shall be based on the requirements and conditions established in this section.

Subsection (d) establishes that the Department will publish a notice in the *Pennsylvania Bulletin* of each approved use of coal ash at abandoned coal surface mine sites.

Subsection (e) establishes additional requirements for coal ash used at abandoned coal surface mine sites including: pH range of the ash; maximum slope of the reclaimed area; compaction and layer thickness; runoff minimization and stormwater management; surface water diversion; cover; minimum compaction; dust minimization; minimum distances for ash placement from streams, water sources, sinkholes and areas draining into sinkholes; floodplains; and requirements for the beneficial use of coal ash as a soil substitute or soil additive at abandoned coal surface mine sites.

Subsection (f) establishes the reporting requirements pertaining to the amount and sources of ash used at abandoned coal mine sites.

*Proposed § 290.106.*

Subsection (a) specifies that the section applies to other uses of coal ash not covered under §§ 290.102–290.105.

Subsection (b) identifies specific other uses of coal ash and requirements for storage and use. These other uses of coal ash are used in concrete, extraction or recovery of materials and chemicals from coal ash; use of fly ash as a stabilized product; use of bottom ash or boiler slag as antiskid or surface preparation material; use of coal ash as a raw material for a product with commercial value; use as pipe bedding or drainage material; and use for mine subsidence control, mine fire control and mine sealing.

*Proposed § 290.107.*

Subsection (a) allows the Department to request documentation and information to demonstrate compliance with this subchapter.

Subsection (b) establishes that failure to have documentation of compliance with this subchapter may lead to a presumption that the person is disposing of residual waste without a permit.

*Subchapter C. Coal Ash Certification**Proposed § 290.201.*

Subsection (a) establishes the chemical and physical certification standards for coal ash to meet beneficial use requirements. Chemical leaching standards are established. Low permeability standards are established for ashes that will be used as low permeability material. Minimum calcium carbonate equivalence standards are established for ashes that will be used for alkaline addition.

Subsection (b) establishes certification exceptions for ashes that meet primary MCL parameters, but fail to meet a secondary MCL parameter.

Subsection (c) establishes informational requirements to be provided by the ash generator, including sampling and analysis of the ash.

Subsection (d) establishes that the Department will provide written notification to the generator of the Department's decision on whether the generator's coal ash is certified. If the certification requirements are met, the Department will provide the certification identity number.

Subsection (e) establishes coal ash monitoring requirements.

Subsection (f) requires the generator of the coal ash and person beneficially using the coal ash to notify the Department of any changes that may affect the coal ash certification.

*Proposed § 290.202.*

Subsection (a) establishes procedures for revoking coal ash certification for coal ashes that fail to meet certification requirements.

Subsection (b) establishes that a revoked coal ash certification cannot be used at mine sites.

Subsection (c) establishes the procedures for recertifying a revoked coal ash, including resampling and establishing adequacy of chemical and physical properties.

*Proposed § 290.203.*

This section establishes procedures when exceedances of certification standards occur.

*Subchapter D. Water Quality Monitoring**Proposed § 290.301.*

Subsection (a) establishes that water quality monitoring plans submitted to the Department for approval must contain the location and design of upgradient and downgradient monitoring points, provisions for background sampling prior to placement of coal ash and quarterly sampling after approval.

Subsection (b) establishes sources of quality assurance/quality control procedures for sampling and in the laboratory.

Subsection (c) establishes sources of analytical methods used for water quality monitoring and that the laboratory must be accredited.

Subsection (d) specifies the nonmetal parameters to be determined in water monitoring samples.

Subsection (e) specifies the metal parameters to be determined in water monitoring samples and that water elevation at monitoring point be recorded.

Subsection (f) gives the Department the ability to require additional parameters based on site conditions.

Subsection (g) specifies the minimum frequency and duration of water quality monitoring and allows the Department to require more frequent and a longer duration monitoring if results indicate contamination may be occurring.

Subsection (h) specifies that water quality monitoring data is to be submitted quarterly to the Department.

Subsection (i) establishes that attainment with groundwater remediation standards must be demonstrated if there is water degradation due to placement of coal ash.

*Proposed § 290.302.*

Subsection (a) establishes location and number of upgradient and downgradient groundwater monitoring points and that surface water monitoring points must be approved by the Department.

Subsection (b) establishes that the number, location and depth of monitoring wells must be representative of water quality and located so as not to interfere with site operations. The subsection also specifies the maximum distance from the coal ash placement site.

Subsection (c) establishes that upgradient monitoring points be located where they will not be affected by coal ash placement.

Subsection (d) establishes that downgradient monitoring points be located where they will not be affected by coal ash placement.

Subsection (e) establishes that well drillers must be licensed.

Subsection (f) specifies that well construction materials be decontaminated prior to installation.

*Proposed § 290.303.*

Subsection (a) establishes well standards, including casing, diameter, screening, filter packing, viability above ground and angular space sealing and must be designed to prevent cross contamination. The section also allows alternative casing designs for wells located in stable formations.

Subsection (b) establishes standards for protective casings around well casings, including strength, length above and below surface of ground, collar and grouting, labeling, protrusion above well casing, locked cap and material of construction.

*Proposed § 290.304.*

Subsection (a) establishes when an assessment plan is to be submitted based on monitoring data or data from public or private water supplies.

Subsection (b) establishes that assessment is not required if resampling shows degradation is not occurring or if degradation is a result of seasonal variation or activities unrelated to coal ash placement.

Subsection (c) establishes the elements of an assessment plan, including monitoring point location, design and construction information, sampling and analytical methods to be used, an implementation schedule and identification of the abatement standard.

Subsection (d) establishes Department approval and notification of public and private water supplies.

Subsection (e) establishes contents of a report after assessment is completed, including data, analysis and recommendations.

Subsection (f) establishes procedures if an abatement plan is not required.

Subsection (g) establishes that the Department may require abatement or water supply replacement prior to or concurrent with the assessment.

*Proposed § 290.305.*

Subsection (a) requires that an abatement plan be submitted to the Department when certain conditions exist. An abatement plan is required when an assessment plan shows groundwater or surface water degradation and the analysis under subsection (c) indicates that an abatement standard will not be met. A plan is also required when data from the Department or other person from one or more compliance points indicates an abatement standard has been exceeded.

Subsection (b) establishes the elements of an abatement plan, including identification of the specific methods or techniques to be used to abate degradation and to prevent future degradation, and an implementation schedule.

Subsection (c) establishes standards for abatement.

Subsection (d) allows compliance point for secondary contaminants to be set beyond that for contaminants with Statewide Health Standards.

Subsection (e) establishes a time limit for completion and submittal of abatement plans.

Subsection (f) establishes that the Department may modify inadequate plans.

Subsection (g) establishes a time frame for implementation of the abatement plan after approval.

Subsection (h) establishes orders that may be issued by the Department if an abatement plan is found to be inadequate after approval or implementation.

*Proposed § 290.306.*

This section establishes recordkeeping requirements for water quality monitoring data.

*Subchapter E. Coal Ash Storage*

*Proposed § 290.401.*

Subsection (a) establishes that best engineering design and construction practices are to be used for all phases of construction and operation.

Subsection (b) specifies that coal ash storage is not to exceed the design capacity of the storage facility.

Subsection (c) specifies that the Department may require a water quality monitoring system to be installed if coal ash storage has the potential to cause groundwater degradation.

Subsection (d) specifies that the person storing coal ash must periodically inspect the storage facility for evidence of failure and take any necessary immediate corrective actions. Records of inspections and corrective actions are to be maintained for 3 years.

*Proposed § 290.402.*

Subsection (a) specifies a general maximum storage time limit at the site of beneficial use for uses not having a specific time limit in subsection (b) or (c).

Subsection (b) specifies a maximum storage time limit for bottom ash and requires a significant quantity to be utilized annually, stored on a pad or floor, and stored either in an enclosed building or in an area where runoff is collected and treated.

Subsection (c) specifies maximum storage time limits for storage at other areas dependant on the percentage of coal ash being used and manner of storage.

Subsection (d) establishes that storage contrary to subsections (a)—(c) is presumed to be disposal.

Subsection (e) establishes operational record storage retention to overcome the presumption of disposal in subsection (d).

Subsection (f) specifies that this section does not supersede other regulations and requirements that specify shorter storage time limits.

*Proposed § 290.403.*

Subsection (a) specifies minimization of surface water runoff from storage areas and stormwater management.

Subsection (b) specifies minimization of surface water run-on to storage areas.

Subsection (c) specifies that coal ash is not to be stored in a manner to cause degradation of groundwater.

*Proposed § 290.404.*

Subsection (a) establishes siting restrictions for coal ash storage, other than in surface impoundments. Restrictions include distances from streams, water sources, bedrock outcrops, sinkholes and areas draining into sinkholes and wetlands.

Subsection (b) establishes siting restrictions for coal ash storage in surface impoundments. Restrictions include distances from floodplains, streams, water sources, bedrock outcrops, occupied dwellings, property lines, sinkholes and areas draining into sinkholes, wetlands, schools, parks, and playgrounds and areas underlain by limestone or carbonate formations or areas serving as habitat for endangered or threatened flora or fauna.

*Proposed § 290.405.*

Subsection (a) establishes a requirement to prevent dispersion of coal ash from storage piles.

Subsection (b) establishes separation distance from water table for coal ash stored in piles.

Subsection (c) establishes a requirement for berms around storage piles, collection of runoff and leachate, and when necessary, treatment of runoff and leachate.

Subsection (d) establishes that the Department may require groundwater monitoring for coal ash storage piles without liner systems or pads.

*Proposed § 290.406.*

Subsection (a) establishes that this section applies to storage of coal ash on liners or pads.

Subsection (b) establishes performance and design criteria for the liner system or pad and addresses leachate migration and collection, chemical and physical compatibility, integrity of liner or pad, permeability, constructed so there is no contact with groundwater or surface water, constructed of nonwaste and noncoal ash materials, inspection during construction and installation, and, if required by the Department, have a monitoring system capable of detecting whether coal ash or leachate has penetrated the liner or pad.

*Proposed § 290.407.*

Subsection (a) establishes that storage piles with a pad or liner system must have leachate and runoff collection and a leachate storage system.

Subsection (b) establishes design requirements for the leachate storage system that must consist of tanks or impoundments. The requirements address sizing, chemical compatibility, strength, cleanouts and sealing.

Subsection (c) establishes that leachate treatment or disposal must be in accordance with The CSL.

*Proposed § 290.408.*

Subsection (a) establishes that this section and §§ 290.409—290.413 apply to surface impoundments used to store coal ash prior to beneficial use.

Subsection (b) establishes that this section and §§ 290.409—290.413 apply to surface impoundments used to store only stormwater.

Subsection (c) establishes a definition of stormwater for this section.

*Proposed § 290.409.*

This section establishes that a coal ash surface impoundment must be permitted under The CSL and comply with Chapter 105 (relating to dam safety and waterway management) requirements.

*Proposed § 290.410.*

This section establishes design criteria for coal ash storage impoundments. The criteria include the liner system, subbase location in relation to water table, subbase performance criteria, leachate detection zone, liner performance criteria, protective cover performance criteria, leachate collection system performance criteria, leachate storage system, leachate collection and handling, and design, construction, operation and maintenance.

*Proposed § 290.411.*

Subsection (a) establishes minimum distance to be maintained between the bottom of the liner system's subbase and the water table.

Subsection (b) specifies marking the edge of the liner.

Subsection (c) establishes that a fence or barrier be maintained around the impoundment and the leachate collection and treatment system.

Subsection (d) establishes fugitive air containment control measures for impoundments.

Subsection (e) establishes that water quality monitoring is required for impoundments.

Subsection (f) establishes coal ash removal performance requirements for impoundments and includes removal without damage to the impoundment, liner inspection, providing for the beneficial use of removed coal ash, and ensuring coal ash is not accumulated speculatively.

*Proposed § 290.412.*

Subsection (a) establishes procedures and Department notification if impoundment fails.

Subsection (b) establishes procedures to restore to service impoundments that have failed.

Subsection (c) establishes closure for failed impoundments that cannot be cleaned up in a manner satisfactory to the Department.

*Proposed § 290.413.*

This section establishes that the Department will inspect coal ash storage impoundments.

*Proposed § 290.414.*

This section establishes closure of storage areas, including removal of coal ash and, if required by the Department, regrading and revegetation.

*F. Benefits, Costs and Compliance*

*Benefits*

The largest volume proportion of coal ash under the beneficial use program is utilized in abandoned mine placement for reclamation and mixed with coal refuse for reclamation. Coal ash used in this way to reclaim mine lands that would not otherwise be reclaimed saves the Commonwealth and the Federal government millions of dollars each year towards reclamation. Utilizing ash to stabilize coal refuse and neutralize acid mine drainage prevents a future acid mine drainage pollution source that would cost millions of dollars per year in perpetual treatment across the State. For over 20 years, the Department has seen no significant pollution events that would require abatement related to coal ash beneficial use and has documented many successfully reclaimed sites. Among the greatest successes environmentally have been coal refuse reprocessing sites, where waste coal is used by power plants to generate electricity and steam. Un-reclaimed, these piles produce acid mine drainage, catch on fire and billow noxious fumes, and erode silt into local streams. The alkaline ash generated by the power plants is returned to the waste coal site. The Department has seen dramatic improvements in water quality at these sites, with 90% reduction of some pollutants.

The public will be better served by the following aspects that this proposed rulemaking will enable:

- Increased coal ash monitoring to ensure coal ash meets certification criteria.
- Increased water quality monitoring for a longer duration to create a robust dataset to facilitate the evaluation and documentation of water quality at sites where coal ash is beneficially used.
- Requirement for minimum number of monitoring wells to characterize the groundwater or other water quality points.
- Requirement for recording a landowner consent for placement of coal ash for beneficial use.
- Improved reporting requirements to track volumes and location of sites where coal ash is beneficially used.
- Consistent operational and monitoring standards for all types of beneficial use.
- A centralized process to certify coal ash for beneficial use at mine sites.
- An annual fee payable to the Department to offset its costs for coal ash and water quality sampling and testing at mine sites where coal ash is beneficially used.
- Requirements for the storage of coal ash including provisions for design and operations.

*Compliance Costs*

The Department has already implemented many of the measures that would be required in the regulations. Guidance documents have implemented the increased monitoring requirements, including sampling frequency, additional chemical parameters to be tested and additional preash placement and postash placement monitoring. Thus, most costs that would be associated with the regulations are already part of the Department's program.

The regulated community will be required to complete four water samples per year for each monitoring point. Typically, two to four monitoring points exist for each site resulting in a water monitoring cost of \$2,400—\$4,800 per year. Four ash dry weight/leachate samples are

required every year from the generation site. This results in a cost of approximately \$2,000 per source. Compaction tests for use of coal ash as a structural fill and for mine reclamation must be conducted two times per year at a cost of approximately \$150 per test.

These proposed regulations impose an annual assessment of a permit filing fee of \$2,000. This fee is required to assure that the Department has funds to conduct comparative sampling of the coal ash and water quality related to individual coal ash beneficial use sites. This fee amount covers the cost of one ash sample (~\$500) and five water samples (~\$300 × 5) per year.

Sampling requirements have increased from the previous regulations, and the filing fee adds these additional costs. These costs are justified to assure protection of human health and aquatic life and to ensure operational and performance standards for beneficial use of coal ash.

More than 11 million tons of coal ash has been beneficially used for mine reclamation each of the past several years. The estimated cost of disposing this material at a landfill would be at least \$275 million per year. Costs of placement at mine sites are on the order of \$55 million per year. Use of coal ash at mine sites as opposed to land filling the material is a savings to the industry of at least \$220 million per year.

Additional costs incurred to State government are exclusively to the Department. Costs include additional staff time for review of beneficial use applications and source certification requests. The proposed rulemaking mandates reviews that will take more time compared to previous reviews to account for additional information requirements, recordkeeping and inspection. This increased staff time will be absorbed by current staff. Additional comparative sampling costs are reimbursed, for the most part, through the yearly permit filing fee. This does not include unforeseen samples necessary in cases of potential degradation.

#### *Compliance Assistance Plan*

The Department intends to educate and assist the public and regulated community in understanding the newly revised requirements and how to comply with them. Fact sheets explaining the changes will be developed and made available on the Department's web site.

#### *Paperwork Requirements*

The proposed rulemaking continues the current practice of notifying the Department prior to use of coal ash as structural fill, soil substitute or soil additive, at a mining activity site, at an abandoned mine site, as a stabilized product, as drainage material or pipe bedding, or for mine subsidence control, mine fire control and mine sealing. For use as structural fill in § 290.102(f), this shall be by a written notice that includes a description and map of the project, estimated start and end dates for the project, construction plans, estimated volume of coal ash to be used, chemical analysis and landowner consent. For use as a soil substitute or soil additive, the written notice in § 290.103(b) must include a description of the use and storage, a map of the project, estimated start and end dates for the project, estimated volume of coal ash to be used for the proposed application rate, chemical analysis of the coal ash and soil at the application site, an analysis showing how the application will be beneficial to the productivity or properties of the soil and landowner consent.

For use at a mining activity site in § 290.104(b), a request for mining permit modification shall include the

permit filing fee, a description of the use and storage, a map of the project, estimated start and end dates for the project, estimated volume of coal ash to be used, identity of the generator and the certification number, landowner consent and a coal ash monitoring plan. When used at an abandoned mine site, the notice shall either be through a contract with the Department under § 290.105(c), or a written request under § 290.105(b) that includes a description of the use and storage, a map of the project, estimated start and end dates for the project, estimated volume of coal ash to be used, identity of the generator and the certification number, landowner consent and, if required, a coal ash monitoring plan.

For other beneficial uses, § 290.106(b)(6) requires advanced written notice to the Department with an evaluation of pH and chemical analysis when coal ash is used as drainage material or pipe bedding. When used as a stabilized product or for mine subsidence control, mine fire control and mine sealing, § 290.106(b)(3) and (7) only requires advanced written notice to the Department.

Public notice by the person proposing to beneficially use coal ash as structural fill at a coal mine activity site and at an abandoned mine are included in this proposed rulemaking in §§ 290.102(c), 290.104(d) and 290.105(b)(6). Public notice will be accomplished through a series of newspaper advertisements and applies to structural fill and abandoned mine requests above the identified threshold amounts. Public notice at coal mining activity sites is a current requirement under §§ 86.31 and 86.54.

The proposed rulemaking includes annual reporting requirements in § 290.102(f) for persons using more than 10,000 tons of coal ash per acre as structural fill and §§ 290.104(j) and 290.105(f) for coal ash used at mining activity sites or abandoned mine sites. The person beneficially using coal ash will have to submit an annual report that includes contact information and the identity and the volume in cubic yards and the weight in dry tons for each source. For use as structural fill, the location of the site where the coal ash was utilized must be included in the report. For use at a mining activity site, the report shall include the mining permit number and the certification of the coal ash. For use at an abandoned mine site, the report must include the identity of the reclamation contract with the Department or approval by the Department and the certification of the coal ash.

The Department is required under §§ 290.102(b) and 290.105(d) in the proposed rulemaking to publish a notice in the *Pennsylvania Bulletin* of each notice for use of coal ash as structural fill or at an abandoned mine site. (Note: The Department already is required to publish a notice in the *Pennsylvania Bulletin* under § 86.39(b)(2) for mining activity sites.)

The proposed rulemaking requires generators whose coal ash will be used at a coal mining activity site or an abandoned mine site to submit a request to the Department for certification of their coal ash. The request under § 290.201(c) must include contact information, identification of the beneficial uses for which certification is sought, a description of the generation process, fuel sources, chemical analysis and physical testing of the coal ash, and the physical and chemical characteristics of any material added to the coal ash. In § 290.201(e) quarterly submittals by the generators that include chemical analysis and an annual report with coal ash volumes and locations where sent for beneficial use are required for the coal ash to remain certified. Both the generator of the coal ash and the person using it are required in the

proposed rulemaking to report changes in information used to certify the coal ash and any evidence that it may no longer meet the certification requirements. The proposed rulemaking in § 290.201(d) requires the Department to notify generators of their coal ash certification number or the reason it was not certified for beneficial use.

The proposed rulemaking in § 290.301(a) (relating to water quality monitoring) requires a water quality monitoring plan to be submitted by the person proposing to beneficially use or store coal ash for those uses or storage that requires water quality monitoring. The plan must include the location and design of monitoring points, background samples and quarterly monitoring. The proposed rulemaking requires in § 290.301(h) quarterly submittal of the water quality monitoring data to the Department and in § 290.306 (relating to recordkeeping) to retain water quality monitoring data and evaluations for at least 3 years after water quality monitoring ceases.

The proposed rulemaking requires an assessment plan to be submitted to the Department by the user of coal ash when a triggering event in § 290.304(a) (relating to assessment plan) occurs. The assessment plan is to include the number type, design and location of assessment points, sampling and analytical methods to be employed, the evaluation procedures to be utilized, an implementation schedule and the abatement standard that will be met. After implementation of an assessment plan, § 290.304(e) in the proposed rulemaking requires submission of a report to the Department that includes the data collected and its analysis and recommendations on abatement.

The proposed rulemaking requires an abatement plan to be submitted to the Department by the user of coal ash when a triggering event in § 290.305(a) (relating to abatement plan) occurs. The plan must include the methods or techniques to abate water degradation and to prevent further degradation, and a schedule for implementation.

G. *Pollution Prevention*

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving State environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally-friendly materials, more efficient use of raw materials, or the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance.

This proposed rulemaking will continue to assure that the citizens and the environment of this Commonwealth experience the advantage of our beneficial coal ash program. The proposed regulations move and expand the environmentally-friendly reuse of coal ash from a policy driven program to a program with a regulatory framework.

The proposed regulations include an enhanced coal ash certification standard. The water monitoring criteria for storage, reclamation and engineering sites that utilize coal ash have been expanded. Groundwater assessment procedures are provided and the requirements of an abatement plan have been outlined. Further, the regula-

tions establish loading rates for coal ash as a soil amendment and engineering criteria for use as structural fill.

H. *Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

I. *Regulatory Review*

In accordance with section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 28, 2009, the Department submitted a copy of the proposed amendments to the Independent Regulatory Review Commission (IRRC) and the House and Senate Environmental Resources and Energy Committees (Committees). In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

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

J. *Public Comments*

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by December 22, 2009. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by December 22, 2009. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulation will be considered.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by December 22, 2009. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt.

K. *Public Hearings*

The Board will hold three public hearings for the purpose of accepting comments on this proposed rulemaking. The hearings will be held as follows:

December 7, 2009 1 p.m.	Department of Environmental Protection Southwest Regional Office Waterfront A and B Conference Rooms 400 Waterfront Drive Pittsburgh, PA 15222-4745
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December 8, 2009 1 p.m. Department of Environmental Protection Cambria District Office 286 Industrial Park Road Ebensburg, PA 15931

December 9, 2009 1 p.m. Department of Environmental Protection Pottsville District Office 5 West Laurel Boulevard Pottsville, PA 17901-2454

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P.O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board may accommodate their needs.

JOHN HANGER, Chairperson

Fiscal Note: 7-442. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

ARTICLE IX. RESIDUAL WASTE MANAGEMENT

CHAPTER 287. RESIDUAL WASTE MANAGEMENT—GENERAL PROVISIONS

Subchapter A. GENERAL

§ 287.1. Definitions.

The following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

Coal ash—Fly ash, bottom ash or boiler slag resulting from the combustion of coal, that is or has been beneficially used, reused or reclaimed for a commercial, industrial or governmental purpose. The term includes [ such ] the materials that are stored, processed, transported or sold for beneficial use, reuse or reclamation. [ For purposes of this article, the term also includes fly ash, bottom ash or boiler slag resulting from the combustion of coal, that is not and has not been beneficially used, reused or reclaimed for a commercial, industrial or governmental purpose. ]

\* \* \* \* \*

Solid waste—Waste, including, but not limited to, municipal, residual or hazardous waste, including solid, liquid, semisolid or contained gaseous materials. The term does not include coal ash that is beneficially used under [ Subchapter H ] Chapter 290 (relating to beneficial use of coal ash) or drill cuttings.

\* \* \* \* \*

Structural fill—The engineered use of [ coal ash ] material as a base or foundation for a construction activity that is completed promptly after the placement of the [ coal ash ] material, including the use [ of coal ash ] as [ a ] backfill [ material ] for retaining walls, foundations, ramps or other structures. The term does not include valley fills or the use of coal ash or solid waste to fill open pits from coal or noncoal mining.

\* \* \* \* \*

Water table—

(i) The top of the saturated zone.

(ii) The term includes the regional groundwater table, perched water tables, seasonal high water table and the surface of mine pools.

\* \* \* \* \*

Subchapter H. BENEFICIAL USE

SCOPE

§ 287.601. Scope.

(a) This subchapter sets forth requirements for the processing and beneficial use of residual waste[ , including coal ash, and sets forth requirements for certain beneficial uses of coal ash ]. Sections 287.611, 287.612, 287.621—287.625, 287.631, 287.632, 287.641—287.644, 287.651 and 287.652 establish procedures and standards for general permits for the beneficial use or processing of residual waste [ other than certain uses of coal ash, and §§ 287.661—287.666 (relating to beneficial use of coal ash) establish procedures and standards for certain beneficial uses of coal ash ].

\* \* \* \* \*

[ BENEFICIAL USE OF COAL ASH ]

(Editor's Note: As part of this proposed rulemaking, the Board is proposing to rescind the text of §§ 287.661—287.666 which appear in 25 Pa. Code pages 287-140—287-150, serial pages (273506) to (273516).)

§§ 287.661—287.666. [ Reserved. ]

(Editor's Note: This Chapter 290 under Article IX is new and printed in regular type to enhance readability.)

CHAPTER 290. BENEFICIAL USE OF COAL ASH

Subch.

- A. GENERAL
B. BENEFICIAL USE OF COAL ASH
C. COAL ASH CERTIFICATION
D. WATER QUALITY MONITORING
E. COAL ASH STORAGE

Subchapter A. GENERAL

Sec.

290.1 Scope.

§ 290.1. Scope.

(a) This chapter sets forth requirements for beneficial use of coal ash.

(b) If coal ash is mixed with residual waste or ash produced by co-firing coal or waste coal with an alternative fuel, the beneficial use must be authorized by a permit issued under this article and the requirements of this chapter must be met.

(c) If coal ash is mixed with construction and demolition waste, the beneficial use must be authorized under a

permit issued under Article VIII (relating to municipal waste) and the requirements of this chapter must be met.

(d) Coal ash mixed with municipal waste, other than construction and demolition waste, may not be beneficially used by direct placement into the environment. Other types of beneficial use of coal ash mixed with municipal waste may be authorized by a permit issued under Article VIII and any applicable requirements of this chapter must be met.

(e) Beneficial use activities that are subject to and meet the requirements of this chapter are not required to obtain an individual disposal permit under this article.

### Subchapter B. BENEFICIAL USE OF COAL ASH

Sec.

- 290.101. General requirements for the beneficial use of coal ash.
- 290.102. Use of coal ash as structural fill.
- 290.103. Use of coal ash as a soil substitute or soil additive.
- 290.104. Beneficial use of coal ash at coal mining activity sites.
- 290.105. Coal ash beneficial use at abandoned coal surface mine sites.
- 290.106. Other beneficial uses of coal ash.
- 290.107. Requests for information.

#### § 290.101. General requirements for the beneficial use of coal ash.

(a) Coal ash may be beneficially used without a permit from the Department under the act if the person proposing the use complies with this chapter. Use of coal ash that is not consistent with this chapter is considered disposal and must be authorized under a disposal permit from the Department under the act and the regulations promulgated thereunder.

(b) Chemical analysis must demonstrate that the coal ash does not exceed any of the maximum acceptable leachate levels in § 290.201(a) (relating to coal ash certification). The minimum sampling and analysis procedures must satisfy the requirements in § 290.201(c). The Department may waive or modify this requirement for uses under § 290.106(b)(1)—(3) (relating to other beneficial uses of coal ash).

(c) The coal ash must satisfy the physical characteristics for the intended use in § 290.201(a).

(d) A water quality monitoring plan in accordance with § 290.301 (relating to water quality monitoring) and, if applicable, Chapters 86—90 must be developed and implemented if either more than 10,000 tons of coal ash per acre is to be used on a project or more than 100,000 tons of coal ash in total will be used at a project. Contiguous projects will be considered a single project for purposes of this section. The Department may require a water quality monitoring plan for projects involving lesser quantities of coal ash where site conditions warrant. The Department may waive or modify this requirement for uses under § 290.106(b)(1)—(6).

(e) Coal ash may not be placed within 8 feet of the water table, unless the Department approves placement within 8 feet at a coal mining activity site based upon a demonstration that groundwater contamination will not occur.

(f) Coal ash may not be used in a way that causes water pollution.

#### § 290.102. Use of coal ash as structural fill.

(a) At least 60 days before using coal ash as structural fill, the person proposing the use shall submit a written notice to the Department. The notice must contain, at a minimum, the following information:

(1) A description of the nature, purpose and location of the project, including a topographic map showing the project and available soils maps of the area of the project.

(2) The estimated beginning and ending dates for the project.

(3) Construction plans for the structural fill, including a stability analysis when necessary, which shall be prepared by a registered professional engineer in accordance with sound engineering practices and which shall be signed and sealed by the engineer.

(4) An estimate of the volume of coal ash to be used for the project.

(5) A bulk chemical and leaching analysis for the coal ash to be used in the project. If the coal ash was generated at a facility for which the Department has previously approved a chemical and leaching analysis and the analysis is not older than 1 year, the person may submit a copy of the analysis that was approved.

(6) A signed statement by the owner of the land on which the structural fill is to be placed, acknowledging and consenting to the use of coal ash as structural fill.

(7) The statement by the landowner in paragraph (6) shall be a recordable document for any project, or set of contiguous projects involving placement of more than 10,000 tons of coal ash per acre. Prior to beneficial use of more than 10,000 tons of coal ash per acre under this section, the statement by the landowner shall be recorded at the office of the recorder of deeds in the county in which the proposed coal ash beneficial use will take place.

(b) The Department will publish a summary of each notice in the *Pennsylvania Bulletin*.

(c) A person proposing to use coal ash as structural fill where more than 10,000 tons of coal ash per acre is to be used on a project or more than 100,000 tons of coal ash in total will be used at a project shall place at the time of filing a request with the Department, an advertisement in a local newspaper of general circulation in the locality of the proposed coal ash beneficial use activities at least once a week for 3 consecutive weeks. Contiguous projects will be considered a single project for purposes of this section. The Department may require public notice for projects involving less than 10,000 tons of coal ash per acre if the Department determines that the proposed beneficial use activities are of significant interest to the public or site conditions warrant. At a minimum, the notice must contain the following information:

(1) The name and business address of the person proposing to beneficially use coal ash.

(2) A brief description of the location and scope of the proposed beneficial use.

(3) The location of the public office where a copy of the request that is being or was sent to the Department is available for public inspection.

(d) For coal ash to be beneficially used as a structural fill, the following additional requirements must be satisfied:

(1) The pH of the coal ash as placed must be in the range of 6.0 to 9.0, unless otherwise approved by the Department. Lime may be added to raise pH.

(2) The slope of a structural fill may not be greater than 2.5 horizontal to 1.0 vertical. The Department may approve a greater slope based on a demonstration of structural stability.



(3) Coal ash shall be spread uniformly and compacted in layers not exceeding 2 feet in thickness. The coal ash shall be spread and compacted within 24 hours of its delivery to the site unless stored in accordance with Subchapter E (relating to coal ash storage).

(4) Surface runoff from the fill area shall be minimized during filling and construction activity. Stormwater shall be managed in accordance with The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the regulations promulgated thereunder.

(5) Surface water shall be diverted away from the disturbed area during filling and construction activity.

(6) Coal ash shall be covered with 12 inches of soil, unless infiltration is prevented by other cover material.

(7) Coal ash must achieve a minimum compaction of 90% of the maximum dry density as determined by the Modified Proctor Test, or 95% of the maximum dry density as determined by the Standard Proctor Test. Ash from each source shall be tested individually. The Proctor Test shall be conducted by a certified laboratory.

(8) The offsite dispersion of dust from coal ash and other materials shall be minimized.

(e) Coal ash used as structural fill may not be located:

(1) Within 100 feet of an intermittent or perennial stream, unless the structural fill is otherwise protected by a properly engineered diversion or structure that is permitted by the Department under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27).

(2) Within 300 feet of a water supply unless the person obtains, in a form acceptable to the Department, a written waiver from the owner of the water supply, allowing for another distance.

(3) Within 25 feet of a bedrock outcrop, unless the outcrop is properly treated to minimize infiltration into fractured zones or otherwise approved by the Department.

(4) Within 100 feet of a sinkhole or area draining into a sinkhole.

(5) Within a 100-year floodplain of a water of this Commonwealth, unless a properly engineered dike, levee or other structure that can protect the structural fill from a 100-year flood is permitted by the Department in a manner that is consistent with the Flood Plain Management Act (32 P. S. §§ 679.101—679.601), the Storm Water Management Act (32 P. S. §§ 680.1—680.17) and the Dam Safety and Encroachments Act.

(6) In or within 100 feet of a wetland, other than an exceptional value wetland.

(7) In or within 300 feet of an exceptional value wetland.

(f) Prior to January 31, any person that placed more than 10,000 tons of coal ash per acre at any project or contiguous projects in the previous calendar year shall submit a report for the previous calendar year to the Department that includes contact information, the location of the site where the coal ash was utilized, the identity of each source of coal ash, and the volume in cubic yards and the weight in dry tons for each source.

**§ 290.103. Use of coal ash as a soil substitute or soil additive.**

(a) Coal ash may be beneficially used as a soil substitute or soil additive without a permit from the Department under the act if the person proposing the use complies with this section.

(b) At least 60 days before using coal ash as a soil substitute or soil additive, the person proposing the use shall submit a written notice to the Department. The notice must contain, at a minimum, the following information:

(1) A description of the nature, purpose and location of the project, including a topographic map showing the project area and available soils maps of the project area. The description must include an explanation of how coal ash will be stored prior to use, how the soil will be prepared for the application of coal ash, how coal ash will be spread and, when necessary, how coal ash will be incorporated into the soil.

(2) The estimated beginning and ending dates for the project.

(3) An estimate of the volume of coal ash to be used for the project, the proposed application rate and a justification for the proposed application rate.

(4) A chemical and leaching analysis and pH for the coal ash to be used in the project. If the coal ash was generated at a facility for which the Department has previously approved a chemical and leaching analysis and the analysis is not older than 1 year, the person may submit a copy of the analysis that was approved.

(5) A chemical analysis of the soil on which the coal ash is proposed to be placed.

(6) An analysis showing how the application of coal ash will be beneficial to the productivity or properties of the soil to which it is proposed to be applied. The analysis shall be prepared and signed by an expert in soil science.

(7) A signed statement by the owner of the land on which the coal ash is to be placed, acknowledging and consenting to the use of coal ash as a soil substitute or soil additive.

(c) After receiving the information required under subsection (b), the Department will inform the person that provided the information whether the proposed use of coal ash as a soil substitute or soil additive is consistent with this section.

(d) Coal ash used as a soil substitute or soil additive may not be considered a beneficial use unless the following requirements are met:

(1) The pH of the coal ash and the pH of the soil must be in the range of 6.5 to 8.0 when mixed together in the manner required by the project, as shown by field and laboratory testing. Lime may be added to raise pH.

(2) Chemical analysis demonstrates that the coal ash satisfies the minimum calcium carbonate equivalency requirement in § 290.201(a) (relating to coal ash certification).

(3) Surface runoff from the project area shall be controlled during the project. Stormwater shall be managed in accordance with The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the regulations promulgated thereunder.

(4) Coal ash shall be incorporated into the soil within 48 hours of application, unless otherwise approved by the Department. The coal ash shall be incorporated into the top 1-foot layer of surface soil. If 1 foot of surface soil is not present, coal ash may be combined with the surface soil that is present until the layer of combined surface soil and coal ash is 1 foot. The coal ash required for the beneficial use is limited to the amount necessary to enhance soil properties or plant growth.

(5) Coal ash shall be applied at a rate per acre that will protect public health, public safety and the environment.

(6) Coal ash may not be applied to soil being used for agriculture where the soil pH is less than 5.5.

(7) Coal ash may not be applied if resultant chemicals or physical soil conditions would be detrimental to biota.

(8) The offsite dispersion of dust from coal ash and other materials shall be minimized.

(e) Coal ash may not be used as a soil substitute or soil additive:

(1) Within 100 feet of an intermittent or perennial stream, or a wetland other than an exceptional value wetland.

(2) In or within 300 feet of an exceptional value wetland.

(3) Within 300 feet of a water supply unless the person obtains, in a form acceptable to the Department, a written waiver from the owner of the water supply, allowing for another distance.

(4) Within 100 feet of a sinkhole or area draining into a sinkhole.

(5) Within 300 feet measured horizontally from an occupied dwelling, unless the current owner has provided a written waiver consenting to the activities closer than 300 feet. The waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the current owner.

(f) Coal ash may not be used as a soil substitute or soil amendment in amounts that exceed the following maximum cumulative loading rates:

Contaminant	Cumulative Contaminant Loading Rate
arsenic	36 lbs/acre (41 kg/hectare)
boron	60 lbs/acre (67.2 kg/hectare)
cadmium	34 lbs/acre (38 kg/hectare)
chromium	2,672 lbs/acre (3,014 kg/hectare)
copper	1,320 lbs/acre (1,490 kg/hectare)
lead	264 lbs/acre (296 kg/hectare)
mercury	15 lbs/acre (17 kg/hectare)
molybdenum	16 lbs/acre (18 kg/hectare)
nickel	370 lbs/acre (420 kg/hectare)
selenium	88 lbs/acre (99 kg/hectare)
zinc	2,464 lbs/acre (2,780 kg/hectare)

**§ 290.104. Beneficial use of coal ash at coal mining activity sites.**

(a) *Coal ash approval at coal mining activity sites.* Approval for the beneficial use of coal ash at coal mining activity sites as defined in § 86.1 (relating to definitions) will, at a minimum, be based on the following:

(1) Compliance with this section, The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the regulations promulgated thereunder, the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a), the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66), the applicable provisions of Chapters 86—90 and other applicable environmental statutes and regulations promulgated thereunder.

(2) Certification under § 290.201 (relating to coal ash certification) by the Department for the intended beneficial uses.

(3) Approval of a request submitted pursuant to subsection (b).

(b) *Request.* A person shall submit to the Department a request to beneficially use the certified coal ash at a specific coal mining activity site as part of the reclamation plan under the mining permit. This request must contain the permit filing fee in subsection (c) and, at a minimum, the following:

(1) A narrative description of the project, including an explanation of how coal ash will be placed, where and how coal ash will be stored prior to placement, identification of the sources of coal ash and an estimate of the cubic yards of coal ash to be used. For the beneficial use of coal ash as a soil substitute or additive, the proposed application rate and justification for the application rate shall also be included.

(2) Information demonstrating that the coal ash has been certified for its intended use in accordance with § 290.201, including the identity of the generator and the certification number.

(3) A signed statement by the owner of the land on which the coal ash is to be placed, acknowledging and consenting to the placement of coal ash. This statement by the landowner shall be a recordable document. Prior to beneficial use of coal ash under this section, the statement by the landowner shall be recorded at the office of the recorder of deeds in the county in which the proposed beneficial use of coal ash will take place.

(4) A monitoring plan that meets the requirements of Subchapter D (relating to water quality monitoring).

(c) *Permit filing fee.*

(1) A nonrefundable permit filing fee payable to the “Commonwealth of Pennsylvania” for the beneficial use of coal ash at a coal mining activity site is to be paid annually in the amount of \$2,000. This annual filing fee is to be paid until final bond release for the coal mining activity site.

(2) Money received from the permit filing fee for the beneficial use of coal ash will be deposited in the Surface Mining Conservation and Reclamation Fund and will be used by the Department for the cost of reviewing, administering and enforcing the requirements of the authorization for beneficial use of coal ash under the coal mining activity permit.

(3) The Department will review the adequacy of the fees established in this section at least once every 3 years and provide a written report to the EQB. The report will identify any disparity between the amount of program income generated by the fees and the costs to administer these programs, and contain recommendations to adjust fees to eliminate the disparity, including recommendations for regulatory amendments to adjust program fees.

(d) *Public notice.* A person proposing to use coal ash at coal mining activity sites shall provide public notice pursuant to § 86.31 or § 86.54 (relating to public notices of filing of permit applications; and public notice of permit revision).

(e) *Operating requirements.* The beneficial use of coal ash for reclamation purposes at a coal mining activity site shall be designed to achieve an overall improvement in water quality or shall be designed to prevent the degradation of water quality. Coal ash shall only be beneficially used for reclamation at the following locations:

(1) The pit or area from which coal is extracted under a surface coal mining permit.

(2) Abandoned coal mining areas located within the surface coal mining permit area.

(3) Coal refuse disposal sites and coal refuse reprocessing sites.

(4) Other beneficial uses that are part of the approved reclamation plan at the coal mining activity site.

(f) *Additional operating requirements for the placement of coal ash at coal surface mining and coal refuse reprocessing sites.* The following applies to placement of coal ash at coal surface mining and coal refuse reprocessing sites:

(1) The volume of coal ash placed at the site may not exceed the volume of coal, coal refuse, culm or silt removed from the site by the active mining operation on a cubic yard basis unless approved by the Department.

(2) Placement of coal ash shall be accomplished by mixing with spoil material or by spreading in horizontal layers no greater than 2 feet thick unless otherwise approved by the Department. The reclamation plan of the approved mining permit must address the placement of the coal ash.

(3) The coal ash shall be spread and compacted within 24 hours of its delivery to the site unless stored in accordance with Subchapter E (relating to coal ash storage).

(4) Coal ash must achieve a minimum compaction of 90% of the maximum dry density as determined by the Modified Proctor Test, or 95% of the maximum dry density as determined by the Standard Proctor Test. Ash from each source must be tested individually. The Proctor Test shall be conducted by a certified laboratory on a semiannual basis unless the Department requires more frequent testing.

(5) For coal refuse reprocessing sites where refuse material is presently deposited in large surface piles, the piles may not be rebuilt with coal ash. The placement of coal ash shall be accomplished in a manner that blends into the general surface configuration, and complements the surface drainage pattern of the surrounding landscape.

(6) For a project involving multiple refuse reprocessing sites, the Department may allow a greater volume of coal ash to be placed at an individual site than the volume of coal refuse removed from that site if the following conditions are met:

(i) A single person shall control a project involving the coordinated use of multiple coal refuse reprocessing sites.

(ii) A reclamation plan is approved for each of the sites and each plan identifies the total cubic yards of coal ash that may be placed at each site.

(iii) The total cubic yards of coal ash placed on the sites is less than the total cubic yards of refuse, culm or silt removed from the sites. Only coal ash from the integrated project can be used.

(iv) The integrated project shall be designed to achieve an overall improvement of surface water or groundwater quality at each site, where acid mine drainage is evident. If acid mine drainage is not evident, the project shall be designed to prevent degradation of the surface or groundwater quality.

(v) The integrated project shall be accomplished in a manner that blends into the general surface configuration and complements the surface drainage pattern of the surrounding landscape.

(7) The person shall maintain information identifying the sources and the volume in cubic yards and the weight in dry tons of coal ash used.

(8) The site shall be monitored in accordance with the requirements of Subchapter D.

(9) The offsite dispersion of dust from coal ash and other materials shall be minimized.

(g) *Additional operating requirements for the beneficial use of coal ash as a soil substitute or soil additive.* The following apply to the beneficial use of coal ash as a soil substitute or soil additive:

(1) Coal ash shall be applied at a rate per acre that will protect public health, public safety and the environment.

(2) The coal ash that is applied will be part of the approved reclamation plan of the coal mining activity to increase the productivity or properties of the soil.

(3) The coal ash may not be used in amounts that exceed the maximum cumulative loading rates in § 290.103(f) (relating to use of coal ash as a soil substitute or soil additive).

(4) The offsite dispersion of dust from coal ash and other materials shall be minimized.

(h) *Additional operating requirements for the beneficial use of coal ash at coal refuse disposal sites.* The following apply to the beneficial use of coal ash at coal refuse disposal sites:

(1) Placement of coal ash as part of coal refuse disposal operations permitted under Chapters 86—90 must meet the following:

(i) The cubic yards of coal ash does not exceed the total cubic yards of coal refuse to be disposed based on uncompacted volumes of materials received at the site.

