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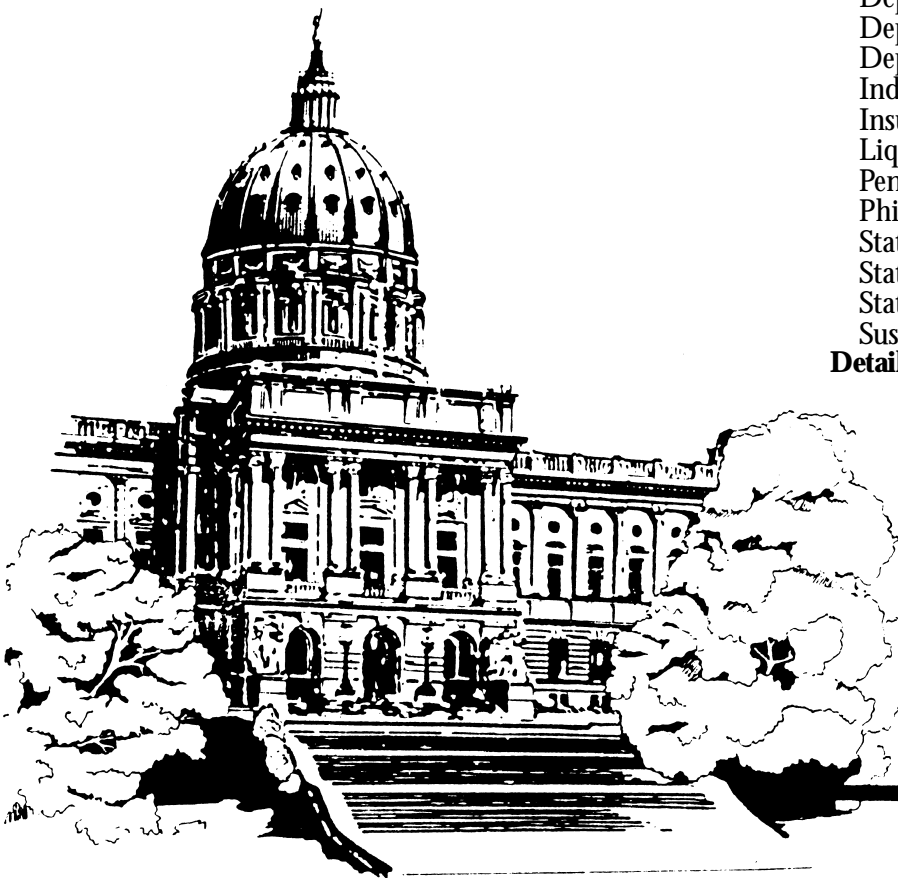
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# PENNSYLVANIA BULLETIN

Volume 38  
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## Agencies in this issue

The Courts  
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Department of Conservation and Natural Resources  
Department of Education  
Department of Environmental Protection  
Department of Health  
Department of Transportation  
Independent Regulatory Review Commission  
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Pennsylvania Public Utility Commission  
Philadelphia Regional Port Authority  
State Board of Dentistry  
State Board of Nursing  
State Employees' Retirement Board  
Susquehanna River Basin Commission  
**Detailed list of contents appears inside.**



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**No. 408, November 2008**

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

## ***Pennsylvania Bulletin***

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

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

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

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

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

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

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

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

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

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

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

### ***Pennsylvania Code***

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

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

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

### **How to Find Documents**

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

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

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

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

### Fiscal Notes

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

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

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## List of Pa. Code Chapters Affected

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

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

Unclassified ..... 223, 868, 1241, 2046, 2049, 2481, 3896,  
 4071, 4072, 4077

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

Unclassified ..... 64, 3483, 3488, 5947

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

Unclassified ..... 72, 223, 225, 338, 481, 482, 596, 748,  
 975, 1037, 1241, 1354, 1449, 1458, 1466, 1583, 1702,  
 1704, 1819, 1931, 2050, 2152, 2240, 2242, 2363, 2364,  
 2483, 2484, 2652, 3240, 3652, 3790, 3791, 3793, 4082,  
 4354, 4506, 4507, 4739, 4740, 4741, 5032, 5165, 5267,  
 5431, 5432, 5432, 5595, 5596, 5845, 5847, 5950, 5951,  
 6143, 6145, 6147, 6148, 6265, 6360

# THE COURTS

## Title 204—JUDICIAL SYSTEM GENERAL PROVISIONS

### PART V. PROFESSIONAL ETHICS AND CONDUCT [ 204 PA. CODE CH. 82 ]

#### Amendment of Rules 107 and 108 of the Pennsylvania Rules for Continuing Legal Education; No. 454; Supreme Court Rules; Doc. No. 1

##### Order

*Per Curiam:*

And Now, this 5th day of November, 2008, Rules 107 and 108 of the Pennsylvania Rules for Continuing Legal Education are amended to read as attached hereto.