(ii) The coal ash has physical and chemical characteristics that meet the following requirements:

(A) Improve compaction and stability within the fill.

(B) Reduce infiltration of water into coal refuse.

(C) Improve the quality of leachate generated by the coal refuse.

(2) The offsite dispersion of dust from coal ash and other materials shall be minimized.

(i) *Additional coal ash sampling.* A person using coal ash at a coal mining activity site shall, each quarter that coal ash is being used at the site, sample the ash after it has been placed at the site and such sample shall be analyzed in accordance with § 290.201(c)(5). The results of the analysis shall be submitted quarterly to and in the format required by the Department.

(j) *Annual report.* Prior to January 31, the permittee of a coal mining activity site where coal ash was placed in the previous calendar year shall submit a report for the previous calendar year to the Department that includes permit number, mining company contact information, the identity of each source of coal ash and its certification number, and the volume in cubic yards and the weight in dry tons for each source of coal ash that was placed at the site.

#### § 290.105. Coal ash beneficial use at abandoned coal surface mine sites.

(a) *Department approval.* Coal ash may be beneficially used at abandoned coal surface mine sites if the reclamation work is approved in writing by the Department. The beneficial use of coal ash at abandoned coal surface mine sites will, at a minimum, be based on the following:

(1) Beneficial use of the coal ash must comply with this section, and the applicable environmental statutes and regulations promulgated thereunder.

(2) The coal ash is certified under § 290.201 (relating to coal ash certification) by the Department for the intended use.

(b) *Request.* The request for the use of coal ash at abandoned mine sites must contain the following:

(1) A narrative description of the project, including an estimated beginning date and ending date for the project, an explanation of how coal ash will be placed, where and how coal ash will be stored prior to placement, identification of the sources of coal ash and an estimate of the cubic yards of coal ash to be used. For the beneficial use of coal ash as a soil substitute or additive, the proposed application rate and justification for the application rate shall also be included.

(2) Information demonstrating that the coal ash has been certified for its intended use in accordance with § 290.201, including the identity of the generator and the certification identity number.

(3) Reclamation plans, including a stability analysis, when necessary, prepared by a registered professional engineer in accordance with sound engineering practice and signed and sealed by the engineer.

(4) A signed statement by the owner of the land on which the coal ash is to be placed, acknowledging and consenting to the placement of coal ash. This statement by the landowner shall be a recordable document. Prior to beneficial use of coal ash under this section, the statement by the landowner shall be recorded at the office of the recorder of deeds in the county in which the proposed coal ash beneficial use will take place.

(5) A water quality monitoring plan, if applicable.

(6) A person proposing to use coal ash for reclamation involving use of more than 10,000 tons of coal ash per acre on a project or more than 100,000 tons of coal ash in total at any project shall place at the time of filing a request with the Department, an advertisement in a local newspaper of general circulation in the locality of the proposed coal ash beneficial use activities at least once a week for 3 consecutive weeks. Contiguous projects will be considered a single project for purposes of this section. The Department may require public notice for projects involving lesser amounts of coal ash if the Department determines that the proposed beneficial use activities are of significant interest to the public or site conditions warrant. At a minimum, the notice must contain the following information:

(i) The name and business address of the person proposing to beneficially use coal ash.

(ii) A brief description of the location and scope of the proposed beneficial use.

(iii) The location of the public office where a copy of the request that is being or was sent to the Department is available for public inspection.

(c) *Approved under contract.* Contracts issued by the Department for the reclamation of abandoned coal surface mine sites may include the beneficial use of coal ash. The beneficial use of coal ash for the reclamation of abandoned coal surface mine sites will, at a minimum, be based on the conditions established in subsection (a).

(d) *Department notification.* The Department will publish a summary of each request or contract in the *Pennsylvania Bulletin*.

(e) *Operating requirements.* The use of coal ash as part of the reclamation activity at abandoned coal surface mine sites must satisfy the following additional requirements:

(1) The pH of the coal ash as placed must be in the range of 6.0 to 9.0, unless otherwise approved by the Department. Lime may be added to raise pH.

(2) The slope of the reclaimed area may not be greater than 2.5 horizontal to 1.0 vertical. The Department may approve a greater slope based on a demonstration of stability.

(3) Coal ash shall be spread uniformly and compacted in layers not exceeding 2 feet in thickness. The coal ash shall be spread and compacted within 24 hours of its delivery to the site unless stored in accordance with Subchapter E (relating to coal ash storage).

(4) Surface runoff from the reclamation area shall be minimized during construction activity. Storm water shall be managed in accordance with The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the regulations promulgated thereunder.

(5) Surface water shall be diverted away from the disturbed area during construction activity.

(6) Coal ash shall be covered with 12 inches of soil, unless infiltration is prevented by other cover material.

(7) Coal ash must achieve a minimum compaction of 90% of the maximum dry density as determined by the Modified Proctor Test, or 95% of the maximum dry density as determined by the Standard Proctor Test. Ash from each source shall be tested individually. The Proctor Test shall be conducted by a certified laboratory.

(8) The offsite dispersion of dust from coal ash and other materials shall be minimized.

(9) Coal ash used for reclamation may not be located:

(i) Within 100 feet of an intermittent or perennial stream, unless the reclamation area is otherwise protected by a properly engineered diversion or structure that is permitted by the Department under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) or the ash has been placed as a low permeability material to function as an aquatard as part of an engineered stream channel restoration.

(ii) Within 300 feet of a water supply unless the person obtains, in a form acceptable to the Department, a written waiver from the owner of the water supply, allowing for another distance.

(iii) Within 100 feet of a sinkhole or area draining into a sinkhole.

(iv) Within a 100-year floodplain of a water of this Commonwealth, unless a properly engineered dike, levee or other structure that can protect the reclamation area from a 100-year flood is permitted by the Department in a manner that is consistent with the Flood Plain Management Act (32 P. S. §§ 679.101—679.601), the Storm Water Management Act (32 P. S. §§ 680.1—680.17) and the Dam Safety and Encroachments Act.

(v) In or within 100 feet of a wetland, other than an exceptional value wetland.

(vi) In or within 300 feet of an exceptional value wetland.

(10) The following apply to the beneficial use of coal ash as a soil substitute or soil additive:

(i) Coal ash shall be applied at a rate per acre that will protect public health, public safety and the environment.

(ii) The coal ash that is applied will be part of the approved reclamation plan to increase the productivity or properties of the soil.

(iii) The coal ash is not used in amounts that exceed the maximum cumulative loading rates in § 290.103(f) (relating to use of coal ash as a soil substitute or soil additive).

(f) *Annual report.* Prior to January 31, any person that placed coal ash at an abandoned mine site in the previous calendar year shall submit a report for the previous calendar year to the Department that includes company contact information, the identity of the reclamation contract with the Department or approval by the Department, the identity of each source of coal ash and its certification identity number, and the volume in cubic yards and the weight in dry tons for each source of coal ash that was placed at the site.

#### § 290.106. Other beneficial uses of coal ash.

(a) This section sets forth beneficial uses of coal ash other than use as a structural fill, soil substitute or soil additive.

(b) The following uses of coal ash are deemed to be beneficial and do not require a permit from the Department under the act provided the uses are consistent with the requirements of this section:

(1) The use of coal ash in the manufacture of concrete. The coal ash shall be utilized within 24 hours of its delivery to the site unless stored in accordance with Subchapter E (relating to coal ash storage).

(2) The extraction or recovery of one or more materials and compounds contained within the coal ash if the following conditions are met:

(i) Storage of coal ash before and after extraction or recovery shall be subject to Subchapter E.

(ii) Disposal of the unrecovered fraction of coal ash shall be subject to the applicable requirements for residual waste.

(3) The use of fly ash as a stabilized product. Other uses of fly ash in which physical or chemical characteristics are altered prior to use or during placement will be considered a beneficial use under this section if the following conditions are met:

(i) The person proposing the use has first given advance written notice to the Department.

(ii) The coal ash is not mixed with solid waste, unless otherwise approved, in writing, by the Department prior to the use.

(iii) The use of the coal ash results in a demonstrated reduction of the potential of the coal ash to leach constituents into the environment.

(4) The use of bottom ash or boiler slag as an antiskid material or road surface preparation material, if the use is consistent with Department of Transportation specifications or other applicable specifications. The use of fly ash as an antiskid material or road surface preparation material is not deemed to be a beneficial use.

(5) The use of coal ash as raw material for a product with commercial value, including the use of bottom ash in construction aggregate. Storage of coal ash prior to processing is subject to Subchapter E.

(6) The use of coal ash as a drainage material or pipe bedding, if the person proposing the use has first given advance written notice to the Department, and has provided to the Department an evaluation of the pH of the coal ash and a chemical analysis of the coal ash.

(7) The use of coal ash for mine subsidence control, mine fire control and mine sealing, if the following requirements are met:

(i) The person proposing the use gives advance written notice to the Department.

(ii) The pH of the coal ash is in a range that will not cause or allow the ash to contribute to water pollution.

(iii) The use of the coal ash in projects funded by or through the Department is consistent with applicable Departmental requirements and contracts.

(iv) The coal ash shall be utilized within 24 hours of its delivery to the site unless stored in accordance with Subchapter E.

#### § 290.107. Requests for information.

(a) The Department may request documents and other information from a person to demonstrate that the person is conducting or proposing to use coal ash in a manner that is compliant with this subchapter.

(b) Failure to have documentation of compliance with this subchapter may lead to a presumption that the person is disposing of residual waste without a permit.

### Subchapter C. COAL ASH CERTIFICATION

Sec.

290.201. Coal ash certification.

290.202. Revocation of certification.

290.203. Exceedance of certification requirements.

#### § 290.201. Coal ash certification.

(a) Certification standards are as follows:

(1) Maximum acceptable leachate levels for certification:

(i) For metals and other cations, 25 times the waste classification standard for a contaminant.

(ii) For contaminants other than metals and cations, the waste classification standard for a contaminant.

(2) The pH of the coal ash must be above 7.0 for mine backfilling, alkaline addition, or use as low-permeability material.

(3) For coal ash used as an alkaline additive, whether as a placement fill or as an alkaline soil additive, the calcium carbonate equivalency, as determined by the Neutralization Potential Test in the Department's *Overburden Sampling and Testing Manual* (Noll, et al., 1988) or other method approved by the Department, must be a minimum of 100 parts per thousand (10% by weight).

(4) For coal ash used as a low permeability material, the hydraulic conductivity (permeability) of the coal ash must be  $1.0 \times 10^{-6}$  cm/sec or less based on hydraulic conductivity testing using ASTM D 5084 (Standard Test Method for Measurement of Hydraulic Conductivity of Saturated Porous Materials Using a Flexible Wall Perimeter) or other method approved by the Department. An additive may be used with the coal ash to meet this hydraulic conductivity. Hydraulic conductivity testing should use compaction and other preparation techniques that will duplicate the expected conditions at the mine site.

(b) Certification may be granted for use of coal ash not meeting all the appropriate standards in subsection (a) if the following conditions are met:

(1) The coal ash will be used only at specified mine sites. The coal ash certification is limited for use only at a specified site.

(2) Only standards based on secondary MCLs (aluminum, chloride, iron, manganese, sulfate, silver and zinc) are exceeded. All other limits shall be met.

(3) The mine site operator can demonstrate that use of the coal ash at these levels will not adversely impact the surface water or groundwater quality and that the use of the coal ash will achieve an overall benefit in groundwater quality.

(c) A request for coal ash certification must contain the following information on a form provided by the Department:

(1) The name and location of the generator of the coal ash.

(2) A designation of the beneficial use or uses for which certification is requested

(3) A description of the coal ash generation process specific to the generator, including the combustion and pollution control processes, the fuel sources utilized, and the expected percentages of coal ash derived from different processes that will be incorporated into the final coal ash stream to be delivered to the beneficial use site.

(4) A description of the physical properties and chemical characteristics of any material mixed with the coal ash, the extent of mixing, and the mixing methods used.

(5) A detailed chemical analysis on at least four representative samples spaced throughout a 2–6-month sampling period within the last year that fully characterizes the composition of the coal ash. This analysis must include:

(i) Total and leachable concentrations for aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, mercury, molybdenum, nickel, potassium, selenium, silver, sodium, sulfate, thallium, vanadium and zinc and leachable concentrations for ammonia, chloride, fluoride, nitrate and nitrite using methods found in EPA's "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (EPA Publication No. SW-846) or comparable methods approved by the Department. Leachate concentrations shall be determined using EPA Method 1312, the Synthetic Precipitation Leaching Procedure, or another leaching procedure approved by the Department.

(ii) Information to show that the laboratory making a chemical analysis for the application is in compliance with 27 Pa.C.S. Chapter 41 (relating to environmental laboratory accreditation).

(6) A laboratory analysis for optimum moisture content and dry density (Standard or Modified Proctor Test).

(7) An analysis of permeability reported in cm/sec.

(8) A determination of neutralization potential as determined by the Neutralization Potential Test in the Department's *Overburden Sampling and Testing Manual* (Noll, et al., 1988) or other method approved by the Department.

(9) A detailed description of the sampling methodology used, date the samples were taken, and name and contact information of the person performing the sampling.

(10) Other physical testing results, if required in subsection (a) for the particular beneficial uses being proposed.

(d) The Department will review the certification request and notify the generator in writing of the certification identity number or the reason that the source was not certified for beneficial use.

(e) If the coal ash is certified, a representative of the coal ash source generator shall submit regular monitoring information to demonstrate that the coal ash continues to meet the requirements for certification. This information shall be submitted on dates specified by and on forms provided by the Department. At a minimum, monitoring requirements must consist of the following:

(1) At least one representative sample analysis of the coal ash submitted every three months.

(2) A representative sample analysis collected whenever there is a change in operation of the combustion unit generating the coal ash or a significant change in the fuel source.

(3) Prior to January 31, a yearly report, that includes the volume in cubic yards and the weight in dry tons of ash produced for beneficial use in the previous calendar year and the locations, such as mine sites, where the ash was delivered.

(f) The coal ash generator and the person beneficially using the coal ash must notify the Department of any changes to the information filed in the certification application or of any evidence that the coal ash may not meet certification requirements.

#### § 290.202. Revocation of certification.

(a) The Department will revoke certification for a source of coal ash if any of the following occur:

(1) The generator fails to comply with monitoring requirements as described in § 290.201(e).

(2) The results from the analyses of the coal ash consistently exceed the certification criteria.

(3) There are physical or chemical characteristics that make the coal ash unsuitable for beneficial use.

(b) If certification is revoked, the coal ash cannot be used at a coal mining activity site or an abandoned coal surface mine site in the Commonwealth unless the coal ash generator requests recertification under subsection (c) and the coal ash is recertified by the Department.

(c) The generator of coal ash that had its certification revoked may request recertification. For certification to be reinstated, the generator shall demonstrate to the Department's satisfaction that:

(1) A detailed chemical analysis on three recent monthly representative samples establish that the coal ash meets the certification requirements.

(2) There are no other physical or chemical characteristics that make the coal ash unsuitable for beneficial use.

#### § 290.203. Exceedance of certification requirements.

If the coal ash sample analysis results exceed any certification requirement, this source may continue to be used if the person can demonstrate to the Department's satisfaction that the exceedance was a rare event and is not a typical representation of the coal ash as a whole. This demonstration must include comparisons with prior coal ash analyses, a new sampling strategy and new

sample analyses. The demonstration must explain the cause of any high value and how this type of event will be avoided in the future.

#### Subchapter D. WATER QUALITY MONITORING

Sec.

- 290.301. Water quality monitoring.
- 290.302. Number, location and depth of monitoring points.
- 290.303. Standards for wells and casing of wells.
- 290.304. Assessment plan.
- 290.305. Abatement plan.
- 290.306. Recordkeeping.

##### § 290.301. Water quality monitoring.

(a) A water quality monitoring plan shall be submitted to the Department for approval prior to placement or storage of coal ash at the sites identified in §§ 290.101(d), 290.104, 290.405(d) or 290.411(e). At a minimum, the plan must include the following information:

(1) The location and design of downgradient and upgradient monitoring points.

(2) A minimum of 12 background samples from each monitoring point taken at monthly intervals prior to placement of coal ash, unless a different number or frequency is approved by the Department.

(3) The samples to be taken quarterly after approval from each monitoring point, unless a different number or frequency is approved by the Department.

(b) The person taking the samples and the laboratory performing the analysis required by subsection (a) shall employ the quality assurance/quality control procedures described in the EPA's "Handbook for Analytical Quality Control in Water and Wastewater Laboratories" (EPA 600/4-79-019) or "Test Methods for Evaluating Solid Waste" (SW-846).

(c) The analytical methodologies used to meet the requirements of subsection (a) must be those in the most recent edition of the EPA's "Test Methods for Evaluating Solid Waste" (SW-846), "Methods for Chemical Analysis of Water and Wastes" (EPA 600/4-79-020), "Standard Methods for Examination of Water and Wastewater," prepared and published jointly by the American Public Health Association, American Waterworks Association, and Water Pollution Control Federation or a comparable method approved by the EPA or the Department. The laboratory making any chemical analysis for water quality monitoring must be in compliance with 27 Pa.C.S. Chapter 41 (relating to environmental laboratory accreditation).

(d) Samples shall be analyzed for pH (determined in the field), temperature (determined in the field), specific conductance (at 25° C; determined in the field), alkalinity, acidity, sulfate, chloride, fluoride, nitrate, nitrite, ammonia, and total suspended solids without filtration.

(e) Samples shall be analyzed for total and dissolved aluminum, antimony, arsenic, barium, beryllium, boron, cadmium, calcium, chromium, cobalt, copper, iron, lead, magnesium, manganese, mercury, molybdenum, nickel, potassium, selenium, silver, sodium, thallium, vanadium, and zinc. In addition, the static water elevation for monitoring wells and the flow for springs, seeps and mine discharges must be measured.

(f) Additional parameters may be required by the Department based on conditions at the site.

(g) Water quality monitoring shall continue quarterly for a minimum of 5 years after final placement or storage of coal ash at the site, and annually thereafter from the end of year 5 through 10 years after final placement or storage of coal ash at the site. The Department may

require more frequent or longer water quality monitoring if the results of water quality monitoring indicate that contamination may be occurring.

(h) Water quality monitoring data shall be submitted quarterly to and in the format required by the Department.

(i) The person required to develop and implement a water quality monitoring plan in accordance with § 290.101(d) (relating to general requirements for the beneficial use of coal ash) shall demonstrate attainment with applicable groundwater or surface water remediation standards as required in the event of groundwater or surface water degradation attributable to the placement of the coal ash. The applicable groundwater remediation standards are identified in §§ 290.304 and 290.305 (relating to assessment plan; and abatement plan).

##### § 290.302. Number, location and depth of monitoring points.

(a) The water quality monitoring system must accurately characterize groundwater flow, groundwater chemistry and flow systems on the site and adjacent area. The system must consist of the following:

(1) At least one monitoring well at a point hydraulically upgradient from the coal ash placement area in the direction of increasing static head that is capable of providing representative data of groundwater not affected by placement of coal ash, except when the coal ash placement area occupies the most upgradient position in the flow system. In that case, sufficient downgradient monitoring points shall be placed to determine the extent of adverse effects on groundwater from the coal ash placement.

(2) At least three groundwater monitoring points hydraulically downgradient in the direction of decreasing static head from the area in which coal ash has been or will be placed. The Department may accept two downgradient monitoring points on small sites that can be well represented by two points. The Department may allow one or more springs, seeps and mine discharges to substitute for wells if these points are hydraulically downgradient from the area in which coal ash has been or will be placed and if these points will be as effective or more effective at monitoring the ash placement area than wells. Downgradient monitoring points must be hydrologically connected to the area of ash placement, and must be located and constructed so as to detect any chemical influence of the ash placement area. The downgradient points must be proximate enough to detect contaminants within the life of the placement operation. All monitoring points must be developed and protected in a manner approved by the Department. In addition to groundwater monitoring points, the Department may require downstream monitoring where downstream monitoring is likely to show any chemical influence that the ash placement area may have on the hydrologic regime.

(3) Surface water monitoring points approved by the Department.

(b) The upgradient and downgradient monitoring wells must be:

(1) Sufficient in number, location and depth to be representative of water quality.

(2) Located so as not to interfere with routine operations at the site.

(3) Located within 200 feet of the coal ash placement area, except as necessary to comply with subsection (c), and located at the points of compliance.

(c) In addition to the requirements of subsection (b), upgradient monitoring points shall be located so that they will not be affected by effects on groundwater or surface water from the ash placement area.

(d) In addition to the requirements of subsection (b), downgradient monitoring points shall be located so that they will provide early detection of effects on groundwater or surface water from the coal ash placement area.

(e) Wells drilled under this section shall be drilled by drillers licensed under the Water Well Drillers License Act (32 P. S. §§ 645.1—645.13).

(f) The well materials shall be decontaminated prior to installation.

### § 290.303. Standards for wells and casing of wells.

(a) A monitoring well shall be cased as follows:

(1) The casing must maintain the integrity of the monitoring well borehole and be constructed of material that will not react with the groundwater being monitored.

(2) The minimum casing diameter must be 4 inches unless otherwise approved by the Department in writing.

(3) The well must be constructed with a screen that meets the following requirements:

(i) The screen must be factory-made.

(ii) The screen may not react with the groundwater being monitored.

(iii) The screen must maximize open area to minimize entrance velocities and allow rapid sample recovery.

(4) The well must be filter-packed with chemically inert clean quartz sand, silica or glass beads. The material must be well-rounded and dimensionally stable.

(5) The casing must be clearly visible and protrude at least 1 foot aboveground, unless the Department has approved flush mount wells.

(6) The annular space above the sampling depth must be sealed to prevent contamination of samples and the groundwater.

(7) The casing must be designed and constructed to prevent cross contamination between surface water and groundwater.

(8) Alternative casing designs for wells in stable formations may be approved by the Department.

(b) Monitoring well casings must be enclosed in a protective casing that must:

(1) Be of sufficient strength to protect the well from damage by heavy equipment and vandalism.

(2) Be installed for at least the upper 10 feet of the monitoring well, as measured from the well cap, with a maximum stick up of 3 feet, unless otherwise approved by the Department in writing.

(3) Be grouted and placed with a concrete collar at least 3 feet deep to hold it firmly in position.

(4) Be numbered for identification with a label capable of withstanding field conditions and painted in a highly visible color.

(5) Protrude above the monitoring well casing.

(6) Have a locked cap.

(7) Be made of steel or other material of equivalent strength.

### § 290.304. Assessment plan.

(a) A person shall prepare and submit to the Department an assessment plan within 60 days after one of the following occurs:

(1) Data obtained from monitoring by the Department or the person indicates a significant change in the quality of groundwater or surface water from background levels determined under § 290.301(a)(2) (relating to water quality monitoring) at any downgradient monitoring point.

(2) Laboratory analysis of one or more public or private water supplies indicates groundwater or surface water contamination that could reasonably be attributed to the coal ash placement.

(b) The person is not required to conduct an assessment under this section if one of the following applies:

(1) Within 10 working days after receipt of sample results indicating groundwater or surface water degradation, the person resamples the affected monitoring points and analysis from resampling shows, to the Department's satisfaction, that groundwater or surface water degradation has not occurred.

(2) Within 20 working days after receipt of sample results indicating groundwater or surface water degradation, the person demonstrates that the degradation was caused entirely by seasonal variations or activities unrelated to coal ash placement.

(c) The assessment plan must specify the manner in which the person will determine the existence, quality, quantity, areal extent and depth of groundwater or surface water degradation and the rate and direction of migration of contaminants. An assessment plan shall be prepared and sealed by an expert in the field of hydrogeology who is a licensed professional geologist in the Commonwealth. The plan must contain the following information:

(1) For wells, lysimeters, borings, pits, piezometers, springs, seeps, mine discharges and other assessment structures or devices, the number, location, size, casing type and depth, as appropriate. If the assessment points are wells, they shall be constructed in accordance with §§ 290.302 and 290.303 (relating to number location and depth of monitoring points; and standards for wells and casing of wells).

(2) The sampling and analytical methods for the parameters to be evaluated.

(3) The evaluation procedures, including the use of previously gathered groundwater or surface water quality and quantity information, to determine the concentration, rate and extent of groundwater or surface water degradation from the facility.

(4) An implementation schedule.

(5) An identification of the abatement standard that will be met.

(d) The assessment plan shall be implemented upon approval by the Department in accordance with the approved implementation schedule, and be completed in a reasonable time not to exceed 6 months, unless otherwise approved by the Department. If the Department determines that the proposed plan is inadequate, it may modify the plan and approve the plan as modified. If the groundwater or surface water assessment indicates that contamination is leaving the coal ash placement site, the person shall notify, in writing, each owner of a private or public water supply that is located within 1/2-mile



downgradient of the coal ash placement area that an assessment has been initiated.

(e) Within 45 days after the completion of the assessment plan, the person shall submit a report containing the new data collected, analysis of the data and recommendations on the necessity for abatement.

(f) If the Department determines after review of the assessment report that implementation of an abatement plan is not required by § 290.305 (relating to abatement plan), the person shall submit a revised water quality monitoring plan to the Department for approval that contains any necessary changes to the plan and an application for permit modification, if applicable. The person shall implement the modifications within 30 days of the Department's approval.

(g) This section does not prevent the Department from requiring or the person from conducting abatement or water supply replacement concurrently with or prior to implementation of the assessment.

#### § 290.305. Abatement plan.

(a) The person that is required to conduct water quality monitoring as part of coal ash beneficial use or storage shall prepare and submit to the Department an abatement plan whenever one of the following occurs:

(1) The assessment plan prepared and implemented under § 290.304 (relating to assessment plan) shows the presence of groundwater or surface water degradation for one or more contaminants at one or more monitoring points and the analysis under § 290.304(c) indicates that an abatement standard under subsection (c) will not be met.

(2) Monitoring by the Department or person shows the presence of an abatement standard exceedance from one or more compliance points as indicated in subsection (c) even if a assessment plan has not been completed. The person is not required to implement an abatement plan under this paragraph if the following apply:

(i) Within 10 days after receipt of sample results showing an exceedance of an abatement standard at a point of compliance described in subsection (c), the person resamples the affected monitoring points.

(ii) Analysis from resampling shows to the Department's satisfaction that an exceedance of an abatement standard has not occurred.

(b) An abatement plan shall be prepared and sealed by an expert in the field of hydrogeology who is a licensed professional geologist in this Commonwealth. The plan must contain the following information:

(1) The specific methods or techniques to be used to abate groundwater or surface water degradation at the facility.

(2) The specific methods or techniques to be used to prevent further groundwater or surface water degradation from the facility.

(3) A schedule for implementation.

(c) If abatement is required in accordance with subsection (a), the person shall demonstrate compliance with one or more of the following standards at the identified compliance points:

(1) For constituents for which Statewide health standards exist, the Statewide health standard for that constituent at and beyond 500 feet of the perimeter of the permitted coal ash placement area or at and beyond the property boundary, whichever is closer.

(2) The background standard for constituents at and beyond 500 feet of the perimeter of the permitted coal ash placement area or at and beyond the property boundary, whichever is closer. Load-based standards at groundwater discharge points are acceptable if the permit was issued under Chapter 87, Subchapter F or Chapter 88, Subchapter G (relating to surface coal mines: minimum requirements for remaining areas with pollutional discharges; and anthracite surface mining activities and anthracite bank removal and reclamation activities: minimum requirements for remaining areas with pollutional discharges).

(3) For constituents for which no primary MCLs under the Federal and State Safe Drinking Water Acts (42 U.S.C.A. §§ 300f—300j-18; and 35 P.S. §§ 721.1—721.17) exist, the risk-based standard at and beyond 500 feet of the perimeter of the permitted coal ash placement area or at and beyond the property boundary, whichever is closer, if the following conditions are met:

(i) The risk assessment used to establish the standard assumes that human receptors exist at the property boundary.

(ii) The level is derived in a manner consistent with Department guidelines for assessing the health risks of environmental pollutants.

(iii) The level is based on scientifically valid studies conducted in accordance with good laboratory practice standards (40 CFR Part 792 (relating to good laboratory practice standards)) promulgated under the Toxic Substances Control Act (15 U.S.C.A. §§ 2601—2692) or other scientifically valid studies approved by the Department.

(iv) For carcinogens, the level represents a concentration associated with an excess lifetime cancer risk level of  $1 \times 10^{-5}$  at the property boundary.

(d) For measuring compliance with secondary contaminants under subsection (c)(1) or (3), the Department may approve a compliance point beyond 500 feet on land owned by the owner of the coal ash placement area.

(e) The abatement plan shall be completed and submitted to the Department for approval within 90 days of the time the obligation arises under this section unless the date is otherwise modified, in writing, by the Department.

(f) If the Department determines that the proposed plan is inadequate, the Department may modify the plan and approve the plan as modified or require the submission of an approvable modification.

(g) The abatement plan shall be implemented within 60 days of approval by the Department in accordance with the approved implementation schedule.

(h) If, after plan approval or implementation, the Department finds that the plan is incapable of achieving the groundwater or surface water protection contemplated in the approval, the Department may issue one or more of the following:

(1) An order requiring the person to submit proposed modifications to the abatement plan.

(2) An order requiring the person to implement the abatement plan as modified by the Department.

(3) Another order the Department deems necessary to aid in the enforcement of the acts.

#### § 290.306. Recordkeeping.

A person subject to the requirements of this subchapter shall retain records of analyses and evaluations of monitoring data and groundwater elevations required under

this subchapter for a minimum of 3 years after water quality monitoring ceases and shall make the records available to the Department upon request.

### Subchapter E. COAL ASH STORAGE

Sec.

- 290.401. Design and operation.
- 290.402. Duration of storage.
- 290.403. Surface and groundwater protection.
- 290.404. Areas where coal ash storage is prohibited.
- 290.405. Storage piles—general requirements.
- 290.406. Storage piles—storage pad or liner system.
- 290.407. Storage piles—leachate and runoff control.
- 290.408. Storage impoundments—scope.
- 290.409. Storage impoundments—general requirements.
- 290.410. Storage impoundments—design requirements.
- 290.411. Storage impoundments—operating requirements.
- 290.412. Storage impoundments—failure.
- 290.413. Storage impoundments—inspection.
- 290.414. Storage areas—closure.

#### § 290.401. Design and operation.

(a) A person storing coal ash shall employ best engineering design and construction practices for all phases of construction and operation.

(b) A person may not store coal ash in a manner that exceeds the design capacity of the storage facility.

(c) The Department may require a person to install a water quality monitoring system in accordance with Subchapter D (relating to water quality monitoring) if storage of the coal ash has the potential to cause groundwater degradation.

(d) A person storing coal ash shall routinely inspect the facility, its equipment and the surrounding area for evidence of failure and shall immediately take necessary corrective actions. The person shall maintain records of inspections and corrective actions that were taken for a minimum of 3 years, and make the records available to the Department upon request.

#### § 290.402. Duration of storage.

(a) Except as provided in subsection (b) or (c), coal ash may not be stored at the immediate area where it will be put to beneficial use for a longer period of time than necessary to complete the project or 90 days, whichever is less, unless the Department approves a different period in writing.

(b) Bottom ash being stored for use as antiskid material may be stored in areas adjacent to roads or highways for a period of more than 90 days without Department approval if the following conditions are met:

(1) A significant quantity of the bottom ash is used annually for antiskid material.

(2) Bottom ash is stored on an impermeable floor or pad, and it is stored either in an enclosed facility or an area where runoff is collected or treated. The Department may waive or modify, in writing, this requirement if there is no runoff from the storage.

(c) Coal ash may not be stored at another area as follows:

(1) For more than 1 year unless a minimum of 75% of the volume of the ash being stored is processed for beneficial use in the previous year.

(2) For more than 90 days unless it is stored on an impermeable floor or pad and either in an enclosed facility or in an area where runoff is collected and treated. The Department may waive or modify, in writing, this requirement if there is no runoff from the storage.

(d) The Department will presume that a person storing coal ash contrary to subsections (a)—(c) is operating a waste disposal facility and is subject to the applicable requirements of the act and regulations thereunder for waste disposal.

(e) A person that stores coal ash shall maintain for a minimum of 3 years accurate operational records that are sufficiently detailed to demonstrate to the Department that coal ash is being stored under subsections (a)—(c). The records shall be made available to the Department upon request. The presumption in subsection (d) may be overcome by the operational records required by this subsection.

(f) Nothing in this section supersedes a regulation or other requirement providing for a storage period of less than 1 year.

#### § 290.403. Surface and groundwater protection.

(a) Surface water runoff from storage areas shall be minimized. Storm water shall be managed in accordance with The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the regulations promulgated thereunder.

(b) Surface water run-on to storage areas shall be minimized.

(c) Coal ash may not be stored in a manner that causes groundwater degradation.

#### § 290.404. Areas where coal ash storage is prohibited.

(a) Coal ash storage areas, other than storage impoundments, may not be operated as follows, unless otherwise authorized by the Department in writing:

(1) Within 100 feet of an intermittent or perennial stream.

(2) Within 300 feet of a groundwater water source.

(3) Within 1,000 feet upgradient of a surface drinking water source.

(4) Within 25 feet of a bedrock outcrop, unless the outcrop is properly treated to minimize infiltration into fractured zones.

(5) Within 100 feet of a sinkhole or area draining into a sinkhole.

(6) Within 100 feet of a wetland, other than an exceptional value wetland.

(7) In or within 300 feet of an exceptional value wetland.

(b) Coal ash storage impoundments may not be operated as follows:

(1) In the 100-year floodplain of waters of this Commonwealth.

(2) In or within 100 feet of a wetland other than an exceptional value wetland.

(3) In or within 300 feet of an exceptional value wetland.

(4) In an area where the operation would result in the elimination, pollution or destruction of a portion of an intermittent stream or perennial stream.

(5) Within 100 feet of an intermittent stream or perennial stream.

(6) In areas underlain by limestone or carbonate formations, where the formations are greater than 5 feet thick and present at the topmost geologic unit. These areas include areas mapped by the "Pennsylvania Geological

Survey” as underlain by these formations, unless competent geologic studies demonstrate the absence of limestone and carbonate formations under the site.

(7) Within 900 feet measured horizontally from an occupied dwelling, unless the owner of the dwelling has provided a written waiver consenting to the coal ash storage impoundment being closer than 900 feet. A waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner. A closed coal ash storage impoundment that submits an application to reopen and expand shall also be subject to this paragraph.

(8) Within 100 feet of a property line, unless the current owner has provided a written consent to the coal ash storage impoundment being closer than 100 feet. The waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the current owner.

(9) Within 1/4 mile upgradient, and within 300 feet downgradient, of a private or public water source, except that the Department may waive or modify these isolation distances if the person demonstrates and the Department finds, in writing, that the following conditions have been met:

(i) The owners of the public or private water sources in the isolation area have consented, in writing, to the location of the proposed the coal ash storage impoundment.

(ii) The person storing coal ash and each water source owner have agreed, in writing, that the person will construct and maintain at the person’s expense a permanent alternative water supply of like quantity and quality at no additional cost to the water source owner if the existing source is adversely affected by the coal ash storage impoundment.

(iii) The person storing coal ash has demonstrated that a replacement water source is technically and economically feasible and readily available for every public or private water source in the isolation area.

(10) At a school, park or playground as follows:

(i) Within 900 feet of the following:

(A) A building that is owned by a school district or school and used for instructional purposes.

(B) A park.

(C) A playground.

(ii) The current property owner of a school building, park or playground may waive the 900-foot prohibition by signing a written waiver.

(11) In areas that serve as habitat for fauna or flora listed as “threatened” or “endangered” under the Endangered Species Act of 1973 (7 U.S.C.A. § 136; 16 U.S.C.A. §§ 4601—9, 460k-1, 668dd, 715i, 715a, 1362, 1371, 1372, 1402 and 1531—1543), the Wild Resource Conservation Act (32 P. S. §§ 5301—5314), 30 Pa.C.S. (relating to the Fish and Boat Code) or 34 Pa.C.S. (relating to the Game and Wildlife Code), unless the applicant demonstrates compliance with applicable Federal and State requirements that would allow operations in such areas.

**§ 290.405. Storage piles—general requirements.**

(a) A person storing coal ash in piles shall prevent the dispersal of coal ash by wind or water erosion.

(b) The coal ash being stored shall be separated from the water table by at least 4 feet without the use of a groundwater pumping system. The Department may waive, in writing, this requirement.

(c) A person storing coal ash in a pile shall design, install and maintain berms around the storage area and other structures or facilities to collect and, when necessary, treat runoff or leachate, or both, from the storage area. The Department may waive, in writing, the berm requirement when other collection methods are in place.

(d) For storage piles without a liner system or storage pad, the Department may require the person to install and implement water quality monitoring in accordance with Subchapter D (relating to water quality monitoring) where site conditions warrant.

**§ 290.406 Storage piles—storage pad or liner system.**

(a) A person that installs a storage pad or liner system to prevent groundwater degradation shall meet the requirements of this section. This section does not preclude a person from using other means to prevent groundwater degradation, such as enclosure in a building.

(b) The storage pad or liner system must meet the following requirements:

(1) Prevent the migration of leachate through the storage pad or liner system.

(2) May not be adversely affected by the physical or chemical characteristics of coal ash, coal ash constituents or leachate from the coal ash storage piles.

(3) Be designed, constructed and maintained to protect the integrity of the pad or liner during the storage of coal ash.

(4) Be designed to collect leachate and runoff.

(5) Be constructed of nonsolid waste and non-coal ash material.

(6) Be no less permeable than  $1 \times 10^{-7}$  cm/sec., as demonstrated by field and laboratory testing.

(7) Be inspected for uniformity, damage and imperfections during construction and installation.

(c) The person shall install and operate a monitoring system capable of verifying whether coal ash or leachate has penetrated the pad or liner, if required by the Department.

(d) Coal ash may not be stored where continuous or intermittent contact could occur between the coal ash and groundwater or surface water.

**§ 290.407. Storage piles—leachate and runoff control.**

(a) A person that installs a storage pad or liner system shall collect leachate and runoff from the coal ash pile and divert it into a leachate storage system.

(b) A leachate storage system must consist of a collection tank or surface impoundment. The tank or impoundment must be:

(1) Sized for the anticipated leachate and runoff flow, including a 30-day reserve capacity.

(2) Chemically compatible with the leachate.

(3) Of sufficient strength to withstand expected loads.

(4) Equipped with cleanouts, if necessary.

(5) Sealed to prevent the loss of leachate and runoff.

(c) Collected leachate shall be treated or disposed in a manner that complies with the act, The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the regulations promulgated thereunder.

**§ 290.408. Storage impoundments—scope.**

(a) This section and §§ 290.409—290.413 apply to persons that store coal ash in surface impoundments prior to beneficial use.

(b) This section and §§ 290.408—290.413 do not apply to the storage impoundments that are designed for the express purpose of storing stormwater runoff and that store runoff composed entirely of stormwater. Impoundments that store stormwater runoff must comply with the applicable requirements of The Clean Streams Law (35 P. S. §§ 691.1—691.1001), section 13 of the Stormwater Management Act (32 P. S. § 680.13) and Chapters 92, 102 and 105 (relating to national pollutant discharge elimination system permitting, monitoring and compliance; erosion and sediment control; and dam safety and waterway management).

(c) For purposes of this section, “stormwater” means drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

**§ 290.409. Storage impoundments—general requirements.**

A person that operates a storage impoundment to hold coal ash shall meet the following conditions:

(1) Hold a valid permit from the Department for the storage under sections 308 and 402 and other applicable provisions of The Clean Streams Law, Chapter 91 (relating to general provisions) and other applicable regulations promulgated thereunder, and comply with the permit.

(2) Comply with Chapter 105 (relating to dam safety and waterway management).

**§ 290.410. Storage impoundments—design requirements.**

Impoundments used to store coal ash must meet the following minimum design criteria:

(1) The liner system for a coal ash storage impoundment must include the following elements:

(i) The subbase, which is the prepared layer of soil or earthen material upon which the remainder of the liner system is constructed.

(ii) The leachate detection zone, which is a prepared layer placed on top of the subbase and upon which the liner is placed, and in which a leachate detection system is located.

(iii) The composite liner, which is a continuous layer of synthetic material over earthen material, placed on the leachate detection zone. The upper component is no more permeable than  $1.0 \times 10^{-7}$  cm/sec. based on laboratory testing. The composite component is no more permeable than  $1.0 \times 10^{-6}$  cm/sec., based on laboratory testing and field testing.

(iv) The protective cover and leachate collection zone, which is a prepared layer placed over the liner in which a leachate collection system is located.

(2) The bottom of the subbase of the liner system cannot be in contact with the water table without the use of groundwater pumping systems.

(3) The subbase must meet the following performance standards. The subbase must:

(i) Bear the weight of the liner system, coal ash, and equipment operating on the coal ash storage impoundment without causing or allowing a failure of the liner system.

(ii) Accommodate potential settlement without damage to the liner system.

(iii) Be a barrier to the transmission of liquids.

(iv) Cover the bottom and sidewalls of the coal ash storage impoundment.

(4) The leachate detection zone must meet the following performance standards. The leachate detection zone must:

(i) Rapidly detect and collect liquid entering the leachate detection zone, and rapidly transmit the liquid to the leachate treatment system.

(ii) Withstand chemical attack from coal ash or leachate.

(iii) Withstand anticipated loads, stresses and disturbances from overlying coal ash and equipment operation.

(iv) Function without clogging.

(v) Prevent the liner from puncturing, cracking, tearing, stretching or otherwise losing its physical integrity.

(vi) Cover the bottom and sidewalls of the coal ash storage impoundment.

(5) The liner must meet the following standards of performance:

(i) The liner must prevent the migration of leachate through the liner to the greatest degree that is technologically possible.

(ii) The effectiveness of the liner in preventing the migration of leachate may not be adversely affected by the physical or chemical characteristics of the coal ash or leachate from the coal ash storage impoundment.

(iii) The liner must be resistant to physical failure, chemical failure, and other failure.

(iv) The liner must cover the bottom and sidewalls of the coal ash storage impoundment.

(6) The protective cover must meet the following performance standards. The protective cover must:

(i) Protect the primary liner from physical damage from stresses and disturbances from overlying coal ash and equipment operation.

(ii) Protect the leachate collection system within the protective cover from stresses and disturbances from overlying coal ash and equipment operation.

(iii) Allow the continuous and free flow of leachate into the leachate collection system within the protective cover.

(iv) Cover the bottom and sidewalls of the coal ash storage impoundment.

(7) The leachate collection system within the protective cover must meet the following performance standards. The leachate collection system must:

(i) Ensure that free flowing liquids and leachate will drain continuously from the protective cover to the leachate treatment system.

(ii) Withstand chemical attack from leachate.

(iii) Withstand anticipated loads, stresses and disturbances from overlying coal ash and equipment operation.

(iv) Function without clogging.

(v) Cover the bottom and sidewalls of the coal ash storage impoundment.

(8) An onsite leachate storage system shall be part of each leachate treatment method used by the person. The storage system must contain impoundments or tanks for storage of leachate. The tanks or impoundments must have a storage capacity at least equal to the maximum expected production of leachate for a 30-day period. No more than 25% of the total leachate storage capacity may be used for flow equalization on a regular basis. Leachate storage capacity may not be considered to include leachate that may have collected in or on the liner system.

(9) Leachate may be collected and handled by one of the following:

(i) Onsite treatment and discharged into a receiving stream under a permit issued by the Department under The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and regulations thereunder, if the Department approves this method in the permit.

(ii) Direct discharge into a permitted publicly-owned treatment works, following pretreatment, if pretreatment is required by Federal, State or local law or by discharge into another permitted treatment facility.

(iii) Transport to an offsite treatment facility that is operating in compliance with The Clean Streams Law and regulations thereunder, and is otherwise capable of accepting and treating leachate from the coal ash storage impoundment.

(10) Impoundments shall be designed, constructed, operated and maintained in accordance with the following:

(i) An impoundment must have sufficient freeboard to prevent overtopping, including overtopping caused by the 24-hour precipitation event in inches to be expected once in 25 years. The freeboard may not be less than 2 feet.

(ii) The dike must have sufficient structural integrity to prevent failure. The liner system of the impoundment may not be considered in determining the structural integrity of the dike.

(iii) The inside slope shall be designed and constructed with sufficient protective cover to prevent wind and water erosion, and to preserve the structural integrity of the dike.

(iv) The dike must be capable of withstanding anticipated static and dynamic loadings with a minimum safety factor for the most critical failure surface of 1.5 for static loading and 1.2 for dynamic loading.

(v) The outside slopes of the dike may not exceed 25% unless the following requirements are met:

(A) A horizontal terrace with a minimum width of 10 feet is constructed at each 20-foot vertical rise of the slope, or the Department approves in the permit a terrace with different dimensions.

(B) Surface water on the terrace is collected and discharged so that it does not erode or otherwise adversely affect the stability of the dike.

(C) The final slope does not exceed 50%.

(vi) Dikes and berms must be free of burrowing mammals and plants with root systems capable of displacing earthen materials upon which the structural integrity of the dikes or berms is dependent.

(vii) An impoundment must be surrounded by structures sufficient to prevent surface runoff from a 25-year, 24-hour precipitation event from entering the impoundment.

#### **§ 290.411. Storage impoundments—operating requirements.**

(a) At least 8 feet shall be maintained between the bottom of the subbase of the liner system and the top of the confining layer or the shallowest level below the bottom of the subbase where groundwater occurs as a result of upward leakage from natural or other preexisting causes. The integrity of the confining layer may not be compromised by excavation.

(b) The edge of the liner shall be clearly marked.

(c) A fence or other suitable barrier shall be maintained around the coal ash storage area, including impoundments, leachate collection and treatment systems sufficient to prevent unauthorized access, unless the Department approves, in the permit, an alternative means of protecting access to the area that afford an equivalent degree of protection.

(d) The person shall implement fugitive air contaminant control measures and otherwise prevent and control air pollution in accordance with the Air Pollution Control Act (35 P. S. §§ 4001—4015); Article III (relating to air resources) and § 289.228 (relating to nuisance minimization and control). Minimization and control measures must include the following:

(1) Ensuring that operation of the coal ash storage impoundment will not cause or contribute to an exceedance of an ambient air quality standard under § 131.3 (relating to ambient air quality standards).

(2) Minimizing the generation of fugitive dust emissions from the coal ash storage impoundment.

(e) The person shall implement water quality monitoring, as required under Subchapter D (relating to water quality monitoring).

(f) A person that stores coal ash in a coal ash storage impoundment shall remove coal ash from the impoundment as follows:

(1) Without damage to the impoundment.

(2) Inspecting the liner to ensure its integrity, and make necessary repairs prior to returning the impoundment to service.

(3) Providing for the beneficial use of the removed coal ash in accordance with this chapter.

(4) Removal from the impoundment shall be sufficient so that the coal ash is not accumulated speculatively.

#### **§ 290.412. Storage impoundments—failure.**

(a) If a coal ash storage impoundment fails, the person storing coal ash shall immediately:

(1) Stop adding coal ash to the impoundment.

(2) Contain any discharge that has occurred or is occurring.

(3) Empty the impoundment in a manner approved by the Department, if leaks cannot be stopped.

(4) Notify the Department of the failure of the impoundment and the measures taken to remedy the failure.

(b) A coal ash storage impoundment that has been removed from service due to failure may not be restored to service unless the following conditions are met:

(1) The impoundment has been repaired.

(2) The repair has been certified to the Department, in writing, by a registered professional engineer.

(3) The Department has approved, in writing, the restoration of the impoundment to service.

(c) If a storage impoundment fails and the impoundment or surrounding area cannot be cleaned up in a manner that is satisfactory to the Department, the impoundment shall be closed in accordance with this section.

#### § 290.413. Storage impoundments—inspections.

The Department will inspect storage impoundments in accordance with sections 5, 7, 10, 11 and 17 of the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27).

#### § 290.414. Storage areas—closure.

Upon cessation of coal ash storage, the person storing coal ash shall remove coal ash and materials containing coal ash, and provide for the beneficial use or disposal of the coal ash under the act and the regulations promulgated thereunder. The person shall also regrade and revegetate the site as required by the Department.

[Pa.B. Doc. No. 09-2062. Filed for public inspection November 6, 2009, 9:00 a.m.]

### [ 25 PA. CODE CH. 261a ]

#### Hazardous Waste Management System; Proposed Exclusion for Identification and Listing of Hazardous Waste

The Environmental Quality Board (Board) proposes to amend Chapter 261a (relating to identification and listing of hazardous waste). The proposed rulemaking would modify an existing hazardous waste delisting previously granted to Geological Reclamation Operations and Waste Systems, Inc. (GROWS), whose successor by merger, Waste Management Disposal Services of Pennsylvania, Inc. (WMDSPA), petitioned the Board to increase the maximum annual volume covered by the current delisting.

This proposal was adopted by the Board at its meeting of August 18, 2009.

##### A. Effective Date

The proposed rulemaking will go into effect upon final-form publication in the *Pennsylvania Bulletin*.

##### B. Contact Persons

For further information, contact Dwayne Womer, Environmental Engineer Manager, Division of Hazardous Waste Management, P. O. Box 8471, Rachel Carson State Office Building, Harrisburg, PA 17105-8471, (717) 787-

6239, or Kurt Klappkowski, Assistant Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD Users) or (800) 654-5988 (voice users). This proposed rulemaking is available on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us).

##### C. Statutory Authority

The proposed rulemaking is being made under the authority of sections 105, 402 and 501 of the Solid Waste Management Act (SWMA) (35 P. S. §§ 6018.105, 6018.402 and 6018.501) and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20). Under sections 105, 402 and 501 of the SWMA, the Board has the power and duty to adopt rules and regulations concerning the storage, treatment, disposal and transportation of hazardous waste that are necessary to protect the public's health, safety, welfare and property, and the air, water and other natural resources of this Commonwealth. Section 1920-A of The Administrative Code of 1929 grants the Board the authority to promulgate rules and regulations that are necessary for the proper work of the Department.

##### D. Background and Purpose

###### 1. Delisting Petitions

A delisting petition is a request to exclude waste from a particular facility from the list of hazardous wastes under the Resource Conservation and Recovery Act of 1976 (RCRA) (42 U.S.C.A. §§ 6901—6986) and SWMA regulations. Under 40 CFR 260.20 and 260.22 (relating to general; and petitions to amend part 261 to exclude a waste produced at a particular facility), which are incorporation by reference in § 260a.1 (relating to incorporation by reference, purpose, scope and applicability) and modified by § 260a.20 (relating to rulemaking petitions), a person may petition the United States Environmental Protection Agency (EPA) or a state administering an EPA-approved hazardous waste management program to remove waste or the residuals resulting from effective treatment of a waste from a particular generating facility from hazardous waste control by excluding the waste from the lists of hazardous wastes in 40 CFR 261.31 and 261.32 (relating to hazardous wastes from non-specific sources; and hazardous wastes from specific sources). Specifically, 40 CFR 260.20 allows a person to petition to modify or revoke any provision of 40 CFR Parts 260—266, 268 and 273. Section 260.22 of 40 CFR provides a person the opportunity to petition to exclude a waste on a "generator specific" basis from the hazardous waste lists.

Under the Commonwealth's hazardous waste regulations in § 260a.20, these petitions are to be submitted to the Board in accordance with the procedures established in Chapter 23 (relating to Environmental Quality Board policy for processing petitions—statement of policy) instead of the procedures in 40 CFR 260.20(b)—(e).

Effective November 27, 2000, the Department received approval from the EPA, under the RCRA, to administer the Commonwealth's hazardous waste management program instead of RCRA. As part of that program approval and delegation, the Department and the Board are authorized to review and approve petitions for the delisting of hazardous waste.

In a delisting petition, the petitioner must show that waste generated at a particular facility does not meet any of the criteria for which the waste was listed in 40 CFR 261.11 (relating to criteria for listing hazardous waste) and the background document for the waste. In addition,

a petitioner must demonstrate that the waste does not exhibit any of the hazardous waste characteristics (that is, ignitability, reactivity, corrosivity and toxicity) and must present sufficient information for the agency to decide whether factors other than those for which the waste was originally listed warrant retaining it as a hazardous waste.

## 2. *The WDMSA Petition*

WMDSPA operates a commercial landfill and associated wastewater treatment plant in Falls Township, Bucks County, PA. In 1991, WMDSPA's predecessor, GROWS submitted a delisting petition under 40 CFR 260.20 and 260.22. In response to the petition, the EPA excluded the wastewater treatment sludge filter cake derived from the treatment of landfill leachate originating from the closed "Old GROWS" landfill, that contains a mixture of solid wastes and hazardous wastes, and other nonhazardous waste landfills. The EPA noted that the petitioner submitted sufficient information to allow the EPA to determine that the filter cake was not hazardous based upon the criteria for which it was listed and no other hazardous constituents were present in the waste at levels of regulatory concern. Accordingly, using risk assessment tools in use by the EPA at that time to evaluate the potential risk to human health and the environment associated with the disposal of the filter cake as a nonhazardous waste, the EPA excluded the filter cake generated from the treatment of EPA Hazardous Waste No. F039, multisource leachate, from the list of hazardous wastes found in 40 CFR 261.31 (relating to hazardous wastes from non-specific sources). This delisting was limited to a maximum annual volume of 1,000 cubic yards of filter cake and was conditioned upon the petitioner performing certain verification testing of the filter cake to demonstrate compliance with maximum allowable concentrations limits (MACLs). The MACLs were selected for organic and inorganic constituents of the filter cake and were established as delisting conditions by EPA to be met before the delisted waste could be disposed in an RCRA Subtitle D (nonhazardous waste) landfill. The original petition and subsequent amendments, including the one proposed by this petition, do not address the wastes disposed in any landfill whose leachate is treated at the treatment plant, or the grit generated during the physical removal (for example, screening) of heavy solids from the landfill leachate.

In 2001, GROWS petitioned EPA to increase the volume of excluded wastewater treatment sludge filter cake to 2,000 cubic yards because of increased filter cake production attributable to improved efficiencies in its wastewater treatment operations. In support of the petition to amend its delisting, the petitioner submitted the verification testing results it had generated in the preceding 2 years and supplemented that data with the total constituents analyses of inorganic constituents for four samples at the request of the EPA. The EPA applied its Delisting Risk Assessment Software (DRAS) program to analyze the risk associated with the request to amend the delisting. The DRAS contains more advanced risk assessment models than those the EPA used in the 1991 delisting. The EPA ultimately concluded that the filter cake sample results and the results of the risk assessment modeling supported the delisting of the filter cake at the increased volume of 2,000 cubic yards annually. This conclusion was

subject to the filter cake continuing to meet new MACLs set by the EPA based on the more conservative of: 1) the values generated by the DRAS program; or 2) the toxicity characteristic regulatory levels. The 2001 delisting amendment also required verification testing to show that the MACLs continued to be met.

Recently the volume of leachate treated by WMDSPA at the treatment plant has increased coincident with increased concentrations of certain leachate constituents. Accordingly, WMDSPA is generating substantially more filter cake and, to accommodate the disposal of this increased volume as a nonhazardous waste, it is requesting an increase in the volume limit established in its delisting from 2,000 to 4,000 cubic yards annually.

On December 18, 2008, WMDSPA submitted a petition to the Board requesting the increase in the volume limit to 4,000 cubic yards annually. The Board accepted the petition at its April 21, 2009, meeting and directed the Department to review the contents of the petition under § 23.6 (relating to notice of acceptance and Department report).

In support of its petition, WMDSPA submitted 3 years of verification testing—41 sets of sample results of leachate analyses for inorganic constituents and totals analyses for organic constituents collected over the period from December 2005 through December 2008 along with the total constituents analyses for inorganic constituents for four samples collected in 2008. The scope of data was comparable to, though more extensive than, the data submitted to the EPA in connection with the 2001 amendment. WMDSPA also submitted the results of the modeling of this data that it performed using the DRAS program to evaluate the potential risk associated with treating the filter cake as a nonhazardous waste and to generate MACLs for the filter cake at the proposed increased annual level of disposal. The MACLs were generated in a similar fashion to those generated by the EPA in connection with the 2001 delisting.

The petition demonstrates that the filter cake sample results and the results of the risk assessment modeling support the delisting of the filter cake at the increased volume of 4,000 cubic yards annually. Accordingly, the Board proposes to approve the amended delisting to increase the annual volume of filter cake that may be disposed of as nonhazardous waste and also proposes to include conditions in the amended delisting governing the testing and management of the filter cake similar to the conditions required by the EPA in the current delisting. The Board proposes to adopt this delisting by amending Chapter 261a, Appendix IXa Table 2a (relating to wastes excluded from specific sources) to exclude an annual volume of 4,000 cubic yards of filter cake subject to the terms and conditions as set forth in the accompanying proposed rule.

The Department carefully and independently reviewed the information contained in the petition submitted by WMDSPA. Review of this petition included consideration of the original listing criteria, as well as the additional factors required by the Hazardous and Solid Waste Amendments of 1984 (HSWA), as reflected in section 222 of the HSWA (42 U.S.C.A. § 6921(f)) and 40 CFR 260.22(d)(2)—(4). In addition, the Department contacted

the municipalities near the WMDSPA landfill and the Bucks County Health Department to gauge local concern over the petition. Based on the Department's review and report, on June 16, 2009, the Board directed the Department to develop this proposed rulemaking granting the changes requested by the WMDSPA petition.

#### E. Summary of Regulatory Requirements

Chapter 261a contains the provisions for the identification and listing of hazardous waste. Section 261a.32 was added in 2006 to refer to Appendix IXa (relating to wastes excluded under 25 Pa. Code § 260a.20 and 40 CFR 260.20 and 260.22). Appendix IXa contains Table 2a (relating to wastes excluded from specific sources), which lists wastes from specific sources that have been delisted through the petition process by the Department and the Board. This numbering scheme is being used to parallel the Federal regulations for clarity and consistency with the incorporation by reference of the Commonwealth's hazardous waste regulations.

The proposal proposed to amend Appendix IXa Table 2a to provide a specific conditional delisting of wastewater treatment sludge filter cake at the WMDSPA facility (as opposed to incorporating the existing EPA delisting). The delisting levels in Appendix IXa were established by using the more conservative of health-based values calculated by DRAS or toxicity characteristic regulatory levels. WMDSPA will perform verification testing on the filter cake as set forth in the proposed delisting.

#### F. Benefits, Costs and Compliance

##### Benefits

The proposed rulemaking will provide additional delisted volume of filter cake commensurate with WMDSPA's increased production of wastewater treatment sludge filter cake resulting from its operations. Allowing WMDSPA to dispose of the filter cake in a permitted Subtitle D landfill after performing certain verification testing provides a cost-effective and environmentally responsible method of disposal for this nonhazardous waste. Based on the current costs incurred by WMDSPA to properly dispose of the hazardous filter cake sludge at Model City Landfill in New York, the company will save over \$400,000 annually in avoided disposal costs as a result of this delisting amendment.

##### Compliance Cost

WMDSPA will be required to continue to comply with the conditions set forth in the delisting regulation, including testing and recordkeeping requirements. However, the delisting of the filter cake should result in an overall reduced waste management cost for the WMDSPA facility which would otherwise send the filter cake it generates beyond 2,000 cubic yards to a Subtitle C landfill.

##### Compliance Assistance Plan

The proposed rulemaking should not require any educational, technical or compliance assistance efforts. The Department has and will continue to provide manuals, instructions, forms and web site information consistent with the proposed rulemaking. In the event that assistance is required, the Department's central office will provide it.

##### Paperwork Requirements

The proposed rulemaking creates no new paperwork requirements to be satisfied by WMDSPA beyond those it already implements under the existing delisting to dem-

onstrate ongoing compliance with the conditions of the current delisting regulation.

#### G. Pollution Prevention

For this proposed rulemaking, the Department would require no additional pollution prevention efforts. The Department already provides pollution prevention educational material as part of its hazardous waste program.

#### H. Sunset Review

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

#### I. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 28, 2009, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and the House and Senate Environmental Resources and Energy Committees. A copy of this material is available to the public upon request.

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

#### J. Public Comments

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by December 7, 2009. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by December 7, 2009. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulation will be considered.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by December 7, 2009. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

JOHN HANGER,  
Chairperson

**Fiscal Note:** 7-445. No fiscal impact; (8) recommends adoption.



PROPOSED RULEMAKING

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE VII. HAZARDOUS WASTE MANAGEMENT

CHAPTER 261a. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

Subchapter D. LISTS OF HAZARDOUS WASTES

§ 261a.32. Hazardous wastes from specific sources.

\* \* \* \* \*

APPENDIX IXa. WASTES EXCLUDED UNDER 25 Pa. Code § 260a.20 AND 40 CFR 260.20 AND 260.22.

Table 2a. Wastes Excluded from Specific Sources

\* \* \* \* \*

(Editor's Note: The following addition to the appendix is new. It has been printed in regular type to enhance readability.)

Facility	Address	Waste description
Waste Management Disposal Systems of Pennsylvania, Inc.	100 New Ford Mill Road, Morrisville, PA 19067	Wastewater treatment sludge filter cake from the treatment of EPA Hazardous Waste No. F039, generated at a maximum annual rate of 4,000 cubic yards, after _____ (Editors Note: The blank refers to the effective date of adoption of this proposed rulemaking.) and disposed of in an RCRA Subtitle D landfill. The exclusion covers the filter cake resulting from the treatment of hazardous waste leachate derived from only the "old" Geological Reclamation Operations and Waste Systems, Inc. (GROWS) landfill and nonhazardous leachate derived from only nonhazardous waste sources. The exclusion does not address the waste disposed in the "old" GROWS landfill or the grit generated during the removal of heavy solids from the landfill leachate. To ensure that hazardous constituents are not present in the filter cake at levels of regulatory concern, WMDSPA must implement a testing program for the petitioned waste. This testing program must meet the conditions listed below in order for the exclusion to be valid:
		(1) Testing: Sample collection and analyses, including quality control (QC) procedures, must be performed using appropriate methods. As applicable to the method-defined parameters of concern, analyses requiring the use of SW-846 methods incorporated by reference in 40 CFR 260.11 must be used without substitution. As applicable, the SW-846 methods might include Methods 0010, 0011, 0020, 0023A, 0030, 0031, 0040, 0050, 0051, 0060, 0061, 1010A, 1020B, 1110A, 1310B, 1311, 1312, 1320, 1330A, 9010C, 9012B, 9040C, 9045D, 9060A, 9070A (uses EPA Method 1664, Rev. A), 9071B, and 9095B.
		(i) Sample Collection: Each batch of waste generated over a 4-week period must be collected in containers with a maximum capacity of 20 cubic yards. At the end of the 4-week period, each container must be divided into four quadrants and a single, full-depth core sample shall be collected from each quadrant. All of the full-depth core samples then must be composited under laboratory conditions to produce one representative composite sample for the 4-week period.
		(ii) Sample Analysis: Each 4-week composite sample must be analyzed for all of the constituents listed in Condition (3). The analytical data, including quality control information, must be submitted to the Pennsylvania Department of Environmental Protection, Bureau of Waste Management, Rachel Carson State Office Building, 400 Market Street, 14th Floor, Harrisburg, PA 17105. Data from the annual verification testing must be compiled and submitted to the Department within 60 days from the end of the calendar year. All data must be accompanied by a signed copy of the statement set forth in 40 CFR 260.22(i)(12) to certify to the truth and accuracy of the data submitted. Records of operating conditions and analytical data must be compiled, summarized, and maintained onsite for a minimum of 3 years and must be furnished upon request by any employee or representative of the Department, and made available for inspection.

Facility	Address	Waste description																																										
		<p>(2) Waste Holding: The dewatered filter cake must be stored as hazardous until the verification analyses are completed. If the 4-week composite sample does not exceed any of the delisting levels set forth in Condition (3), the filter cake waste corresponding to this sample may be managed and disposed in accordance with all applicable solid waste regulations. If the 4-week composite sample exceeds any of the delisting levels set forth in Condition (3), the filter cake waste generated during the time period corresponding to the 4-week composite sample must be retreated until it meets these levels (analyses must be repeated) or managed and disposed in accordance with Subtitle C of RCRA. Filter cake which is generated, but for which analyses are not complete or valid, must be managed and disposed in accordance with Subtitle C of RCRA, until valid analyses demonstrate that the waste meets the delisting levels.</p>																																										
		<p>(3) Delisting Levels: If the concentrations in the 4-week composite sample of the filter cake waste for any of the hazardous constituents listed below exceed their respective maximum allowable concentrations (mg/l or mg/kg) also listed below, the 4-week batch of failing filter cake waste must either be retreated until it meets these levels or managed and disposed in accordance with Subtitle C of RCRA. WMDSPA has the option of determining whether the filter cake waste exceeds the maximum allowable concentrations for the organic constituents by either performing the analysis on a TCLP leachate of the waste or performing total constituent analysis on the waste, and then comparing the results to the corresponding maximum allowable concentration level.</p>																																										
		<table border="0"> <tr> <td data-bbox="581 789 1073 848">(i) Inorganics</td> <td data-bbox="1073 789 1503 848">Maximum Allowable Leachate Conc. (mg/l)</td> </tr> <tr> <td colspan="2" data-bbox="581 848 1503 882">Constituent:</td> </tr> <tr> <td data-bbox="581 882 1073 915">Arsenic .....</td> <td data-bbox="1073 882 1503 915">1.83e-01</td> </tr> <tr> <td data-bbox="581 915 1073 949">Barium .....</td> <td data-bbox="1073 915 1503 949">1.43e+01</td> </tr> <tr> <td data-bbox="581 949 1073 982">Cadmium .....</td> <td data-bbox="1073 949 1503 982">1.10e-01</td> </tr> <tr> <td data-bbox="581 982 1073 1016">Chromium .....</td> <td data-bbox="1073 982 1503 1016">5.00e+00</td> </tr> <tr> <td data-bbox="581 1016 1073 1050">Lead .....</td> <td data-bbox="1073 1016 1503 1050">5.00e+00</td> </tr> <tr> <td data-bbox="581 1050 1073 1083">Mercury .....</td> <td data-bbox="1073 1050 1503 1083">1.59e-02</td> </tr> <tr> <td data-bbox="581 1083 1073 1117">Nickel .....</td> <td data-bbox="1073 1083 1503 1117">5.52e+00</td> </tr> <tr> <td data-bbox="581 1117 1073 1150">Selenium .....</td> <td data-bbox="1073 1117 1503 1150">4.25e-01</td> </tr> <tr> <td data-bbox="581 1150 1073 1184">Silver .....</td> <td data-bbox="1073 1150 1503 1184">7.50e-01</td> </tr> <tr> <td data-bbox="581 1184 1073 1218">Cyanide .....</td> <td data-bbox="1073 1184 1503 1218">2.64e+00</td> </tr> <tr> <td colspan="2" data-bbox="581 1218 1503 1304">Cyanide extractions must be conducted using distilled water in place of the leaching media specified in the TCLP procedure.</td> </tr> </table>	(i) Inorganics	Maximum Allowable Leachate Conc. (mg/l)	Constituent:		Arsenic .....	1.83e-01	Barium .....	1.43e+01	Cadmium .....	1.10e-01	Chromium .....	5.00e+00	Lead .....	5.00e+00	Mercury .....	1.59e-02	Nickel .....	5.52e+00	Selenium .....	4.25e-01	Silver .....	7.50e-01	Cyanide .....	2.64e+00	Cyanide extractions must be conducted using distilled water in place of the leaching media specified in the TCLP procedure.																	
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## PROPOSED RULEMAKING

<i>Facility</i>	<i>Address</i>	<i>Waste description</i>		
		Bis(2-chloroethyl)ether . . . . .	1.95e-02	3.90e-01
		Bis(2-ethylhex yl)phthalate . . . . .	1.19e-01	2.38e+00
		Bromodichloromethane . . . . .	4.14e-02	8.28e-01
		Bromoform (Tribromomethane) . . . . .	3.25e-01	6.50e+00
		Butyl-4,6-dinitrophenol, 2-sec- (Dinoseb) . . . . .	1.39e-01	2.78e+00
		Butylbenzylphthalate . . . . .	5.67e+00	1.13e+02
		Carbon disulfide . . . . .	1.39e+01	2.78e+02
		Carbon tetrachloride . . . . .	2.75e-02	5.50e-01
		Chlordane . . . . .	6.79e-04	1.36e-02
		Chloro-3-methylphenol 4- . . . . .	1.81e+02	3.62e+03
		Chloroaniline, p- . . . . .	5.57e-01	1.11e+01
		Chlorobenzene . . . . .	2.79e+00	5.58e+01
		Chlorobenzilate . . . . .	5.02e-02	1.00e+00
		Chlorodibromomethane . . . . .	3.06e-02	6.12e-01
		Chloroform . . . . .	4.75e-02	9.50e-01
		Chlorophenol, 2- . . . . .	6.97e-01	1.39e+01
		Chrysene . . . . .	2.71e-02	5.42e-01
		Cresol . . . . .	6.97e-01	1.39e+01
		DDD . . . . .	7.74e-04	1.55e-02
		DDE . . . . .	1.82e-04	3.64e-03
		DDT . . . . .	3.42e-04	6.84e-03
		Dibenz(a,h)anthracene . . . . .	7.43e-06	1.49e-04
		Dibromo-3-chloropropane, 1,2- . . . . .	2.14e-03	4.28e-02
		Dichlorobenzene 1,3- . . . . .	1.36e-02	2.72e-01
		Dichlorobenzene, 1,2- . . . . .	7.60e+00	1.52e+02
		Dichlorobenzene, 1,4- . . . . .	1.07e-01	2.14e+00
		Dichlorobenzidine, 3,3'- . . . . .	5.71e-03	1.14e-01
		Dichlorodifluoromethane . . . . .	1.28e+01	2.56e+02
		Dichloroethane, 1,1- . . . . .	7.33e-01	1.47e+01
		Dichloroethane, 1,2- . . . . .	1.57e-03	3.14e-02
		Dichloroethylene, 1,1- . . . . .	4.28e-03	8.56e-02
		Dichloroethylene, trans-1,2- . . . . .	2.79e+00	5.58e+01
		Dichlorophenol, 2,4- . . . . .	4.18e-01	8.36e+00
		Dichlorophenoxyacetic acid, 2,4-(2,4-D) . . . . .	1.39e+00	2.78e+01
		Dichloropropane, 1,2- . . . . .	6.93e-02	1.39e+00
		Dichloropropene, 1,3- . . . . .	2.57e-02	5.14e-01
		Dieldrin . . . . .	8.28e+01	1.66e+03
		Diethyl phthalate . . . . .	1.35e+02	2.70e+03
		Dimethoate . . . . .	3.67e+01	7.34e+02
		Dimethyl phthalate . . . . .	7.33e+01	1.47e+03
		Dimethylbenz(a)anthracene, 7,12- . . . . .	2.05e-06	4.10e-05
		Dimethylphenol, 2,4- . . . . .	2.79e+00	5.58e+01
		Di-n-butyl phthalate . . . . .	3.23e+00	6.46e+01
		Dinitrobenzene, 1,3- . . . . .	1.39e-02	2.78e-01
		Dinitromethylphenol, 4,6-,2- . . . . .	1.32e-02	2.64e-01
		Dinitrophenol, 2,4- . . . . .	2.79e-01	5.58e+00
		Dinitrotoluene, 2,6- . . . . .	3.99e-03	7.98e-02

PROPOSED RULEMAKING

<i>Facility</i>	<i>Address</i>	<i>Waste description</i>		
		Di-n-octyl phthalate .....	6.83e-03	1.37e-01
		Dioxane, 1,4- .....	2.34e-01	4.68e+00
		Diphenylamine .....	2.29e+00	4.58e+01
		Disulfoton .....	2.32e+02	4.64e+03
		Endosulfan .....	8.36e-01	1.67e+01
		Endrin .....	2.00e-02	4.00e-01
		Ethylbenzene .....	1.02e+01	2.04e+02
		Ethylene Dibromide .....	2.52e-03	5.04e-02
		Fluoranthene .....	3.15e-01	6.30e+00
		Fluorene .....	1.08e+00	2.16e+01
		Heptachlor .....	8.00e-03	1.60e-01
		Heptachlor epoxide .....	8.00e-03	1.60e-01
		Hexachloro-1,3-butadiene .....	1.28e-02	2.56e-01
		Hexachlorobenzene .....	1.29e-04	2.58e-03
		Hexachlorocyclohexane, gamma-(Lindane) .....	4.00e-01	8.00e+00
		Hexachlorocyclopentadiene .....	8.61e+02	1.72e+04
		Hexachloroethane .....	1.84e-01	3.68e+00
		Hexachlorophene .....	1.91e-04	3.82e-03
		Indeno(1,2,3-cd) pyrene .....	8.02e-05	1.60e-03
		Isobutyl alcohol .....	4.18e+01	8.36e+02
		Isophorone .....	2.70e+00	5.40e+01
		Methacrylonitrile .....	1.39e-02	2.78e-01
		Methoxychlor .....	1.00e+01	2.00e+02
		Methyl bromide (Bromomethane) .....	7.80e+01	1.56e+03
		Methyl chloride (Chloro-methane) .....	1.21e-02	2.42e-01
		Methyl ethyl ketone .....	8.36e+01	1.67e+03
		Methyl isobutyl ketone .....	1.11e+01	2.22e+02
		Methyl methacrylate .....	2.11e+02	4.22e+03
		Methyl parathion .....	7.74e+01	1.55e+03
		Methylene chloride .....	1.76e-01	3.52e+00
		Naphthalene .....	2.53e-01	5.06e+00
		Nitrobenzene .....	6.97e-02	1.39e+00
		Nitrosodiethylamine .....	1.71e-05	3.42e-04
		Nitrosodimethylamine .....	5.04e-05	1.01e-03
		Nitrosodi-n-butylamine .....	4.76e-04	9.52e-03
		N-Nitrosodi-n-propylamine .....	3.67e-04	7.34e-03
		N-Nitrosodiphenylamine .....	5.24e-01	1.05e+01
		N-Nitrosopyrrolidine .....	1.22e-03	2.44e-02
		Pentachlorobenzene .....	7.01e-03	1.40e-01
		Pentachloronitrobenzene (PCNB) .....	6.64e-03	1.33e-01
		Pentachlorophenol .....	5.44e-03	1.09e-01
		Phenanthrene .....	1.27e-01	2.54e+00
		Phenol .....	8.36e+01	1.67e+03
		Polychlorinated biphenyls .....	3.99e-05	7.98e-04
		Pronamide .....	1.04e+01	2.08e+02
		Pyrene .....	2.41e-01	4.82e+00
		Pyridine .....	1.39e-01	2.78e+00

PROPOSED RULEMAKING

<i>Facility</i>	<i>Address</i>	<i>Waste description</i>
		Styrene ..... 3.71e+00 7.42e+01
		Tetrachlorobenzene, 1,2,4,5- ..... 5.75e-03 1.15e-01
		Tetrachloroethane, 1,1,2,2- ..... 1.48e-01 2.96e+00
		Tetrachloroethylene ..... 5.22e-02 1.04e+00
		Tetrachlorophenol, 2,3,4,6- ..... 1.10e+00 2.20e+01
		Tetraethyl dithiopyrophosphate (Sulfotep) ..... 1.83e+05 3.66e+06
		Toluene ..... 2.79e+01 5.58e+02
		Toxaphene ..... 5.00e-01 1.00e+01
		Trichlorobenzene, 1,2,4- ..... 4.41e-01 8.82e+00
		Trichloroethane, 1,1,1- ..... 4.63e+00 9.26e+01
		Trichloroethane, 1,1,2- ..... 4.76e-02 9.52e-01
		Trichloroethylene ..... 1.86e-01 3.72e+00
		Trichlorofluoromethane ..... 1.24e+01 2.48e+02
		Trichlorophenol, 2,4,5- ..... 5.59e+00 1.12e+02
		Trichlorophenol, 2,4,6- ..... 2.34e-01 4.68e+00
		Trichlorophenoxyacetic acid, 2,4,5-(245-T) ..... 1.39e+00 2.78e+01
		Trichlorophenoxypropionic acid, 2,4,5-(Silvex) ..... 1.00e+00 2.00e+01
		Trichloropropane, 1,2,3- ..... 4.69e-04 9.38e-03
		Trinitrobenzene, sym- ..... 3.96e+00 7.92e+01
		Vinyl chloride ..... 1.81e-03 3.62e-02
		Xylenes (total) ..... 1.95e+02 3.90e+03
		(4) Changes in Operating Conditions: If WMDSPA significantly changes the treatment process or the chemicals used in the treatment process, WMDSPA may not manage the treatment sludge filter cake generated from the new process under this exclusion until it has met the following conditions: (a) WMDSPA must demonstrate that the waste meets the delisting levels set forth in Condition 3; (b) it must demonstrate that no new hazardous constituents listed in Appendix VIII of 40 CFR Part 261 have been introduced into the manufacturing or treatment process; and (c) it must obtain prior written approval from the Department to manage the waste under this exclusion.
		(5) Reopener:
		(i) If WMDSPA discovers that a condition at the facility or an assumption related to the disposal of the excluded waste that was modeled or predicted in the petition does not occur as modeled or predicted, then WMDSPA must report any information relevant to that condition, in writing, to the Department within 10 days of discovering that condition.
		(ii) Upon receiving information described in subparagraph (i) of this Condition, regardless of its source, the Department will determine whether the reported condition requires further action. Further action may include repealing the exclusion, modifying the exclusion, or other appropriate response necessary to protect human health and the environment.

[Pa.B. Doc. No. 09-2063. Filed for public inspection November 6, 2009, 9:00 a.m.]

[ 25 PA. CODE CHS. 121 AND 129 ]

Paper, Film and Foil Surface Coating Processes

The Environmental Quality Board (Board) proposes to amend Chapters 121 and 129 (relating to general provi-

sions; and standards for sources), to read as set forth in Annex A.

The proposed rulemaking would amend Chapter 129 to limit emissions of volatile organic compounds (VOCs) from the use and application of coatings and cleaning

materials in paper, film and foil surface coating processes. The proposal would add § 129.52b (relating to control of VOC emissions from paper, film and foil surface coating processes), and amend §§ 129.51 and 129.52 (relating to general; and surface coating processes). The proposal would also amend § 121.1 (relating to definitions).

This proposal was adopted by the Board at its meeting on September 15, 2009.

#### A. *Effective Date*

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

#### B. *Contact Persons*

For further information, contact Arleen J. Shulman, Chief, Division of Air Resource Management, P. O. Box 8468, Rachel Carson State Office Building, Harrisburg, PA 17105-8468, (717) 772-3436, or Kristen Campfield Furlan, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposal appears in Section J of this preamble. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (Quick Access: Public Participation).

#### C. *Statutory Authority*

This proposed rulemaking is authorized under section 5 of the Air Pollution Control Act (APCA) (35 P. S. § 4005), which in subsection (a)(1) grants the Board the authority to adopt rules and regulations for the prevention, control, reduction and abatement of air pollution in this Commonwealth, and which in subsection (a)(8) grants the Board the authority to adopt rules and regulations designed to implement the provisions of the Clean Air Act (CAA).

#### D. *Background and Purpose*

The purpose of this proposed rulemaking is to reduce VOC emissions from paper, film and foil surface coating operations. VOCs are a precursor for ozone formation. Ground-level ozone is not emitted directly by surface coatings to the atmosphere, but is formed by a photochemical reaction between VOCs and nitrogen oxides (NO<sub>x</sub>) in the presence of sunlight. The proposed rulemaking adopts the emission limits and other requirements of the United States Environmental Protection Agency's (EPA's) 2007 Control Techniques Guidelines (CTG) for paper, film and foil coating to meet Federal CAA requirements.

The EPA is responsible for establishing National Ambient Air Quality Standards (NAAQS) for six criteria pollutants considered harmful to public health and the environment: ozone, particulate matter, NO<sub>x</sub>, carbon monoxide, sulfur dioxide and lead. The CAA established two types of NAAQS: primary standards, limits set to protect public health; and secondary standards, limits set to protect public welfare, including protection against visibility impairment and from damage to animals, crops, vegetation and buildings. The EPA has established primary and secondary ozone NAAQS to protect public health and welfare.

When ground-level ozone is present in concentrations in excess of the Federal health-based 8-hour NAAQS for ozone, public health and welfare are adversely affected. Ozone exposure correlates to increased respiratory disease and higher mortality rates. Ozone can inflame and damage the lining of the lungs. Within a few days, the damaged cells are shed and replaced. Over a long time period, lung tissue may become permanently scarred, resulting in permanent loss of lung function and a lower quality of life. When ambient ozone levels are high, more people with asthma have attacks that require a doctor's attention or use of medication. Ozone also makes people more sensitive to allergens including pet dander, pollen and dust mites, all of which can trigger asthma attacks.

The EPA has concluded that there is an association between high levels of ambient ozone and increased hospital admissions for respiratory ailments including asthma. While children, the elderly and those with respiratory problems are most at risk, even healthy individuals may experience increased respiratory ailments and other symptoms when they are exposed to high levels of ambient ozone while engaged in activities that involve physical exertion. High levels of ozone also affect animals in ways similar to humans.

In addition to causing adverse human and animal health effects, the EPA has concluded that ozone affects vegetation and ecosystems, leading to reductions in agricultural crop and commercial forest yields by destroying chlorophyll; reduced growth and survivability of tree seedlings; and increased plant susceptibility to disease, pests and other environmental stresses, including harsh weather. In long-lived species, these effects may become evident only after several years or even decades and have the potential for long-term adverse impacts on forest ecosystems. Ozone damage to the foliage of trees and other plants can decrease the aesthetic value of ornamental species used in residential landscaping, as well as the natural beauty of parks and recreation areas. Through deposition, ground-level ozone also contributes to pollution in the Chesapeake Bay. The economic value of some welfare losses due to ozone can be calculated, such as crop yield loss from both reduced seed production and visible injury to some leaf crops, including lettuce, spinach and tobacco, as well as visible injury to ornamental plants, including grass, flowers and shrubs. Other types of welfare loss may not be quantifiable, such as the reduced aesthetic value of trees growing in heavily visited parks.

High levels of ground-level ozone can also cause damage to buildings and synthetic fibers, including nylon, and reduced visibility on roadways and in natural areas. The implementation of additional measures to address ozone air quality nonattainment in this Commonwealth is necessary to protect the public health and welfare, animal and plant health and welfare and the environment.

In July 1997, the EPA established primary and secondary ozone standards at a level of 0.08 parts per million (ppm) averaged over 8 hours. See 62 FR 38855 (July 18, 1997). In 2004, the EPA designated 37 counties in this Commonwealth as 8-hour ozone nonattainment areas for the 1997 8-hour ozone NAAQS. This Commonwealth is meeting the 1997 standards in all areas except the five-county Philadelphia and seven-county Pittsburgh-Beaver Valley areas. The areas in which the 1997 standard has been attained are required to have permanent

and enforceable control measures to ensure violations do not occur for the next decade. The Commonwealth must demonstrate that the two areas currently not attaining the 1997 standard will meet the 1997 standard as expeditiously as practicable. Should these two areas not attain the standard during the 2009 ozone season, additional reductions will be required.

In March 2008, the EPA lowered the standards to 0.075 ppm averaged over 8 hours to provide even greater protection for children, other at-risk populations and the environment against the array of ozone-induced adverse health and welfare effects. See 73 FR 16436 (March 27, 2008). As required by the CAA, the Commonwealth submitted recommendations to the EPA in 2009 to designate 29 counties as nonattainment for the 2008 8-hour ozone NAAQS. The EPA is expected to take final action on the designation recommendation by March 2010. The EPA's designations will take effect 60 days after the EPA publishes a notice in the *Federal Register*. Monitors in most urban areas and some rural areas of this Commonwealth are currently not meeting the 2008 ozone standard.

There are no Federal statutory or regulatory limits for VOC emissions from paper, film and foil surface coating operations. State regulations to control VOC emissions from paper, film and foil surface coating operations are required under Federal law, however, and will be reviewed by the EPA for whether they meet the "reasonably available control technology" (RACT) requirements of the CAA and its implementing regulations. *Consumer and Commercial Products; Control Techniques Guidelines in lieu of Regulations for Paper, Film, and Foil Coatings; Metal Furniture Coatings; and Large Appliance Coatings*, 72 FR 57215, 57218 (October 9, 2007).

Section 172(c)(1) of the CAA provides that State Implementation Plans (SIPs) for nonattainment areas must include "reasonably available control measures," including RACT, for sources of emissions. 42 U.S.C.A. § 7502(c)(1). Section 182(b)(2) of the CAA provides that for moderate ozone nonattainment areas, states must revise their SIPs to include RACT for sources of VOC emission covered by a CTG document issued by the EPA prior to the area's date of attainment. 42 U.S.C.A. § 7511a(b)(2). More importantly, section 184(b)(1)(B) of the CAA requires that states in the Ozone Transport Region, including this Commonwealth, submit a SIP revision requiring implementation of RACT for all sources of VOC emissions in the state covered by a specific CTG. 42 U.S.C.A. § 7511c(b)(1)(B).

Section 183(e) of the CAA directs the EPA to list for regulation those categories of products that account for at least 80% of the VOC emissions from consumer and commercial products in ozone nonattainment areas. 42 U.S.C.A. § 7511b(e). Section 183(e)(3)(C) of the CAA further provides that the EPA may issue a CTG in place of a National regulation for a product category where the EPA determines that the CTG will be "substantially as effective as regulations" in reducing emissions of VOC in ozone nonattainment areas. 42 U.S.C.A. § 7511b(e)(3)(C).

In 1995, the EPA listed paper, film and foil coatings on its section 183(e) list and, in 2007, issued a CTG for this product category. See 60 FR 15264 (March 23, 1995) and 72 FR 57215 (October 9, 2007). In the 2007 notice, the

EPA determined that the CTG would be substantially as effective as National regulations in reducing VOC emissions from this product category in ozone nonattainment areas. See 72 FR at p. 57220.

The CTG provides states with the EPA's recommendation of what constitutes RACT for the covered category. States can use the recommendations provided in the CTG to inform their own determination as to what constitutes RACT for VOC emissions from the covered category. State air pollution control agencies are free to implement other technically sound approaches that are consistent with the CAA requirements and the EPA's implementing regulations or guidelines.

The Department has reviewed the recommendations included in the 2007 CTG for paper, film and foil coatings for their applicability to the ozone reduction measures necessary for this Commonwealth. The Department has determined that the measures provided in the CTG for paper, film and foil coatings are appropriate to be implemented in this Commonwealth as RACT for this category.

This rulemaking, if adopted as a final rule, would assist in reducing VOC emissions locally as well as reducing the transport of VOC emissions and ground-level ozone to downwind states. Adoption of VOC emission requirements for paper, film and foil surface coating operations is part of the Commonwealth's strategy, in concert with other OTR jurisdictions, to further reduce transport of VOC ozone precursors and ground-level ozone throughout the OTR to attain and maintain the 8-hour ozone NAAQS. The proposed rulemaking is required under the CAA requirements that states regulate sources covered by CTGs issued by the EPA and is reasonably necessary to attain and maintain the health-based 8-hour ozone NAAQS in this Commonwealth. When final, this rulemaking will be submitted to the EPA as a revision to the SIP.

The concepts of the proposed rulemaking were discussed with the Air Quality Technical Advisory Committee (AQTAC) at its October 30 and December 11, 2008, meetings. The proposed rulemaking was discussed with the AQTAC on May 28, 2009. The AQTAC concurred with the Department's recommendation to present the proposed amendments to the Board for approval for publication as a proposed rulemaking. One AQTAC member commented that the equation in proposed § 129.52b(c)(1)(ii) for calculating the VOC content of a dip coating was missing the coating density factor in the denominator. This correction was made to the proposed equation. The Department also consulted with the Citizens Advisory Council on July 21, 2009, and with the Small Business Compliance Advisory Committee on October 22, 2008, and April 22 and July 22, 2009.

#### E. Summary of Regulatory Requirements

This proposed rulemaking adds the term and definition of "coating line" to § 121.1. This proposed rulemaking also amends the definition of the term "paper coating" to correspond to the broader terms, "paper, film or foil coating" and "paper, film or foil surface coating," which are used in other sections in Chapter 129 and also in this rulemaking.

The proposed rulemaking would amend § 129.51(a) to extend its coverage to paper, film and foil surface coating processes covered by this proposed rulemaking, as well as to large appliance and metal furniture surface coating

processes and flat wood paneling surface coating processes, which are covered in parallel rulemakings. Section 129.51(a) provides an alternative method for owners and operators of facilities to achieve compliance with air emission limits.