To the extent that prior distribution and publication of this amendment would be required by Pa.R.J.A. No. 103, it has been determined that immediate promulgation is required in the interest of efficient administration.

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

##### Annex A

### TITLE 204. JUDICIAL SYSTEM GENERAL PROVISIONS

#### PART V. PROFESSIONAL ETHICS AND CONDUCT

##### Subpart A. PROFESSIONAL RESPONSIBILITY

#### CHAPTER 82. CONTINUING LEGAL EDUCATION

#### Rule 107. Minimum Standards for Course Approval.

\* \* \* \* \*

(f) The course shall be presented in a suitable setting devoted to the educational activity of the program. No CLE shall consist solely of television viewing in the home, correspondence work, or self study, except as the Board shall approve to accommodate the needs of the handicapped or incapacitated. Video, motion picture or audio tape presentations may be used provided a faculty person is in attendance at all presentations to comment and answer questions. [ **Computer-based** ] **Distance Learning** programs may be approved if they meet interactive, technical and accreditation standards set forth by the Board;

\* \* \* \* \*

#### Rule 108. Credit for Continuing Legal Education Courses and Activity.

\* \* \* \* \*

(e) The number of credits earned by [ **computer-based** ] **distance learning** education that may be applied to the annual compliance requirement shall not exceed four (4).

[Pa.B. Doc. No. 08-2100. Filed for public inspection November 21, 2008, 9:00 a.m.]

## Title 255—LOCAL COURT RULES

### SOMERSET COUNTY

#### Consolidated Rules of Court; No. 63; Miscellaneous 2008

##### Adopting Order

Now, this 30th day of October, 2008, it is hereby Ordered:

1. The following designated Somerset County Rule of Criminal Procedure (Som.R.Crim.P.), attached as follows, is hereby adopted as a Rule of this Court, effective April 1, 2009, and after publication in the *Pennsylvania Bulletin*:

Som.R.Crim.P. 552. Administrative Processing and Identification.

2. The following designated Som.R.Crim.P., attached as follows, are hereby amended with deletions marked in bold print and placed in brackets and additions marked in bold print, effective thirty (30) days after publication in the *Pennsylvania Bulletin*:

Som.R.Crim.P. 122. Magisterial District Judges. Transmission of Public Defender Applications to Court.

Som.R.Crim.P. 202. Approval of Search Warrant Applications by Attorney for the Commonwealth.

Som.R.Crim.P. 310. Accelerated Rehabilitative Disposition. Motions and Criteria.

Som.R.Crim.P. 311. ARD Procedure.

Som.R.Crim.P. 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.

Som.R.Crim.P. 530. Designation of Bail Agency.

Som.R.Crim.P. 571. Arraignment.

Som.R.Crim.P. 571.1. Form of Notice of Arraignment and Trial.

Som.R.Crim.P. 571.2. Form of Notice to Appear for Pleading and for Trial.

Som.R.Crim.P. 571.4. Form of Appearance and Waiver of Arraignment.

Som.R.Crim.P. 574. Scheduling of Argument and Hearing on Motions.

Som.R.Crim.P. 575. Motions Practices and Procedure.

Som.R.Crim.P. 600.1. Criminal Trial Scheduling.

Som.R.Crim.P. 600.2. Criminal Trials Scheduling Conference.

Som.R.Crim.P. 600.3. Criminal Trials Schedule.

Som.R.Crim.P. 604. Trial Procedure and Order of Proof.

Som.R.Crim.P. 708. Revocation Petition.

Som.R.Crim.P. 708.1. Revocation Procedure. Detention.

Som.R.Crim.P. 708.2. Revocation Procedure if Detention not Warranted.

Som.R.Crim.P. 708.4. Temporary Detainer.

Som.R.Crim.P. 708.7. Form. Petition for Revocation.

Som.R.Crim.P. 1200. Briefs.

3. Paragraph B. of Som.R.J.A. 1011. Argument Cases. Scheduling. Lists Submitted by Court, District Attorney and Domestic Relations Director, attached as follows, is hereby amended, with deletions marked in bold print and in brackets and additions marked in bold print, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

4. The Somerset County Court Administrator shall:

A. File ten (10) certified copies of this Order and the attached Rules with the Administrative Office of Pennsylvania Courts;

B. Distribute two (2) certified copies of this Order and the attached Rules to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*;

C. File one (1) certified copy of this Order and the attached Rules with the Pennsylvania Criminal Procedural Rules Committee; and

D. File proof of compliance with this Order in the docket for these Rules, which shall include a copy of each transmittal letter.