The proposed rulemaking would amend § 129.52 by adding subparagraph (i). Section 129.52 specifies requirements and emission limits for various surface coating processes. The amendment in this proposed rulemaking would clarify in new subparagraph (i) that the requirements and limits already specified in § 129.52 for metal furniture coatings, large appliance coatings and paper coatings are superseded by the requirements and limits that will be adopted in this proposed rulemaking and in the proposed rulemaking for large appliance and metal furniture coating processes.

The proposed rulemaking would add § 129.52b to regulate VOC emissions from paper, film and foil surface coating processes. The applicability of this new section is described in subsection (a), which establishes that emission limits and other requirements of this section apply to the owner and operator of a paper, film or foil surface coating process if an individual paper, film or foil surface coating line has a potential to emit at least 25 tpy of VOC from coatings, prior to controls. This is more stringent than the current applicability threshold in § 129.52, and is consistent with the recommended applicability threshold in the CTG.

Proposed subsection (a) specifies that the emission limits and other requirements of § 129.52b supersede the emission limits and other requirements of § 129.52.

Proposed subsection (a) also establishes that the work practice requirements specified in subsection (h) for cleaning materials, and the related compliance monitoring and recordkeeping and reporting requirements specified in subsections (d)(3) and (4) and (e), apply to the owner and operator of a paper, film or foil surface coating process if the total actual VOC emissions from all paper, film or foil surface coating operations, including related cleaning activities, at the facility are equal to or greater than 15 pounds (6.8 kilograms) per day or 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of controls. Basing the applicability on a 12-month rolling period is generally considered to be more stringent than basing it on a calendar year, as in § 129.52, but is consistent with the CTG.

Proposed subsection (b) explains that the requirements of § 129.52b supersede the requirements of a RACT permit for VOC emissions from a paper, film or foil surface coating operation already issued to the owner or operator of a source subject to § 129.52b, except to the extent the RACT permit contains more stringent requirements.

Proposed subsection (c) establishes VOC emission limits. Beginning January 1, 2011, a person may not cause or permit the emission into the outdoor atmosphere of VOCs from a paper, film or foil surface coating process, unless: (1) the VOC content of each as applied coating is equal to or less than the limit specified in Table I (relating to emission limits of VOCs for paper, film and foil surface coatings) in § 129.52b; or (2) the overall weight of VOCs emitted to the atmosphere is reduced through the use of vapor recovery, incineration or another method that is acceptable under § 129.51(a). The second option also addresses the overall efficiency of a control system.

Proposed subsection (d) identifies daily records that must be kept to demonstrate compliance with § 129.52b.

An owner or operator of an individual paper, film or foil surface coating line that is subject to this section by virtue of having a potential to emit at least 25 tpy of VOC from coatings, prior to controls, must keep daily records that include the parameters and VOC content of each coating, thinner, component and cleaning solvent, as supplied, and the VOC content of each as applied coating or cleaning solvent. The daily records required of an owner or operator of a paper, film or foil surface coating process subject to the cleaning material-related requirements of § 129.52b are similar but relate only to cleaning solvents.

Proposed subsection (e) requires that the records be maintained for 2 years and submitted to the Department on request.

Under proposed subsection (f), an owner or operator of an individual paper, film or foil surface coating line that is subject to § 129.52b by virtue of having a potential to emit at least 25 tpy of VOC from coatings, prior to controls, may not cause or permit the emission into the outdoor atmosphere of VOCs from the application of paper, film or foil surface coatings, unless the coatings are applied using rotogravure coating, reverse roll coating, knife coating, dip coating, slot die coating, flexographic coating, extrusion coating or calendaring. An owner or operator may use another coating application method if a request is submitted in writing that demonstrates that the method is capable of achieving a transfer efficiency equivalent to or better than that achieved by the other methods listed in subsection (f), and is approved in writing by the Department prior to use.

Proposed subsection (g) exempts from the VOC coating content limits in Table I of proposed § 129.52b a coating used exclusively for determining product quality and commercial acceptance and other small quantity coatings, if the quantity of coating used does not exceed 50 gallons per year for a single coating and a total of 200 gallons per year for all coatings combined for the facility and if the owner or operator of the facility requests, in writing, and the Department approves, in writing, the exemption prior to use of the coating.

Proposed subsection (h) establishes work practices that an owner or operator of a paper, film or foil surface coating process subject to the cleaning material-related requirements of § 129.52b must comply with, for the use or application of, cleaning materials.

Proposed Table I establishes emission limits for VOCs for paper, film and foil surface coatings, expressed in weight of VOC per weight of coating solids, as applied.

#### F. *Benefits, Costs and Compliance*

##### *Benefits*

Implementation of the proposed control measure would benefit the health and welfare of the approximately 12 million humans, animals, crops, vegetation and natural areas of this Commonwealth by reducing emissions of VOCs, which are precursors to ground-level ozone air pollution. Although the proposed amendments are designed primarily to address ozone air quality, the reformulation or substitution of coating products to meet the VOC content limits applicable to users may also result in reduction of hazardous air pollutant (HAP) emissions, which are also a serious health threat.

The proposed rulemaking provides as one compliance option that coatings used on or applied to paper, film and foil products manufactured in this Commonwealth meet specified limits for VOC content, usually through substi-



tution of low VOC-content solvents or water for the high VOC-content solvents. The reduced levels of high VOC-content solvents would also benefit water quality through reduced loading on water treatment plants and in reduced quantities of high VOC-content solvents leaching into the ground. Owners and operators of affected paper, film and foil surface coating process facilities may also reduce VOC emissions through the use of add-on controls, or a combination of complying coatings and add-on controls.

In this Commonwealth, approximately 15 paper, film and foil coating operations combine to emit an estimated total of 458 tons of VOCs per year.

The EPA estimates that implementation of the recommended control options for paper, film or foil surface coating processes will result in approximately a 47% reduction in VOC emissions. The maximum anticipated additional annual VOC reductions from the paper, film or foil surface coating facilities as a result of this rulemaking is approximately 215 tons (458 tons  $\times$  47%).

#### *Compliance Costs*

The costs of complying with the proposed new requirements include the cost of using alternative product formulations, such as low-VOC or water-based coatings, and the cost of using add-on controls such as thermal oxidizers. The facility owner or operator is given the flexibility to choose controls. Based on information provided by the EPA in the paper, film and foil coating CTG, the cost effectiveness of reducing VOC emissions from paper, film or foil surface coating operations is estimated to be \$1,200 per year per ton of VOC reduced. This estimate is based on the use of thermal oxidizer add-on controls, which are the most costly option to reduce VOC emissions on an annual operating basis. The estimated total annual cost for the owners or operators of the affected noncomplying paper, film or foil surface coating facilities in this Commonwealth, combined, is \$258,000 (215 tons VOC reduced per year  $\times$  \$1,200 per year per ton reduced). Based on total VOC emissions reported to the Department for the 2008 calendar year, the annual compliance costs for each affected noncomplying facility will range from an estimated \$2,312 to an estimated \$88,548, depending on actual VOC emissions.

The potential total annual costs to the regulated industry of \$258,000 for paper, film or foil surface coating operations are negligible compared to the improved health and environmental benefits that would be gained from this proposed rulemaking.

The implementation of the work practice requirements for cleaning materials is expected to result in a net cost savings. The recommended work practices should reduce the amount of cleaning materials used by reducing the amount of cleaning materials lost to evaporation, spillage and waste.

#### *Compliance Assistance Plan*

The Department plans to educate and assist the public and regulated community in understanding the newly revised requirements and how to comply with them. This will be accomplished through the Department's ongoing compliance assistance program.

#### *Paperwork Requirements*

The owners and operators of affected paper, film or foil surface coating operations would be required to keep daily operational records of information for coatings and cleaning solvents sufficient to demonstrate compliance, including identification of materials, VOC content and

volumes used. The records must be maintained for 2 years and submitted to the Department upon request. Persons claiming the small quantity exemption or use of exempt coating would be required to keep records demonstrating the validity of the exemption. Persons seeking to comply through the use of add-on controls would be required to meet the applicable reporting requirements specified in Chapter 139 (relating to sampling and testing).

#### *G. Pollution Prevention*

The Pollution Prevention Act of 1990 (42 U.S.C.A. §§ 13101—13109) established a National policy that promotes pollution prevention as the preferred means for achieving state environmental protection goals. The Department encourages pollution prevention, which is the reduction or elimination of pollution at its source, through the substitution of environmentally friendly materials, more efficient use of raw materials, and the incorporation of energy efficiency strategies. Pollution prevention practices can provide greater environmental protection with greater efficiency because they can result in significant cost savings to facilities that permanently achieve or move beyond compliance. This regulation has incorporated the following pollution prevention incentives:

The proposed amendments will assure that the citizens and the environment of this Commonwealth experience the benefits of reduced emissions of VOCs and HAPs from paper, film and foil surface coating processes. Although the proposed amendments are designed primarily to address ozone air quality, the reformulation or substitution of coating products to meet the VOC content limits applicable to users may also result in reduction of HAP emissions, which are also a serious health threat. The proposed rulemaking provides as one compliance option that coatings used on or applied to paper, film and foil products manufactured in this Commonwealth meet specified limits for VOC content, usually through substitution of low VOC-content solvents or water for the high VOC-content solvents. The reduced levels of high VOC-content solvents would also benefit water quality through reduced loading on water treatment plants and in reduced quantities of high VOC-content solvents leaching into the ground. Owners and operators of affected paper, film and foil surface coating process facilities may also reduce VOC emissions through the use of add-on controls, or a combination of complying coatings and add-on controls.

#### *H. Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

#### *I. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on October 28, 2009, the Department submitted a copy of these proposed amendments to the Independent Regulatory Review Commission (IRRC) and the House and Senate Environmental Resources and Energy Committees (Committees). In addition to submitting the proposed amendments, the Department has provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed rulemaking within 30 days of the

close of the public comment period. The comments, recommendations or objections shall specify the regulatory review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review of these issues by the Department, the General Assembly and the Governor prior to final-form publication of the regulations.

J. Public Comments

Written Comments—Interested persons are invited to submit comments, suggestions or objections regarding the proposed rulemaking to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17101-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by January 13, 2010. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by the Board by January 13, 2010. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulation will be considered.

Electronic Comments—Comments may be submitted electronically to the Board at RegComments@state.pa.us and must also be received by the Board by January 13, 2010. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to the Board to ensure receipt.

K. Public Hearings

The Board will hold public hearings in Harrisburg, Norristown and Pittsburgh for the purpose of accepting comments on this proposed rulemaking. The hearings will be held as follows:

Department of Environmental Protection Southwest Regional Office Waterfront Conference Rooms A and B 400 Waterfront Drive Pittsburgh, PA 15222-4745 December 9, 2009 1 p.m.

Department of Environmental Protection Rachel Carson State Office Building Conference Room 105 400 Market Street Harrisburg, PA 17105 December 11, 2009 1 p.m.

Department of Environmental Protection Southeast Regional Office Delaware Conference Room 2 East Main Street Norristown, PA 19401 December 14, 2009 1 p.m.

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to

10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing Chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Board at (717) 787-4526, or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD users), or (800) 654-5988 (voice users) to discuss how the Board may accommodate their needs.

JOHN HANGER, Chairperson

Fiscal Note: 7-448. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

SUBPART C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 121. GENERAL PROVISIONS

§ 121.1. Definitions.

The definitions in section 3 of the act (35 P. S. § 4003) apply to this article. In addition, the following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

Coating line—The equipment and activities of the manufacturing process used to apply coatings onto or into a substrate.

\* \* \* \* \*

Paper, film or foil coating or paper, film or foil surface coating—Coatings applied in a uniform layer to paper and pressure-sensitive tapes regardless of substrate. The term includes related web coating processes on plastic films and decorative coatings on metal foil. The term does not include coatings applied in whole or in part as nonuniform layers such as patterns, designs or print.

\* \* \* \* \*

CHAPTER 129. STANDARDS FOR SOURCES SOURCES OF VOCs

§ 129.51. General.

(a) Equivalency. Compliance with §§ 129.52, 129.52a (Editor's Note: The Department will propose to add § 129.52a at a later date.), 129.52b, 129.52c (Editor's Note: The Department proposed to add § 129.52c at 39 Pa.B. 6061, 6067 (October 17, 2009).) and 129.54—129.73 may be achieved by alternative methods if the following exist:

\* \* \* \* \*

(3) Compliance by a method other than the use of a low VOC coating or ink which meets the applicable emission limitation in §§ 129.52, 129.52a, 129.52b, 129.52c, 129.67 and 129.73 [ (relating to surface coating processes; graphic arts systems; and aerospace manufacturing and rework) ] shall be determined on the basis of equal volumes of solids.

\* \* \* \* \*

(6) The alternative compliance method is incorporated into a plan approval or operating permit, or both, reviewed by the EPA, including the use of an air cleaning device to comply with § 129.52, § 129.52a, § 129.52b, § 129.52c, § 129.67, § 129.68(b)(2) and (c)(2) or § 129.73.

\* \* \* \* \*

§ 129.52. Surface coating processes.

\* \* \* \* \*

(i) Beginning January 1, 2011, the requirements and limits for metal furniture coatings, large appliance coatings and paper coatings are superseded by the requirements and limits in §§ 129.52a and 129.52b (relating to control of VOC emissions from large appliance and metal furniture surface coating processes; and control of VOC emissions from paper, film and foil surface coating processes), respectively.

\* \* \* \* \*

[Editor's Note: Section 129.52b is new and printed in regular type to enhance readability.]

§ 129.52b. Control of VOC emissions from paper, film and foil surface coating processes.

(a) *Applicability.* This section applies to the owner and operator of a paper, film or foil surface coating process, as follows, if the surface coating process meets one or both of the following:

(1) The emission limits and other requirements of this section apply to the owner and operator of a paper, film or foil surface coating process if an individual paper, film or foil surface coating line has a potential to emit at least 25 tpy of VOC from coatings, prior to controls. For these processes, the emission limits and other requirements of this section supersede the emission limits and other requirements of § 129.52 (relating to surface coating processes).

(2) The work practice requirements for cleaning materials found in subsection (h), and the related compliance monitoring and recordkeeping and reporting requirements of subsections (d)(3) and (4) and (e), apply to the owner and operator of a paper, film or foil surface coating process if the total actual VOC emissions from all paper, film or foil surface coating operations, including related cleaning activities, at the facility are equal to or greater than 15 pounds (6.8 kilograms) per day or 2.7 tons (2,455 kilograms) per 12-month rolling period, before consideration of controls.

(b) *Existing RACT permit.* The requirements of this section supersede the requirements of a RACT permit issued to the owner or operator of a source subject to subsection (a) prior to January 1, 2011, under §§ 129.91—129.95 (relating to stationary sources of NOx and VOCs) to control, reduce or minimize VOCs from a paper, film or foil surface coating process, except to the extent the RACT permit contains more stringent requirements.

(c) *Emission limits.* Beginning January 1, 2011, a person subject to subsection (a)(1) may not cause or permit the emission into the outdoor atmosphere of VOCs from a paper, film or foil surface coating process, unless one of the following limitations is met:

(1) The VOC content of each as applied coating is equal to or less than the limit specified in Table I.

(i) The VOC content of the as applied coating, expressed in units of weight of VOC per weight of coating solids, shall be calculated as follows:

$$VOC_B = (W_o)/(W_n)$$

Where:

- VOC<sub>B</sub> = VOC content in lb VOC/lb of coating solids
- W<sub>o</sub> = Weight percent of VOC (W<sub>v</sub>-W<sub>w</sub>-W<sub>ex</sub>)
- W<sub>v</sub> = Weight percent of total volatiles (100%-weight percent solids)
- W<sub>w</sub> = Weight percent of water
- W<sub>ex</sub> = Weight percent of exempt solvents
- W<sub>n</sub> = Weight percent of solids of the as applied coating

(ii) The VOC content of a dip coating, expressed in units of weight of VOC per weight of coating solids, shall be calculated on a 30-day rolling average basis using the following equation:

$$VOC_A = \frac{\sum_i (W_{oi} \times D_{ci} \times Q_i) + \sum_J (W_{oJ} \times D_{dJ} \times Q_J)}{\sum_i (W_{ni} \times D_{ci} \times Q_i)}$$

Where:

- VOC<sub>A</sub> = VOC content in lb VOC/lb of coating solids for a dip coating, calculated on a 30-day rolling average basis
- W<sub>oi</sub> = Percent VOC by weight of each as supplied coating (i) added to the dip coating process, expressed as a decimal fraction (that is 55% = 0.55)
- D<sub>ci</sub> = Density of each as supplied coating (i) added to the dip coating process, in pounds per gallon
- Q<sub>i</sub> = Quantity of each as supplied coating (i) added to the dip coating process, in gallons
- W<sub>ni</sub> = Percent solids by weight of each as supplied coating (i) added to the dip coating process, expressed as a decimal fraction
- W<sub>oJ</sub> = Percent VOC by weight of each thinner (J) added to the dip coating process, expressed as a decimal fraction
- D<sub>dJ</sub> = Density of each thinner (J) added to the dip coating process, in pounds per gallon
- Q<sub>J</sub> = Quantity of each thinner (J) added to the dip coating process, in gallons

(iii) Sampling and testing shall be done in accordance with the procedures and test methods specified in Chapter 139 (relating to sampling and testing).

(2) The overall weight of VOCs emitted to the atmosphere is reduced through the use of vapor recovery or incineration or another method that is acceptable under § 129.51(a) (relating to general). The overall efficiency of a control system, as determined by the test methods and procedures specified in Chapter 139, may be no less than 90% or may be no less than the equivalent overall efficiency as calculated by the following equation, whichever is less stringent:

$$O = (1 - E/V) \times 100$$

Where:

- V = The VOC content of the as applied coating, in lb VOC/lb of coating solids.
- E = The Table I limit in lb VOC /lb of coating solids.
- O = The overall required control efficiency.

(d) *Compliance monitoring procedures.* The owner or operator of a facility subject to this section shall maintain records sufficient to demonstrate compliance as follows:

(1) The owner or operator of a facility subject to subsection (a)(1) shall maintain daily records of the following parameters for each coating, thinner, component or cleaning solvent, as supplied:

- (i) Name and identification number of the coating, thinner, component or cleaning solvent.
- (ii) Volume used.
- (iii) Mix ratio.
- (iv) Density or specific gravity.
- (v) Weight percent of total volatiles, water, solids and exempt solvents.
- (vi) VOC content.

(2) The owner or operator of a facility subject to subsection (a)(1) shall maintain daily records of the VOC content of each as applied coating or cleaning solvent.

(3) The owner or operator of a facility subject to subsection (a)(2) shall maintain daily records of the following parameters for each cleaning solvent, as supplied:

- (i) Name and identification number of the cleaning solvent.
- (ii) Volume used.
- (iii) Weight percent of total volatiles, water and exempt solvents.
- (iv) VOC content.

(4) The owner or operator of a facility subject to subsection (a)(2) shall maintain daily records of the VOC content of each as applied cleaning solvent.

(e) *Recordkeeping and reporting requirements.* The records required under subsection (d) shall be maintained for 2 years and submitted to the Department on request.

(f) *Coating application methods.* A person subject to subsection (a)(1) may not cause or permit the emission into the outdoor atmosphere of VOCs from the application of paper, film or foil surface coatings, unless the coatings are applied using one or more of the following coating application methods:

- (1) Rotogravure coating.
- (2) Reverse roll coating.
- (3) Knife coating.
- (4) Dip coating.
- (5) Slot die coating.
- (6) Flexographic coating.
- (7) Extrusion coating.
- (8) Calendaring.
- (9) Other coating application method, if approved in writing by the Department prior to the use of the application method.

(i) The coating application method must be capable of achieving a transfer efficiency equivalent to or better than that achieved by a method listed in paragraphs (1)–(8).

(ii) The request for approval must be submitted in writing by the owner or operator of the paper, film or foil surface coating facility.

(g) *Exempt coatings.* The VOC coating content limits in Table I do not apply to a coating used exclusively for determining product quality and commercial acceptance and other small quantity coatings, if the coating meets the following criteria:

(1) The quantity of coating used does not exceed 50 gallons per year for a single coating and a total of 200 gallons per year for all coatings combined for the facility.

(2) The owner or operator of the facility requests, in writing, and the Department approves, in writing, the exemption prior to use of the coating.

(h) *Work practice requirements for cleaning materials.* The owner or operator of a paper, film or foil surface coating process subject to subsection (a)(2) shall comply with the following work practices for cleaning materials:

(1) Store all VOC-containing cleaning materials and used shop towels in closed containers.

(2) Ensure that mixing and storage containers used for VOC-containing cleaning materials are kept closed at all times, except when depositing or removing these materials.

(3) Minimize spills of VOC-containing cleaning materials and clean up spills immediately.

(4) Convey VOC-containing cleaning materials from one location to another in closed containers or pipes.

(5) Minimize VOC emissions from cleaning of storage, mixing and conveying equipment.

**Table I**  
**Emission Limits of VOCs for Paper, Film and Foil Surface Coatings**  
**Weight of VOC per Weight of Coating Solids, as Applied**

Units	RACT Limits	
	Pressure Sensitive Tape and Label Surface Coating	Paper, Film, and Foil Surface Coating (Not including Pressure Sensitive Tape and Label Surface Coating)
kg VOC/kg solids (lb VOC/lb solids)	0.20	0.40
kg VOC/kg coating (lb VOC/lb coating)	0.067	0.08

[Pa.B. Doc. No. 09-2064. Filed for public inspection November 6, 2009, 9:00 a.m.]

**[ 25 PA. CODE CH. 95 ]**  
**Wastewater Treatment Requirements**

The Environmental Quality Board (Board) proposes to amend 25 Pa. Code Chapter 95 (relating to Wastewater Treatment Requirements). The proposed amendments include the elimination of a redundant provision, the recognition of applicable TMDL requirements, and the establishment of new effluent standards for new sources of wastewaters containing high Total Dissolved Solids (TDS) concentrations.

The proposal was adopted by the Board at its meeting of August 18, 2009.

#### A. *Effective Date*

These amendments will go into effect upon publication in the *Pennsylvania Bulletin* as final-form rulemaking.

#### B. *Contact Persons*

For further information, contact Ronald C. Furlan, Chief, Division of Planning and Permits, P. O. Box 8774, Rachel Carson State Office Building, Harrisburg, PA 17105-8774, (717) 787-8184 or William Cumings, Assistant Counsel, Bureau of Regulatory Counsel, P. O. Box 8464, Rachel Carson State Office Building, Harrisburg, PA 17105-8464, (717) 787-7060. Information regarding submitting comments on this proposal appears in Section J of this preamble. Persons with a disability may use the Pennsylvania AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 654-5988 (voice users). This proposal is available electronically through the Department of Environmental Protection's (Department) web site at <http://www.dep.state.pa.us>.

#### C. *Statutory Authority*

The proposed rulemaking is being made under the authority of section 5 of The Clean Streams Law (35 P. S. § 691.5), which grants the Department the authority to adopt rules and regulations in establishing policy and priorities for issuing orders and permits and in taking other actions under this law, and sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-7 and 510-20).

#### D. *Background and Purpose*

Total dissolved solids (TDS) is comprised of inorganic salts, organic matter and other dissolved materials in water. They can be naturally present in water or the result of runoff, mining or industrial or municipal treatment of water. TDS contain minerals and organic molecules that provide benefits such as nutrients, but also may contain contaminants such as toxic metals and organic pollutants. However, the benefits noted are when considered in moderation, which is likely not the case in a high TDS discharge. The concentration and composition of TDS in natural waters is determined by the geology of the drainage, atmospheric precipitation and the water balance (evaporation/precipitation).

TDS causes toxicity to water bodies through increases in salinity, changes in the ionic composition of the water, and toxicity of individual ions. The composition of specific ions determines toxicity of elevated TDS in natural waters. Also, as the hardness increases, TDS toxicity may decrease. The major concern associated with high TDS concentrations relates to direct effects of increased salinity on the health of aquatic organisms.

Water quality analyses performed for the major watersheds of this Commonwealth to date, show that many of the rivers and streams of this Commonwealth have a very limited ability to assimilate additional TDS, sulfates and chlorides. This phenomenon was most evident during the fall of 2008, when actual water quality issues related to these parameters emerged in the Monongahela River basin. While river flows reached seasonal lows, the concentrations of TDS and sulfates in the river increased

to historic highs, exceeding the water quality standards at all of the 17 Potable Water Supply intakes from the border with West Virginia to Pittsburgh. Exceedances of water quality standards for TDS and sulfate persisted in the river through November and December of 2008. Elevated chloride levels were observed on at least one major tributary—South Fork Tenmile Creek—and for the first time, elevated bromide levels were observed in these streams.

During this period, several environmental agencies performed studies on the effects of TDS, sulfate and chloride discharges on the Monongahela and some of its tributaries. A study conducted by the Environmental Protection Agency (EPA), the Department and the Allegheny County Health Department (ACHD) also identified bromides as a key parameter of concern in these waters. The study concluded that a high percentage of the Disinfection By-Products (DBPs) being formed in the drinking water systems were brominated DBPs, which pose a greater health risk than chlorinated DBPs; and, subsequent formation of brominated DBPs increases overall DBP concentrations, specifically trihalomethanes (THMs). The study also concluded that based on the speciation there appears to be a strong correlation between THM formation and elevated source water bromide concentrations in the Monongahela River. As a result, the 17 potable water supply intakes on the Monongahela River are subject to higher levels of the more toxic brominated DBPs, creating increased risks of bladder cancer to their consumers.

Several studies on the potential impacts to aquatic life from these large TDS discharges were also conducted on major tributaries flowing into the Monongahela River in Greene County, PA. Each of these studies documents the adverse effects of discharges of TDS, sulfates and chlorides on the aquatic communities in these receiving streams. The former concludes that there is a high abundance of halophilic (salt-loving) organisms downstream from the discharges of TDS and chlorides and a clear transition of fresh water organisms to brackish water organisms in the receiving stream from points above the discharge to points below. It is evident from this study that increases in salinity have caused a shift in biotic communities.

The Monongahela River Watershed is being adversely impacted by TDS discharges and many points in the watershed are already impaired, with TDS, sulfates and chlorides as the cause.

Although the Monongahela has received the most attention, it is not an anomalous situation. The Department has studied the results of stream monitoring and has conducted an analysis on the water quality of the Beaver River in western Pennsylvania. These results show upward trends in TDS concentrations. The Department has also conducted similar studies on the Shenango and Neshannock Rivers, with similar upward trends in TDS concentrations.

In addition, watershed analyses conducted by the Department of the West Branch of the Susquehanna River and the Moshannon River Watersheds have documented that they are also severely limited in the capacity to assimilate new loads of TDS and sulfates. The Department has received several permit applications in these

areas where the permits will not be able to be issued with limits greater than the water quality standards due to the high background concentrations of TDS.

The surveys, analyses and studies referenced establish that the extent of existing and potential pollution from TDS, sulfates and chlorides is widespread. The Department is constrained from approving any significant portion of the pending proposals and applications for new sources of discharge high-TDS wastewater that include sulfates and chlorides, and still protect the quality of streams in this Commonwealth.

The existing practice for high TDS wastewaters is the removal of heavy metals, but currently no treatment exists for TDS, sulfates and chlorides, other than dilution. As documented by the rising levels of TDS in the waters of this Commonwealth, dilution can no longer be considered adequate treatment for high TDS wastewaters.

The Clean Streams Law (35 P. S. §§ 691.1—691.1001) delegates the authority to preserve and improve the purity of its waters and develop remedies to purify those waters currently polluted to the Department, in the form of adopting rules and regulations as necessary to accomplish these tasks.

The Department's "Permitting Strategy for High Total Dissolved Solids (TDS) Wastewater Discharges" (April 11, 2009) outlines the foundation and scientific rationale for promulgation of such rules and regulations necessary to address the existing and potential pollution of this Commonwealth's waters from large sources of TDS, sulfates and chlorides. This approach relies upon the basic water quality management premise that discharges of these pollutants must be managed through permit limitations required by the more stringent of treatment-based or water quality-based standards.

The goal of this permitting strategy is that by January 1, 2011, new sources of High-TDS wastewaters will be prohibited from this Commonwealth's waters. To achieve this goal, the Department proposes to amend Chapter 95 to establish new effluent standards.

In addition to moving this regulatory package forward, the Department is considering, on a parallel track, the formation of a work group in the Monongahela River Watershed to review possible alternative approaches that would also be protective of this Commonwealth's water resources.

The proposed rulemaking was presented to the Water Resources Advisory Committee (WRAC) at a special meeting on June 19, 2009, and considered at the WRAC's regular meeting on July 15, 2009. The WRAC, by majority vote, recommended that the Department work in conjunction with the WRAC to form a Statewide stakeholders group to analyze the issues and develop appropriate solutions, in lieu of proceeding with the currently proposed rulemaking.

#### E. Summary of Regulatory Requirements

##### *Section 95.2. Effluent standards for industrial wastes.*

The Department has proposed to retitle the section for clarity. The Department also proposes to delete paragraph (1) because it is redundant. The other paragraphs have been renumbered as a result of the deletion of paragraph (1).

##### *Section 95.10. Effluent standards for new sources of wastewaters containing high Total Dissolved Solids (TDS) concentrations.*

This is a new section. Subsection (a) defines high TDS wastewater. Subsection (b) establishes effluent standards for TDS, total chlorides and total sulfates, and provides for exceptions to these criteria for industries that have established Federal criteria for TDS, sulfates and chlorides. Subsection (c) establishes criteria for new sources of wastewaters resulting from fracturing, production, field exploration, drilling or completion of oil and gas wells. Subsection (d) establishes that the effluent limitations in § 95.10 will not apply if an NPDES permit has established more stringent limitations than the limits specified in this section.

The term "new discharge" is also defined in subsection (a). This definition is intended to make it clear that a new discharge from an existing facility, an additional discharge from an existing facility or an expanded discharge from an existing facility are included. It is not intended to include discharges from treatment facilities for abandoned mine discharges (AMD), which existed on April 1, 2009, where new treatment facilities are installed or existing facilities are modified. This is important to assure that efforts to treat AMD by third parties (watershed groups, trustees or the government) are not thwarted by imposing limits on these projects with overwhelming positive environmental benefits. Remaining projects authorized under Chapter 87 Subchapter F or Chapter 88 Subchapter G are also not included in this definition because the discharges associated with them existed as of April 1, 2009.

#### F. Benefits, Costs and Compliance

##### *Benefits*

The Monongahela River has been significantly impacted by discharges of wastewaters containing high TDS concentrations. These high TDS concentrations have caused exceedances of drinking water standards at many drinking water treatment plants in this Commonwealth. Some of these exceedances include bromides. Bromides in drinking water may result in the formation of disinfection byproducts that are more toxic than the byproducts from chlorination. This proposed rulemaking will address these high TDS discharges as well as high levels of chlorides and sulfates, resulting in cleaner streams. This reduction will also reduce the number of brominated disinfection byproducts and help to ensure safe drinking water for this Commonwealth.

##### *Compliance Costs*

The regulation will impose new costs on new or increased discharges of high TDS wastewater. New or increased discharges will be required to install advanced treatment to meet the requirements of this proposed rulemaking. It is anticipated that treatment costs could be on the order of \$0.25/gallon. Since there is currently no treatment required for TDS, chlorides, and sulfates, any cost is an increase over the existing cost.

Existing facilities will have minimal additional costs as a result of this proposed rulemaking. The additional costs will be the result of additional monitoring and recordkeeping that will be required to comply with this rulemaking.

*Compliance Assistance Plan*

The Department has conducted many outreach sessions to educate stakeholders about the new regulations, at least as they apply to Marcellus Shale activities. These include:

- On October 16, 2008, the Department sent a letter to existing treatment plants in this Commonwealth explaining the requirements that would apply to each plant that chooses to accept high TDS wastewater, including additional monitoring.
- On April 15, 2009, the Department held a meeting of the Marcellus Shale Wastewater Partnership to introduce and discuss the Permitting Strategy for High TDS Wastewater Discharges.
- On April 16, 20 and 21, 2009, industry sponsored Marcellus Shale application training, including wastewater transportation and delivery, was held in Williamsport, Canonsburg and Clarion. Questions were taken and answered, and a Question and Answer document has been posted on the Department's web site.
- In the spring of 2009, a wastewater generation, transportation and disposal powerpoint presentation was developed, and is posted on the Department's web site.
- In 2009, the Department will be offering Industry Training Workshops at six locations throughout this Commonwealth. Wastewater management issues will be addressed in the training after the regulation has been finalized.

*Paperwork Requirements*

This proposal will result in additional paperwork only for existing wastewater treatment plants that choose to accept high TDS wastewater. This additional paperwork will include additional monitoring and recordkeeping requirements, as well as the requirement to develop or revise a pretreatment program and to modify their existing NPDES permit to reflect the constituents present in the high TDS wastewater.

*G. Sunset Review*

These regulations will be reviewed in accordance with the sunset review schedule published by the Department to determine whether the regulations effectively fulfill the goals for which they were intended.

*H. Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on October 28, 2009, the Department submitted a copy of the proposed rulemaking to the Independent Regulatory Review Commission (IRRC) and the Senate and House Environmental Resources and Energy Committees (Committees). In addition to submitting the proposed amendments, the Department provided IRRC and the Committees with a copy of a detailed Regulatory Analysis Form prepared by the Department. A copy of this material is available to the public upon request.

Under section 5(g) of the Regulatory Review Act, IRRC may convey any comments, recommendations or objections to the proposed amendments within 30 days of the close of the public comment period. The comments, recommendations or objections shall specify the regulatory

review criteria that have not been met. The Regulatory Review Act specifies detailed procedures for review of these issues by the Department, the General Assembly and the Governor prior to final publication of the regulations.

*I. Public Comments*

The Department is particularly interested in comments regarding economic impacts and treatment technologies, including levels of treatment and associated costs, from industries covered by this regulatory change. Comments on this and other aspects of the draft regulation can be submitted in hard or electronic copy as explained as follows.

*Written Comments*—Interested persons are invited to submit comments, suggestions or objections regarding the proposed regulation to the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477 (express mail: Rachel Carson State Office Building, 16th Floor, 400 Market Street, Harrisburg, PA 17105-2301). Comments submitted by facsimile will not be accepted. Comments, suggestions or objections must be received by the Board by February 5, 2010. Interested persons may also submit a summary of their comments to the Board. The summary may not exceed one page in length and must also be received by the Board by February 5, 2010. The one-page summary will be provided to each member of the Board in the agenda packet distributed prior to the meeting at which the final-form regulation will be considered.

*Electronic Comments*—Comments may be submitted electronically to the Board at RegComments@dep.state.pa.us and must also be received by the Board by February 5, 2010. A subject heading of the proposal and a return name and address must be included in each transmission. If an acknowledgement of electronic comments is not received by the sender within 2 working days, the comments should be retransmitted to ensure receipt.

*J. Public Hearings*

The Board will hold four public hearings for the purpose of accepting comments on this proposal. The hearings will be held at 5 p.m. on the following dates:

- |                             |   |
|-----------------------------|---|
| December 14, 2009<br>5 p.m. | Cranberry Township Municipal Building<br>2525 Rochester Road<br>Cranberry Township, PA 16066-6499   |
| December 15, 2009<br>5 p.m. | Department of Environmental Protection<br>Cambria District Office<br>286 Industrial Park Road<br>Ebensburg, PA 15931  |
| December 16, 2009<br>5 p.m. | Department of Environmental Protection<br>Northcentral Regional Office<br>Goddard Conference Room<br>208 West Third Street,<br>Suite 101<br>Williamsport, PA 17701-6448 |
| December 17, 2009<br>5 p.m. | Lehigh County Government Center<br>17 S. 7th Street<br>Allentown, PA 18101  |

Persons wishing to present testimony at a hearing are requested to contact the Environmental Quality Board, P. O. Box 8477, Harrisburg, PA 17105-8477, (717) 787-

4526, at least 1 week in advance of the hearing to reserve a time to present testimony. Oral testimony is limited to 10 minutes for each witness. Witnesses are requested to submit three written copies of their oral testimony to the hearing Chairperson at the hearing. Organizations are limited to designating one witness to present testimony on their behalf at each hearing.

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Board at (717) 787-4526 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board may accommodate their needs.

JOHN HANGER,  
Chairperson

**Fiscal Note:** 7-446. No fiscal impact; (8) recommends adoption.

**Annex A**

**TITLE 25. ENVIRONMENTAL PROTECTION**

**PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**Subpart C. PROTECTION OF NATURAL RESOURCES**

**ARTICLE II. WATER RESOURCES**

**CHAPTER 95. WASTEWATER TREATMENT REQUIREMENTS**

§ 95.2. [ **Quality standards and oil-bearing wastewaters** ] **Effluent standards for industrial wastes.**

Industrial [ **waste shall** ] **wastes must** meet the following [ **quality** ] **effluent** standards:

(1) [ **There may be no discharge of wastes which are acid.**

(2) [ **shall** ] **wastes must** have a pH of not less than 6 and not greater than 9, except where:

\* \* \* \* \*

[ (3) ] (2) Oil-bearing wastewaters, except those subject to paragraph [ (4), **shall** ] (3), **must** comply with [ **all of** ] the following:

\* \* \* \* \*

[ (4) ] (3) Petroleum marketing terminals [ **shall** ] **must**:

\* \* \* \* \*

[ (5) ] (4) Waste may not contain more than 7 milligrams per liter of dissolved iron.

[ (6) ] (5) When surface waters are used in the industrial plant, the quality of the effluent need not exceed the quality of the raw water supply if the source or supply would normally drain to the point of effluent discharge, unless otherwise required under the [ **State Act** ] **act** or Federal Act or regulations promulgated thereunder.

(*Editor's Note:* Section 95.10 is new and printed in regular print to enhance readability.)

§ 95.10. **Effluent standards for new discharges of wastewaters containing high Total Dissolved Solids (TDSs) concentrations.**

(a) For the purpose of implementing this section, a new

discharge of High-TDS wastewater is a discharge that did not exist on April 1, 2009, and includes a TDS concentration that exceeds 2,000 mg/L or a TDS loading that exceeds 100,000 pounds per day. The term "new discharge" includes an additional discharge, an expanded discharge or an increased discharge from a facility in existence prior to April 1, 2009.

(b) Unless specifically exempted under paragraph (6), new discharges of wastewater with High-TDS must comply with the following:

(1) Section 95.2 (relating to effluent standards for industrial wastes).

(2) The discharge may not contain more than 500 mg/L of TDS as a monthly average.

(3) The discharge may not contain more than 250 mg/L of total chlorides as a monthly average.

(4) The discharge may not contain more than 250 mg/L of total sulfates as a monthly average.

(5) In addition to paragraphs (1)—(4), discharges to groundwater, including land application and discharges to existing mine pools, must comply with §§ 91.51 and 91.52 (relating to underground disposal).

(6) Discharges of wastewater produced from industrial subcategories with applicable Effluent Limit Guidelines for TDS, Chlorides or Sulfates established as Best Available Technology Economically Achievable (BAT), Best Conventional Pollutant Control Technology (BCT), or new source standards of performance, by the Administrator of the EPA under sections 303(b) and 306 of the Federal Act (33 U.S.C.A. §§ 1314(b) and 1316) are exempt from the effluent standards in this section.

(c) New discharges of wastewaters resulting from fracturing, production, field exploration, drilling or completion of oil and gas wells must comply with the following provisions, in addition to the provisions in subsection (b):

(1) There may be no discharge of wastewater into waters of this Commonwealth from any direct source or site of fracturing, production, field exploration, drilling, or well completion, (that is, produced water, drilling muds, drill cuttings, and produced sand).

(2) Treated discharges of wastewater generated from fracturing, production, field exploration, drilling, or well completion may be authorized by the Department under Chapter 92 (relating to National Pollutant Discharge Elimination System Permitting, Monitoring and Compliance). The discharges shall be authorized only from centralized waste treatment (CWT) facilities and approved Publicly Owned Treatment Works (POTWs).

(3) The discharge may not contain more than 10 mg/L of total barium as a monthly average.

(4) The discharge may not contain more than 10 mg/L of total strontium as a monthly average.

(5) Where a discharge from a CWT facility is proposed, the discharge must comply with the performance standards in 40 CFR 437.34 (relating to new source performance standards (NSPS)), in addition to complying with paragraphs (2)—(4).

(6) Where a discharge through a POTW is proposed, in addition to compliance with the requirements of paragraphs (2)—(4) the following apply:



(i) Pretreatment shall be provided and comply with the performance standards found in 40 CFR 437.36 (relating to pretreatment standards for new sources).

(ii) The POTW shall develop and implement a Federal pretreatment program meeting the applicable standards found in 40 CFR 403.8 (relating to pretreatment program requirements: development and implementation by POTW).

(d) Any wastewater treatment requirement established under this chapter does not apply if an NPDES permit limitation established under Chapter 92 provides a more stringent effluent limitation requirement than would be provided by application of this chapter.

[Pa.B. Doc. No. 09-2065. Filed for public inspection November 6, 2009, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF BANKING

### Actions on Applications

The Department of Banking (Department), under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending October 27, 2009.

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

### BANKING INSTITUTIONS

#### Conversions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
9-30-2009	Fulton Bank Lancaster Lancaster County  Conversion from a Pennsylvania State-Chartered Bank and Trust Company to a National Banking Association to be known as "Fulton Bank, National Association."	Effective

#### Section 112 Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-21-2009	Walter D. Seigfried  Application for approval to acquire up to 24.54% of the Common Stock of Manor Bank, Manor.	Approved

#### Holding Company Acquisitions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-23-2009	Northwest Bancorp, MHC Warren Warren County  Acquisition of 100% of Keystone State Savings Bank, Sharpsburg.	Effective

#### Consolidations, Mergers, and Absorptions

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Action</i>
10-23-2009	Northwest Savings Bank Warren Warren County  Merger of Keystone State Savings Bank, Sharpsburg, with and into Northwest Savings Bank, Warren.  As a result of the merger, the sole office of Keystone State Savings Bank, located at the following address, became a branch office of Northwest Savings Bank: <div style="text-align: right; margin-top: 10px;">             905 Main Street              Sharpsburg              Allegheny County           </div>	Effective

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-26-2009	Northwest Savings Bank Warren Warren County	71 Railroad Street Youngsville Warren County	Approved

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-26-2009	PeoplesBank, A Codorus Valley Company York York County	Normandie Ridge 1700 Normandie Drive York York County (Limited Service Facility)	Approved
10-26-2009	PeoplesBank, A Codorus Valley Company York York County	Senior Commons on Powder Mill 1775 Powder Mill Road York York County (Limited Service Facility)	Approved

**Branch Relocations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-26-2009	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 100 Settlers Ridge Center Drive Pittsburgh Allegheny County  <i>From:</i> 6511 Steubenville Pike Pittsburgh Allegheny County	Approved

**Branch Consolidations**

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
10-26-2009	Northwest Savings Bank Warren Warren County	<i>Into:</i> 370 West Governor Road Hershey Dauphin County  <i>From:</i> 10 West Chocolate Avenue Hershey Dauphin County	Approved

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 09-2066. Filed for public inspection November 6, 2009, 9:00 a.m.]

**Regarding Adjustment to Definition of "Base Figure" in the Loan Interest and Protection Law**

The Department of Banking (Department), as required by the definition of "base figure" contained in section 101 of the act of January 30, 1974 (P.L. 13, No. 6), as amended, known as the Loan Interest and Protection Law (LIPL) (41 P.S. § 101), is publishing the following notice regarding the inflation-adjusted base figure for the calendar year 2010. The Department has determined that the current base figure of \$217,873 adjusted for annual inflation using the "Consumer Price Index—All Urban Consumers: U.S. All Items 1982-84 = 100" published by the United States Department of Labor Bureau of Labor Statistics results in a base figure of \$219,035. This new base figure will be effective January 1, 2010, for the calendar year 2010.

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 09-2067. Filed for public inspection November 6, 2009, 9:00 a.m.]

## DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT

### Consolidated Plan Public Meeting Notice and Regional Housing Advisory Committee Meetings

[Correction]

An error occurred in the notice which appeared at 39 Pa.B. 6343, 6344 (October 31, 2009). The notice should have shown the signature as George E. Cornelius, Secretary.

[Pa.B. Doc. No. 09-2032. Filed for public inspection October 30, 2009, 9:00 a.m.]

# DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

## Proposed Exchange of Lands

The Department of Conservation and Natural Resources (Department) and the Game Commission (Commission) are proposing an exchange of lands in the Counties of Crawford, Jefferson, Clarion, McKean and Elk.

The Department is proposing to convey 4,248 acres in North Shenango, Sadsbury and Pine Townships, Crawford County and 2 acres in Heath Township, Jefferson County to the Commission. In return, the Commission proposes to convey 4,573 acres in Highland and Mill Creek Townships, Clarion County, 181 acres in Heath Township, Jefferson County, 10 acres in Hamlin Township, McKean County and 52 acres in Spring Creek Township, Elk County to the Department. All acreages are approximate.

As is the policy of the Department, the public is hereby notified of this exchange. A 30-day period for public

inquiry and/or comment will be in effect commencing November 14, 2009, and ending December 14, 2009. Oral or written comments or questions concerning this proposed exchange may be addressed to John Norbeck, Director, Bureau of State Parks, P. O. Box 8551, Harrisburg, PA 17105-8551, telephone (717) 787-6640. These oral and/or written comments will become part of the official document used in the final decision process.

Two public informational meetings have been scheduled to respond to any questions or concerns the general public may have regarding this exchange of lands. A meeting in Crawford County has been scheduled for Tuesday, November 17, 2009, between 6 p.m. and 8 p.m. The meeting will be held at the Linesville High School Library, 302 West School Drive, Linesville, PA. For more information, call (724) 932-3142. A meeting in Clarion County has been scheduled for Thursday, November 19, 2009, between 6 p.m. and 8 p.m. The meeting will be held at the Clarion Holiday Inn, 45 Holiday Inn Road, Clarion, PA. For more information, call (814) 744-8407.

JOHN QUIGLEY,  
*Secretary*

[Pa.B. Doc. No. 09-2068. Filed for public inspection November 6, 2009, 9:00 a.m.]

# DEPARTMENT OF ENVIRONMENTAL PROTECTION

## Applications, Actions and Special Notices

### APPLICATIONS

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

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

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

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

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

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

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

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

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

### I. NPDES Renewal Applications

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0031551 (Sew)	Chambersburg Area School District 435 Stanley Avenue Chambersburg, PA 17201	Franklin County Lurgan Township	UNT to Conodoguinet Creek / 7-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0114308 (Sewage)	Orange Township Supervisors Orange Township STP 2028 Route 487 Orangeville, PA 17859	Orange Township, Columbia County	Fishing Creek, WWF	Yes
PA0228877 (Sewage)	Santo Lazafame 15 Old Berwick Road Bloomsburg, PA 17815	Orange Township, Columbia County	Stony Brook, EV (5-C)	Yes
PA0111368	Salladasburg Elementary School 175 A & P Drive Jersey Shore, PA 17740-9268	Mifflin Township, Lycoming County	Larrys Creek (10A)	Yes
PA0113484 (Sewage)	William Robinson 16064 Route 6 Mansfield, PA 16933	Richmond Township, Tioga County	UNT to N. Elk Run, a CWF	Yes
PA0044245 (Sewage)	PA-Dept. of Conservation and Natural Resources Parker Dam State Park 28 Fairview Road Penfield, PA 15849	Huston Township, Clearfield County	Laurel Run, HQ-CWF	Yes

*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>
PA0222712	Sykesville Borough 21 East Main Street Sykesville, PA 15865-1105	Sykesville Borough, Jefferson County	Stump Creek, 17-D	Y
PA0033383	Cherry Run Camp 2855 Cherry Run Road Rimersburg, PA 16248	Toby Township, Clarion County	Cherry Run, 17-B	Y
PA0038814	Ellport Borough Sewer Authority 313 Burns Avenue Ellwood City, PA 16117	Ellport Borough, Lawrence County	Connoquenessing Creek, 20-C	Y

NPDES No. (Type)	Facility Name & Address	County & Municipality	Stream Name (Watershed #)	EPA Waived Y/N ?
PA0223018	Farmington Township STP 596 Fairbanks Road Russell, PA 16345	Farmington Township, Warren County	Unnamed tributary to Kiantone Creek, 16-B	Y
PA0102181	Two Mile Run County Park Route 428 471 Beach Road Franklin, PA 16323	Oakland & Sugarcreek Townships, Venango County	Unnamed tributary to Two Mile Run, 16-E	Y
PA0210820	Michael P. and Cheryl L. Nass 2670 Old State Road Waterford, PA 16441	Waterford Township, Erie County	Unnamed tributary to Little Conneautee Creek, 16-A	Y

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

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

**Application No. PA0246964, Concentrated Animal Feeding Operation (CAFO), Ken Martin Farm,** 1397 Robert Fulton Highway, Quarryville, PA 17566. Kenneth Martin has submitted an application for an Individual NPDES permit for a CAFO known as the Ken Martin Farm, located in East Drumore Township, **Lancaster County**.

The CAFO is situated near an unnamed tributary to West Branch Octoraro Creek, which is classified as a high quality cold water fishery. The CAFO includes two swine barns, a dairy facility and a poultry barn designed to maintain an animal population of approximately 941 animal equivalent units (AEUs) consisting of 100 mature dairy cows and 6,600 finishing swine. No poultry is housed at the operation at this time. Liquid manure is stored in 3 concrete manure storage structures with a combined capacity of approximately, 2.17 million gallons. Manure produced at the operation is applied onsite or exported to local farmers in accordance with an approved Nutrient Management Plan. A release or discharge to waters of the Commonwealth under normal operating conditions is not expected. Normal operating conditions are defined as conditions below a 25-year, 24-hour storm event.

The Department has conducted administrative and technical reviews of the application. Based on the preliminary review and application of lawful standards and regulations, the Department has made a tentative determination to reissue the NPDES permit for the operation subject to the terms and conditions and monitoring and reporting requirements specified in the permit. The permit application and draft permit are on file at the Southcentral Regional Office of the Department. You may make an appointment to review the files by calling the File Review Coordinator at 717-705-4732.

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

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

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

**PA0218031, Sewage, Alan A. Axelson,** 2370 Morrow Road, Pittsburgh, PA 15241. This application is for renewal of an NPDES permit to discharge treated sewage from Mansion House at Old Concord Village STP in Morris Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Short Creek, which are classified as a trout stock fishery with existing and/or potential uses for aquatic life, water supply, and recreation. The first downstream potable water supply intake from this facility is the: Marianna Municipal Waterworks on Tenmile Creek.

*Outfall 001:* existing discharge, design flow of 0.0063 mgd.

Parameter	Concentration (mg/l)			
	Average Monthly	Average Weekly	Maximum Daily	Instantaneous Maximum
CBOD <sub>5</sub>	25			50
Suspended Solids	30			60
Ammonia Nitrogen				
May 1 to Oct 31	4.0			8.0
Nov 1 to Apr 30	12.0			24.0

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0216267**, Sewage, **Nathaniel R. Morgan**, 6 Parklea Drive, Monroeville, PA 15146. This application is for renewal of an NPDES permit to discharge treated sewage from Pine Garden Apartments in Loyallhanna, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Boatyard Run, which are classified as a warm water fishery 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: Buffalo Township Municipal Authority.

*Outfall 001*: existing discharge, design flow of 0.006 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	10			20
Ammonia Nitrogen				
May 1 to Oct 31	3.0			6.0
Nov 1 to Apr 30	9.0			18.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 3.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0096164**, Sewage, **Thomas Guither**, PO Box 346, Donegal, PA 15628-0346. This application is for renewal of an NPDES permit to discharge treated sewage from Living Treasures Animal Park in Donegal Township, **Westmoreland County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Indian Creek, which are classified as a high-quality cold water fishery 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: Indian Creek Valley Water Authority.

*Outfall 001*: existing discharge, design flow of 0.014 mgd.

<i>Parameter</i>	<i>Concentration (mg/l)</i>			
	<i>Average Monthly</i>	<i>Average Weekly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
CBOD <sub>5</sub>	10			20
Suspended Solids	25			50
Ammonia Nitrogen				
May 1 to Oct 31	3.0			6.0
Nov 1 to Apr 30	9.0			18.0
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	1.4			3.3
Dissolved Oxygen	not less than 5.0 mg/l			
pH	not less than 6.0 nor greater than 9.0			

The EPA waiver is in effect.

**PA0044679**, Sewage, **Pigeon Creek Sanitary Authority**, 508 Main Street, Bentleyville, PA 15314. This application is for renewal of an NPDES permit to discharge treated sewage from Pigeon Creek Sewage Treatment Plant in Fallowfield Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, known as Pigeon Creek, which are classified as a warm water fishery 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: Allegheny Power—Mitchell Station.

Outfall 001: existing discharge, design flow of 1.02 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
Ammonia Nitrogen				
May 1 to Oct 31	3.4	5.1		6.8
Nov 1 to Apr 30	10.2	15.3		20.4
Fecal Coliform				
May 1 to Sep 30	200/100 ml as a geometric mean			
Oct 1 to Apr 30	2,000/100 ml as a geometric mean			
Total Residual Chlorine	.60			2.0
Ph	not less than 6.0 nor greater than 9.0			

The EPA waiver is not in effect.

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

**PA0263583**, Sewage. **Heron Ridge Development**, 108 Deer Lane, Harmony, PA 16037. This proposed facility is located in Muddycreek Township, **Butler County**.

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

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>-NO<sub>3</sub>, Fluoride, Phenolics, Sulfate and Chloride, the existing/proposed downstream potable water supply, considered during the evaluation is the Salvation Army Camp Allegheny is located on the Slippery Rock Creek and is approximately 12.56 miles below point of discharge.

The receiving stream, the an unnamed tributary to Muddy Creek, is in watershed 20-C and classified for: warm water fishes, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.014 MGD.

Parameter	Concentrations		
	Average Monthly (mg/l)	Average Weekly (mg/l)	Instantaneous Maximum (mg/l)
Flow (MGD)	XX		
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N (5/01—10/31)	6		12
Fecal Coliform (5/01—9/30) (10/01—4/30)		200/100ml as a geometric average 2000/100ml as a geometric average	
Total Residual Chlorine	0.7		2.2
Dissolved Oxygen		minimum of 3.0 mg/l at all times	
pH		6.0 to 9.0 standard units at all times	

XX—Monitor and report on monthly DMRs.

The EPA Waiver is in effect.

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

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

**WQM Permit No. 4009410**, Sewerage, **Pennsylvania Historical Museum Commission**, 400 North Street, Room N118, Harrisburg, PA 17120. This proposed facility is located in Foster Township, **Luzerne County**, PA.

Description of Proposed Action/Activity: This project consists of the replacement of the existing wastewater treatment plant and the sewer collection system that services Eckley Miners' Village.

**WQM Permit No. 4009411**, Sewerage, **YMCA of Wilkes-Barre**, 40 W. Northampton Street, Wilkes-Barre, PA 18701-1708. This proposed facility is located in Dennison Township, **Luzerne County**, PA.

Description of Proposed Action/Activity: This project will replace existing deteriorating equipment and improve existing operations at sewage treatment lagoon to include conversion to aerobic sewage treatment lagoon at the camping and retreat conference located at Camp Kresge.

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



**WQM Permit No. 0509406**, Sewerage, **Carol Rose**, 238 South Richards Street, Bedford, PA 15522. This proposed facility is located in Juniata Township, **Bedford County**.

Description of Proposed Action/Activity: Seeking permit approval for the construction/operation of a small flow sewage treatment system to serve a single family residence located on Buena Road, Shellsburg.

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

**WQM Permit No. 0209409**, Sewerage, **City of Duquesne**, 12 South Second Street, Duquesne, PA 15110. This proposed facility is located in the City of Duquesne, **Allegheny County**.

Description of Proposed Action/Activity: Application for sanitary sewer separation.

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

**WQM Permit No. 3009402**, Sewerage, **Dry Tavern Sewer Authority**, PO Box 194, Rices Landing, PA 15357. This proposed facility is located in Jefferson Township, **Greene County**.

Description of Proposed Action/Activity: Application for the construction and operation of a sewer extension.

**WQM Permit No. 6309406**, Sewerage, **California Borough**, 225 Third Street, California, PA 15419. This proposed facility is located in California Borough, Washington, PA 15338.

Description of Proposed Action/Activity: Application for the construction and operation of a sewer system and pump station.

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

**WQM Permit No. 1009404**, Sewerage, **Butler Area Sewer Authority**, 100 Litman Rd, Butler, PA 16001. This proposed facility is located in Butler Township, City of Butler, **Butler County**.

Description of Proposed Action/Activity: The Butler Area Sewer Authority has proposed to construct diversion, pumping and storage facilities to alleviate sewer system overflow and limit the peak flows to the wastewater treatment plant.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI033609006	Jim Wiggins Wesley United Methodist Church 7 Wesley Road P. O. Box 364 Quarryville, PA 17566	Lancaster	Colerain Township	Stewart Run/ HQ-CWF-MF
ESCP2209801	Harrisburg Authority 212 Locust Street Harrisburg, PA 17101	Dauphin	Rush Township	Clark Creek/ HQ-CWF
PAI030509001	Atlantic Wind LLC 201 King of Prussia Road, Suite 500 Radnor, PA 19380	Bedford	Bedford, East St. Clair, South Woodbury and King Townships	UNT to Oppenheimer Run/ WWF
PAI036706005-1	Stu Widom Connective Mid Merit, LLC P. O. Box 6066 Newark, DE 19714-6066	York	Peach Bottom Township	Muddy Creek/ TSF

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

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

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

**PAG 124828**, CAFO, SIC 0252, 0211, **PAUL D. SNYDER, P & M SNYDER FARM**, Line Mountain Road, RR 1, Box 162, Dornsife, PA 17823-9607. This proposed facility is located in Upper Mahanoy Township, **Northumberland County**.

Description of Size and Scope of Proposed Operation/Activity: P & M Snyder Farm is an existing layer chicken and beef operation, totaling 349 Animal Equivalent Units.

The receiving stream, tributaries of Schwaben Creek, is in watershed 6B (Mahanoy Creek) and classified for: TSF/CWF.

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

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

1. Compliance with the farm's Nutrient Management Plan.
2. Compliance with the farm's Preparedness, Prevention and Contingency Plan.
3. Compliance with farm's Erosion and Sedimentation Control Plan for plowing and tilling.
4. Erosion and Sedimentation Control Plan requirements for stormwater during construction activities.
5. Animal mortality handling and disposing requirements.
6. Requirements for storage of feed and other raw materials.
7. Best Management Practices requirements.

The EPA waiver will be in effect.

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

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

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

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

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

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

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

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Lynn H. Royer Green Tree Farm 273 Greentree Road Elizabethtown, PA 17022	Lancaster	216.7	720.43	Dairy/Layers	NA	Renewal

**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

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

##### Application No. 6609503, Public Water Supply.

Applicant	<b>Aqua Pennsylvania Inc.</b> (Washington Park Water System) 50 East Woodhaven Drive White Haven, PA Washington Twp., <b>Wyoming Co.</b>
Responsible Official	Patrick R. Burke
Type of Facility	Public Water System
Consulting Engineer	William A. La Dieu, P. E.
Application Received Date	9/29/2009
Description of Action	The construction of a new building to house treatment and booster pumps supplied by existing well 3 and a new well 5, the addition of a 30,000 gal. finished water storage tank.

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

##### Application No. 1009503, Public Water Supply.

Applicant	Cranberry Township
Township or Borough	Cranberry Township, <b>Butler County</b>
Responsible Official	Lorin F. Meeder, Environmental Programs Coordinator
Consulting Engineer	James R. Bowser, Senior Project Manager Chester Engineers Airside Business Park 260 Airside Drive, Bldg 200 Moon Township, PA 15108

Application Received Date	10/14/2009
Description of Action	Installation of 24-inch transmission line along Executive Drive, and the construction of new 4.4 mg pump station. (This replaces Commonwealth Drive Station.)

### MINOR AMENDMENT

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

##### Application No. 4009518MA, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> (Midway Manor Water System) 50 East Woodhaven Drive White Haven, PA Kingston Twp., <b>Luzerne County</b>
Responsible Official	Joshue Shoff
Type of Facility	Public Water System
Consulting Engineer	Patrick Burke, P. E.
Application Received Date	5/7/09
Description of Action	The construction of a water line to connect the Sleepy Hollow System to the Midway Manor System.

##### Application No. 4009522MA, Public Water Supply.

Applicant	<b>Aqua Pennsylvania, Inc.</b> (Barrett Water System) 50 East Woodhaven Road White Haven, PA Exeter Twp., <b>Luzerne County</b>
Responsible Official	Patrick Burke
Type of Facility	Public Water System
Consulting Engineer	Andrew R. Glitzer CET Engineering Services

Application Received Date	9/14/09
Description of Action	The replacement of an underground water storage reservoir with an above ground tank.

##### Application No. 4009523MA, Public Water Supply.

Applicant	<b>Pennsylvania American Water Co.</b> (Hillcrest Water System) 800 West Hersheypark Drive Hershey, PA Kingston Twp., <b>Luzerne County</b>
Responsible Official	David Kaufman
Type of Facility	Public Water System
Consulting Engineer	Daniel Rickard, P. E.
Application Received Date	10/13/09

Description of Action The replacement of the existing tank with 2 new baffled tanks for more reliable contact time.

**Application No. 3509501MA**, Public Water Supply.

Applicant **Pennsylvania American Water Co.**  
(Fallbrook WTP)  
100 N. Penna. Ave.  
Wilkes-Barre, Pa  
Fell Twp.,  
**Lackawanna County**

Responsible Official Mark Cross

Type of Facility Public Water System

Consulting Engineer William J. Malos, P. E.

Application Received Date 9/11/09

Description of Action The replacement of the sodium hydroxide feed system with new equipment.

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

**Application No. 3009504MA**, Minor Amendment.

Applicant **Southwestern Pennsylvania Water Authority**  
PO Box 187  
1442 Jefferson Road  
Jefferson, PA 15344

[Township or Borough] Amwell Township

Responsible Official Joseph Simatic, Manager  
Southwestern Pennsylvania Water Authority  
PO Box 187  
1442 Jefferson Road  
Jefferson, PA 15344

Type of Facility Waterline extension

Consulting Engineer Bankson Engineers, Inc.  
267 Blue Run Road  
PO Box 200  
Indianola, PA 15051

Application Received Date October 21, 2009

Description of Action Construction of a 39,500 L.F. of waterline into Amwell Township, Washington County.

**WATER ALLOCATIONS**

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

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

**WA 39-1004**, Water Allocations, **Lehigh County Authority**, P. O. Box 3348, 1053 Spruce Street, Allentown, PA 18106, City of Allentown, **Lehigh County**. The right to withdraw from an interconnection at Schantz Spring, in Upper Macungie Township, at the intersection of Schantz Road and Krocks Road, an emergency allocation of 1.0 million gallons per day (mgd) Peak Day for year 2010, after which, an interim allocation of 2.0 million

gallons per day (mgd) Peak Day from the same interconnection for a period not to exceed two (2) years; after which, the right to withdraw from an interconnection, an allocation of 10.5 million gallons per day (mgd) Peak Day from the City of Allentown Filtration Plant City connection at 26th and Chew Street in the City of Allentown, Lehigh County for a total maximum combined daily withdrawal of 10.5 million gallons per day (mgd) Peak Day from all the sources.

**SEWAGE FACILITIES ACT PLAN APPROVAL**

**Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P. L. 1535, as amended, 35 P. S. § 750.5**

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Pocono Township	P. O. Box 197 Tannersville, PA 18372	Monroe
Stroud Township	1211 North Fifth Street Stroudsburg, PA 18360	Monroe
Hamilton Township	P. O. Box 285 Sciota, PA 18354	Monroe
Stroudsburg Borough	700 Sarah Street Stroudsburg, PA 18360	Monroe

*Plan Description:* The Department has approved the Official Act 537 Plan Upgrade/Regional Sewage Facilities Plan for Stroud Township, Stroudsburg Borough, Pocono Township, and Hamilton Township, Monroe County, (Plan Update), dated May 2009.

The selected alternative was Alternative 1—Regional 4.5 MGD Wastewater Facilities which consists of:

- Project 1—Collection, Conveyance, Pumping Stations, and Force Main Project, and
- Project 2—Upgrade and Expansion of the existing 2.5 MGD Stroudsburg Borough Wastewater Treatment Plant (WWTP) to a Regional 4.5 MGD WWTP to be known as the Brodhead Creek Regional Authority (BCRA) WWTP.

The Plan Update is a continuation of the Pocono Township Regional Act 537 Special Study, Route 611 Corridor, that was approved by the Department on December 7, 2006. The Pocono Township/Hamilton Township collection and conveyance system will be constructed in accordance with the Special Study. The Special Study approval also included a 2.0 MGD WWTP and effluent line to the Brodhead Creek in Stroud Township. These facilities will not be constructed. The Plan Update was prepared so that planning approval could be obtained from the construction of an equalization tank and Pumping Station No. 5 near the site of the originally proposed 2.0 MGD WWTP, and the construction of a force main to the existing 2.5 MGD Stroudsburg Borough WWTP. The force main is about 7 miles long and will convey wastewater from Pocono Township through Hamilton Township, Stroud Township, and Stroudsburg Borough to the new regional 4.5 MGD WWTP. The Plan Update also approves the Collection and Conveyance System, including Gravity Sewers, Force Mains, and five Pumping Stations. Two of the Pumping Stations, No. 1 and No. 2, will be constructed as previously approved in the Special Study. Pumping Stations No. 3, No. 4, and No. 5 will be

approved as presented in the Plan Update. Pumping Stations No. 3 and No. 4 will discharge to Pumping Station No. 5's Force Main.

The Plan Update also provides for the construction of a 4.5 MGD WWTP at the site of the existing 2.5 MGD Stroudsburg Borough WWTP. The existing WWTP will be upgraded and expanded to an enhanced nutrient removal Sequencing Batch Reactor (SBR) System with tertiary filtration and Ultraviolet (UV) Disinfection. The WWTP will continue to discharge to McMichael's Creek, a tributary to the Brodhead Creek and the Delaware River. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## 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 Pennsylvania AT&T Relay Service at (800) 654-5984.

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

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**26th & Pennrose Site, City of Philadelphia, Philadelphia County.** Craig Herr, RT Environmental Services Inc. 215 West Church Road, King of Prussia, PA 19406, Stephen D'Angelo, Danbro, LP, 3700 South 26th Street, Philadelphia, PA 19145 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of mtbe and inorganic. The current and future use of the site is non-residential.

**Staffer Residence, East Fallowfield Township, Chester County. Philip Donmoyer, Alternative Environmental Solutions, Inc.** 480 New Holland Avenue, Suite 8203, Lancaster, PA 17602, Bridget Shadler, Alternative Environmental Solutions, Inc. 480 New Holland Avenue, Suite Lancaster, PA 17602 on behalf of David McLimanus, 17 East Gay Street, Suite 100, West Chester, PA 19381 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The intended current and intended future use of the property is for residential purpose.

**Direnzo Residence, Bristol Township, Bucks County.** Jason Plucinski, REPSG, Inc, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142, Christine Dimming, State Farm Fire and Casualty Company, 1 State Farm Drive Concordville, PA 19333, Mark Kuczynski, REPSG, Inc, 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 on behalf of Francis Direnzo, 10 Dewberry Lane, Levittown, PA 19055, Cynthia Herrera, 10 Dewberry Lane, Levittown, PA 19055 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil. The site is currently developed as a single residential property, which will remain the intended use of the site future.

**961 West Penn Drive, West Goshen Township, Chester County.** Craig Herr, RT Environmental Services, Inc 215 West Church Road, King of Prussia, PA 19406 on behalf of Kimberly Hall, 961 West Penn Drive, West Chester, PA 19380 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of leaded gasoline. The intended future use of the site is residential.

**Latch-Rosen Property, ConocoPhillips Trainer Refinery, Borough of Trainer, Delaware County.** John W. Jengo, PG, MWH Americas, Inc, 335 Phoenixville Pike, Malvern PA 19355, Melanie Landrith, ConocoPhillips, 4101 Post Road, Trainer, PA 19061 on behalf of Ken Kerntke, ConocoPhillips, 4101 Post Road, Trainer, PA 19061 has submitted a Notice of Intent to Remediate. Groundwater and soil has been impacted with the release of inorganic. The future use of the site will be a parking lot.

**Stain & Wispese Parcels**, Perkasio Borough, **Bucks County**. Scott A. Alderfer, PG. Penn Environmental & Remediation, Inc. 2755 Bergey Road, Hatfield, PA 19440, Robert White, Redevelopment Authority County of Bucks, 1 North Wilson Avenue, Suite 1, Bristol, PA 19007 on behalf of Fredrick Schea, first Saving Bank of Perkasio, 219 South 9th Street, PO 176, Perkasio, PA 18944 has submitted a Notice of Intent to Remediate. Groundwater and soil has been impacted with the release of the chlorinated solvents and pha. The proposed future use of the site will be non-residential for commercial and/or light industrial purposes. A summary of the Notice of Intent to Remediate was reported to have been published in the *Souderton Independent* and *Perkasio News World* on July 10, 2002.

**Champion Toyota**, City of Philadelphia **Philadelphia County**. Jeremy Bolyn, Environmental Maintenance Company, Inc, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Harvey Sternberg, Bryn Mawr Investments, Inc. 765 John Barry Drive, Bryn Mawr, PA 19010 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of no. 2 fuel oil and used motor oil. The future use of the site will remain the same. A summary of the Notice of Intent to Remediate was reported to have been published in the *Northeast Times* on October 1, 2009.

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

**Sarah Cohen Residence**, 620 Carbon Street, Freeland Borough, **Luzerne County**. Mark Ellis, MEA, Inc., 1365 Ackermanville Road, Bangor, PA 18013 has submitted a Notice of Intent to Remediate (on behalf of his client, Sarah Cohen, 620 Carbon Street, Freeland Borough, PA 18224), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of a release from an aboveground storage tank that had a broken fitting. The applicant proposes to remediate the site to meet the Statewide Health Standard. The future use of the property will likely remain residential. A summary of the Notice of Intent to Remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

**Pysher Property**, 2323 North Delaware Drive, Upper Mount Bethel Township, **Northampton County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 has submitted a Notice of Intent to Remediate (on behalf of his clients, Mr. & Mrs. Arthur Pysher, 2323 North Delaware Drive, Mt. Bethel, PA 18343), concerning the remediation of soil and groundwater found to have been impacted by No. 2 fuel oil as a result of a release from an aboveground storage tank having a tank leg failure. The applicants propose to remediate the site to meet the Statewide Health Standard. The intended future use of the site is residential. A summary of the Notice of Intent to Remediate was published in *The Express Times* on October 14, 2009. A Final Report was simultaneously submitted.

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

**Brown Residence**, Conoy Township, **Lancaster County**. Trimpi Associates, Inc., 16335 Old Plains Road, Pennsburg, PA 18073, on behalf of Kristopher Brown, 208 Falmouth Road, Bainbridge, PA 17502, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The site will remain a residence and will be remediated to the Residential Statewide Health Standard.

**Cloister Office Building**, Borough of Ephrata, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Ephrata Community Hospital, 169 Martin Avenue, Ephrata, PA 17522, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil released from an unregulated underground storage tank. The current and future use is commercial/retail office space. The site will be remediated to a Residential Statewide Health Standard.

**Columbia Fish & Game Association**, West Hempfield Township, **Lancaster County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Columbia Fish & Game Association, 4339 Fairview Road, Columbia, PA 17512, submitted a Notice of Intent to Remediate site soils contaminated with VOCs and metals from the historical operation of a salvage yard and car crusher. The former industrial/commercial site will be remediated to the Statewide Health Standard and will be returned to its natural wooded state.

**Landisville Railroad**, East Hempfield Township, **Lancaster County**. Herbert, Rowland & Grubic, Inc., 1820 Linglestown Road, Harrisburg, PA 17110, on behalf of Landisville Railroad, LLC, PO Box 43, Hershey, PA 17033 and Amherst Industries, Inc., 3901 Nolt Road, Landisville, PA 17538, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with VOCs, SVOCs and inorganics. The site will be remediated to a combination of Nonresidential Statewide Health and Site-Specific standards, and will remain a rail car repair and service facility.

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

**462 Lafferty Hollow Road**, Foster Township, **McKean County**. The Palmerton Group, LLC, 6296 Fly Road, East Syracuse, NY 13057 on behalf of Pennzoil-Quaker State Company, 700 Milam Street, Houston, TX 77002 has submitted a Notice of Intent to Remediate. During removal of an unregulated underground storage tank (UST) petroleum stained soil was identified beneath the UST. Sampling results indicate concentrations of 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. The site is being remediated to meet the Statewide Health Standard. The proposed future use of the property will be residential.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

Copies of the applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office identified in

this notice. Persons interested in reviewing the application files should contact the appropriate regional office to schedule an appointment.

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

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

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

#### PLAN APPROVALS

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**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.**

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

**46-0020G: Superior Tube Co., Inc.** (3900 Germantown Pike, Collegeville, PA 19426) for replacement of an existing pickling & passivation operation with a new pickling & passivation operation controlled by a mist eliminator in Lower Providence Township, **Montgomery County**. This modification will result in a net increase in potential NOx emissions of 12.7 tons per year and 2.4 tons of Hydrofluoric acid per year. This facility is a Title V facility. The Plan approval will contain record keeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

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

**41-00033A: Susquehanna Health System** (777 Rural Avenue, Williamsport, PA 17701) for construction and operation of a natural gas-fired reciprocating internal combustion engine with an oxidation catalyst to control the air contaminant emissions for the Co-Gen project at the Williamsport Hospital in Williamsport, **Lycoming County**.

**41-00078B: Chief Gathering, L.L.C.** (6051 Wallace Road Ext., Suite 210, Wexford, PA 15090) for three (3) 2370 brake-horsepower natural gas-fired compressor engines and one glycol dehydrator at their Barto Compressor Station in Penn Township, **Lycoming County**.

**14-00014E: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) for one (1) aggregate facility consisting of one (1) material washer; two (2) screw washers, one (1) conveyor, and one (1) 480 brake-horsepower diesel-fired generator; two (2) 4.2 million gallons liquid asphalt tanks; one (1) asphalt plant consisting of multiple bins and conveyors, a hot oil heater, aggregate drying drum with associated burner, mixing drum, material storage silos, and a truck scale; and to use post-consumer waste asphalt shingles as a RAP-like material in the asphalt at their facility in Spring Township, **Centre County**.

**41-302-050A: Wirerope Works, Inc.** (100 Maynard Street, Williamsport, PA 17701) for modification of the control devices controlling emissions from the two (2) 15.0 million Btu per hour anthracite coal-fired boilers and to modify the air contaminant emission limitations for the above boilers at their facility in the City of Williamsport, **Lycoming County**.

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

**10-062F: Slippery Rock University—PA State System of Higher Education** (1 Morrow Way, Maintenance Bldg, Slippery Rock, PA 16057) for construction of a new baghouse to control particulate emissions from their coal-fired boilers pursuant to a pending Consent Decree with the US EPA. The facility is a Title V in the Borough of Slippery Rock, **Butler County**.

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**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.**

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

**46-0035E: SmithKline Beecham Corp.—dba GlaxoSmithKline** (709 Swedeland Road, King of Prussia, PA 19406) for a 750 Kw Diesel Fired Internal Combustion Engine to be installed in building 40 in **Montgomery County**. GlaxoSmithKline is a Title V Facility. This generator is subject to New Source Performance Standards (NSPS). 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.

**09-0212: Nova Tube and Steel, Inc.** (600 Dean Sievers Place, Morrisville, PA 19067) for construction of a new steel tube manufacturing plant in Morrisville Borough, **Bucks County**. The manufacturing processes consist of mechanically forming and welding steel stock into tubes, and painting the products. This facility is a non-Title V facility. This construction will result in Particulate Matter, Volatile Organic Compounds and Ammonia Compounds being emitted into the atmosphere. The Plan Approval will contain record keeping requirements,

monitoring requirements, operating conditions and performance testing requirements designed to keep the facility operating within the allowable emission limitations and all applicable air quality requirements.

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

**40-328-007: Hazleton Generation LLC.** (150 North Michigan Avenue, Suite 2930, Chicago, IL 60601) for modification to the company's existing start-up and shut-down conditions for the four (4) permitted turbines. There are no emission increases. Hazleton Generation LLC is a major facility subject to Title V permitting requirements in Hazle Township, **Luzerne County**. The company currently has a Title V Permit 40-00021. The plan approval will include all appropriate monitoring, record keeping, and reporting requirements designed to keep the furnaces operating within all applicable air quality requirements. The Plan Approval will, in accordance with 25 PA Code 127.450, be incorporated into the Title V Operating Permit through an administrative amendment at a later date. For further details, contact Ray Kempa at (570) 826-2511 within 30 days after publication date.

**PA 39-309-075: Lafarge North America, Inc.** (5160 Main Street, Whitehall, PA 18052) for removal of condition No. 002 for Source ID 101 (Kiln No. 2) and condition No. 003 for Source ID 114 (Kiln No. 3) from Title V Operating Permit No. 39-00011 for sulfur containing limitations in fuel for the Kilns in Whitehall Township, **Lehigh County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (DEP) intends to issue Plan Approval No. 39-309-075 to Lafarge North America, Inc., 5160 Main Street, Whitehall, PA 18052, for their plant in Whitehall Township, Lehigh County. The facility currently has Title V Permit No. 39-00011. This plan approval will be incorporated into the Title V Operating Permit through an administrative amendment at a later date, and the action will be published as a notice in the *Pennsylvania Bulletin*.

Plan Approval No. 39-309-075 is to remove condition No. 002 for Source ID 101 (Kiln No. 2) and condition No. 003 for Source ID 114 (Kiln No. 3) from Title V Operating Permit No. 39-00011 for sulfur containing limitations in fuel for the Kilns. Conditions in operating permit limit the overall kiln solid fuel sulfur content to less than 2.5% by weight specifically for coal, and less than 2.5% by weight for all combined fuels. The company has the capability to utilize non-fossil fuels [plastic derived fuel (PDF) and tire derived fuel (TDF)], existing capacity restrictions for these alternative fuels, alternative fuel availability issues, and the overall 2.5% fuel sulfur limit combine to restrict the ability of alternative fuels to mitigate the fossil fuel cost impacts at the facility. The SO<sub>2</sub> produced in the burning zone of a kiln (by the oxidation of fuel bound sulfur) can be readily scrubbed out in the calcining zone or combined with alkalis in the burning or transition zones. As a result, cement kiln SO<sub>2</sub> emissions are independent of the sulfur input of the fuel or of sulfate recirculation between kiln and preheater. This project does not impact emissions from other sources at the site. Lafarge will demonstrate continuous compliance with current Kiln Nos. 2 and 3 SO<sub>2</sub> emissions

restrictions of 362 lbs SO<sub>2</sub>/hr and 195 lb SO<sub>2</sub>/hr respectively on a three-hour block average basis through the operation of certified SO<sub>2</sub> CEMS.

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

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

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

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

Identification of the proposed permit No.: 39-309-075.

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

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where the Department determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Raymond Kempa, P. E., Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711, Phone No. 570-826-2531 within 30 days after publication date.

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

**06-05096C: The Reading Hospital and Medical Center** (PO Box 16052, 6th Avenue and Spruce Street, West Reading, PA 19612-6052) for construction and operation of a cogeneration plant consisting of two (2) Solar turbines with generators, two (2) waste heat recovery boilers, and one emergency generator in West Reading Borough, **Berks County**. Existing boilers will be operated with a fuel usage cap. The facility will continue to operate with synthetic minor emissions restrictions in place. This plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

**07-03038A: Amerway, Inc.** (3701 Beale Avenue, Altoona, PA 16601) for construction of a replacement metal smelting furnace and baghouse in the City of Altoona, **Blair County**. The plan approval will include emission limits, testing and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

**22-05012C: Arcelor Mittal Steelton, LLC** (215 S. Front Street, Steelton, PA 17113) for construction of a natural gas fired walking beam furnace (approximately



421 mmbtu/hr) with associated equipment in Steelton Borough, **Dauphin County**. Primary emissions from the project will be NO<sub>x</sub> with a potential of approximately 60 tons per year. The project will replace an existing heat treat furnace and soaking pit batteries and achieve overall energy efficiency and emissions reductions.

**36-05147A: Wenger's Feed Mill, Inc.** (101 West Harrisburg Ave, Rheems, PA 17570) for the approval to combust #4 fuel oil in an existing Cleaver Brooks boiler at their animal feed manufacturing facility in Mount Joy Borough, **Lancaster County**. The plan approval will include emissions limits, monitoring, recordkeeping, reporting and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**67-03041E: County Line Quarry** (PO Box 99, Wrightsville, PA 17368) for construction of a new crushing plant in Wrightsville, County of York. A water spray system will control fugitive emissions. The plan approval will include restrictions, monitoring, recordkeeping, reporting and work practice requirements designed to keep the facility operating within all applicable air quality requirements. The plan approval will be incorporated into State-only operating permit no. 67-03041 in accordance with 25 Pa Code Section 127.450 (Administrative Amendment).

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

**59-00006A: Dominion Transmission, Inc.** (445 West Main Street, Clarksburg, WV 26301) for construction and operation of a natural gas-fired salt bath heater; an increase in hours of operation for an existing heater and dehydration engine in **Tioga County**. In addition, Dominion Transmission, Inc. is proposing to decrease the operational hour limitation of Engine No. 9 to offset the increase in air contaminant emissions due to the proposed construction and operation of the salt bath heater. This is a State Only "Synthetic Minor" facility.

The Department of Environmental Protection's (Department) review of the information contained in the application submitted by Dominion Transmission Inc., indicates that the sources will comply with all applicable air quality requirements pertaining to air contamination sources and the emission of air contaminants, including the fugitive air contaminant emission requirement of 25 Pa. Code Section 123.1, the particulate matter emission limitation of 25 Pa. Code Section 123.13, and the visible emission limitation of 25 Pa. Code Section 123.41. The plan approval, if issued, will subsequently be incorporated into the state only operating permit via an administrative amendment in accordance with 25 Pa. Code Section 127.450 at a later date.

Based upon this finding, the Department proposes to issue a plan approval for the construction of a natural gas-fired salt bath heater; an increase in hours of operation for an existing heater and dehydration engine and decrease in hours of operation for an existing compressor engine. The following is a summary of the types of conditions the Department intends to place in the plan approval to ensure compliance with all applicable regulatory requirements.

An increase in hours of operation for an existing 5.613 million Btu per hour, natural gas-fired, indirect heater coil and an existing 110 brake-horsepower, Ingersoll Rand, model PJVC, natural gas-fired dehydration engine.

A decrease in hours of operation for an existing 3,200 brake-horsepower, natural gas fired reciprocating internal combustion engine.

Source ID 035 consists of a 28.769 million Btu per hour, NATCO natural gas-fired, line heater. The air contaminant emissions from Source ID 035 shall be controlled by low NO<sub>x</sub> burners and flue gas recirculation. The air contaminant emissions from Source ID 035 shall not exceed the following: carbon monoxide—69 parts per million dry, volume @ 3% oxygen; nitrogen oxides—30 parts per million dry, volume @ 3% oxygen; volatile organic compounds—40 parts per million dry, volume @ 3% oxygen, particulate matter—0.005 pounds per million Btu of heat input and sulfur oxides—0.005 pounds per million Btu of heat input.

Work practice requirements to operate the sources and control devices with good air pollution control practices.

Recordkeeping and Reporting conditions to verify compliance with the emission limitations and all applicable requirements.

A copy of the plan approval application and the Department's review is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Manager, Facilities Permitting Section, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570-327-0512.

**59-00005I: Dominion Transmission, Inc.** (445 West Main St., Clarksburg, WV 26301) for plan approval to construct a natural gas-fired salt bath heater (Source ID 044), rated heat input of 12.0 MMBtu/hr and a natural gas-fired boiler (Source ID 045), rated heat input of 3.0 MMBtu/hr. The construction of the proposed sources will be as part of the original USA project, which was permitted under Plan Approval No. 59-00005G at their Sabinsville Compressor Station located in Clymer Township, **Tioga County**. The respective facility is a major facility for which a Title V operating permit 59-00005 has been issued.

The Department of Environmental Protection's (Department) review of the information submitted by Dominion Transmission, Inc. indicates that the heater and boiler will meet all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including the Best Available Technology requirements of 25 Pa. Code Sections 127.1 and 127.12. Based on these findings, the Department intends to approve the application and issue plan approval for the construction of a natural gas-fired salt bath heater and a natural gas-fired boiler. Additionally, if the Department determines that all equipment constructed are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit #59-00005 via an administrative amendment pursuant to 25 Pa. Code Sections 127.450.

The following is a summary of the conditions that the Department proposes to place in the plan approval to ensure compliance with all applicable regulatory requirements:

1. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, Source

ID 044 shall not emit air contaminants in excess of the following limitations:

<i>Air Contaminant</i>	<i>Emission Rates</i> (parts per million, dry volume)
NO <sub>x</sub>	30 @ 3% oxygen
CO	200 @ 3% oxygen
VOCs	67 @ 3% oxygen

2. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, the particulate matter and sulfur oxide (SO<sub>x</sub>, expressed as SO<sub>2</sub>) emissions from Source ID 044 shall not exceed 0.005 pounds per million Btu of heat input, respectively.

3. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, Source IDs 044 and 045 shall be fired on pipeline quality natural gas.

4. No later than 120 days after the initial start-up of Source ID 044, the permittee shall perform a portable gas analyzer stack test to verify compliance with the nitrogen oxide and carbon monoxide emission limitations.

5. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, Source ID 045 shall not be operated more than 4,400 hours in any 12 consecutive month period.

6. The permittee shall keep records and submit an annual report on the number of hours that Source ID 045 is operated on a monthly basis.

7. The permittee shall keep records of the carbon monoxide, nitrogen oxide and volatile organic compound emissions from Source ID 044 to verify compliance with the respective emission limitation.

8. Pursuant to the best available technology requirements of 25 Pa. Code Sections 127.1 and 127.12, Air contaminant emissions from Source ID 044 shall be controlled with low NO<sub>x</sub> burners and flue gas recirculation.

9. Pursuant to the requirements of 25 Pa. Code Sections 127.206 through 127.210, the permittee shall be in possession of 49.98 tons of NO<sub>x</sub> emission reduction credits prior to the startup of Source IDs 044, 045, P109, P110 and any of the microturbines incorporated in Source ID P111 of Plan Approval #59-00005G and this approval. This condition supersedes Condition #009, Site Level Requirements Section of Plan Approval #59-00005G.

A copy of the plan approval application is available for public review between 8 a.m. and 4 p.m. at the Department's Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review may be made by calling the Department at 570-327-3693. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Chief, 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. Contact: George Monasky, New Source Review Chief—Telephone: 814-332-6940.*

**10-001M: AK Steel Corp.** (P. O. Box 832, Butler, PA 16003-0832) to allow construction and operation of a melt shop modernization project which includes the construction of an Electric Arc Furnace (EAF) and a dual station

Ladle Metallurgical Facility (LMF) at their Melt Shop facility, Butler Works, in the City of Butler, **Butler County**.

In accordance with 25 Pa. Code Sections 127.44(b) that the Department of Environmental Protection (DEP) intends to issue a plan approval to AK Steel Corporation (P. O. Box 832, Butler, PA 16003-0832). The facility currently has a Title V Operating Permit which was issued February 13, 2006. This plan approval will, in accordance with 25 Pa. Code Section 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date.

This application is to allow the construction and operation of a melt shop modernization project which includes the construction of an Electric Arc Furnace (EAF) and a dual station Ladle Metallurgical Facility (LMF) at the Melt Shop facility, Butler Works, in the City of Butler, Butler County. This modernization project will increase the facility's steel production capacity from 1,200,000 to 2,000,000 tons per year. This includes increasing the facility's short term and long term production capacity from existing sources in the melt shop and shut down of two of the three existing EAFs.

The proposed project will result in the following changes:

1. Installation of a conventional EAF (EAF #5)
2. Installation of a dual station LMF
3. Modification and installation of various raw material unloading, transfer and storage operations related to furnace operations and associated baghouses or bin vent filters and a baghouse to control emissions from the existing raw material truck dump station
4. Installation of a non-contact cooling water tower(s) for EAF #5
5. Modifications to slag handling operations at the melt shop (e.g., slag skimmer)
6. Addition of a new ladle preheater (#9)
7. Installation of an emergency backup diesel pump.