*By the Court*

JOHN M. CASCIO,  
*President Judge*

#### Rules of Court

#### **Som.R.Crim.P. 552. Administrative Processing and Identification.**

(A) In all cases in which a defendant has been charged with an offense graded as a misdemeanor or greater, the defendant shall be required to appear either at the Pennsylvania State Police Barracks, if arrested by the a member of the Pennsylvania State Police, or, if arrested by an arresting authority other than the Pennsylvania State Police, at the Somerset County Regional Booking Center (RBC), located in the Somerset Borough Police Department or at such other location designated, in writing, by the President Judge of the Somerset County Court of Common Pleas, for fingerprinting and processing.

(B) Pursuant to 18 Pa.C.S.A. § 9112, an arresting authority shall be responsible for taking the fingerprints of persons arrested for misdemeanors, felonies or summary offenses which become misdemeanors on a second arrest after conviction of that summary offense. The Regional Booking Center shall serve as the designated fingerprinting and processing site for all arresting authorities in Somerset County other than the Pennsylvania State Police. The State Police Barracks shall serve as the designated fingerprinting site for the Pennsylvania State Police.

(C)(1) In cases in which a defendant has been arraigned before a Magisterial District Judge and fails to post bond, the defendant shall be fingerprinted and photographed at either the RBC or the State Police Barracks, prior to his or her commitment at the Somerset County Jail.

(2) In cases in which a defendant has been arrested during night, weekend or holiday hours, unless the charges proceed by summons, the defendant shall be taken to an appropriate facility for video arraignment and then taken directly to the RBC or the State Police Barracks for the booking procedure, or be taken directly to the RBC or the State Police Barracks for a video arraignment and

booking procedure, before being committed to the Somerset County Jail if bond is not posted. If the defendant posts bond, the Magisterial District Judge shall either include a bond condition that directs the Defendant to appear at the State Police Barracks or the SBC, as appropriate, within 48 hours for processing or may direct the arresting officer to take the defendant directly to the appropriate facility for processing prior to his or her release.

(3) In cases of private prosecutions, the defendant may only be fingerprinted and photographed after conviction of a misdemeanor, felony or summary offense which becomes a misdemeanor on a second arrest after conviction of that summary offense. An order shall be issued from the Court of Common Pleas after such conviction directing the Defendant to report to the RBC to be fingerprinted and photographed.

(4) In cases which proceed by issuance of a summons, the Magisterial District Judge presiding at the scheduled Preliminary Hearing shall order the defendant to submit to the RBC within five (5) days following the date of issuance of such order.

(D) A booking fee of one hundred dollars (\$100.00) shall be assessed and collected by the Somerset County Clerk of Courts after sentencing upon conviction of or plea to a misdemeanor or felony offense or acceptance into the Accelerated Rehabilitative Disposition Program.

(E) This fee will not apply to those Defendants whose cases are dismissed by the Magisterial District Judge, withdrawn or nolle prossed by the Commonwealth or who enter a guilty plea to a summary offense at the time of the preliminary hearing.

(E) The SBC shall also serve as a processing center for all parties required to be registered and processed under the provisions of 42 Pa.C.S.A. § 9791, et. seq., commonly known as "Megans Law," pursuant to 42 Pa.C.S.A. § 9795.2 (d), if determined by the Pennsylvania State Police to be an "approved registration site" pursuant to 42 Pa.C.S.A. § 9799.1.

#### CREDIT(S)

See 42 Pa.C.S.A. § 1725.5, et. seq.

Adopted October 30, 2008, effective April 1, 2009 and after publication in the *Pennsylvania Bulletin*.

Som.R.Crim.P. 122. Magisterial District [Justices] Judges Transmission of Public Defender Applications to Court.

Each Magisterial District [Justice] Judge shall transmit to the Office of the Public Defender all applications for assignment of counsel in criminal cases, promptly after the same are received by the Magisterial District [Justice] Judge. The Public Defender shall be responsible for filing the same with the Clerk of Courts promptly following return of the case to court.

Adopted July 19, 2001, effective September 10, 2001.

#### **Som.R.Crim.P. 202. Approval of Search Warrant Applications by Attorney for the Commonwealth**

The District Attorney of Somerset County having filed a certification pursuant to Pa.R.Crim.P. 202, [search warrants in the following circumstances: Search war-

rants the application for] any application for search warrant which is filed in Somerset County shall not hereafter be issued by any judicial officer unless the search warrant application has the approval of an attorney for the Commonwealth prior to filing.

Adopted July 19, 2001, effective September 10, 2001.

**Som.Crim.P. 310. Accelerated Rehabilitative Disposition. Motions and Criteria.**

A. A separate written motion shall be prepared for each docketed case for which ARD disposition is recommended. After filing in the office of the Clerk of Courts, the motions shall be presented to **the Administrative Judge of the Criminal Division of the court [in accordance with Motions Judge practice, ]** prior to scheduling the case for ARD hearing.