The sources will be controlled by the following air cleaning devices or technology to meet applicable control standards:

1. EAF #5—Controlled by a DEC system, water cooled duct and the existing #3 Baghouse, Good Combustion Practices, Scrap Management Plan and sulfur limit of carbon added to EAF.
2. LMF—Controlled by the existing #3 Baghouse
3. Three Truck dump stations—Controlled by three new dust collectors.
4. Nine raw material silos—Controlled by bin vent filters.
5. Cooling water tower—Controlled by mist/drift eliminator
6. #9 Ladle Preheater/Dryer—Emissions minimized by low NO<sub>x</sub> burners
7. Emergency Diesel Pump—model will meet required standards of performance for Stationary Compression Ignition Internal Combustion Engines and the use of low sulfur fuel

The total future potential emissions from all sources associated with the Melt Shop are:

1. Total Filterable Particulate Matter (PM)—90.8 tons per year

2. Filterable Particulate Matter < 10 $\mu$  (PM10)—81.1 tons per year
3. Filterable Particulate Matter < 2.5 $\mu$  (PM2.5)—59.9 tons per year
4. Lead—0.72 tons per year
5. Flourides—1.5 tons per year
6. Sulfur Dioxide (SO<sub>2</sub>)—266.7 tons per year
7. Nitrous Oxides (NO<sub>x</sub>)—421.7 tons per year
8. Carbon Monoxide (CO)—2,639.1 tons per year
9. Volatile Organic Compounds (VOC)—329.1 tons per year

This plan approval is subject to the following Federal and State Regulations:

1. 40 CFR Parts 51 and 52: Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NSR).

The potential associated increase in the emission rate of the following pollutants exceed the rate deemed to be significant for PSD as defined by 40 CFR Part 52.21(b)(23)(i) and are subject to Best Achievable Control Technology and PSD ambient air increments:

Carbon Monoxide (CO), Sulfur Dioxide (SO<sub>2</sub>), and Nitrogen Dioxide (NO<sub>2</sub>).

The applicant has demonstrated by computer modeling that the emissions resulting from the project will not cause or contribute to an exceedance of the National Ambient Air Quality Standards (NAAQS). Based on the information provided by the applicant and DEP's own analysis, the proposed melt shop modernization project would consume the following increments:

Pollutant	Ambient Air Quality Impact
Carbon Monoxide	16547.28 $\mu$ g/m <sup>3</sup> (1 hour avg.) and 5779.47 $\mu$ g/m <sup>3</sup> (8 hour avg.)
Nitrogen Dioxide	99.27 $\mu$ g/m <sup>3</sup> (annual)
Sulfur Dioxide	1323.53 $\mu$ g/m <sup>3</sup> (3 hour avg.), 273.57 $\mu$ g/m <sup>3</sup> (24 hour avg.) and 47.25 $\mu$ g/m <sup>3</sup> (annual)

2. 25 Pa. Code Subchapter E—NSR requirements. This project exceeds the significant emission increases for NSR for VOC and NO<sub>x</sub> and are subject to Lowest Achievable Emission Rate (LAER). Per 25 Pa. Code 127.206, the facility is required to secure emission offsets in the amount of 228 tons of VOC and 218 tons of NO<sub>x</sub>. This project exceeds the significant emission increase for 40 CFR Part 51 Appendix S for SO<sub>2</sub>, as a precursor of PM and is subject to Lowest Achievable Emission Rate (LAER). The facility is required to secure emission offsets in the amount of 165 tons of SO<sub>2</sub>.

3. 25 Pa. Code Chapters 127.203a Applicability Determinations—The facility is required to permanently cease operation of the #3 and #4 EAF before start up of the #5 EAF and LMF or increase the existing production rate in the current Title V Operating Permit of the #2 EAF, AOD, Casters or any other source associated with the Melt shop which emits NO<sub>x</sub> or VOC.

4. NSPS Requirements per 40 CFR Part 60 Subpart AAa: Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon—Oxygen Decarburization Vessels Constructed After August 17, 1983. Includes standards for particulate matter, opacity standards, emission monitoring and record keeping requirements. Particulate

matter emission limits requested by the applicant are more stringent than the federal standard.

5. NESHAP Requirements per 40 CFR Part 63 Subpart YYYYYY—National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steel-making Facilities. Includes requirements for the control of contaminants from scrap. Requirements for the capture and control of particulate matter from EAFs and the AOD are similar to those found in 40 CFR Part 60 Subpart AAa.

6. 40 CFR 60.8 Performance Tests—Includes requirements for initial emission testing of new and modified air contaminant sources.

7. 25 Pa. Code Regulations and Conditions

The Plan Approval will contain restrictions limiting long and short term allowable emissions rates, opacity, production rates, and fuel usage. The Plan Approval will also include conditions that require performance testing, monitoring, record keeping, reporting, work practice standards, and additional requirements for the sources and control devices designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at:

PA Department of Environmental Protection  
230 Chestnut Street  
Meadville, PA 16335.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. The Department will consider any written comments received within 30 days of the publication of this notice.

Each written comment must contain the following:

- (i) Name, address and telephone number of the person submitting the comments.
- (ii) Identification of the proposed permit No. 10-001M.
- (iii) A concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to:

Carolyn Cooper, P. E., Air Quality Program  
PA Department of Environmental Protection  
230 Chestnut Street  
Meadville, PA 16335.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodations to do so should by contacting Carolyn Cooper, P. E., or the Pennsylvania AT&T relay service at 1-800-654-5984 (TDD) to discuss how the Department may accommodate your needs.

## 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.**

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

**10-00284: Seneca Landfill Inc.** (421 Hartmann Road, P. O. Box 1080, Mars, PA 16046-1080), for the re-issuance of a Title V Operating Permit to operate a municipal waste landfill. The primary emission sources include a municipal waste landfill, a wastewater treatment plant, a landfill gas engine/generator, a parts washer, a nonmetallic mineral processing plant, a 350 hp diesel engine and a 525 hp diesel engine. This facility is located in Jackson Township, **Butler County**.

**43-00142: Salem Tube, Inc.** (951 4th Street, Reynolds Industrial Park, Greenville, PA 16125) for the re-issuance of a Title V Permit to operate a process steel tube manufacturing facility in Pymatuning Township, **Mercer County**. The facility's major emission include Degreaser System Boiler, Miscellaneous Natural gas usage, a Trichloroethylene (TCE) Degreasing System, (4) Annealing Furnaces, General Solvent Cleaning, Lubricating Operations, two TCE Storage Tanks, Solvent Cleaning Degreaser, Batch pickling tank, Vacuum cleaning and degreasing machine. The facility is a Title V facility due to its potential to emit Trichloroethylene, a hazardous air pollutant (HAP).

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

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

**48-00067: Eastern Industries, Inc.** (4401 Camp Meeting Road, Center Valley, PA. 18034-9467) for a renewal operating permit for a stone crushing facility in Lower Nazareth Township, **Northampton County**. The facility has the potential to emit particulate matter (PM) above Title V emission thresholds and is taking an elective restriction on production to keep synthetic minor operating permit status. The proposed State Only (Synthetic Minor) Operating Permit contains applicable requirements for emissions limitations, monitoring, record keeping, reporting and work practice standards designed to ensure facility compliance with Federal and State air pollution regulations.

**39-00093: ICO Polymers North America, Inc.** (6355 Farm Bureau Road, Allentown, PA 18106) for operation of a plastic product manufacturing facility in Upper Macungie Township, **Lehigh County**. This is a new State-Only Operating Permit.

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

**67-03125: York Hospital** (1001 South George Street, York, PA 17405) for operation of three (3) boilers and five (5) emergency generators at their facility in the City of York, **York County**. This is a renewal of the State-only operating permit issued in 2004.

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

**49-00062: Sun-Re Cheese Corp.** (178 Lenker Avenue, Sunbury, PA 17801) for their facility in Sunbury, **Northumberland County**. The facilities sources include three (3) boilers and one (1) anaerobic digester. These sources have the potential to emit particulate matter (PM<sub>10</sub>), nitrogen oxides (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), volatile organic compounds (VOCs) and volatile hazardous air pollutants (VHAPs) below the major emission thresholds. The proposed operating permit contains all applicable regulatory requirements including monitoring, recordkeeping, and report conditions.

**49-00055: Jeff's Autobody and Recycling Center, Inc.** (5446 Snyderstown Road, Paxinos, PA 17860-7534) for their facility in Shamokin Township, **Northumberland County**. The facility has the following air contaminant sources; two (2) propane-fired space heaters, one (1) #2 oil-fired furnace, one (1) aluminum secondary smelting furnace, and motor vehicle and mobile equipment refinishing operations. The total potential emissions from the abovementioned sources for particulate matter (PM<sub>10</sub>), nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOC), sulfur oxides (SO<sub>x</sub>), and combined and individual hazardous air pollutants (HAP) emissions are less than the respective major thresholds. The proposed operating permit contains all applicable federal and state regulatory requirements including monitoring, recordkeeping, and reporting conditions.

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

**04-00498: World Class Processing Corp** (21 Century Dr, Ambridge, PA 15003-2549) to continue operating their metal cleaning and descaling plant in Ambridge Borough, **Beaver County**. This application is for renewal of the State-Only Operating Permit issued in 2005

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

**S09-014: LaSalle University West Campus** (One Penn Boulevard, Philadelphia, PA 19144) for operation of a university in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include three (3) 600 Horsepower boilers, one (1) 350 Horsepower Boiler, one (1) 100 kW emergency generator, and one (1) 600 kW emergency generator.

The operating permit will be issued under the Pennsylvania Code Title 25, 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 above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

**S09-016: Philadelphia University** (School Land & Henry Ave, Philadelphia, PA 19122) for the operation of a University in the City of Philadelphia, **Philadelphia County**. The facility's air emission source includes nine

(9) heating units less than 1 MMBTU/hr firing natural gas, thirteen (13) hot water heaters less than 1 MMBTU/hr firing natural gas, twenty-six (26) boilers less than 6 MMBTU/hr firing either natural gas or No. 2 oil and two (2) emergency generators firing No.2 oil.

The operating permit will be issued under the Pennsylvania Code Title 25, 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 above operating permit must submit the protest or comments within 30 days from the date of this notice. Any protests or comments filed with AMS must include a concise statement of the objections to the permit issuance and the relevant facts upon which the objections are based. Based upon the information received during the public comment period, AMS may modify the operating permit or schedule a public hearing. The hearing notice will be published in the *Pennsylvania Bulletin* and a local newspaper at least thirty days before the hearing.

### COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

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

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

Requests for an informal conference, or a public hearing, as applicable, on a mining permit application, as

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

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

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

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

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

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

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

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

*Coal Applications Received*

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

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

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

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

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

**30080702 and NPDES Permit # PA0235881, Emerald Coal Resources, LP**, (158 Portal Road, PO Box 1020, Waynesburg, PA 15370), to operate the Emerald Mine No. 1—Coal Refuse Disposal Area No. 3 in Franklin Township, **Greene County** and related NPDES permit. Coal Refuse Disposal Support Acres Proposed 132.7, Coal Refuse Disposal Acres Proposed 117.1. Receiving stream: Tributary to Smith Creek, classified for the following use: WWF. Application received October 1, 2008.

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

**32040103 and NPDES No. PA0249572, Amerikohl Mining, Inc.**, 202 Sunset Drive, Butler, PA 16001, permit renewal for reclamation only of a bituminous surface mine in Young Township, **Indiana County**, affecting 158.5 acres. Receiving stream(s): unnamed tributaries to Neal Run classified for the following use(s): trout stocked fishery. There are no potable water supply intakes within 10 miles downstream. Application received October 13, 2009.

**32090104 and NPDES No. PA0262897, Beth Contracting, Inc.**, 815 Rock Run Road, Glen Campbell, PA 15742 commencement, operation and restoration of a bituminous surface mine in Banks Township, **Indiana County**, affecting 23.2 acres. Receiving stream(s): unnamed tributary to Cush Creek and Horton Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received October 16, 2009.

**11990102 and NPDES No. PA0235095, AMFIRE Mining Company, LLC**, One Energy Place, Latrobe, PA 15650, permit renewal for reclamation only of a bituminous surface and auger mine in Adams and Conemaugh Townships, and South Fork Borough, **Cambria County**, affecting 366.0 acres. Receiving stream(s): Little Conemaugh River, Bear Run, unnamed tributaries to/and South Fork Branch of Little Conemaugh River classified for the following use(s): warm water fishery, cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Little Conemaugh River SWI. Application received October 14, 2009.

**56890111 and NPDES No. PA0598577, Ritchie Trucking & Excavating, Inc.**, 19709 Winner View Terrace, Frostburg, MD 21532, permit renewal for the continued operation and restoration of a bituminous surface mine in Elk Lick Township, **Somerset County**, affecting 66.3 acres. Receiving stream(s): unnamed tributaries to/and Tub Run, unnamed tribs to/and Casselman River classified for the following use(s): cold water fishery and warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received October 13, 2009.

**56990102 and NPDES No. PA0235105, Ritchie Trucking & Excavating, Inc.**, 19709 Winner View Terrace, Frostburg, MD 21532, permit renewal for the continued operation and restoration of a bituminous surface mine in Elk Lick Township, **Somerset County**, affecting 87.8 acres. Receiving stream(s): unnamed tributaries to/and Tub Run, unnamed tribs to/and Casselman River classified for the following use(s): cold water fishery and warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received October 13, 2009.

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

**17050109 and NPDES No. PA0256293, Forcey Coal, Inc.** (P. O. Box 225, Madera, PA 16661). Revision of an existing bituminous surface mine to add 3.9 acres in Bloom Township, **Clearfield County**, affecting 116.0 acres. Receiving stream(s): Unnamed tributary to Little Anderson Creek and unnamed tributary to Bell Run, classified for the following use(s): Cold Water Fisheries. There are no potable water supply intakes within 10 miles downstream. Application received September 23, 2009.

**17030121 and NPDES No. PA0243671, AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Revision of an existing bituminous surface mine for stream encroachment for 6 unnamed tributaries to Bell Run in Penn Township, **Clearfield County**, affecting 43.2 acres. Receiving stream: Unnamed tributary "A" to Bell Run, classified for the following use: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received September 4, 2009.

**17714022 and NPDES No. PA0611034, A. W. Long Coal Company** (1203 E. Presqueisle Street, Philipsburg, PA 16866). Permit renewal for the continued operation and restoration of a bituminous surface mine in Morris Township, **Clearfield County**, affecting 149.6 acres. Receiving streams: Hawk Run and Moshannon Creek, classified for the following uses: Cold Water Fisheries. There

are no potable water supply intakes within 10 miles downstream. Application received October 9, 2009.

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

**40850201R5. Beaver Brook Coal Company**, (406 Moon Hill Drive, Schuylkill Haven, PA 17972), renewal of an existing anthracite coal refuse reprocessing operation in Hazle Township, **Luzerne County** affecting 312.0 acres, receiving stream: none. Application received October 9, 2009.

**54850201R5. Joe Kuperavage Coal Company**, (916 Park Avenue, Port Carbon, PA 17965-1211), renewal of an existing anthracite coal refuse reprocessing operation in Blythe Township, **Schuylkill County** affecting 31.1

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*Noncoal Applications Received*

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

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

\* The parameter is applicable at all times.

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

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

**Permit No. 56092801. Black Resources, Inc.**, 162 Cumberland Street, Berlin, PA 15530, commencement, operation and restoration of a small noncoal (industrial minerals) operation in Brothersvalley Township, **Somerset County**, affecting 4.5 acres, receiving stream(s): unnamed tributary to Kimberly Run. Permit received October 7, 2009.

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

**3572SM22. Hanson Aggregates BMC, Inc.** (2200 Springfield Pike, Connellsville, PA 15425-9503). Application received for transfer of permit currently issued to Hanson Aggregates PMA, Inc., for continued operation and reclamation of a noncoal surface mining site located in South Buffalo Township, **Armstrong County**, affecting 47.2 acres. Receiving streams: unnamed tributary to Allegheny River, classified for the following uses: warm water fishes and navigation. The first downstream potable water supply intake from the point of discharge is greater than ten miles from the site. Transfer application received: October 13, 2009

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

**10990302. Quality Aggregates, Inc.** (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205). Renewal of NPDES Permit No. PA0241598, Marion Town-

acres, receiving stream: none. Application received October 9, 2009.

**49990201R2 and NPDES Permit No. PA0224031. Black Diamond Mining, Inc.**, (PO Box 139, Elysburg, PA 17824), renewal of an existing anthracite coal refuse reprocessing operation in Mount Carmel Township, **Northumberland County** affecting 124.86 acres, receiving stream: North Branch Shamokin Creek. Application received October 13, 2009.

**40940206R3. Heavy Media, Inc.**, (160 Nesbitt Street, Plymouth, PA 18651), renewal of an existing anthracite surface mine and coal refuse reprocessing operation in Larksville Borough, **Luzerne County** affecting 15.9 acres, receiving stream: none. Application received October 13, 2009.

ship, **Butler County**. Receiving streams: Unnamed tributary to North Branch Slippery Rock Creek and unnamed tributary to Blacks Creek, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received: October 20, 2009.

**16030302. Quality Aggregates, Inc.** (4955 Steubenville Pike, Suite 245, Pittsburgh, PA 15205). Renewal of NPDES Permit No. PA0242365, Richland Township, **Clarion County**. Receiving streams: Two unnamed tributaries to Turkey Run and Turkey Run to the Clarion River, classified for the following uses: HQ-CWF; Two unnamed tributaries to the Clarion River, classified for the following uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. NPDES Renewal application received: October 20, 2009.

**20800302. L. R. Glover Gravel** (2188 Strong Road, Waterford, PA 16441). Transfer of an existing sand and gravel operation in Bloomfield Township, **Crawford County** affecting 67.0 acres. Receiving streams: Little Federal Run to Muddy Creek classified for the following uses: HQ-CWF. The first downstream potable water supply intake from the point of discharge is Cambridge Springs Borough Water Supply. Transfer from Leroy R. Glover. Application received: October 20, 2009.

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

**59090301 and NPDES No. PA0257249. Signor Brothers Contracting** (P. O. Box 89, Arnot, PA 16911), Commencement, operation, and restoration of a large noncoal mine in Bloss Township, **Tioga County**, affecting 26.8 acres. Receiving streams: Unnamed tributary to and Johnson Creek, classified for the following use: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received October 13, 2009.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E23-478. Tom Witmer, Fairmount Park Commission**, One Parkway-10th Floor, 1515 Arch St., Philadelphia, PA 19102, Haverford Township, **Delaware County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities within Carroll Park:

1) To stabilize and maintain an approximately 750-foot long segment of the eroded intermittent channel from Carroll Road to Cobbs Creek (WWF, MF).

2) To enhance an existing wetland (PFO) adjacent to the eroded channel with aesthetically pleasing and functioning native wetland community vegetation. The total wetland area will increase from 0.29 acres to 0.41 acres.

3) To regrade and maintain fill in the floodplain of Cobbs Creek.

The site is located approximately 500 feet southwest of the intersection of Carroll Road and Farwood Road (Lansdowne, PA USGS Quadrangle N: 18.82 inches; W: 4.40 inches).

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

**E22-552: PennDOT Engineering District 8-0**, 2140 Herr Street, Harrisburg, PA 17103-1699, Williams Township, **Dauphin County**, ACOE Baltimore District

The applicant proposes to (1) raze the existing SR 0209 RC T-Beam bridge, having three spans, a width of 29.8 feet, a total span of 118.5 feet, and an underclearance of 11.8 feet over Wiconisco Creek (WWF); (2) construct and maintain a two-span PS Box Beam bridge, having a width of 51.8 feet, a total span of 127.4 feet, and an underclearance of 11.8 feet, carrying SR 0209 over Wiconisco Creek (WWF); (3) permanently relocate 92.0 linear feet of an unnamed tributary (UNT) to Wiconisco Creek (WWF); (4) perform maintenance activities on an existing 48-inch diameter RCP culvert in a UNT to Wiconisco Creek (WWF) and construct and maintain an 8-foot extension of the existing 48-inch diameter RCP culvert; and (5) permanently impact 0.03 acre of PEM wetland in Williams Township, Dauphin County (Tower City, PA Quadrangle N: 15.0 inches; W: 11.6 inches, Latitude: 40° 34' 58"; Longitude: 76° 35' 1") all for the purpose of providing a new bridge that is functionally and structurally adequate, and improve safety by introducing a dedicated left turn lane for southbound SR 0209 traffic turning into the adjacent Williams Valley School complex. The amount of wetland impact is considered a de minimus impact of 0.03 acre, and wetland replacement is not required.

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

**E02-1624. Allegheny County Department of Public Works**, 542 Forbes Avenue, Room 501, Pittsburgh, PA 15219-2904. To construct a box culvert in South Park Township, **Allegheny County**, Pittsburgh ACOE District. (Bridgeville, PA Quadrangle N: 7.4 inches; W: 0.4 inches, Latitude: 40° 17' 27"; Longitude: 80° 00' 10"). The applicant proposes to construct and maintain a box culvert having a span of 20.0 feet with an underclearance of 6.0 feet (1.0 foot depressed below the stream bed) in the channel of Sleepy Hollow Run (TSF), to construct and maintain an outfall structure on the left bank of Piney Fork (TSF), to construct and maintain an outfall structure on the right bank of Sleepy Hollow Run (TSF), to remove the existing structure and to construct and maintain a new outfall structure on the right bank of Sleepy Hollow Run (TSF), to construct and maintain an outfall structure on the left bank of Sleepy Hollow Run (TSF) and to construct and maintain approximately 490.0 linear feet of stream bank stabilization (235.0 linear feet of a gabion wall and 255.0 linear feet of rock rip rap) along the right bank of Sleepy Hollow Run (TSF) and to place and maintain fill in the floodway of Sleepy Hollow Run (TSF) and Piney Fork (TSF) for the purpose of constructing a new pedestrian and bicycle trail known as the South Park to Montour Trail. The project is located approximately 1,300.0 feet north from the confluence of Sleepy Hollow Run and Piney Fork and will impact approximately 500.0 linear feet of stream channel.

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

**E42-345, Josh and Sarah Rounsville**. Private Access Road Culvert, in Ceres Township, **McKean County**,



ACOE Pittsburgh District (Bullis Mills, PA Quadrangle N: 78°, 20', 0"; W: 42°, 57', 30").

To construct and maintain a 34-foot-long, 6-foot-diameter culvert in a UNT Barden to access a private residence. The crossing has already been constructed. UNT Barden Brook is a perennial stream classified as a cold water fishery.

#### ENVIRONMENTAL ASSESSMENT

*Cambria District: Environmental Program Manager, 286 Industrial Park Rd., Ebensburg, PA 15931-4119.*

**EA0209-001. Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd.,**

Ebensburg, PA 15931. Abandoned Mine Drainage Treatment Project, in Harmar Township, **Allegheny County**, Pittsburgh ACOE District.

The applicant proposes to construct an access road in order to access an abandoned mine drainage drilling and borehole project to be constructed by the DEP Bureau of Abandoned Mine Reclamation. The project will include the filling of 0.02 acres of PEM wetland, the construction of a permanent 985 foot long access road in the floodway of Deer Creek by removal of soil material and replacement with stable road material to the same elevation and the construction of a ditch and stream outfall to convey mine drainage from three (3) boreholes to be drilled into an abandoned deep mine. (New Kensington West Quadrangle N: 9.8 inches; W: 13.0 inches).

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## ACTIONS

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

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

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

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

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

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

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

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#### I. NPDES Renewal Permit Actions

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0084085 (Sew)	John D. Walter PO Box 175 Newville, PA 17241	Cumberland County Upper Frankford Township	Bloser Creek/ 7-B	Y
PA0080594 (IW)	North American Pipe Construction 88 Newport Road Leola, PA 17540	Lancaster County Upper Leacock Township	UNT to Mill Creek/ 7-J	Y
PAG2003604048R	Gerald Horst 120 N Pointe Blvd Lancaster PA 17601	Manheim Twp Lancaster County	UNT Little Conestoga/ TSF	Y
PAG2003604089R	Millway Acres Inc 336 W King St Lancaster PA 17603	West Earl Twp Lancaster County	Cocalico Creek/ WWF	Y
PAG2003604093R	Wetherburn North Partnership 1525 Oregon Pike Ste 1202 Lancaster PA 17601	Manheim Twp Lancaster County	Little Conestoga Creek/ Bachman Run/ TSF	Y
PAG2003604103R	New Generation LLC 1525 Oregon Pike Ste 1102 Lancaster PA 17601	Manheim Twp Lancaster County	Bachman Run/ WWF	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0022187 SP	Beavertown Municipal Authority 419 Old Orchard Drive Beavertown, PA 17813	Snyder County, Beavertown Borough	Luphers Run 6A	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0215872 Sewage	Stephen D. Skeers 1989 Drennen Road New Kensington, PA 15068	Allegheny County Plum Borough	Pucketa Creek	Y
PA0095478 Sewage	Mary A. Sinclair PO Box 65 Perryopolis, PA 15473	Fayette County Jefferson Township	UNT of Little Redstone Creek	Y
PA0091049 Sewage	US Health & Human Services Center for Disease Control & Prevention National Institute for Occupational Safety & Health 626 Cochrans Mill Road PO Box 18070 Pittsburgh, PA 15236	Fayette County Springhill Township	UNT of Rubies Run—Dragoo Hallow	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>
PA0000736	Keystone Powdered Metal Company 251 State Street Saint Marys, PA 15857-1661	City of Saint Marys, Elk County	Iron Run and Elk Creek (015), 17-A	Y

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

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

**NPDES Permit No. PA0244210 Amendment No. 1, Industrial Waste, Crystal Inc.— PMC 601 West Eight Street, Lansdale, PA 19446.** This proposed facility is located in Lansdale Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the amendment to replace NPDES Permit PAR230052 and to discharge stormwater to an unnamed tributary to the West Branch Neshaminy Creek in Watershed Neshaminy 2F.

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

**NPDES Permit No. PA0254126-A1**, Sewage, **Charles Hensel**, 115 Hamel Lane, Johnstown, PA 15909. This existing facility is located in Upper Yoder Township, **Cambria County**.

Description of Proposed Action/Activity: Permit amendment issuance to reflect reduced measurement frequencies.

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

**NPDES Permit No. PA0263575**, Sewage, **Sheryl A. Colangeli**, 793 Saxonburg Boulevard, Saxonburg, PA 16056. This proposed facility is located in Clinton Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for a new discharge of treated sewage.

**NPDES Permit No. PA0263605**, Sewage, **Joanne F. and Richard A. Mosier**, 26833 Highway 408, Cambridge Springs, PA 16403. This proposed facility is located in Rockdale Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a new NPDES permit for a Single Residence Sewage Treatment Plant.

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

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

**WQM Permit No. 0692402 Amendment 09-1**, Sewage, **Exeter Township**, 4975 DeMoss Road, Reading, PA 19606. This proposed facility is located in Exeter Township, **Berks County**.

Description of Proposed Action/Activity: Permit amendment approval for the construction of sewerage facilities consisting of two sludge pumps, two centrifuge units, sludge dryer, conveyance systems, polymer feed system, modification of existing lime silo, and building modifications.

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

**WQM Permit No. 5609407**, Sewerage, **Indian Lake Borough**, 1301 Causeway Drive, Central City, PA 15926. This proposed facility is located in Indian Lake Borough, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a community sewage treatment system.

**WQM Permit No. 363S3-A3**, Sewerage, **Blairsville Municipal Authority**, 203 East Market Street, Blairsville, PA 15717. This existing facility is located in Burrell Township, **Indiana County**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sewage treatment plant upgrade and CSO sewer separation.

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

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

**WQM Permit No. 2509405**, Sewerage, **Lawrence Park Township**, 4230 Iroquois Avenue, Erie, PA 16511-2164. This proposed facility is located in Lawrence Park Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a permit for replacement of the old Cunningham Drive Lift Station with a new lift station and associated influent sewers.

**WQM Permit No. 1009401**, Sewerage, **Sheryl A. Colangeli**, 793 Saxonburg Boulevard, Saxonburg, PA 16056. This proposed facility is located in Clinton Township, **Butler County**.

Description of Proposed Action/Activity: Issuance of a single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018724**, Sewerage, **Laurel R. and Shelley S. Nandkeolyar**, 220 Hickory Road, Warren, PA 16365. This proposed facility is located in Glade Township, **Warren County**.

Description of Proposed Action/Activity: Issuance of a single Residence Sewage Treatment Plant.

**WQM Permit No. 2509404**, Sewerage, **Dennis P. and Laura A. Baker**, 367 Briar Lane, Corry, PA 16407. This proposed facility is located in Washington Township, **Erie County**.

Description of Proposed Action/Activity: Issuance of a single Residence Sewage Treatment Plant.

**WQM Permit No. WGQ018714**, Sewerage, **Joanne F. and Richard A. Mosier**, 26833 Highway 408, Cambridge Springs, PA 16403. This proposed facility is located in Rockdale Township, **Crawford County**.

Description of Proposed Action/Activity: Issuance of a single Residence Sewage Treatment Plant.

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481. Phone (814) 332-6860.*

**WQM Permit No. 6182201-T3 Amendment No. 1**, Industrial Waste, **Pennsylvania Brine Treatment, Inc.—Franklin Facility**, 5148 US Route 322, Franklin, PA 16323. This existing facility is located in Cranberry Township, **Venango County**.

Description of Proposed Action/Activity: Issuance of permit amendment for the modification and operation of an existing oil and gas wastewater treatment facility; including the addition of a new equalization tank, conversion of an existing wastewater storage tank for use as an aeration tank, replacement of the existing aeration system with a course bubble

diffuser system, addition of a barium precipitation reactor, replacement of the existing primary clarifier, conversion of an existing wastewater storage tank for use as an effluent storage tank, and the addition of a second filter press.

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

**WQM Permit No. 1508410**, Sewerage, **Honey Brook Community Church**, 601 Overly Grove Road, New Holland, PA 17557-9534. This proposed facility is located in Honey Brook Township, **Chester County**.

Description of Action/Activity: Construction and operation of spray irrigation for new church.

**WQM Permit No. 2309407**, Sewerage, **Upper Providence Township Sewer Authority**, 935 North Providence Road, Media, PA 19063-1499. This proposed facility is located in Upper Providence Township, **Delaware County**.

Description of Action/Activity: Construction and operation of a low pressure sanitary sewer extension utilizing individual grinder pumps.

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

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

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI036707002	James E. Quesenberry 6544 Anderson Road Stewartstown, PA 17363	York	Hopewell Township	UNT to Scott Creek/ TSF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI063709001	Villas At Autumn Hills c/o Leo Golba 149 Enclave Drive New Castle, PA 16105	Lawrence	Neshannock Township	UNT Shenango River and Neshannock Creek

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

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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).

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

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

*General Permit Type—PAG-2**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Peach Bottom Township York County	PAG2006709042	Ben LePage PECO Energy Company 2301 Market Street, S7-1 Philadelphia, PA 19103	Susquehanna River/ WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-755-0301
Newberry Township York County	PAG2006709035	James T. Gibson AAA Quality Builders, Inc. 629 Goose Neck Drive Lititz, PA 17543	Susquehanna River/ WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-755-0301
Lower Paxton Township Dauphin County	PAG2002209022	PennDOT District 8-0 2140 Herr Street Harrisburg, PA 17103-1699	Beaver Creek/ WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 717-921-8100
Cumru Township Berks County	PAG2000609014	Grande Construction 2213 Quarry Road West Lawn, PA 19609	UNT to Schuylkill River/ WWF	Berks County Conservation District 1238 County Welfare Road, Suite 200 Leesport, PA 19533-9710 610-372-4657, Ext. 201
Manheim Township Lancaster County	PAG2003608081	Landis Valley Partners 120 North Pointe Boulevard, Suite 300 Lancaster, PA 17601	Landis Run/ WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
Pequea Township Lancaster County	PAG2003608086	Jay R. Reynolds 337 North Mt. Hope School Road Willow Street, PA 17584	UNT to Pequea Creek/ WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361, Ext. 5
East Cocalico Township Lancaster County	PAG2003609013	Benderson Development Co., Inc. 570 Delaware Avenue Buffalo, NY 14202	Little Muddy Creek/ WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5
East Lampeter Township Lancaster County	PAG2003609018	Melvin Beiler 281 Lynwood Road Ronks, PA 17572	UNT to Mill Creek/ WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5
Manheim Township Lancaster County	PAG2003609024	Landis Homes Retirement Community 1001 East Oregon Road Lititz, PA 17543	Kurtz Run/ WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5
Earl Township Lancaster County	PAG2003609029	Roy W. Zimmerman 10 Eagles Landing Lititz, PA 17543	UNT to Mill Creek/ WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5

## NOTICES

6501

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
East Hempfield Township Lancaster County	PAG2003609032	Healthy Lifestyle Properties, LLC 223 Wohlson Way Lancaster, PA 17603	Swarr Run/ TSF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5
East Hempfield Township Lancaster County	PAG2003609036	Campus Plaza P. O. Box 551 East Petersburg, PA 17520	UNT to Little Conestoga Creek/ WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5
Rapho Township Lancaster County	PAG2003609040	Pennsylvania Department of Transportation District 8-0 2140 Herr Street Harrisburg, PA 17103	Chiques Creek/ WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5
East Lampeter Township Lancaster County	PAG2003609046	Lafayette Fire Company 1836 Lincoln Highway East Lancaster, PA 17602	Conestoga River-Mill Creek/ WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5
Rapho Township Lancaster County	PAG2003609047	Joel H. Rutt 1178 White Oak Road Manheim, PA 17545	Chickies Creek/ WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5
Strasburg Borough Lancaster County	PAG2003609052	Chatham Creek LLC 214 A Willow Valley Lakes Drive Willow Street, PA 17584	Kendig Run/ WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5
Manheim Township Lancaster County	PAG2003609053	Mennonite Disaster Service 1018 Main Street Akron, PA 17501	UNT to Conestoga River/ WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5
Mount Joy Township Lancaster County	PAG2003609054	Four Star Associates P. O. Box 277 Landisville, PA 17538	Chiques Creek/ WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5
Mount Joy Township Lancaster County	PAG2003609055	Murry Companies 1899 Lititz Pike Lancaster, PA 17601	Chiques Creek/ WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5
East Hempfield Township Lancaster County	PAG2003609057	Air Products & Chemicals, Inc. 7201 Hamilton Boulevard Allentown, PA 18195	UNT to Little Conestoga Creek/ TSF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Manheim Township Lancaster County	PAG2003609058	Hurst Enterprise 2870 Oregon Pike Lititz, PA 17543	UNT to Conestoga River/ WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5
Lancaster Township Lancaster County	PAG2003609059	Hogan Herr & Wolf 616 Paxton Place Lititz, PA 17543	UNT to Conestoga River/ WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5
Lancaster Township Lancaster County	PAG2003609060	Joseph Nadu 1730 Columbia Avenue Lancaster, PA 17603	UNT to Conestoga River—Conestoga River/ WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5
Manor Township Lancaster County	PAG2003609063	Manorvest LLC 26 Millersville Road Lancaster, PA 17603	Little Conestoga Creek/ WWF	Lancaster County Conservation District 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717-299-5361 Ext. 5
Lower Windsor Township York County	PAG2006709058	Jerry Lenhoff The Neighborhood at Winter's Ridge P. O. Box 301 New Providence, PA 17560	UNT to Canadochly Creek/ WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Springettsbury Township York County	PAG2006704079-R	Clair Hostetter Brentwood Builders, Inc. 255 Butler Avenue, Suite 300 Lancaster, PA 17601	UNT to Codorus Creek/ WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402-8984 717-840-7430
Antis Township Blair County	PAG2000704028-R	S&A Homes, Inc. 2121 Old Gettysburg Road, Suite 200 State College, PA 16801	Little Juniata River/ TSF	Blair County Conservation District 1407 Blair Street Hollidaysburg, PA 16648 814-696-0877 Ext. 5
Penn Township Perry County	PAG2035009010	Harry O. Morrison 63 Gambers Corner Road Duncannon, PA 17020	Susquehanna River/ WWF	Perry County Conservation District P. O. Box 36 31 West Main Street New Bloomfield, PA 17068
Hopewell Township Cumberland County	PAG2002109014	Ruth Hoover Newburg-Hopewell Volunteer Fire Company 106 North High Street Newburg, PA 17240	Conodoguinet Creek-Newburg Run/ WWF	Cumberland County Conservation District 310 Allen Road Carlisle, PA 17013 717-240-7812
Scott Township Columbia County	PAG2001909006	Andrew Pruden Inn at Turkey Hill 991 Central Rd Bloomsburg, PA 17815	Surface Waters to UNT to Fishing Creek CWF	Columbia County Conservation District 702 Sawmill Road Suite 204 Bloomsburg, PA 17815 (570) 784-1310, X 102
Somerset County Paint Twp.	PAG2005609010	Ramblin Hills Limited Partnership 1504 Hillside Avenue Windber, PA 15963	UNT to Seese Run (CWF)	Somerset County CD 814-445-4652

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Butler County Slippery Rock Township	PAG2001005005R (1)	SRU—Student Union Building Herbert Carlson Slippery Rock University 1 Morrow Way Slippery Rock, PA 16057	Unnamed tributary Slippery Rock Creek (CWF)	Butler County Conservation District 724-284-5270
Butler County Middlesex Township	PAG2001009005	Weatherburn Heights Subdivision Phase 1A Dominic Gigliotti Gigliotti Holdings, L.P. 11279 Perry Highway, Suite 509 Wexford, PA 15090	Glade Run (WWF)	Butler County Conservation District 724-284-5270
Lawrence County Taylor Township	PAG2003709002	PA DOT 11-0, 45 Thoms Run Road, Bridgeville, PA 15017	UNT Beaver River WWF	Lawrence County Conservation District 724-652-4512

*General Permit Type—PAG-3*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Pine Grove Township Schuylkill County	PAR602225	Klinger's Auto Parts & Recycling 107 Birds Hill Road Pine Grove, PA 17963	Tributary to Swatara Creek, CWF	DEP—NERO Water Mgmt. Program 2 Public Square Wilkes-Barre, PA 18711-2511 570-826-2511
Mifflin County Derry Township	PAR503502	Mifflin County Solid Waste Authority (closed Barner Landfill and Barner Site Transfer Station)	unt Jack's Creek— TSF and unt Kishacoquillas Creek— TSF/ 12A	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110
Blair County Allegheny Township	PAR803676	Gulf Oil Limited Partnership 100 Crossing Blvd. Framingham, MA 01702-5401	Sugar Run— CWF/ 11A	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110
Lebanon County Jackson Township	PAR703524	Elk Corporation of Texas 401 Weavertown Road Myerstown, PA 17067	unt Tulpehocken— TSF/ 3C	DEP—SCRO—WQ 909 Elmerton Avenue Harrisburg, PA 17110
Williamsport, Lycoming County	PAR804834	United Parcel Services, Inc. 1821 S 19th St Harrisburg, PA 17104	Storm Drain to Dougherty Run WWF	Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701 570-327-3664
Clearfield County City of Dubois	PAR804830	United Parcel Service, Inc. 521 North Center Ave. New Stanton, PA 15672	Storm Drain to Beaver Run/ CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3664
Point Township, Northumberland County	PAR804833	United Parcel Service Inc. 1821 S Nineteenth St Harrisburg, PA 17104	Unnamed tributary to Lithia Springs Creek CWF	Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701 570-327-3664



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Menallen Township Fayette County	PAR806160	UPS, Inc. 521 North Center Avenue New Stanton, PA 15672	UNT of the Sam's Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
White Township Indiana County	PAR806157	UPS, Inc. 521 North Center Avenue New Stanton, PA 15672	UNT of Two Lick Creek	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Youngwood Borough Westmoreland County	PAR806270	Northwest Logistics 1125 40th Street Suite B Woodward, OK 73801-1700	Jacks Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Wampum Township, Lawrence County	PAR218317	Universal Refractories, Inc. 915 Clyde Street Wampum, PA 16157-0097	Eckles Run	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
City of Franklin, Venango County	PAR808354	Venango County Board of Commissioners 1174 Elk Street Franklin, PA 16323	Unnamed tributary to Haggerty Hollow (001 and 002), unnamed tributary to the Allegheny River (003), and unnamed tributary to the French Creek (004)	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-4*

<i>Facility Location: County &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>
Quemahoning Township Somerset County	PAG046411	Ronald E. & Dianne L. Cornell 866 Skunk Hollow Road Hooversville, PA 15936	UNT to Higgins Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Jefferson Township, Mercer County	PAG049544	Robert S. Ross 34 Jesse Road Hermitage, PA 16148	Unnamed tributary to Magargee Run, 20-A	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942
Glade Township, Warren County	PAG049547	Laurel R. and Shelley S. Nandkeolyar 220 Hickory Road Warren, PA 16365	Unnamed tributary to Conewango Creek, 16-B	DEP—NWRO Water Management 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942

*General Permit Type—PAG-7**Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Spruce Hill Township Juniata County	PAG070003 PAG070005 PAG073508	Synagro 1605 Dooley Rd. PO Box B Whiteford, MD 21160	Deen Homestead Farm Spruce Hill Township Juniata County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Spruce Hill Township Juniata County	PAG070003 PAG070005 PAG073508	Synagro 1605 Dooley Rd. PO Box B Whiteford, MD 21160	Arthur Esh Farm Spruce Hill Township Juniata County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Beale Township Juniata County	PAG070003 PAG070005 PAG073508	Synagro 1605 Dooley Rd. PO Box B Whiteford, MD 21160	James Cameron Farm Beale Township Juniata County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*General Permit Type—PAG-8 (SSN)**Facility Location:  
Municipality &  
County*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Site Name &amp; Location</i>	<i>Contact Office &amp; Phone No.</i>
Spruce Hill Township Juniata County	PAG080002 PAG080003 PAG080004 PAG080005 PAG080006 PAG080008 PAG080018 PAG082203 PAG082211 PAG083501 PAG083502 PAG083506 PAG083510 PAG083515 PAG083517 PAG083518 PAG083522 PAG083535 PAG083540 PAG083542 PAG083547 PAG083551 PAG083556 PAG083565 PAG083567 PAG083573 PAG083596 PAG083597 PAG083600 PAG089903 PAG089904 PAG089905 PABIG9903	Synagro 1605 Dooley Road PO Box B Whiteford, MD 21160	Deen Homestead Farm Spruce Hill Township Juniata County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707
Spruce Hill Township Juniata County	PAG080002 PAG080003 PAG080004 PAG080005 PAG080006 PAG080008 PAG080018 PAG082203 PAG082211 PAG083501	Synagro 1605 Dooley Road PO Box B Whiteford, MD 21160	Arthur Esh Farm Spruce Hill Township Juniata County	DEP—SCRO 909 Elmerton Avenue Harrisburg, PA 17110-8200 717-705-4707

*Facility Location:  
Municipality &  
County*

Spruce Hill  
Township  
Juniata County

*Permit No.*

PAG083502  
PAG083506  
PAG083510  
PAG083515  
PAG083517  
PAG083518  
PAG083522  
PAG083535  
PAG083540  
PAG083542  
PAG083547  
PAG083551  
PAG083556  
PAG083565  
PAG083567  
PAG083573  
PAG083596  
PAG083597  
PAG083600  
PAG089903  
PAG089904  
PAG089905  
PABIG9903

*Applicant Name &  
Address*

Synagro  
1605 Dooley Road  
PO Box B  
Whiteford, MD 21160

*Site Name &  
Location*

Arthur Esh Farm  
Spruce Hill Township  
Juniata County

*Contact Office &  
Phone No.*

DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707

Beale Township  
Juniata County

PAG080002  
PAG080003  
PAG080004  
PAG080005  
PAG080006  
PAG080008  
PAG080018  
PAG082203  
PAG082211  
PAG083501  
PAG083502  
PAG083506  
PAG083510  
PAG083515  
PAG083517  
PAG083518  
PAG083522  
PAG083535  
PAG083540  
PAG083542  
PAG083547  
PAG083551  
PAG083556  
PAG083565  
PAG083567  
PAG083573  
PAG083596  
PAG083597  
PAG083600  
PAG089903  
PAG089904  
PAG089905  
PABIG9903

Synagro  
1605 Dooley Road  
PO Box B  
Whiteford, MD 21160

James Cameron Farm

DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
717-705-4707

*General Permit Type—PAG-10**Facility Location:  
Municipality &  
County**Permit No.**Applicant Name &  
Address**Receiving  
Water/Use**Contact Office &  
Phone No.*Plumcreek  
Township  
Armstrong County

PAG106113

RRI Energy Northeast  
Management Company  
121 Champion Way  
Suite 200  
Canonsburg, PA 15317

Allegheny River

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

PAG106122

Orion Power MidWest,  
LP  
121 Champion Way  
Suite 200  
Canonsburg, PA 15317

Allegheny River

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

PAG106112

RRI Energy Northeast  
Management Company  
121 Champion Way  
Suite 200  
Canonsburg, PA 15317

Crooked Creek

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

PAG106114

Orion Power MidWest,  
LP  
121 Champion Way  
Suite 200  
Canonsburg, PA 15317

Allegheny River

Southwest Regional  
Office:  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh PA 15222-4745  
(412) 442-4000Statewide:  
discharge points to  
be provided at least  
15 days prior to any  
dischargePAG109601  
RenewalDominion Energy, Inc.  
445 West Main Street  
Clarksburg, WV 26301Statewide Use-Water/  
use information to be  
provided to the  
Department of  
Environmental  
Protection and the Fish  
and Boat Commission  
before any dischargeBureau of Water  
Standards and Facility  
Regulation  
Department of  
Environmental Protection  
Central Office  
400 Market Street  
Harrisburg, PA 17105  
(717) 787-8184Statewide:  
discharge points to  
be provided at least  
15 days prior to any  
dischargePAG109609  
RenewalEQT Corporation  
225 North Shore Drive  
Pittsburgh, PA 15212Statewide Use-Water/  
use information to be  
provided to the  
Department of  
Environmental  
Protection and the Fish  
and Boat Commission  
before any dischargeBureau of Water  
Standards and Facility  
Regulation  
Department of  
Environmental Protection  
Central Office  
400 Market Street  
Harrisburg, PA 17105  
(717) 787-8184Statewide:  
discharge points to  
be provided at least  
15 days prior to any  
dischargePAG109616  
RenewalNational Fuel Gas  
Supply Corporation  
1100 State Street  
Erie, PA 16501Statewide Use-Water/  
use information to be  
provided to the  
Department of  
Environmental  
Protection and the Fish  
and Boat Commission  
before any dischargeBureau of Water  
Standards and Facility  
Regulation  
Department of  
Environmental Protection  
Central Office  
400 Market Street  
Harrisburg, PA 17105  
(717) 787-8184**PUBLIC WATER SUPPLY (PWS)  
PERMITS**

The Department of Environmental Protection has taken the following actions on applications received under the Pennsylvania Safe Drinking Water Act (35 P.S.