B. Motions for ARD disposition shall contain the following:

1. A statement of all offenses with which defendant is presently charged in this court; and

2. A statement of all offenses with which defendant is presently charged in any other jurisdiction which are known; and

3. Written statements of the criminal and motor vehicle records of the accused, if any, and if none, so stating, certified respectively by the appropriate official of the Department of Transportation, and the Clerk of Courts or other public official or authorized deputy having official custody of defendant's records, provided that in lieu of attaching such written statements to the motion, the same may be retained in the District Attorney's file and furnished to court when requested; and

4. Any other facts considered relevant to consideration of the motion.

C. ARD motions will be reviewed ex parte by the **[Motions] Administrative Judge** to determine whether the motion complies with these rules and warrants hearing.

1. If it appears from the face of the motion that the motion complies with these rules and warrants hearing, the **[Motions] Administrative Judge** will by endorsement thereon approve the same for scheduling and **[transmit it to the court clerk] return it to the Office of the District Attorney for scheduling.**

2. If additional facts are necessary to make the determination, the District Attorney and defense counsel shall furnish a written statement, if requested, containing such additional facts as the court may request.

3. If the **[Administrative] Judge** determines that the motion does not comply with these rules and does not warrant hearing, **[the Motions Judge] he or she** shall disapprove the motion for scheduling unless there are exceptional and compelling reasons set forth in the motion or in supplemental statements provided by the District Attorney and defense counsel.

4. ARD motions disapproved for scheduling shall be so endorsed by the **[Motions] Administrative Judge** and **[transmitted to the court clerk] returned to the Office of the District Attorney.**

Adopted July 19, 2001, effective September 10, 2001. Amended November 24, 2004, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Som.R.Crim.P. 311. ARD Procedure.**

Upon receipt of an endorsed ARD motion, the **[court clerk] Clerk of Courts** shall make an appropriate docket entry of the endorsed order **[and shall then transmit it to the District Attorney ]**.

If the motion has been approved for scheduling, the District Attorney shall place the case on an argument list for transmission to the court as provided in Som.R.J.A. 1011.

If the motion has been disapproved for scheduling, either party may request a conference with the court respecting the propriety of scheduling at which conference counsel for both parties shall be present.

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 507. Approval of Police Complaints and Arrest Warrant Affidavits by Attorney for the Commonwealth.**

A. The District Attorney of Somerset County having filed a certification pursuant to Pennsylvania Rule of Criminal Procedure 507, criminal complaints and arrest warrant affidavits by police officers, as defined in the Rules of Criminal Procedure, charging the following offenses, shall not hereafter be accepted by any judicial officer unless the complaint and affidavit have the approval of the attorney for the Commonwealth prior to filing:

1. Criminal Homicide in violation of Section 2501 of the Crimes Code, 18 Pa.C.S.A. § 2501;

2. Murder in any degree in violation of Section 2502 of the Crimes Code, 18 Pa.C.S.A. § 2502;

3. Voluntary Manslaughter in violation of Section 2503 of the Crimes Code, 18 Pa.C.S.A. § 2503;

4. Involuntary Manslaughter in violation of Section 2504 of the Crimes Code, 18 Pa.C.S.A. § 2504;

5. Homicide by Vehicle in violation of Section 3732 of the Vehicle Code, 75 Pa.C.S.A. § 3732; and

6. Homicide by Vehicle While Driving Under the Influence in violation of Section 3735 of the Vehicle Code, 75 Pa.C.S.A. § 3735.

**[7. Homicide by Vehicle While Driving Under the Influence in violation of Section 3735 of the Vehicle Code, 75 Pa.C.S.A. § 3735; ]**

**[8] 7.** Rape in violation of Section 3121 of the Crimes Code, 18 Pa.C.S.A. § 3121;

**[9] 8.** Involuntary Deviate Intercourse in violation of Section 3123 of the Crimes Code, 18 Pa.C.S.A. § 3123;

**[10] 9.** Sexual Assault in violation of Section 3124.1 of the Crimes Code, 18 Pa.C.S.A. § 3124.1;

**[11] 10.** Aggravated Indecent Assault in violation of Section 3125 of the Crimes Code, 18 Pa.C.S.A. § 3125;

**[12] 11.** Indecent Assault in violation of Section 3126 of the Crimes Code, 18 Pa.C.S.A. § 3126; and

**[13] 12.** Incest in violation of Section 4302 of the Crimes Code, 18 Pa.C.S.A. § 4302.

Adopted July 19, 2001, effective September 10, 2001. Amended April 18, 2005, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Som.R.Crim.P. 530. Designation of Bail Agency.**

A. The Court hereby designates and appoints the Somerset County Adult Probation Department to have the duties and powers of a bail agency for the 16th Judicial District, as provided for in Pa.R.Crim.P. 530.