§§ 721.1—721.17) for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the

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

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

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

**Operations Permit issued to: P.C.S. Chandaga, 7360069**, Penn Township, **Lancaster County** on 10/27/2009 for the operation of facilities approved under Construction Permit No. 3609501.

**Operations Permit issued to: Christiana Borough Authority, 7360007**, Sadsbury Township, **Lancaster County** on 10/21/2009 for the operation of facilities approved under Construction Permit No. 3609511 MA.

**Operations Permit issued to: Bermudian Springs School District, 7010353**, Huntingdon Township, **Adams County** on 10/27/2009 for the operation of facilities approved under Construction Permit No. 0109508.

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

**Permit No. 0209512**, Public Water Supply.

Applicant	<b>Pennsylvania American Water Company</b> 800 West Hersheypark Drive PO Box 888 Hershey, PA 17033
Borough or Township	City of Pittsburgh and Baldwin Borough
County	<b>Allegheny</b>
Type of Facility	42-inch Becks Run water main
Consulting Engineer	Gannett Fleming, Inc. 207 Senate Avenue Camp Hill, PA 17011-2316
Permit to Construct Issued	October 17, 2009

**Operations Permit issued to: Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (PWSID #5260036) Hempfield and East Huntingdon Townships, **Westmoreland County** on

October 16, 2009 for the operation of facilities approved under Construction Permit # 2607503.

**Operations Permit issued to: Tri County Joint Municipal Authority**, PO Box 758, Fredericktown, PA 15333, (PWSID #5630045) Centerville Borough, **Washington County** on October 26, 2009 for the operation of facilities approved under Construction Permit # 8262W-A2.

**Operations Permit issued to: Monaca Borough**, 928 Pennsylvania Avenue, Monaca, PA 15061, (PWSID #5040039) Monaca Borough, **Beaver County** on October 17, 2009 for the operation of facilities approved under Construction Permit # 0402504.

**Permit No. 0209513MA, Minor Amendment**. Public Water Supply.

Applicant	<b>Moon Township Municipal Authority</b> 1700 Beaver Grade Road Suite 200 Coraopolis, PA 15108-3193
Borough or Township	Moon Township
County	<b>Allegheny</b>
Type of Facility	Fern Hollow backwash tank
Consulting Engineer	KLH Engineers, Inc. 5173 Campbells Run Road Pittsburgh, PA 15205
Permit to Operate Issued	October 17, 2009

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

**Operations Permit issued to Saint Boniface School, PWSID # 6250340**, Greene Township, **Erie County**, October 23, 2009, for the operation of two (2) new 400-gallon polyethylene water storage tanks, as approved by construction permit number 2507503-MA1, issued August 19, 2009.

**Emergency Operations Permit issued to Aqua Pennsylvania Inc, Emlenton, PWSID # 6610019**, Emlenton Borough, **Venango County**, October 26, 2009, for construction of new water treatment plant building, appurtenances, along and under slab piping & fittings. This is a part of permit 6109503, currently under review, and it is understood this Emergency Permit authorizes building construction only, and will expire upon issuance of Construction Permit No. 6109503, which authorizes the entire project.

### SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

*Plan Location:* Chester County

City of Coatesville, Caln Township, East Fallowfield Township, Highland Township, Parkesburg Borough, Sadsbury Township, Valley Township, West Brandywine Township, West Caln Township and West Sadsbury Township.

*Plan Description:*

Approval of the plan, as supplemented and amended, is hereby granted subject to the following conditions. This approval provides for the following:

1. The expansion of the Pennsylvania American Water Company Coatesville wastewater treatment facility from 3.85 million gallons per day (MGD) annual average flow to 7.0 MGD annual average flow. The following table provides the conceptual capacity through the year 2017 for the affected municipalities:

<i>Municipality</i>	<i>Annual Average Flows (MGD)</i>
Caln	0.612
Coatesville	2.271
East Fallowfield	0.269
Highland	0.048
Parkesburg	0.655
Sadsbury	0.520
Valley	1.243
West Brandywine	0.865
West Caln	0.508
West Sadsbury	0.380
Veterans Hospital	0.096
Bulk Haulers	0.004
<b>TOTAL</b>	<b>7.472</b>

The flow capacities referenced in the above table are available to the following municipalities once all expanded facilities are constructed and in operation: Caln Township, the City of Coatesville, Parkesburg Borough, Valley Township, and West Sadsbury Township.

2. The listed flow allocations are not available in East Fallowfield Township, Highland Township, Sadsbury Township, West Brandywine Township, and West Caln Township until the Department of Environmental Protection reviews and approves individual Act 537 Plans in each municipality.

3. This plan does not cover future sewage flows beyond 10 years. Additional Act 537 planning must be conducted once the annual average flows at the plant reach 80% of the 7.0 MGD. In addition, although we note that capacity in the expanded facility will be allocated on a “first-come-first-serve” basis as detailed below, we have concerns that if an individual municipality reaches or exceeds 80% of the capacity value listed in the table above, the availability of capacity for other municipalities will be affected. Therefore, additional Act 537 individual municipal or regional Act 537 planning may also be required in this situation.

4. This plan does not cover collection/conveyance system capacities. Additional Act 537 planning must be conducted to address this issue for all municipalities. The plan(s) must document existing and future capacities in all major interceptors and pump stations, funding for any required facility expansion, and PNDI, and PHMC requirements for any proposed construction projects.

The Chapter 94 Wasteload Management Corrective Action Plan and Connection Management Plan remains in full effect until all collection, conveyance, and treatment components have been constructed and in operation to meet the flows indicated in the table above.

Please note that flow capacities in the expanded treatment facility will be allocated in accordance with all executed municipal agreements and on a “first-come-first-serve” basis that is coordinated with available collection/conveyance capacity as reported through Chapter 94 submissions.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Centre Region Council of Governments (College Twp., Ferguson Twp., Halfmoon Twp., Harris Twp., Patton Twp., State College Boro.)	2643 Gateway Drive, Suite #4 State College, PA 16801	Centre

*Plan Description:* The approved plan provides for the construction of a diversion force main around flow limiting segments of the Big Hollow Interceptor and reconnection further downstream where adequate capacity exists, construction of a gravity sewer around the flow limitation for Slab Cabin Interceptor and construction of a gravity relief sewer for Puddintown Interceptor for the University Area Joint Authority (UAJA) sewer system. The total project cost is estimated to be 10.6 million and is expected to be funded by existing rate payers, tapping fees, and developer contributions. The Department of Environmental Protection’s review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of UAJA as appropriate.

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

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Washington Township	13013 Welty Road, Waynesboro, PA 17268	Franklin

*Plan Description:* The approved plan provides for a biological nutrient reduction upgrade to the existing sewage treatment plant in order to comply with the Chesapeake Bay Tributary Strategy. The capacity of the sewage treatment plant will remain at an annual average daily flow of 1.94 MGD. The Department of Environmental Protection’s review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Lewistown Borough	Two East Third Street, Lewistown, PA 17044	Mifflin

*Plan Description:* The approved plan provides for a biological nutrient reduction upgrade to the existing sewage treatment plant in order to comply with the Chesapeake Bay Tributary Strategy. The capacity of the sewage treatment plant will remain at an annual average daily flow of 2.818 MGD. The Department of Environmental Protection’s review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Gettysburg Borough	59 East High Street, Gettysburg, PA 17325	Adams

*Plan Description:* Gettysburg Borough's sewage treatment plant will be upgraded and expanded to 3.0 MGD to satisfy the nutrient reduction requirements of the Chesapeake Bay Tributary Strategy. The Plan also proposes to replace the parallel Rock Creek interceptors with one larger interceptor, and to replace and expand the Stevens Run, West Street, and Culps Run interceptors. The Hunterstown sewage treatment plant is proposed to be upgraded and expanded in two phases to an annual average flow of 0.375 MGD then to an annual average flow of 0.75 MGD. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

*Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Steelton Borough	123 North Front St, Steelton, PA 17113	Dauphin

*Plan Description:* The approved plan provides for complete sewer and stormwater separation of the T, R and Felton Streets basins. The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 2

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

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

and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. If required, a cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements.

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

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Former Champion Toyota**, Philadelphia County, Philadelphia County. Jeremy Bolyn, Environmental Maintenance Company, Inc. 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Harvey Sternberg, Bryn Mawr Investments, Inc, 765 John Barry Drive, Bryn Mawr, PA 19010 has submitted a Final Report concerning remediation of site soil contaminated with used motor oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Stainless & Wispese Parcels**, Borough of Perkasio, Bucks County. Scott A. Adlerfer, Penn Environmental & Remediation, Inc, 2755 Bergey Road, Hatfield, PA 19440, Robert White, Redevelopment Authority of the County of Bucks, One North Wilson Avenue, Bristol, PA 19007 on behalf of Frederick Schea, First Saving Bank of Perkasio, 219 North South Ninth Street, Perkasio, PA 18944 has submitted a Remedial Investigation/Risk Assessment/Background Standard Final Report/Statewide Health Standard and Site Specific Standard Final Report concerning remediation of site groundwater and soil contaminated with chlorinated solvents, pah. The report is intended to document remediation of the site to meet the Site-Specific Standard/Statewide Health Standard and Background Standard.

**Colonial Pipeline Brandywine Station**, Bethel Township, Delaware County. Kathy Fox, EA Engineering, Science, and Technology Inc, 1319 Woodbridge Station Way, Suite 200, Edgewood, MD 21040 on behalf of John Fago, Colonial Pipeline Company, 696 West Deptford, NJ 08066 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with kerosene, gasoline and no. 2 fuel oil. The report is intended to document remediation of the site to meet the Site-Specific Standard and Statewide Health Standard.

**Thomas Shallcross School**, City of Philadelphia, Philadelphia County. Gloria Hunsberger, Kleinfelder Inc. 189 Sheree Blvd, Suite 3800, Exton, PA 19341 on behalf of Francine Locke, School District of Philadelphia, 440 North Broad Street, Philadelphia, PA 19130 has submitted a Final Report concerning remediation of site soil contaminated with pah. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Intersection of Route 10 & Gum Tree Road**, Highland Township, Chester County. Jeffery Wynn, Patriot Environmental Management LLC., PO Box 629, Douglassville, PA 19518 on behalf of David McCorry, The Mack Services Group, PO Box 557, Berwyn, PA 19312 has

submitted a Final Report concerning remediation of site soil contaminated with no. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Lot 2 Hawks Crest**, Pennsburg Township **Chester County**. Samuel Kucia, Environmental Consulting, Inc. 500 West Washington Street, Suite 375, Norristown, PA 19401, Calvin Powell, Powell drilling & Servicing, Inc. 20 Smithbridge Road, Chester, Heights, PA 19107 on behalf of Tom Spano, Grey Doves at Sunset, LP, 364 Wilmington-West Chester Pike, Glen Mills, PA 19342 has submitted a Final Report concerning remediation of site soil contaminated with inorganics. The report is intended to document remediation of the site to meet the Statewide Health Standard

**Clement Property**, Malvern Borough, **Chester County**. Stuart Wiswall, Keating Environmental Management, 123 John Robert Thomas Drive, Exton, PA 19341, George Clement, c/o Harry Weiss, Ballard Spar Andrews & Ingersoll, 1735 Market Street, 51st Floor, Philadelphia, PA 19103 on behalf of M. Shyamalan, 729 South Warren Avenue, Malvern, PA 19355 has submitted a Final Report concerning remediation of site groundwater and soil contaminated with phs, btes, and mtbe. The report is intended to document remediation of the Statewide Health Standard.

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

**Pysher Property**, 2323 North Delaware Drive, Upper Mount Bethel Township, **Northampton County**. Richard D. Trimpi, Trimpi Associates, Inc., 1635 Old Plains Road, Pennsburg, PA 18073 has submitted a Final Report (on behalf of his clients, Mr. & Mrs. Arthur Pysher, 2323 North Delaware Drive, Mt. Bethel, PA 18343), concerning the remediation of soil and groundwater found to have been impacted by No. 2 fuel oil as a result of a release from an aboveground storage tank having a tank leg failure. The report was submitted to document attainment of the Statewide Health Standard. A public notice regarding the submission of the Final Report was published in *The Express Times* on October 14, 2009. A Notice of Intent was simultaneously submitted.

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

**Brown Residence**, Conoy Township, **Lancaster County**. Trimpi Associates, Inc., 16335 Old Plains Road, Pennsburg, PA 18073, on behalf of Kristopher Brown, 208 Falmouth Road, Bainbridge, PA 17502, submitted a Final Report concerning site soils contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**3200 Market Street Site/Rite Aid Store 06614-01**, Camp Hill Borough, **Cumberland County**. BL Companies, Inc., 213 Market Street, Harrisburg, PA 17101, on behalf of RAP Camp Hill, LLC, 135 Bittern Drive, P. O. Box 4595, Gettysburg, PA 17325, submitted a Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with leaded gasoline and petroleum products from the operation of a former automotive service station. The report is intended to document remediation of the site to meet a combination of Statewide Health (Residential and Nonresidential) and Site-Specific Standards.

**Former Path Valley Service Plaza**, Metal Township, **Franklin County**. Skelly & Loy, Inc., 449 Eisenhower Boulevard, Harrisburg, PA 17111, on behalf of PA Turn-

pike Commission, P. O. Box 67676, Harrisburg, PA 17106, submitted a Final Report concerning site soils contaminated with leaded gasoline and petroleum products. The report is intended to document remediation of the site to meet the Nonresidential Statewide Health Standard.

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

**Munro Farm Site**, Castanea Township, **Clinton County**. American Color & Chemical, LLC, PO Box 88, Lock Haven, PA 17745 has submitted a Cleanup Plan concerning remediation of site groundwater contaminated with dichlorobenzene, nitroamine, chloroaniline, aluminum, antimony, benzene, bis(2-ethylhexyl)phthalate, chlorobenzene, nickel and nitrobenzene. The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

PREAMBLE 3

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

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



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

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Thomas Shallcross School**, City of Philadelphia **Philadelphia County**. Gloria Hunsberger, Kleinfelder, Inc. 180 Sheree Boulevard, Exton, PA 19341 on behalf of Francine Locke, School District of Philadelphia, 440 North Broad Street, Philadelphia, PA 19130 has submitted a Final Report concerning the remediation of site soil contaminated with pah. The Final report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on October 21, 2009.

**Oscar Mayer/Dupont Facility**, City of Philadelphia **Philadelphia County**. Paul Martino, Pennoni Associates, Inc. 3001 Market Street, Philadelphia, PA 19104 on behalf of Joseph Syrnick, Schuylkill River Development Corporation, Cira Centre, 2929 Arch Street 13th Floor, Philadelphia, PA 19104 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with chlorinated solvents. The Final report did not demonstrate attainment of the Site-Specific Standard and was disapproved by the Department of Environmental Protection on September 17, 2009

**Lemon Substation**, Valley Township **Chester County**. Bruce Middleman, P.G., Stantec Consulting Services, Inc. 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462, Audra Crocett, Stantec Consulting Services, Inc. 400 Davis Drive, Suite 400, Plymouth Meeting, PA 19462, on behalf of Ben Lepage, Ph.D. Peco Electric Company has submitted a Final Report concerning the remediation of site soil contaminated with pcb. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on October 7, 2009.

**Montgomery County Community College**, Pottstown Borough **Montgomery County**. Grey Firely, Malcolm Pirnie, Inc. 640 Freedom Business Center, Suite 310, King of Prussia, PA 19406 on behalf of Dean Foster, Montgomery County Community College, 101 College Drive, Pottstown, PA 19464 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with lead and organic. The Final report did not demonstrate attainment of the Statewide Health Standard and was placed on hold by the Department of Environmental Protection on September 25, 2009.

**1340 East Philadelphia Avenue**, Douglass Township **Montgomery County**. Richard Werner, Environmental Consulting, Inc. 500 West Washington Street, Suite 375, Norristown, PA 19401, Jeff Brunner, Inergy Propane LLC (d.b.a., Farm and Home), 3115 State Road, Telford, PA 18969 on behalf of Kurt Davidheiser, Davidheiser Property Management, LLC, 138 Keller Road, Barto, PA 19504 Jeff Brunner, Inergy Propane LLC (d.b.a., Farm and Home), 3115 State Road, Telford, PA 18969 has submitted a Final Report concerning the remediation of site groundwater and soil contaminated with no. 2 fuel oil. The Final

report demonstrated or attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on October 2, 2009.

**Rush Residence**, Warrington Township **Bucks County**. Jeremy Bolyn, Environmental Maintenances Company Inc, 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Jack Rush, 1313 Palomino Drive, Warrington, PA 18976, Thomas Galiardi, 1311 Palomino Drive, Warrington, PA 18976 has submitted a 90 day Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The 90 day Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on October 7, 2009.

**Paciello Residence**, Upper Merion **Montgomery County**. Staci Cottone, J&J Spill Services and Supplies Inc. PO Box 370, Blue Bell, PA 19422 on behalf of John Paciello, 576 Keebler Road, King of Prussia, PA 19406 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on October 13, 2009.

**South Philadelphia Shopping Center**, City of Philadelphia **Philadelphia County**. Michael Christie, Penn Environmtanl & Remediation, Inc., 2755 Bergey Road, Hatfield, PA 19440, Darryl Borrelli, Manko, Gold, Katcher & Fox, LLP, 401 City Avenue, Suite 500, Bala Cynwyd, PA 19004 on behalf of William Frutkin, SPSP Corporation, 44 West Lancaster Avenue, Ardmore, PA 19003 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Final report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on October 16, 2009

**The Hake Building**, Eddystone Borough **Delaware County**. Richard Werner, Environmental Consulting, Inc. 550 East Washington Street, Suite 375, Norristown, PA 19401 on behalf of Richard Hake, Hake Headquarters, LP, 1380 Wisteria Drive, Malvern, PA 19355 has submitted a Final Report concerning the remediation of site soil and groundwater contaminated with chlorinated solvents. The Final report did not demonstrate attainment of the Background Standard and was place on hold by the Department of Environmental Protection on October 9, 2009.

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

**Proposed Turkey Hill Minit Market 289**, North Church Street and 28th Street, Hazle Township, **Luzerne County**. Christopher J. Candela, ATC Associates, Inc., 920 Germantown Pike, Suite 200, Plymouth Meeting, PA 19462 submitted a Final Report (on behalf of his client, Turkey Hill Minit Markets, 257 Centerville Road, Lancaster, PA 17603), concerning the remediation of groundwater found to have been impacted by VOCs, SVOCs and lead. The report documented attainment of the Residential Statewide Health Standard for groundwater and was approved on October 20, 2009.

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

**New Cumberland Army Depot / IRP Site 63 Building 85 Plume**, Fairview Township, **York County**. Defense Distribution Depot Susquehanna PA, 2001 Mission Drive, New Cumberland, PA 17070 submitted a Remedial

Investigation and Risk Assessment Report concerning remediation of groundwater contaminated with chlorinated solvents. The Remedial Investigation and Risk Assessment Report were approved by the Department of Environmental Protection on October 20, 2009. The site is being remediated to the Site-Specific Standard.

**Former Cole Steel Facility**, Spring Garden Township, **York County**. CDM, Inc., Raritan Plaza I, Raritan Center, Edison, NJ 08818, on behalf of Cresticon, Inc., 1840 Century City Park East, Los Angeles, CA 90067-2199, submitted a submitted a Final Report concerning remediation of soils and groundwater contaminated with VOCs, semi-VOCs and metals. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on October 20, 2009.

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

**Andrew Basalla Residence**, Snow Shoe Township, **Centre County**. Environmental Maintenance Co., 1420 East Mermaid Lane, Glenside, PA 19038 on behalf of Lucas Oil Co., 697 Market St., Karthaus, PA 16845 has submitted a Final Report concerning the remediation of site soil contaminated with kerosene at 180 Dairy St., Clarence, PA 16829. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on October 23, 2009.

**Bailey Property**. Mount Carmel Township, **Northumberland County**. Marshall Miller & Assoc., Inc., 3913 Hartzdale Dr., Suite 1306, Camp Hill, PA 17011 on behalf of Duke Heating Oil, Inc., PO Box 182, Shamokin, PA 17872 has submitted a Final Report concerning remediation of site soil contaminated with No. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard was approved by the Department of Environmental Protection on October 23, 2009.

**Costy's Used Truck and Auto Parts, Inc**, Richmond Township, **Tioga County**. O'Brien & Gere, 512 East Township Road, 2 Valley Square, Suite 120, Blue Bell, PA 19422 on behalf David and Daniel Kurzejewski, Costy's Used Truck and Auto Parts, Inc., RR 1, Box 876 (2395 S. Main St.), Mansfield, PA 16933 has submitted a Remedial Investigation Report and a Final Report concerning the remediation of site soil and groundwater contaminated with volatile and semi-volatile organic compounds, and metals (lead and zinc). The Remedial Investigation and Final report demonstrated attainment of Site-Specific Standard and was approved by the Department of Environmental Protection on October 20, 2009.

#### MUNICIPAL WASTE GENERAL PERMITS

**Permits Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

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

**General Permit Number WMGM039. Crusherete Inc**, 1965 Silvex Road, Bethlehem, PA 18016. General Permit Number WMGM039 authorizes processing and

beneficial use of post-consumer asphalt shingles (tear-offs) and pre-consumer asphalt shingles (i.e., imperfections, tabs, trimming scraps, etc., generated in the manufacturing of new asphalt shingles and damaged, unused shingles) as an ingredient in hot-mix and cold-mix asphalt paving material, a component of a sub-base material, as dust control on rural roads when applied with a binder, and as a component or ingredient in fuel used in cement or lime manufacturing or in the generation of electricity or steam. The processing is limited to transferring, screening, shredding, grinding, sorting and magnetic removal of ferrous metal. The permit was issued by Central Office on October 27, 2009.

Persons interested in reviewing the general permit may contact Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, 717-787-7381. TDD users may contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**Permit(s) modified 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.**

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

**Mifflin County Solid Waste Authority. Permit No. 101165**, located in Derry Township, **Mifflin County**. The Department of Environmental Protection has reviewed the application for major permit modification to change the frequency and parameters of groundwater monitoring in order to determine whether it contains the information, maps, fees, and other documents necessary to be considered to be administratively complete. Please be advised that the application has been determined to be administratively complete.

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

**Determination of Applicability for General 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. §§ 4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*South Central Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200.*

**General Permit No. WMGR028-SC004. York Building Products Co., Inc.**, 1070 Roosevelt Avenue, York, PA 17404. The Department of Environmental Protection (Department) has issued a Determination of Applicability under General Permit WMGR028 to York Building Product Company for the use of baghouse fines and scrubber pond precipitates for use as an aggregate in roadway construction, a soil additive, a soil conditioner, or a component or ingredient in the manufacturing of construction products. This Determination of Applicability was issued on October 20, 2009 and is for their plant located at 1070 Roosevelt Avenue, York, PA 17404.

Persons interested in reviewing the general permit may contact John Oren, Facilities Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4706. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

## 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.**

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

**GP5-08-294: Chesapeake Appalachia, L.L.C.** (P. O. Box 6070, Charleston, WV 25362) on September 29, 2009, to construct and operate a 384 brake horsepower natural gas-fired compressor engine under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at their May Compressor Station in Granville Township, **Bradford County**.

**GP5-08-296: Belden & Blake Corp.** (300 Capitol Street Suite 200, Charleston, WV 25301) on October 16, 2009, to construct and operate one natural gas-fired compressor engine rated at 1340 brake-horsepower under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at their Jefferson Compressor Station in East Smithfield Township, **Bradford County**.

**GP5-08-02E: Chesapeake Appalachia, L.L.C.** (P. O. Box 6070, Charleston, WV 25362) on October 16, 2009, to construct and operate a 630 brake horsepower natural gas-fired compressor engine under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at their Evanchick Compressor Station in Asylum Township, **Bradford County**.

**GP5-41-02D: Chief Gathering, L.L.C.** (6051 Wallace Road Ext., Suite 210, Wexford, PA 15090) on October 16, 2009, to construct and operate a 1340 brake horsepower natural gas-fired compressor engine under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at their Barto Compressor Station in Penn Township, **Lycoming County**.

**GP5-18-190: NCL Natural Resources, LLC.** (25231 Grogan Mill Road, Suite 500, The Woodlands, TX, 77380-9110) on October 16, 2009, to construct and operate one natural gas-fired compressor engine rated at 1151 brake-horsepower and one glycol dehydrator rated at 500,000 Btu per hour under the General Plan Approval and/or General Operating Permit for Natural Gas, Coal Bed Methane Or Gob Gas Production Or Recovery Facilities (BAQ-GPA/GP-5) at their Tract 285 Compressor Station in Grugan Township, **Clinton County**.

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

**GP5-63-00934B: MarkWest Liberty Midstream & Resources, LLC** (1515 Arapahoe Street, Tower 2 Suite

700, Denver, CO 80202-2126) on October 26, 2009, was authorized under GP5 to construct and operate five (5) Caterpillar G3516LE natural gas compressor engines, three (3) equipped with Miratech ZHS-30x31-12-H1 catalytic converters, and two (2) 10MMscfd NATCO glycol dehydration units at their Godwin Booster Compressor Station facility in Mt Pleasant Township, **Washington County**.

**GP5-63-00938A: MarkWest Liberty Midstream & Resources, LLC** (1515 Arapahoe Street, Tower 2 Suite 700, Denver, CO 80202-2126) on October 26, 2009, was authorized under GP5 to construct and operate five (5) Caterpillar G3516LE natural gas compressor engines, three (3) equipped with Miratech ZHS-30x31-12-H1 catalytic converters, and one (1) NATCO glycol dehydration unit at their Hoskins Booster Compressor Station facility in Blaine Township, **Washington County**.

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

**GP5-43-353A: Stryker Energy, LLC—Lough** (108 Hickory Road, West Salem, PA 16125) on October 20, 2009, to install a natural gas compressor engine (Caterpillar Engine Model No. G342TALCR) (BAQ-GPA/GP-5) at their facility in West Salem Township, **Mercer County**.

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

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

**15-0115E: QVC, Inc.** (1200 Wilson Drive, West Chester, PA 19380) on October 20, 2009, for installation of a replacement 2-MW generator at an existing facility in West Goshen Township, **Chester County**. Along with three (3) other 2-MW generators, NOx emissions will be restricted to 7.63 tpy. The company shall comply with good air pollution control practices, monitoring and recordkeeping procedures designed to keep the facility operating within all applicable air quality requirements.

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

**08-313-024D: Global Tungsten & Powders, Corp.** (Hawes Street, Towanda, PA 18848-0504) on October 13, 2009, to install a new CAMCORP model 9SFTRW84x81 fabric collector and final filter to control the particulate emissions from existing sources in department (003), at their North Towanda Township, **Bradford County** facility.

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

**20-145B: Pittsburgh Glass Works, LLC** (P. O. Box 800, Kebert Industrial Park, Meadville, PA 16335) on October 21, 2009, to install 32 replacement burners in Glass Melting Furnace No. 2 (Source ID 102) at their facility in Greenwood Township, **Crawford County**. This is a Title V facility.

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

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

**15-0124: MacKissic, Inc.** (1189 Old Schuylkill Road, P. O. Box 0111, Parker Ford, PA 19457) on October 17, 2009, to operate a paint spray booth in East Coventry Township, **Chester County**.

**46-0020E: Superior Tube Co., Inc.** (3900 Germantown Pike, Collegeville, PA 19426) on October 17, 2009, to operate a (2) two flush and blow booths in Lower Providence Township, **Montgomery County**.

**46-0260: Durapax, LLC** (400 Old Reading Pike, Suite 304, Pottstown, PA 19464) on October 17, 2009, to operate a coal tar roofing material operation in West Pottstown Township, **Montgomery County**.

**46-0025J: Lonza, Inc.** (900 River Road, Conshohocken, PA 19428) on October 26, 2009, to operate (8) eight new tanks in Upper Merion Township, **Montgomery County**.

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

**53-00009A: Morgan Advance Materials & Technology, Inc.** (411 Hall Avenue, St. Mary's, PA 15857) on September 21, 2009, to extend the authorization to temporarily operate three electric powered heat treat ovens, each equipped with a natural gas fired thermal oxidizer to control air contaminant emissions in their Coudersport plant in Eulalia Township, **Potter County** until March 8, 2010. The plan approval has been extended.

**08-00003H: CraftMaster Manufacturing, Inc.** (PO Box 311, Shiner Road, Towanda, PA 18848) on September 29, 2009, to extend the deadline for the required VOC stack test of the Line 2 Refiners and First Stage Dryers/Felter Operations and Line 2 Press. The required testing shall be completed on or before January 26, 2010, at their facility in Wysox Township, **Bradford County**.

**53-399-008: PA Pellets, LLC** (705 South Main Street, Coudersport, PA 16915) on October 5, 2009, to extend the authorization to operate a wood-fired rotary wood chip dryer and associated air cleaning device (a multiclone collector), two (2) pellet mills, a hammermill and associated air cleaning device (a fabric collector), a pellet cooler and associated air cleaning device (a cyclone collector), two (2) dried wood chip storage bins and one (1) wood pellet storage bin on a temporary basis until March 10, 2010, in Ulysses Borough, **Potter County**. The plan approval has been extended.

**17-00017B: Rescar, Inc.** (407 Brentwood Street, Channel View, TX 77530-3952) on October 16, 2009, to issue a minor modification of plan approval for their railcar refurbishing operation (Sources 031, 032, P201, P202, P203, P204 and P205) at their facility in DuBois, **Clearfield County**. This plan approval revision is for changes to the combustion unit descriptions, to increase the amount of natural gas the combustion units are authorized to use, for changes to the interior surface coating operation description, to increase the particulate matter limitation for the interior surface coating operation and for changes to the railcar cleaning operation description. The plan approval contains all applicable

regulatory requirements including monitoring, record-keeping and reporting conditions.

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

**30-00072F: Consol Pennsylvania Coal Co., LLC** (1000 Consol Energy Drive, Canonsburg, PA 15317) for construction of an overland conveyor belt to transport course coal refuse from the prep plant to awaiting transport vehicles at Bailey Prep Plant in Richhill Township, **Greene County**. This is a Plan Approval Extension.

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

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

**08-00003: CraftMaster Manufacturing, Inc.** (PO Box 311, Towanda, PA 18848-0311) on October 22, 2009, to issue a Significant Modification Title V Operating Permit for their engineered wood products manufacturing facility in Wysox Township, **Bradford County**. The revised Title V Operating Permit includes numerous conditions that were revised for clarification and administrative purposes, including the monitoring and recording requirements and emission and fuel restrictions. The revised Title V Operating Permit also includes compliance assurance monitoring (CAM) conditions pursuant to 40 CFR Part 64. The Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

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

**10-00267: Three Rivers Aluminum Co.** (71 Progress Avenue, Cranberry Industrial Park, Cranberry Township, PA 16066-3596) on October 20, 2009, for an administrative amendment of the Title V Operating Permit to incorporate the applicable conditions of Plan Approval No. 10-267C into Source ID No. 101: Tellkamp line & Binks Booth. The facility recently replaced the existing control devices with an Adwest Thermal Oxidizer in Source ID No. 101 and the Plan approval No. 10-267C was issued. The facility is in Cranberry Township, **Butler County**. The facility manufactures metal doors, sash and trim products. The facility is a major facility due to its potential to emit of volatile organic compound. The compliance assurance monitoring (CAM) is included in the permit. The facility is also subject to 40 C.F.R. Part 63, Subpart M for miscellaneous metal parts and products.

**42-00004: American Refining Group, Inc.** (77 North Kendall Avenue, Bradford, PA 16701) on October 19, 2009, the Department of Environmental Protection amended the referenced permit, the facility is in the City of Bradford, **McKean County**. The permit is being administratively amended to incorporate changes brought about through Plan Approval Numbers: 42-004B and 42-004D.

A typographical error contained in Plan Approval Number 42-004D has also been corrected. The annual NOx emission limit for Source ID: 037 - Boiler No. 5 (Stoker)

had been listed in the plan approval as 310.11 tons per year when it should have remained unchanged at 370.11.

EPA and public comment periods were addressed during the plan approval process.

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

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

**09-00128: East Coast Sign Advertising** (5058 Route 13 North, Bristol, PA 19007) on October 21, 2009, for operation of their facility in Bristol Township, **Bucks County**. This action is a renewal of the permit for a non-Title V (State only) facility. The facility's main sources include: three (3) large paint spray booths and a paint storage/mix room. There are no proposed changes to equipment or operating conditions. The permit will continue to include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**35-00030: General Dynamics Land Systems** (175 East Street, Eynon, PA 16403) on October 22, 2009, to manufacture military tank components in Archbald Borough, **Lackawanna County**. The State-Only Operating Permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements. This is a State-Only Synthetic Minor Operating Permit.

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

**08-313-019C: Global Tungsten & Powders, Corp.** (Hawes Street, Towanda, PA 18848-0504) on October 1, 2009, issued minor modification operating permit for their 8C Furnace Batt Hand-Unloading Station at their facility in North Towanda Township, **Bradford County**. This operating permit revision is to allow the hand un-loading station to be exhausted the Torit TD-486 fabric collector. The operating permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

Date	Source	PM10 (tons)	SOx (tons)	NOx (tons)	VOC (tons)	CO (tons)
6/11/2007	Varnish Application System	0	0	0	0.95	0
9/28/2009	Drum Handling System modification	0	0	0	0.14	0
Total Reported Increases		0	0	0	1.09	0

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

*Northcentral Region: Air Quality Program, 208 West*

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

**S03-010: General Services Administration William J. Green Jr. Federal Building.** (600 Arch Street, Philadelphia, PA 19106) issued October 26, 2009 for the operation of a Federal building in the City of Philadelphia, **Philadelphia County**. The synthetic minor emission sources include three (3) 13.39 MMBTU/hr boilers, three (3) hot water heaters, one(1) 746 kW Emergency Generator and one(1) 175 kW emergency generator.

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

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

**23-00014: Kimberly-Clark of PA, LLC** (Front Street and Avenue of the States, Chester, PA 19013) on October 21, 2009, the conditions of Title V Operating Permit were amended for T-10-4 Converting Area, Source ID 125D, with a Baghouse, Source Id C125D1, and a Scrubber, Source Id C125D2 at Front Street and Avenue of the States, Chester City, **Delaware County**. This Title V Operating Permit was administratively amended to incorporate Plan Approval No. 23-0014F.

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

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

**25-00025: GE Transportation** (2901 East Lake Road, Erie, PA 16531) for their facility in Lawrence Park Township, **Erie County**. The de minimis increases are a result of modifications to the Drum Handling System (Source ID 195). The Department of Environmental Protection has started a list of de minimis increases as prescribed in 25 Pa. Code § 127.449(i).

Since the August 1, 2006 Title V Operating Permit issuance date, GE Transportation has notified the Department of Environmental Protection of the following de minimis emission increases:

*Third Street, Williamsport, PA 17701. Contact: David Aldenderfer, Program Manager—Telephone: 570-327-3637.*

**17-00023: Rosebud Mining Co.** (301 Market Street, Kittanning, PA 16201) on September 30, 2009, terminated State Only operating permit for their Bigler Coal Preparation Plant in Bradford Township, **Clearfield County**.

This facility is operating pursuant to the General Plan Approval And General Operating Permit BAQ-GPA/GP-12 for Fugitive Dust Sources and Diesel Fired Internal Combustion (IC) Engines at Coal and Coal Refuse Preparation Plants (GP-12-17841607-R9).

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

### Coal Permits Actions

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

**32990104 and NPDES No. PA0235059. ABM Mining Company, Inc.,** 3330 Johnston Road, Smicksburg, PA 16256, permit renewal for the continued operation and restoration of a bituminous surface mine in Grant Township, **Indiana County**, affecting 112.0 acres. Receiving stream(s): unnamed tributaries to Little Mahoning Creek classified for the following use(s): high quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received August 24, 2009. Permit issued: October 21, 2009.

**Permit No. 32900301 and NPDES No. PA0598712. Edward C. Griffith Quarry, Inc.,** 7815 Colonel Drake Highway, Mahaffey, PA 15757, permit revision of an existing large surface industrial mineral mine to change the post-mining land use from forest to pasture in North Mahoning Township, **Indiana County**, affecting 45.3 acres. Receiving stream(s): unnamed tributary to Little Mahoning Creek, classified for the following uses(s): high-quality cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received July 30, 2009. Permit issued October 21, 2009.

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

**63823020 and NPDES Permit No. PA0616621. Robert B. Goodall** (1803 Beech Hollow Road, Bulger, PA 15019). Permit renewal issued for continued operation and reclamation of a bituminous surface mining site located in Robinson Township, **Washington County**, affecting 39 acres. Receiving streams: unnamed tributary to Little Raccoon Creek to Ohio River. Application received: April 1, 2009. Renewal issued: October 19, 2009.

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

**17960101 and NPDES No. PA0220256. RES Coal LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA

15920). Transfer of an existing bituminous surface mine with an Insignificant Permit Boundary Correction from Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), located in Morris Township, **Clearfield County**, affecting 189.8 acres. Receiving stream: Hawk Run to Moshannon Creek, classified for the following use: Cold Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received August 5, 2008. Permit issued October 15, 2009.

**17743172 and NPDES No. PA0610909. RES Coal LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Transfer of an existing bituminous surface mine with an Insignificant Permit Boundary Correction from Sky Haven Coal, Inc. (5510 State Park Road, Penfield, PA 15849), located in Morris Township, **Clearfield County**, affecting 569.0 acres. Receiving streams: Hawk Run to Moshannon Creek to West Branch Susquehanna River, classified for the following uses: Cold Water Fishery, Cold Water Fishery, Warm Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received August 5, 2008. Permit issued October 14, 2009.

**17030110. Swisher Contracting, Inc.** (P. O. Box 1223, Clearfield, PA 16830). Permit renewal for reclamation only of a bituminous surface mine in Lawrence Township, **Clearfield County**, affecting 116.8 acres. Permit issued October 15, 2009.

**17663037 and NPDES No. PA0611328. RES Coal LLC** (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Permit renewal for the continued operation and restoration of a bituminous surface mine in Decatur and Woodward Townships, **Clearfield County**, affecting 405.5 acres. Receiving stream(s): Goss Run and Little Beaver Run to Beaver Run to Moshannon Creek to West Branch Susquehanna, classified for the following use(s): Cold Water Fishery, Cold Water Fishery, Cold Water Fishery, Warm Water Fishery. There are no potable water supply intakes within 10 miles downstream. Application received August 6, 2009. Permit issued October 16, 2009.

### Noncoal Permits Actions

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

**61090802. Jeffrey Lynn Day** (5683 Route 308, Kennerdell, PA 16374-2205). Commencement, operation and restoration of a small sandstone operation in Irwin Township, **Venango County** affecting 5.0 acres. Receiving streams: Unnamed tributary to North Branch Slippery Rock Creek. Application received: July 24, 2009. Permit Issued: October 19, 2009.

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

**58090816. P. Scott Baldwin**, (12160 SR 106, Kingsley, PA 18826), commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County** affecting 5.0 acres, receiving stream: none. Application received June 22, 2009. Permit issued October 21, 2009.

## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

*Blasting Permits Actions*

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

**21094142. John W. Gleim, Jr., Inc.**, (625 Hamilton Street, Carlisle, PA 17013-1925). Blasting activity permit issued for parking lot expansion development in North Middleton Township, **Cumberland County**. Blasting activity permit end date is April 15, 2010. Permit issued October 15, 2009.

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

**26094010. Controlled Demolition, Inc.** (2737 Merymans Mill Rd, Phoenix, MD 31131). Blasting activity permit for demolition of the Shannopin bins at the Foundation Coal Prep Plant, located in Luzerne Township, **Fayette County**. The duration of blasting is expected to be one day. Blasting activity permit issued: October 21, 2009.

**02094009. Dynamic Drilling LLC** (10373 Taylor Hawks Rd, Herron, MI 46744). Blasting activity permit for the East Deer Seismic Survey 2D, located in East Deer Township, **Allegheny County**. The duration of blasting is expected to be six months. Blasting activity permit issued: October 23, 2009.

**30094003. Eagle Exploration** (4284 Cedar Lake Rd, Travers City, MI 49684). Blasting activity permit for the Greene Co. Seismic exploration, located in Jefferson Township, **Greene County**. The duration of blasting is expected to be eight months. Blasting activity permit issued: October 23, 2009.

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

**08094109. Meshoppen Blasting Inc.** (PO Box 127, Frantz Road, Meshoppen, PA 18630), construction blasting for central fresh/frac water impoundment site located in Burlington Township, **Bradford County**. Permit issued October 21, 2009. Permit expires November 15, 2009.

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

**36094172. M & J Explosives, Inc.**, (PO Box 608, Carlisle, PA 17013), construction blasting for Landis Homes Development in Manheim Township, **Lancaster County** with an expiration date of October 31, 2010. Permit issued October 21, 2009.

**36094173. M & J Explosives, Inc.**, (PO Box 608, Carlisle, PA 17013), construction blasting for Mill Creek Square in East Lampeter Township, **Lancaster County** with an expiration date of October 31, 2010. Permit issued October 21, 2009.

**36094174. Warren's Excavating & Drilling, Inc.**, (PO Box 214, Myerstown, PA 17067), construction blasting for Scenic Ridge Development in Leacock Township, **Lancaster County** with an expiration date of October 19, 2010. Permit issued October 21, 2009.

**13094103. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Boulder Creek Resort in Kidder Township, **Carbon County** with an expiration date of October 31, 2010. Permit issued October 22, 2009.

**36094175. Warren's Excavating & Drilling, Inc.**, (PO Box 214, Myerstown, PA 17067), construction blasting for Sewage Treatment Plant in West Earl Township,

**Lancaster County** with an expiration date of October 21, 2010. Permit issued October 22, 2009.

**40094116. Austin Powder Northeast, LLC**, (25800 Science Park Drive, Cleveland, OH 44122), construction blasting for a single dwelling in Franklin Township, **Luzerne County** with an expiration date of October 22, 2010. Permit issued October 22, 2009.

**52094113. Explosive Services, Inc.**, (7 Pine Street, Bethany, PA 18431), construction blasting for Saw Creek Estates in Lehman Township, Pike County and Middle Smithfield Township, **Monroe County** with an expiration date of October 31, 2010. Permit issued October 22, 2009.