B. The bail agency shall have all of the duties and powers specified in Pa.R.Crim.P. 530, including the authority to supervise persons released on bail pursuant to conditions established by the bail agency and approved by the Court, and the authority, upon issuance of a bail piece, to apprehend and detain a defendant for the purpose of bringing the defendant before the bail authority, as provided for in Pa.R.Crim.P. 536(B).

**C. Any defendant taken into custody pursuant to a bail piece issued by a judge of this Court under paragraph B. shall be processed and afforded a hearing before the Court in accordance with the procedure set forth in Pa.R.C.P. 150.**

Adopted February 4, 2005, effective 30 days after publication in the *Pennsylvania Bulletin*. Amended October 6, 2005, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Som.R.Crim.P. 571. Arraignment.**

A. Arraignment shall be scheduled not later than twenty (20) days after the information is filed, except that later arraignment may be scheduled for cause.

**Official Note:** For general scheduling procedures, see Som.R.J.A. 1030 et seq.

B. The purposes of arraignment are to assure that defendant is advised of the charges [ **against him** ]; to have counsel enter an appearance, or, if defendant has no counsel, to consider defendant's right to counsel; to commence the period of time within which to initiate pretrial discovery and to file other pretrial requests and motions; to insure defendant has been provided a copy of the information; and to afford defendant an opportunity to plead to the information.

C. After filing the information, the District Attorney shall notify defendant and defense counsel of arraignment and trial in the manner specified by Pa.R.Crim.P. [ **113** ] **114**. A copy of the information shall accompany the notice. The notice of arraignment and trial shall be in substantially the form prescribed in Som.R.Crim.P. 571.1.

In addition, however, the District Attorney shall in all cases mail a copy of the information and notice to defendant, by first class mail. The District Attorney shall also mail a copy of the notice to the bondsman, at least ten (10) days before the arraignment date.

D. Defendant shall appear personally before the court at arraignment and plead to the information, unless defendant or his attorney at or before arraignment, files with the Clerk of Courts and delivers a copy to the District Attorney, a written formal appearance, waiver and agreement to appear, signed by both defendant and defense counsel, in substantially the form specified in Som.R.Crim.P. 571.4.

E. When a case is continued to another term after the notice of arraignment and trial has been given, said notice need not again be given unless it appears that the notice was not received by defendant and the Commonwealth has obtained another address for defendant. Instead, the Commonwealth may notify defendant as follows:

1. If defendant has not pleaded to all charges, notification to appear **on the first day of any argument week at Criminal Motions Court** as selected by the District Attorney which occurs at least ten days after such notice is mailed, (but not later than the next regular call of the criminal trial list) to plead to the information and stating the date, time and place of trial, in substantially the form set forth in Som.R.Crim.P. 571.2.

2. If defendant has pleaded not guilty to all charges, notification to appear on the specified date, time and place for trial, in substantially the form specified in Som.R.Crim.P. 571.3.

F. The District Attorney shall keep an appropriate office record of the names and addresses of persons notified, the date of mailing and text of the notice.

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 571.1. Form of Notice of Arraignment and Trial.**

COMMONWEALTH,	)	IN THE COURT OF COMMON
	)	PLEAS OF SOMERSET COUNTY,
	)	PENNSYLVANIA
	)	
	)	
v.	)	NO. CRIMINAL 200
	)	
	)	
	)	
Defendant	)	

**NOTICE OF ARRAIGNMENT AND TRIAL**

To the defendant above named:

1. You have been formally charged with committing the criminal offense or offenses described in the Information which has been filed against you, copy of which is enclosed.

2. The date, time and place of arraignment on said criminal charges are as follows: \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at 9:30 a.m. at the Courthouse, Somerset, Pennsylvania.

3. If you **are not** represented by an attorney, you **must** personally appear before the Court at the date, time, and place above stated in paragraph 2 of this Notice to plead guilty or not guilty to the charges. If you **are** represented by an attorney, you must personally appear before the Court at the date, time, and place above stated in paragraph 2 of this Notice to plead guilty or not guilty to the charges, unless (1) you and your attorney sign a waiver of appearance at arraignment in the form specified in Som.R.Crim.P. 571.4, **and** (2) you agree to appear personally instead at the Call of the Criminal Trial List on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at 9:30 o'clock, a.m., at the Somerset County Courthouse in Somerset, Pennsylvania, to plead guilty or not guilty to the charges.

4. You have a right to the assistance of an attorney at all stages of these proceedings; if you cannot afford an attorney, one will be appointed for you without cost if you file an application for counsel. You may obtain an application form from the Clerk of Courts, District Attorney, Sheriff, or any **Magisterial District [ Justice ] Judge** of Somerset County, Pennsylvania. It is important that you obtain an attorney promptly to assist you in these proceedings, if you do not already have one.