**67094122. John W. Gleim, Jr., Inc.**, (625 Hamilton Street, Carlisle, PA 17013), construction blasting for a drainage trench in Franklin Township, **York County** with an expiration date of December 15, 2009. Permit issued October 22, 2009.

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27), section 302 of the Floodplain Management Act (32 P. S. § 679.302)**

**and The Clean Streams Law (35 P.S. §§ 691.1—691.702) and Notice of Final Action for Certification under section 401 of the FWPCA (33 U.S.C.A. § 1341).**

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

#### **WATER OBSTRUCTIONS AND ENCROACHMENTS**

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

**E46-1045. Albert Einstein Healthcare Network**, 5501 Old York Road, Philadelphia, PA 19141, East Norriton Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities to the existing man-made ponds in the Stony Creek (TSF) watershed within the Woods Golf Course associated with the proposed Albert Einstein Healthcare Network project:

1. To place fill in a 110-foot diameter (Approximate 9,200 S.F.) off-stream man-made pond.
2. To place fill in 652 SF of wetlands located along western side of the site.
3. To expand the existing spring fed pond located on the eastern side by approximately 13,050 S.F., to compensate for filling of the open water pond. A 10-foot wide vegetative/aquatic buffer will be created around the perimeter of this pond.

The site is located approximately 700 feet northeast of the intersection of Germantown Pike and Whitehall Road (Lansdale, PA, USGS Quadrangle N: 5.2 inches; W: 12.80 inches) in East Norriton Township, Montgomery County.

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

**E46-1047. Wissahickon Valley Watershed Association**, 12 Morris Road, Ambler, PA 19002-5407, Whitpain, Upper Gwynedd Township, **Montgomery County**, ACOE Philadelphia District.

To install and maintain four concrete stepping stones across Wissahickon Creek (TSF) associated with the Green Ribbon Trail project located in the vicinity of the Colorcon site (Lansdale, PA, United States Geological Survey (USGS) Quadrangle N: 14.5 inches, W: 6.0 inches), North Wales Road site (Lansdale, PA, USGS Quadrangle N: 13.25 inches, W: 5.5 inches), PECO site (Lansdale, PA, USGS Quadrangle N: 12.25 inches, W: 5.5 inches), and the Mount Pleasant Avenue site (Ambler, PA, USGS Quadrangle N: 6.25 inches, W: 15.25 inches).

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

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

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

To restore an existing 0.41 acre offline pond by removing 574 cubic yards of material and relocating 364 cubic yards of material within the pond. The pond is located

adjacent to the Volunteer Fireman's Memorial Bandshell approximately 800 feet east of the intersection of Perkiomen Ave and Penn St (Reading, PA Quadrangle N: 14.5 inches; W: 5.5 inches; Latitude: 40° 20' 7"; Longitude: 75° 54' 48") in the City of Reading, Berks County.

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

**E14-525. Bellefonte Borough**, 236 West Main Street, Bellefonte, PA 16823. Talleyrand Park, in Bellefonte, PA, **Centre County**, ACOE Baltimore District (Bellefonte, PA Quadrangle Latitude: 40° 54' 41", Longitude: 77° 47' 12").

To construct and maintain: 1) a 30-foot clear span steel-beam concrete-deck pedestrian bridge with associated concrete footers, 40 cubic yards of clean fill approach ramps and a 3.25 foot underclearance, 2) temporary cofferdams on each side of the stream to build the abutments, and 3) Talleyrand Park pedestrian improvements; such as, concrete walkways, special open cell block paving, 8-foot diameter fountain, site lighting, benches and native vegetation, located next to the Big Spring Building in Talleyrand Park (Bellefonte, PA Quadrangle Latitude: 40° 54' 41", Longitude: 77° 47' 12") Bellefonte, PA, Centre County. This project proposes to permanently impact 30 linear feet of Big Spring Outfall and temporary impact of 60 linear feet for the cofferdam in a tributary to Spring Creek, which is classified as Cold Water Fishery. This permit was issued under Section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E19-277. Town of Bloomsburg**, 301 East Second Street, Bloomsburg, PA 17815-1870. Water Obstruction and Encroachment Joint Permit, in the Town of Bloomsburg, **Columbia County**, ACOE Susquehanna River Basin District (Catawissa, PA Quadrangle N: 40° 58' 53.6"; W: 76° 28' 01.9").

To demolish the Streater Property buildings in preparation for athletic facility fields in the floodplain of the Susquehanna River and Fishing Creek in the Town of Bloomsburg, Columbia County, PA. The buildings on the property consist predominantly of residential and agricultural related structures. Other structures include mobile homes, trailers and greenhouse foundations. This permit gives authorization only for the demolition and removal of the existing structures. A permit will be submitted in the future for the construction of athletic fields. The project will be constructed within the floodplain of the Susquehanna River (WWF, Warm Water Fishery). This project is located along the Susquehanna River east of Fishing Creek, 4,000-feet southwest of the intersection of SR 487 and West Fort McClure Blvd, (Catawissa, PA Quadrangle N: 40° 58' 53.6"; W: 76° 28' 01.9") in the Town of Bloomsburg, Columbia County. This project proposes to have a minimal impact to the floodplain of the Susquehanna River, and does not propose to impact any jurisdictional wetlands. This permit was issued under Section 105.13(e) "Small Projects."

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

**E20-576, Linesville Pine Joint Municipal Authority**. Regional Sewage Facilities Project, in the Borough of Linesville and Pine Township, **Crawford County**, ACOE Pittsburgh District (Pittsburgh, PA Quadrangle N: 41° 39', 22.5"; W: 80°, 25', 25.7").

To rehabilitate a portion of the Linesville Borough sewer system, install 59,100 linear feet of gravity sani-



tary sewers, 22,000 linear feet of low pressure force main and 6,250 linear feet of pump station force main in Pine Township and currently unsewered areas of Linesville Borough, construct a new regional wastewater treatment facility and associated lift stations involving to construct and maintain: 1) 18 sewer line stream crossings of Linesville Creek and UNTs Pymatuning Reservoir, 2) 18 wetland crossings of PEM, PSS and PFO wetlands, 3) a storm sewer outfall to Linesville Creek, 4) a sewage treatment plant effluent outfall to Pymatuning Reservoir, 5) to fill 0.13 acre of PSS wetland and to construct and maintain a lift station within the floodplain of a UNT Pymatuning Reservoir (N: 41°, 39', 26.5"; W: 80°, 27', 38.8") and to 6) to fill 0.04 acres of PEM wetland and construct and maintain a lift station (N: 41°, 39', 17.5"; W: 80°, 25', 16"). Linesville Creek is a perennial stream classified as a warm water fishery. Pymatuning Reservoir is a perennial body of water classified as a warm water fishery. This project proposes to permanently impact 0.04 acre of PEM wetland and 0.13 acre of PSS wetland.

#### EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control Permits have been issued.

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

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

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

10/21/09

ESCGP-1 No.: ESX09-125-0047

Applicant Name: MarkWest Liberty Midstream & Resources

Contact Person: Robert McHale

Address: 100 Plaza Drive, Suite 102

City: Atlasburg State: PA Zip Code: 15004

County: Washington Township(s): Blaine

Receiving Stream(s) and Classifications: Buffalo Creek, HQ

10/23/09

ESCGP-1 No.: ESX09-005-0005

Applicant Name: EQT Production Company

Contact Person: Todd Klaner

Address: 455 Racetrack Road, Suite 101

City: Washington State: PA Zip Code: 15301

County: Armstrong Township(s): Cowanshannock

Receiving Stream(s) and Classifications: North branch of Plum Creek, Other

[Pa.B. Doc. No. 09-2069. Filed for public inspection November 6, 2009, 9:00 a.m.]

#### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (DEP Keywords: "eLibrary"). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2009.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Draft Technical Guidance*

DEP ID: 362-4000-002. Title: Field Order Instruction Manual for Water Quality Operations. Description: This revised technical guidance has been developed to update and establish uniform instructions and procedure for Water Quality Field Operations staff, by authority of the PA Clean Streams Law, for the issuance of Field Orders for violations occurring at permitted and unpermitted facilities. Upon publication as final, this guidance will replace the 1998 version, *Field Manual for Compliance Orders*, currently posted on the Department's web site. Unlike the 1998 version, this guidance includes substantial revisions that consist of updated regulations and new scenarios that field staff may encounter that warrant the issuance of a Field Order when voluntary compliance cannot be attained by other established methods. Written Comments: Interested persons may submit written comments on this draft technical guidance document by December 7, 2009. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Robert Kachonik, Department of Environmental Protection, Bureau of Water Standards and Facility Regulation, Rachel Carson State Office Building, 11th Floor, Harrisburg, PA 17105-8774, (717)

772-4018, rkachonik@state.pa.us. Contact: Questions regarding the draft technical guidance should be directed to Robert Kachonik at (717) 772-4018, rkachonik@state.pa.us.

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

DEP ID: 392-2130-015. Title: Guidelines for Development of Critical Area Resource Plans. Description: The Water Resources Planning Act (Act 220 of 2002) provides for the development of a Critical Area Resource Plan (CARP) for any watershed designated as a Critical Water Planning Area. The purpose of this policy is to provide guidance to the Department staff, Regional Water Resources Committees, the Statewide Water Resources Committee, State and Federal agencies, businesses and the public to assist in development of CARPs. This document outlines the plan elements and process that will be used to develop, review and approve CARPs. These elements are solely for planning purposes and are not intended to reflect existing or future regulatory requirements. Related Department Guidance Document No. 392-2130-014, "Guidelines for Identification of Critical Water Planning Areas," describes the process and criteria that will be used to identify CWPAs. After an area receives CWPA designation, a more intensive planning process will be undertaken to produce a CARP. This plan will include a more detailed investigation of water availability and current and future demands for water, with a focus on identifying existing and potential conflicts among users and possible alternative to resolve such conflicts. The CARP that results from the study is not a regulatory document and will not be binding. It will, however, suggest measures and actions that could be adopted voluntarily to address the potential water shortage in the area. Written Comments: Interested persons may submit written comments on this draft technical guidance document by December 7, 2009. Comments submitted by facsimile will not be accepted. The Department will accept comments submitted by e-mail. A return name and address must be included in each e-mail transmission. Written comments should be submitted to Leslie Sarvis, Department of Environmental Protection, Water Planning Office, Rachel Carson State Office Building, 2nd Floor, Harrisburg, PA 17105-2063, (717) 772-5634, lsarvis@state.pa.us. Contact: Questions regarding the draft technical guidance should be directed to Leslie Sarvis at (717) 772-5634 or by e-mail to lsarvis@state.pa.us.

Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-2070. Filed for public inspection November 6, 2009, 9:00 a.m.]

### Bid Opportunity

**AMD 17(1416)102.1, DGS 193-37, Acid Mine Drainage Abatement Project, Hollywood, Huston Township, Clearfield County and Jay Township, Elk County, PA.** The principal items of work and approximate quantities include site preparation and restoration; 19,836 L.F. of installation of AMD conveyance; 20 each of wet mine seals; 5,125 L.F. of installation of sludge conveyance; general earthwork; two each of mine dewatering pumps; 250 L.F. of vertical drilling and appurtenances; 1,024 L.F. of horizontal drilling and appurtenances; three each of pump station complete; treat-

ment plant facilities; facilities lighting, electrical, power; facilities control and processing; facilities training, startup, and operation and facilities warranty period. This project issues on November 6, 2009, and bids will be opened on January 28, 2010, at 2 p.m. Bid documents cost \$50 per set and will not be mailed until payment has been received. A nonmandatory prebid conference is planned for this project on December 8, 2009. Use the contact information contained in this advertisement to find out more about the prebid. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-2071. Filed for public inspection November 6, 2009, 9:00 a.m.]

### Proposed Permit Located In An Environmental Justice Area: General Permit Number WMGR097R011 for Research and Development Activities

The Department of Environmental Protection (Department) has received a registration from Hazleton Creek Properties, LLC, to operate under General Permit Number WMGR097R011 for research and development activities. The proposed project involves use of dredged material or other regulated fill with fines from processing construction and demolition waste used in mine reclamation and as construction material in the Mammoth Strip Pit in Hazleton.

An informational meeting on the proposed registration under General Permit Number WMGR097R011 for research and development will be held for local residents by the Department on November 16, 2009, from 7 to 9 p.m. at the Hazleton Area Administrative Building, Main Entrance, Large Group Instructional Room, 1515 West 23rd Street, Hazleton, PA 18202. Staff from the Department will be available to answer questions that local residents may have, and to provide additional information on the permit application that is under review.

The registration and proposed research and development project was submitted by Hazleton Creek Properties, LLC, 580 Third Avenue, P. O. Box 1389, Kingston, PA 18704.

Additional information can be obtained by contacting the Department of Environmental Protection, Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, at (717) 787-7381.

### Other Pertinent Information as Follows:

Application accepted for review: August 26, 2009.

Current Application status: The Department is currently reviewing the application.

Location: The proposed site for the project is the Mammoth Strip Pit, a 60-acre tract bounded by Routes 924/309 and Broad Street, City of Hazleton.

The proposed permit area is located in an Environmental Justice Area: The registration review takes into account enhanced public participation with increased communication among the Department, the applicant and the people that live within the Environmental Justice Area (EJA). An EJA is defined as any census tract, entirely or in part, within the area of concern with a 30% or greater minority population and/or 20% or greater at or below the poverty level, as defined by the US census bureau. The Department representatives will be available

at the November 16, 2009, meeting from 7 to 9 p.m. to discuss concerns of the residents. A copy of the registration document is available for review, and copying for a fee, at the Department's Northeast Regional Office in Wilkes-Barre and the Bureau of Waste Management at the Department's Central Office in Harrisburg. Copies were also provided to the City of Hazleton, the Luzerne County Commissioners and the Luzerne County Planning Commission.

**Purpose of Application:** The proposed research and development project involves use of dredged material or other regulated fill with fines from processing construction and demolition waste in mine reclamation and as construction material.

**Estimated Duration of Project:** 5 years.

**Estimated Volume of Regulated Fill and fines from processing construction and demolition for Project:** 1.4 million cubic yards.

**Public Comment Period:** Ends on November 23, 2009. Comments concerning the application should be directed to Ronald C. Hassinger, Chief, General Permits/Beneficial Use Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. TDD users may contact the Department through the Pennsylvania AT&T Relay Service, (800) 654-5984.

**Informational Meeting:** November 16, 2009, from 7 to 9 p.m. at the Hazleton Area Administrative Building, Main Entrance, Large Group Instructional Room, 1515 West 23rd Street, Hazleton, PA 18202.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-2072. Filed for public inspection November 6, 2009, 9:00 a.m.]

### **Recycling Fund Advisory Committee and Solid Waste Advisory Committee; Rescheduling Meeting**

The November 12, 2009, meeting of the Recycling Fund Advisory Committee (RFAC) and the Solid Waste Advisory Committee (SWAC) has been rescheduled to Monday, December 7, 2009. The meeting will begin at 10 a.m. in Room 105 of the Rachel Carson State Office Building.

Questions concerning this meeting should be directed to Michael Texter at (717) 787-7652 or by e-mail to mtexter@state.pa.us. The agenda and meeting materials for this meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (DEP Keyword: "Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 787-7652 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-2073. Filed for public inspection November 6, 2009, 9:00 a.m.]

### **Sewage Advisory Committee Meeting; Cancellation Notice**

The November 18, 2009, meeting of the Sewage Advisory Committee (SAC) has been canceled. The next meeting is scheduled for March 10, 2010, beginning at 10:30 a.m. in Room 105 of the Rachel Carson State Office Building, Harrisburg, PA.

Questions concerning this cancellation notice or the next scheduled meeting can be directed to John Diehl by e-mail to [jdiehl@state.pa.us](mailto:jdiehl@state.pa.us) or by telephone (717) 783-2941. The agenda and meeting materials for the next meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at <http://www.depweb.state.pa.us> (DEP Keyword: "Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 783-2941 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Secretary*

[Pa.B. Doc. No. 09-2074. Filed for public inspection November 6, 2009, 9:00 a.m.]

## **DEPARTMENT OF GENERAL SERVICES**

### **Real Estate for Sale Montgomery County**

The Department of General Services (Department) will accept bids for the purchase of 0.29-acre of land and building containing 11,760 SF ± formerly known as the Pottstown National Guard Armory located at 261 King Street, Borough of Pottstown, Montgomery County. Bids are due Monday, January 25, 2010. Interested parties wishing to receive a copy of Solicitation No. 94317 should view the Department's web site at [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call Lisa Kettering at (717) 787-1321.

JAMES P. CREEDON,  
*Secretary*

[Pa.B. Doc. No. 09-2075. Filed for public inspection November 6, 2009, 9:00 a.m.]

## **DEPARTMENT OF HEALTH**

### **Long-Term Care Nursing Facilities; Requests for Exception**

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 201.3 (relating to definitions).

Riverwoods  
3201 River Road  
Lewisburg, PA 17837  
FAC ID 121702

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.

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 they decide whether to approve or disapprove the request for exception.

Persons with a disability who require an alternative format of this document or who desire to comment in an alternative format (for example, large print, audiotape, Braille), should contact the Division of Nursing Care Facilities at the address listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-2076. Filed for public inspection November 6, 2009, 9:00 a.m.]

### Pennsylvania Colorectal Cancer Advisory Committee Meeting

The Pennsylvania Colorectal Cancer Advisory Committee (a subcommittee of the Pennsylvania Cancer Control, Prevention and Research Advisory Board), established under the Pennsylvania Cancer Control, Prevention, and Research Act (35 P.S. § 5633), will hold a meeting on Tuesday, December 1, 2009, from 10 a.m. to 11:30 a.m. The meeting will be a teleconference call held at the Department of Health Training Center, 132 Kline Plaza, Suite F, Harrisburg, PA 17104.

For additional information, contact April Barry, Public Health Program Administrator, Department of Health, Division of Cancer Prevention and Control, Room 1011, Health and Welfare Building, 625 Forster Street, Harrisburg, PA, (717) 783-1457.

Persons wishing to attend this meeting and require an auxiliary aid, service or other accommodation to do so, contact April Barry at (717) 783-1457, for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

EVERETTE JAMES,  
Secretary

[Pa.B. Doc. No. 09-2077. Filed for public inspection November 6, 2009, 9:00 a.m.]

## DEPARTMENT OF REVENUE

### Pennsylvania Millionaire Raffle IX

Under the State Lottery Law (72 P.S. §§ 3761-101—3761-314) and 61 Pa. Code § 874.4 (relating to notice of

raffle lottery game rules), the Secretary of Revenue hereby provides public notice of the rules for the following raffle lottery game:

1. *Name*: The name of the raffle game is Pennsylvania Millionaire Raffle IX.

2. *Price*: The price of a Pennsylvania Millionaire Raffle IX lottery game ticket is \$20.

3. *Ticket Sales And Drawing Date*: Pennsylvania Millionaire Raffle IX lottery game tickets sales will commence on or after November 20, 2009, and will continue until all 500,000 tickets have been sold, or 5:00 p.m. on January 2, 2010, whichever occurs earlier.

4. *Ticket Characteristics*: Each Pennsylvania Millionaire Raffle IX lottery game ticket will contain one unique eight-digit number between 00000001 and 00500000, for a total of 500,000 tickets.

5. *Prizes*: The prizes that can be won in this game are \$100, \$1,000, \$100,000 and \$1,000,000. A player may only win one time on each ticket or chance.

6. *Maximum Number of Tickets Printed and Sold for the Game*: There will be no more than 500,000 tickets printed and sold for the Pennsylvania Millionaire Raffle IX lottery game. The chances will be sequentially issued on a Statewide basis from the range of individual unique numbers representing the chances available for the game.

7. *Conduct of Drawing*: The results of the Pennsylvania Millionaire Raffle IX will be televised on January 2, 2010, at or about 7:00 p.m. The drawing will be conducted with the aid of an electronic device. Six-thousand (6,000) unique eight-digit numbers will be drawn, between 00000001 and 00500000. The first four unique eight-digit numbers drawn will be the first-prize-tier winning numbers. The fifth through eighth unique eight-digit numbers drawn will be the second-prize-tier winning numbers. The ninth through 108th unique eight-digit numbers drawn will be the third-prize-tier winning numbers. The 109th through 6,000th unique eight-digit numbers drawn will be the fourth-prize-tier winning numbers.

8. *Determination of Prize Winners*:

(a) Holders of tickets upon which the unique eight-digit number matches exactly one of the first-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000,000.

(b) Holders of tickets upon which the unique eight-digit number matches exactly one of the second-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100,000.

(c) Holders of tickets upon which the unique eight-digit number matches exactly one of the third-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$1,000.

(d) Holders of tickets upon which the unique eight-digit number matches exactly one of the fourth-prize-tier numbers selected by the Lottery shall be entitled to a prize of \$100.

9. *Number and Description of Prizes and Approximate Odds*: The Pennsylvania Millionaire Raffle IX prizes and determination winners are as follows:

*Ticket Matching Exactly the Unique Eight-digit Number Drawn In:*

	<i>Win Prize Of:</i>	<i>Maximum Odds Of Winning Are 1 In:</i>	<i>Number Of Winners</i>
First-Prize-Tier	\$1,000,000	125,000	4
Second-Prize-Tier	\$100,000	125,000	4
Third-Prize-Tier	\$1,000	5,000	100
Fourth-Prize-Tier	\$100	85	5,892

All Pennsylvania Millionaire Raffle IX lottery game prize payments, including first-prize-tier prizes, will be made as one-time lump-sum cash payments.

10. *Consumer Promotional Programs:* The Lottery may conduct promotional activities to promote the sale of Pennsylvania Millionaire Raffle IX tickets, including offering tickets at a discounted price. Details of any such offering will be disseminated through media used to advertise or promote Millionaire Raffle IX or through normal communications methods.

11. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Program for retailers who sell Pennsylvania Millionaire Raffle IX lottery game tickets. The conduct of the Program will be governed by 61 Pa. Code § 811.41 (relating to promotional prizes).

12. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Millionaire Raffle IX, prize money from winning Pennsylvania Millionaire Raffle IX lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the anniversary date of the raffle drawing in which the ticket or chance was entered, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

13. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

STEPHEN H. STETLER,  
*Secretary*

[Pa.B. Doc. No. 09-2078. Filed for public inspection November 6, 2009, 9:00 a.m.]

## DEPARTMENT OF STATE

### Corporation Bureau Advisory Committee Meeting

The Corporation Bureau Advisory Committee (Committee), under 15 Pa.C.S. § 155(c) (relating to disposition of funds), has scheduled a meeting for Monday, November 9, 2009, at 11:30 a.m., for discussion of the Corporation Bureau's budget. The meeting will be held in room 303/304 the Executive Office Conference Room of the Department of State, North Office Building, 3rd Floor, Harrisburg, PA 17120. The public is invited to attend. Persons who need accommodation due to a disability and wish to attend the meeting should contact Barbara Kennedy at (717) 783-9210 so that arrangements can be made.

PEDRO A. CORTÉS,  
*Secretary*

[Pa.B. Doc. No. 09-2079. Filed for public inspection November 6, 2009, 9:00 a.m.]

## FISH AND BOAT COMMISSION

### Temporary Changes to Fishing Regulations; Miscellaneous Special Regulations Regarding Lake Erie Tributaries

[Correction]

An error occurred in the notice which appeared at 39 Pa.B. 6297 (October 24, 2009). The first paragraph should have read as follows:

On October 26, 2009, Act 40 of 2009 will go into effect. This act amends 30 Pa.C.S. § 2907.2 (relating to Lake Erie fishing permits), to provide that a special Lake Erie permit is required to fish in Lake Erie, Presque Isle Bay and their tributaries, including waters that flow into those tributaries, instead of "the Pennsylvania waters of Lake Erie, Presque Isle Bay and their tributaries" only. This amendment requires anglers, effective October 26, to procure a Lake Erie fishing permit to fish in Conneaut Creek, Turkey Creek and their tributaries when previously one was not required because although these streams begin in this Commonwealth, they enter Lake Erie in Ohio. Although a Lake Erie permit will be required to fish these streams, Act 40 also provides that proceeds derived from their sale may now be used to fund projects on those waters.

The remainder of the notice was accurate as printed.  
[Pa.B. Doc. No. 09-2001. Filed for public inspection October 23, 2009, 9:00 a.m.]

## INDEPENDENT REGULATORY REVIEW COMMISSION

### Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10:30 a.m., Thursday, October 22, 2009, and announced the following:

*Regulation Deemed Approved under Section 5(g) of the Regulatory Review Act—Effective October 21, 2009:*

Pennsylvania Commission on Crime and Delinquency, Office of Victims' Services #35-31: Crime Victims Compensation (amends 37 Pa. Code Chapter 411)

*Action Taken—Regulations Approved:*

State Board of Accountancy #16A-5512: Biennial Renewal Fees (amends 49 Pa. Code § 11.4)

Coal and Clay Mine Subsidence Insurance Board #7-424: Mine Subsidence Fund (amends 25 Pa. Code Chapter 401)

State Board of Education #6-312: Academic Standards and Assessment (amends 22 Pa. Code Chapter 4)

*Action Taken—Regulation Disapproved: Order Not Yet Issued*

- State Board of Funeral Directors #16A-4815: Preneed Funeral Arrangements
- Will advise when order is issued.

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**Approval Order**

Public Meeting held  
October 22, 2009

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*State Board of Accountancy—  
Biennial Renewal Fees;  
Regulation No. 16A-5512 (#2759)*

On April 22, 2009, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Accountancy (Board). This rulemaking amends 49 Pa. Code § 11.4. The proposed regulation was published in the May 2, 2009 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 21, 2009.

This regulation will increase biennial renewal fees for certified public accountants, public accountants, public accounting firms and continuing education program sponsors so that the Board can generate adequate revenue to meet its expenses.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 9.6) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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**Approval Order**

Public Meeting held  
October 22, 2009

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq.; Silvan B. Lutkewitte, III; John F. Mizner, Esq.

*Coal and Clay Mine Subsidence Insurance Board—  
Mine Subsidence Fund;  
Regulation No. 7-424 (#2737)*

On December 10, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Coal and Clay Mine Subsidence Insurance Board (Board). This rulemaking amends 25 Pa. Code Chapter 401. The proposed regulation was published in the December 20, 2008 *Pennsylvania Bulletin*

with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 18, 2009.

This regulation clarifies existing provisions with regard to the issuance of Mine Subsidence Insurance provided by the Board.

We have determined this regulation is consistent with the statutory authority of the Board (52 P. S. § 3219) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

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**Approval Order**

Public Meeting held  
October 22, 2009

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; George D. Bedwick, Vice Chairperson; S. David Fineman, Esq.; Silvan B. Lutkewitte, III, Dissenting; John F. Mizner, Esq.

*State Board of Education—  
Academic Standards and Assessment;  
Regulation No. 6-312 (#2696)*

On May 2, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Board of Education (Board). This rulemaking amends 22 Pa. Code Chapter 4. The proposed regulation was published in the May 17, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 21, 2009.

This regulation amends state high school graduation requirements.

We have determined this regulation is consistent with the statutory authority of the Board (24 P. S. §§ 26-2603-B and 26-2604-B) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 09-2080. Filed for public inspection November 6, 2009, 9:00 a.m.]

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**Notice of Filing of Final Rulemaking**

The Independent Regulatory Review Commission (Commission) received the following regulation. It is scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, in Harrisburg, PA at 10:30 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained on the web site, [www.irrc.state.pa.us](http://www.irrc.state.pa.us).

*Final-Form*

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
12-89	Department of Labor and Industry Uniform Construction Code	10/23/09	12/3/09

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 09-2081. Filed for public inspection November 6, 2009, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Review Procedure Hearings; Cancellation or Refusal of Insurance

The following insureds have requested a hearing as authorized by the act of June 17, 1998 (P. L. 464, No. 68) (Act 68) in connection with the termination of the insureds' automobile policies. The hearings will be held in accordance with the requirements of Act 68; 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional offices in Harrisburg and Pittsburgh, PA. Failure by an appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearing will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Walter C. and Mary Zoe Bilski; file no. 09-183-77884; Goodville Mutual Insurance Company; Doc. No. P09-10-018; December 8, 2009, 1 p.m.

The following hearings will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Sean P. George; file no. 09-302-75356; State Farm Mutual Automobile Insurance Company; Doc. No. PI09-09-017; December 3, 2009, 2 p.m.

Appeal of Mitchell J. and Nancy A. Yanyanin; file no. 09-302-73474; State Farm Mutual Automobile Insurance Company; Doc. No. PI09-08-002; December 3, 2009, 3 p.m.

Parties may appear with or without counsel and offer relevant testimony or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal, and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will

allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2082. Filed for public inspection November 6, 2009, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (40 P. S. § 1171.8) in connection with their companies' termination of the insureds' policies. The administrative hearings will be held in the Insurance Department's regional office in Pittsburgh, PA. Failure by the appellant to appear at the scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Pittsburgh Regional Office, Room 304, State Office Building, 300 Liberty Avenue, Pittsburgh, PA 15222.

Appeal of Rickard Briggs and Karla L. Wayne; file no. 09-302-72997; Nationwide Mutual Fire Insurance Company; Doc. No. PI09-08-006; December 4, 2009, 1 p.m.

Appeal of David A. Bruno; file no. 09-188-76941; Erie Insurance Exchange; Doc. No. P09-10-017; December 4, 2009, 2 p.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

In some cases, the Insurance Commissioner (Commissioner) may order that the company reimburse an insured for the higher cost of replacement insurance coverage obtained while the appeal is pending.

Reimbursement is available only when the insured is successful on appeal and may not be ordered in all instances. If an insured wishes to seek reimbursement for the higher cost of replacement insurance, the insured must produce documentation at the hearing which will allow comparison of coverages and costs between the original policy and the replacement policy.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those

persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the above-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, please contact Donna R. Fleischauer, Human Resources Director, at (717) 705-4194.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 09-2083. Filed for public inspection November 6, 2009, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule for All Milk Marketing Areas; Over-Order Premium

Under the Milk Marketing Law (31 P.S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Areas 1—6 on December 2, 2009, at 10:30 a.m. in Room 202 of the Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning the level and duration of the Class I over-order premium to be effective January 1, 2010.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered his appearance. Other persons who wish to present evidence may be included on the Board's list of parties by: (1) having their attorney file with the Board on or before 4 p.m. on November 12, 2009, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance); or (2) if unrepresented by counsel, filing with the Board on or before 4 p.m. on November 12, 2009, notification of their desire to be included as a party. Parties may indicate in their notices of appearance if alternate means of service, that is, e-mail or fax, are acceptable. Notices of appearance filed electronically should be directed to [deberly@state.pa.us](mailto:deberly@state.pa.us).

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

1. By 4 p.m. on November 17, 2009, the petitioner shall file with the Board, in person or by mail, one original and eight copies and ensure receipt by all other parties of one copy of:

a. A list of witnesses who will testify for the petitioner, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise. For expert witnesses there shall also be filed a statement of the substance of the facts and opinions to which the expert is expected to testify and a summary of the grounds for each opinion.

b. Each exhibit to be presented, including testimony to be offered in written form.

2. By 4 p.m. on November 24, 2009, each responding party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

3. By 4 p.m. on November 30, 2009, parties shall file and serve as set forth in paragraph 1 information concerning surrebuttal witnesses and copies of surrebuttal exhibits.

The Board may exclude witnesses or exhibits of a party that fails to comply with the previous requirements. In addition, the parties shall have available in the hearing room at least 20 additional copies made available for the use of nonparties attending the hearing.

Parties that wish to offer in evidence documents on file with the Board, public documents, or records in other proceedings before the Board, or wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on November 25, 2009.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110.

KEITH BIERLY,  
*Secretary*

[Pa.B. Doc. No. 09-2084. Filed for public inspection November 6, 2009, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (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 23, 2009. Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

**Applications of the following for approval to *begin operating as common carriers for transportation of persons as described under each application.***

**A-2009-2137528. Baldev Kapoor and Felix Rivera, co-partners t/a Shippensburg Limousine Service, (27 West King Street, Cumberland County, PA 17257) per-**



sons, in limousine service from points in Cumberland and Franklin Counties to points in Pennsylvania, and return, excluding service under the jurisdiction of the Philadelphia Parking Authority.

**A-2009-2137590. Anita C. Winer, t/a Hollywood Here We Come** (225 Royal Road, Lebanon, Lebanon County, PA 17042) persons in paratransit service, between points in Berks, Dauphin and Lebanon Counties, and return.

**A-2009-2137780. John C. Mummau** (7001 Molly Pitcher Highway, Shippensburg, Franklin County, PA 17257)—persons in paratransit service, from points within 300 miles of Shippensburg, Franklin County, to points in Pennsylvania, and return.

**A-2009-2137918. Juan Martinez** (217 Broad Street, Quakertown, Bucks County, PA 18951), persons, in call or demand service in the Borough of Quakertown, Bucks County. *Attorney:* Mark A. Hoffman, Esquire, Mark A. Hoffman Associates, PC, P. O. Box 358, Lederach, PA 19450.

**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 the application.**

**A-2009-2137794. Best Transit, Inc.** (800 West Olney Avenue, Philadelphia, Philadelphia County, PA 19120), a corporation of the Commonwealth, for the initial right to transport, as a contract carrier, by motor vehicle, persons in paratransit service for the Medical Assistance Transportation Program through LogistiCare Solutions, LLC, between points in the City and County of Philadelphia.

#### Complaint

Jose Francisco Jose  
515 Winters Avenue  
West Hazleton, PA 18202

*Pennsylvania Public Utility Commission  
v. Jose Francisco Jose; Doc. No. C-2009-2050012;  
A-00124154; May 20, 2009*

To Whom It May Concern:

On February 12, 2009, the Bureau of Transportation and Safety instituted a Complaint against Jose Francisco Jose, Respondent, alleging failure to maintain evidence of bodily injury and property damage insurance on file with this Commission, a violation of the Public Utility Code at 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).

In accordance with 52 Pa. Code § 5.61, the Bureau of Transportation and Safety notified the Respondent that, unless the insurer files evidence of insurance with this Commission and Respondent pays the proposed fine, Respondent must file an Answer to the Complaint within twenty (20) days of the date of service. The Notice further specified that, if Respondent failed to answer the Complaint within twenty (20) days, the Bureau of Transportation and Safety would request that the Commission issue an Order that imposes a penalty, which could include a fine, cancellation, or any other remedy.

The Complaint was unable to be served by mail, as the US Post Office returned all mail as Unclaimed or unable to forward, and the Complaint was posted in the *Pennsylvania Bulletin* on April 4, 2009. To date, more than twenty (20) days later, Respondent has failed to file an Answer to the Complaint. On April 3, 2009, the Respon-

dent's insurer filed evidence of insurance effective on March 26, 2009; however, Respondent has failed to pay the fine.

Therefore, the allegations in the Complaint are admitted and the Complaint is sustained.

Respondent shall pay a fine of two hundred fifty dollars (\$250.00) for failure to maintain evidence of insurance on file with this Commission, as required at 52 Pa. Code § 32 within twenty (20) days from the date of this letter. Payment must be made by certified check or money order, payable to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, as provided in the Public Utility Code, 66 Pa.C.S. §§ 3301 and 3315.

Respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§ 101 et seq. and the regulations of the Commission, 52 Pa. Code §§ 1.1, et seq.

*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. H & J Cab Co.;  
Doc. No. C-2009-2050802*

#### 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 H & J Cab Co. (respondent) is under suspension effective August 16, 2007, for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 325 Brigade Court, Wayne, PA 19087.
3. That respondent was issued a Certificate of Public Convenience by this Commission on February 18, 2005, at A-00121438F0001 and at A-00121438F0002.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The penalty is \$250 and cancellation of the Certificate of Public Convenience.
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 pays the penalty of \$250 and 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 A-121438F0001 and A-00121438F0002 for failure to maintain evidence of current insurance on file with the Commission; (2) fines Respondent the sum of two hundred and fifty dollars (\$250.00) for the illegal activity described in this Complaint; (3) orders such other remedy as the Commission may deem to be appropriate, which

may include the suspension of a vehicle registration; and (4) imposes an additional fine on the respondent should cancellation occur.

Respectfully submitted,

Wendy J. Keezel, Chief of Enforcement  
Motor Carrier Services & Enforcement Division  
Bureau of Transportation and Safety  
P. O. Box 3265  
Harrisburg, PA 17105-3265

#### VERIFICATION

I, Wendy J. Keezel, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect 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  
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 **and by paying the \$250 fine** proposed in the Complaint by certified check or money order 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

Acord Certificates of Insurance and Faxed Form Es and Hs are **Unacceptable** as Evidence of Insurance.

The fine payment must be made to the Commonwealth of Pennsylvania and forwarded to:

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations.

Upon receipt of the evidence of insurance from your insurer **and receipt of your fine payment**, the Complaint proceeding shall be closed.

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. If you have questions regarding this Complaint or if you would like an alternative format of this Complaint (for person with disabilities), please contact the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-2085. Filed for public inspection November 6, 2009, 9:00 a.m.]

### **Telecommunications**

**A-2009-2137473. Verizon North, Inc. and Entelegent Solutions, Inc.** Joint petition of Verizon North, Inc. and Entelegent Solutions, Inc., for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and Entelegent Solutions, Inc., by its counsel, filed on October 22, 2009, 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 Verizon North, Inc. and Entelegent Solutions, 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. 09-2086. Filed for public inspection November 6, 2009, 9:00 a.m.]

### Telecommunications

**A-2009-2137489. Verizon North, Inc. and iNetworks Group, Inc.** Joint petition of Verizon North, Inc. and iNetworks Group, Inc., for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon North, Inc. and iNetworks Group, Inc., by its counsel, filed on October 22, 2009, 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 Verizon North, Inc. and iNetworks Group, 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. 09-2087. Filed for public inspection November 6, 2009, 9:00 a.m.]

### Telecommunications

**A-2009-2137472. Verizon Pennsylvania, Inc. and Enteleger Solutions, Inc.** Joint petition of Verizon Pennsylvania, Inc. and Enteleger Solutions, Inc., for approval of an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and Enteleger Solutions, Inc., by its counsel, filed on October 22, 2009, 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 Verizon Pennsylvania, Inc. and Enteleger Solutions, 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. 09-2088. Filed for public inspection November 6, 2009, 9:00 a.m.]

### Telecommunications

**A-2009-2137513. Verizon Pennsylvania, Inc. and iNetworks Group, Inc.** Joint petition of Verizon Pennsylvania, Inc. and iNetworks Group, Inc., for approval of

an interconnection agreement under section 252(e) of the Telecommunications Act of 1996.

Verizon Pennsylvania, Inc. and iNetworks Group, Inc., by its counsel, filed on October 22, 2009, 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 Verizon Pennsylvania, Inc. and iNetworks Group, 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. 09-2089. Filed for public inspection November 6, 2009, 9:00 a.m.]

### Telecommunications Services

**Time Warner Cable Information Services (Pennsylvania), LLC, d/b/a Time Warner Cable.** Application of Time Warner Cable Information Services (Pennsylvania), LLC, d/b/a Time Warner Cable for approval to offer, render, furnish or supply telecommunications services to the public as a Competitive Local Exchange Carrier in the following service territories:

Citizens Telecommunications Company of New York, Inc.  
Doc. No. A-2009-2137846

Frontier Communications Commonwealth Telephone Company, LLC  
Doc. No. A-2009-2137922

Frontier Communications of Oswayo River, LLC  
Doc. No. A-2009-2138058

Pymatuning Independent Telephone Company  
Doc. No. A-2009-2138060

Windstream Pennsylvania, LLC  
Doc. No. A-2009-2138083

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 23, 2009. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Time Warner Cable Information Services (Pennsylvania), LLC, d/b/a Time Warner Cable

*Through and By Counsel:* Alan Kohler, Esquire,

Deanne M. O'Dell, Esquire, Eckert Seamans Cherin Mel-lott, LLC, 213 Market Street, 8th Floor, Harrisburg, PA 17101

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-2090. Filed for public inspection November 6, 2009, 9:00 a.m.]

**Water Service**

**A-2009-2138294. Aqua Pennsylvania, Inc.** Application of Aqua Pennsylvania, Inc., for approval of the acquisition by Aqua of the water system assets of Athens Township Authority situated in a portion of the Township of Athens, Bradford County, PA, which is located within Aqua's existing service territory; and application of Aqua PA for confirmation of its authority, or such approvals and certificates as may be necessary granting authority, to offer, render, furnish and supply water service throughout the entirety of the Boroughs of Sayre, Athens, South Waverly and Township of Athens, Bradford County, PA.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). Filings must be made with the Secretary of the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant, on or before November 23, 2009. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Aqua Pennsylvania, Inc.

*Through and By Counsel:* Thomas T. Niesen, Esquire, Thomas, Long, Niesen and Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 09-2091. Filed for public inspection November 6, 2009, 9:00 a.m.]

**STATE CONSERVATION COMMISSION**

**Action on Odor Management Plans for Concentrated Animal Operations, and Concentrated Animal Feeding Operations and Volunteers Complying with Pennsylvania's Facility Odor Management Program**

The State Conservation Commission has taken the following actions on previously received applications for odor management plans under 3 Pa.C.S. §§ 501—522 (relating to nutrient management and odor management).

Persons aggrieved by any action may appeal under 3 Pa.C.S. § 517 (relating to appealable actions), section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

**Odor Management Plan—Public Notice Spreadsheet—Actions**

<i>Ag Operation Name, Address</i>	<i>County/Township</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>New or Amended</i>	<i>Action Taken</i>
Ivan Esch 495 Noble Road Atglen, PA 19310	Lancaster County Sadsbury Township	101.25	Dairy	New	10/6/2009
Don Cotner Farms 127 Rushtown Road Danville, PA 17821	Northumberland County Rush Township	145	Layers	New	10/6/2009
Sandy Valley Training Center 1181 Sandy Valley Road White Haven, PA 18661	Luzerne County Foster Township	44	Horse	New	10/14/2009
Five Springs Farm Ltd. & Coops, LLC 465 Long Lane Lancaster, PA 17603	Lancaster County Pequea Township	0—Manure Storage Only	Broilers	New	10/14/2009
Yippee Farms 1103 Iron Bridge Road Mt. Joy, PA 17552	Lancaster County Ralpho Township	90 65	Heifers Milk Cows	New	10/14/2009

[Pa.B. Doc. No. 09-2092. Filed for public inspection November 6, 2009, 9:00 a.m.]

## STATE POLICE

### Mobile Video Recording System Equipment Standards and Approved Mobile Video Recording Systems

The State Police, under 18 Pa.C.S. §§ 5704(16)(ii)(C) and 5706(b)(4) (relating to exceptions to prohibition of interception and disclosure of communications; and exceptions to prohibitions in possession, sale, distribution, manufacture or advertisement of electronic, mechanical or other devices), published at 34 Pa.B. 1304 (February 28, 2004) a notice of Mobile Video Recording System Equipment Standards and Approved Mobile Video Recording Systems for use until the next comprehensive list is published.

As an addendum to the listing of approved mobile video recording systems published at 34 Pa.B. 1304, the State Police, under the authority cited previously, has approved for use, until the next comprehensive list is published, subject to interim amendment, the following additional approved mobile video recording system, which meets the minimum equipment standards published at 34 Pa.B. 1304:

*Digital Patroller 2 Mobile Video Recorder*, Digital Safety Technologies, Morrisville, NC

Comments, suggestions or questions should be directed to State Police, Bureau of Patrol, Department Headquarters, 1800 Elmerton Avenue, Harrisburg, PA 17110.

COLONEL FRANK E. PAWLOWSKI,  
*Commissioner*

[Pa.B. Doc. No. 09-2093. Filed for public inspection November 6, 2009, 9:00 a.m.]

## STATE REAL ESTATE COMMISSION

### Professional and Occupational Affairs v. Realty Management Services, Inc.; File No. 09-56-08168

On August 17, 2009, Realty Management Services, Inc., license no. RO300405, of Meadville, Crawford County, was suspended for failing to pay a previously imposed civil penalty.

Individuals may obtain a copy of the order by writing to Judith Pachter Schulder, Board Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the final State Real Estate Commissioner's (Commission) 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 Commission with a copy of their petition for review. The agency contact for receiving service of the appeals is the previously-named Board counsel.

MICHAEL WEISS,  
*Chairperson*

[Pa.B. Doc. No. 09-2094. Filed for public inspection November 6, 2009, 9:00 a.m.]