5. You may request pretrial discovery of information, and inspection of articles or documents, in the possession of the District Attorney, pertaining to your case, if you file a written request in the Court within fourteen (14) days after the arraignment date specified above in paragraph 2 of this Notice.

6. You may file an omnibus motion for pretrial relief for any of the following purposes: continuance (postponement) of the trial date, severance (separate trial) of one or more of the charges against you, suppression of evidence illegally obtained, psychiatric examination, quashing (dismissing) the information for legal defects, disqualification of a Judge, pretrial conference with the Court, approval of settlement of the charges, or any other appropriate pretrial relief or assistance, if the motion is filed in the Court within thirty (30) days after the arraignment date specified above in paragraph 2 of this Notice.

7. You will lose your rights to file a request for pretrial discovery and inspection, and to file an omnibus motion for pretrial relief, unless a written request or motion is filed within the required period of time stated above in paragraphs 5 and 6 of this Notice, calculated from the arraignment date specified above in paragraph 2 of this Notice, or unless the period of time is extended by special Court Order for good cause.

8. If you plead not guilty to any of the charges against you, your trial will be scheduled for \_\_\_\_\_, the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at 9:30 o'clock a.m., at the Courthouse in Somerset, Pennsylvania, when and where you must appear with your attorney and your witnesses prepared for trial, and must remain until the trial is completed.

9. If you fail to appear when required, a warrant will be issued for your arrest.

\_\_\_\_\_  
District Attorney  
Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 571.2. Form of Notice to Appear for Pleading and for Trial.**

COMMONWEALTH, ) IN THE COURT OF COMMON  
) PLEAS OF SOMERSET COUNTY,  
) PENNSYLVANIA  
)  
)  
v. )  
) NO. CRIMINAL 200  
)  
)  
)  
)  
Defendant )

**NOTICE TO APPEAR FOR PLEADING AND FOR TRIAL**

To the defendant above named:

You are hereby notified that you must appear before the Court on \_\_\_\_\_, the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, at [ 9:30 ] o'clock \_\_\_\_ . [ m ]M., at the Courthouse in Somerset, Pennsylvania, to plead guilty or not guilty to the criminal charges described in the Information filed against you in the above entitled proceedings.

If you plead not guilty to any of the charges, your trial will be scheduled for \_\_\_\_\_, the \_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_, at 9:30 o'clock a.m., at the Courthouse in Somerset, Pennsylvania, when and where you

must appear with your attorney and your witnesses prepared for trial, and must remain until the trial is completed.

If you do not appear when required, a warrant will be issued for your arrest.

\_\_\_\_\_  
District Attorney  
Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 571.4. Form of Appearance and Waiver of Arraignment.**

COMMONWEALTH, ) IN THE COURT OF COMMON  
) PLEAS OF SOMERSET COUNTY,  
) PENNSYLVANIA  
)  
)  
v. )  
) NO. CRIMINAL 200  
)  
)  
)  
Defendant )

**APPEARANCE OF COUNSEL AND WAIVER OF APPEARANCE AT ARRAIGNMENT**

1. The undersigned attorney enters an appearance for defendant in the above captioned case.

2. Defendant acknowledges receipt of the Notice of Arraignment (for the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_), and Trial (for the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_), and receipt of a copy of the Information(s) in the above captioned cases(s).

3. Defendant understands the nature of the charges, the rights and duties of defendant pertaining to arraignment as stated in said Notice and particularly in Rules of Criminal Procedure 572 (Bill of Particulars), 573 (Pretrial Discovery and Inspection), and 578-581 [ 79 ] (Omnibus Pretrial Motion). Defense counsel has discussed these rights and duties with defendant, and believes defendant sufficiently understands them.

4. Defendant waives appearance at arraignment and agrees to appear at the next scheduled Call of the List on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, to plead to the Information(s).

\_\_\_\_\_  
Printed Name of Attorney      Attorney for Defendant  
\_\_\_\_\_  
Defendant

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 574. Scheduling of Argument and Hearing on Motions.**

A. An "argument" case is any case ready for non-trial hearing or argument before the court **which is not subject to Motions Court procedures set forth in Som.R.Crim.P. 575.**

B. All argument cases shall be scheduled for argument or hearing only upon the filing of a scheduling praecipe in the form specified in Som.R.J.A. 1099, available through the Court Administrator's office or Prothonotary's office, except the following argument cases, which shall be scheduled, sec reg., by the Court Administrator without a scheduling praecipe:

1. Argument cases on the District Attorney's list (Somerset R.J.A. 1011.B.); and

2. Motions, petitions and applications for pretrial relief, including motions to quash, discovery motions, motions for pretrial conference, motions to suppress, omnibus pretrial motions and the like. Such matters shall first be filed with the Clerk of Courts who shall promptly transmit the same to the Court Administrator. If the case is on the criminal trial list for the coming trial session, all such motions shall be scheduled for disposition as soon as possible, and in all events before the scheduling conference held preceding the trial session. Otherwise, such matters shall be scheduled *sec reg*.

3. Post-sentence motions. Such motions shall first be filed with the Clerk of Courts who shall promptly transmit the same to the Court Administrator for scheduling *sec reg*. In addition, defense counsel shall immediately provide a copy of the motion to the Judge who presided at trial.

4. Any case in which a Judge of the Court has fixed a date for hearing or argument.

**5. The moving party may include, as part of the pleading, an endorsement page upon which counsel for the non-moving party may verify consent, in writing, to the entry of the relief requested.**

**6. The moving party shall attach to the pleading a proposed order, prepared as required by Som.R.Crim.P. 574.1.**

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 575. Motions Practice and Procedure.**

**A. Filing and Service of Motions.**

1. All motions shall be filed and served in accordance with the provisions of Part F(1) of the Pennsylvania Rules of Criminal Procedure, Pa.R.Crim.P. 575, et seq.

2. Motions shall be presented:

a. At Motions Court, in accordance with the procedure specified in subparagraph B of this Rule, if the motion is of the type permitted to be presented at Motions Court, or

b. In all matters in which a hearing or argument before the Court is required and for which presentation at Motions Court is not appropriate, by the filing of a scheduling praecipe according to the procedure, and in the form specified in subparagraph F of this Rule, copies of which are available from the Clerk of Courts or Court Administrator, or

c. In the case of motions which are permitted to be presented *ex parte*, without prior notice of presentation and opportunity to be heard, pursuant to the provisions of subparagraph D of this Rule, by presentation to the Administrative Judge of the Criminal Division in accordance with Motions practice specified in subparagraph C of this Rule, or

d. In the case of motions or petitions which, because of extraordinary and compelling circumstances, cannot be scheduled otherwise, and which must be heard upon short notice, by presentation to the Administrative Judge in accordance with Motions Judge practice specified in subparagraph C of this Rule.

**B. Motions Court.**

1. Criminal Motions Court will be held before the designated Administrative Judge of the Criminal Division at 9:00 A.M. on each Monday and Thursday of every

month, holidays excepted, **or as otherwise specified on the official court calendar.**

2. A matter may be presented at Criminal Motions Court when the issue raised, or relief requested, is:

a. Detention.

b. Establishment or revocation of bail.

c. Waiver of extradition.

d. To permit withdrawal as counsel.

e. Approval of *nol pros* or settlement

f. Joinder or severance.

g. Entry or vacation of a bench warrant or process.

h. Plea, with prior approval of the Administrative Judge.

i. Contested motions for continuance.

j. Such other matters as ordered by the Administrative Judge.

3. At least three days before presentation, a copy of the motion shall be served upon all other counsel and unrepresented parties, and upon the Court Administrator, together with a notice specifying the time and date of the Motions Court at which the motion will be presented.

4. The Court Administrator shall maintain a list of motions with date and time of receipt. Only those motions which have been submitted in a timely manner to the Court Administrator in accordance with these Rules or which have been scheduled by the Administrative Judge will be heard. Motions will be heard by the Court in the order of their submission to the Court Administrator.

5. The moving party shall file and serve an affidavit of service of the motion and notice prior to, or at the time of presentation. The motion will not be heard unless the notice requirements of this rule have been satisfied and an affidavit of service filed.

6. Counsel and unrepresented parties are to confer prior to the presentation of any motion and are to attempt, in good faith, to reach amicable resolution of the issues involved.

7. At the time of presentation, the Administrative Judge may enter an Order resolving the issues raised by the motion; schedule argument, hearing or other proceeding; issue a briefing schedule; or enter other appropriate Order.

**C. Presentation to the Court.** All uncontested matters, including applications and requests, formal and informal, which may be presented to the Administrative Judge, shall be signed by the moving **attorney or** party, **if unrepresented**, signed by the responding **attorney or** party, **if unrepresented** signifying agreement, filed and docketed in the office of the Clerk of Courts, and then transmitted to Chambers or presented in open court to the Administrative Judge except in the following circumstances:

1. Emergency cases may be presented to any judge.

2. Matters in which the Administrative Judge has been disqualified or declines to act shall be presented to another judge.

3. Administrative and policy matters required by law, will or custom to be acted upon by the President Judge, or appropriate for the attention of the President Judge, shall be presented to the President Judge.



**D. Ex parte orders.**

1. Motions presented to the court will not be considered ex parte, without prior notice of presentation and an opportunity to be heard, except in the following cases:

a. Cases in which the adverse **attorney or party, if unrepresented**, has, in writing, waived the opportunity to be heard or has consented to the requested action.

b. Cases in which there are special or compelling circumstances which the court finds justify ex parte action.

2. Prior notice of presentation of a motion to the court shall state the date, time and place of intended presentation and shall be accompanied by a copy of the motion and the proposed order.

3. In cases where an ex parte order is made, a copy of the motion and order shall be served promptly on the opponent, who may file a prompt application for reconsideration of the order.

4. In all cases where prior notice of presentation is required under statute or rule of court, the motion shall state that the requisite prior notice was given; the date, time and manner of giving notice; and the substance thereof. If the right to ex parte relief is based on the existence of special or compelling circumstances, the motion shall state such circumstances.

**E. Continuances.**

1. Motions for continuance must be made in writing **on forms specified by these Rules** or of record in open court, unless excused by the court for cause.

2. Absent exceptional circumstances, motions for continuance of hearings and arguments shall be presented **no later than ten (10) days after the date of the order scheduling the matter for hearing or argument**. Thereafter, no motions for continuance will be granted except for substantial reasons which were not previously known or reasonably ascertainable.

3. The motion shall state whether or not the proceedings previously have been continued, and, if so, the number of prior continuances, with identification of the party upon whose motion each continuance was granted.

4. Absent extraordinary circumstances, a request for a continuance based on proceedings scheduled in another Court of Common Pleas will be granted only if the other court's scheduling order was issued before the order scheduling the proceedings for which the continuance is requested. If the motion is based on conflict with a matter scheduled in another Court of Common Pleas a copy of the scheduling order from the other Court of Common Pleas shall be attached to the motion.

5. Motions for continuance of court cases shall be presented as follows:

a. When at a scheduled call of the list, to the presiding Judge.

b. When a case is on a current trial or argument schedule, to the assigned Judge.

c. In all other cases, to the Administrative Judge.

6. Continuances shall operate to effect rescheduling:

a. To a date certain or specific trial session if the Administrative Judge or Presiding Judge states a date certain or specific trial session in the continuance order.

b. In all other cases, only upon filing of a scheduling praecipe as provided in subparagraph F of this Rule.

7. An order continuing a case "sec reg.," until the next available session, or in terms of similar generality, will not result in rescheduling, or placement on a new trial or argument list.

8. Every motion for continuance shall specify the reasons for the request.

9. The moving party shall certify that prior notice of presentation of the motion has been given to opposing counsel and unrepresented parties.

10. Every motion for unopposed continuance, whether written or oral, shall be joined in by the responding party or counsel of record.

11. An approved form of continuance motion for all matters other than trials is set forth in subparagraph F.12. of this Rule. Trials may be continued only by filing of a Rule 600 Motion available from the Clerk of Courts.

12. Form of Continuance Motion.

**CRIMINAL HEARING CONTINUANCE REQUEST**

COMMONWEALTH, )	IN THE COURT OF COMMON
) )	) PLEAS OF SOMERSET COUNTY,
) )	) PENNSYLVANIA
) )	) )
v. )	) )
) )	) NO. CRIMINAL 200
) )	) )
) )	) )
Defendant )	) )
) )	) )

Scheduled before Judge \_\_\_\_\_, on \_\_\_\_\_

For \_\_\_\_\_

Reason For Request: \_\_\_\_\_

Number of prior continuances:

By Commonwealth \_\_\_\_\_ By Defendant \_\_\_\_\_

NOTICE ( ) HAS ( ) HAS NOT BEEN GIVEN TO OPPOSING COUNSEL OR PARTY

(Sign) \_\_\_\_\_

Requesting Attorney or Party

Counsel For: \_\_\_\_\_

(Sign) \_\_\_\_\_

Responding Attorney or Party

Counsel For: \_\_\_\_\_

(Sign) \_\_\_\_\_

( ) Joins In ( ) Does Not Object ( ) Opposes

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_ 200 \_\_, the continuance request is ( ) GRANTED ( ) DENIED.

( ) Hearing to be rescheduled by scheduling **praecipe filed by Defendant ( ) District Attorney ( )**.

( ) Hearing is rescheduled for the \_\_\_\_ day of \_\_\_\_\_ 200 \_\_, at \_\_\_\_ M. in Courtroom No. \_\_\_\_\_, before Judge \_\_\_\_\_.

( ) **Delay attributed to: Commonwealth \_\_\_\_\_ Defendant \_\_\_\_\_**

( ) Period of delay: Included in \_\_\_\_ Excluded from \_\_\_\_ time within which trial must commence.

BY THE COURT:

\_\_\_\_\_ J

F. Scheduling by Praecept.

1. Those cases required to be scheduled by praecipe shall be scheduled only upon filing of a scheduling praecipe, substantially in the form set forth below in subparagraph F.6. of this Rule.

2. The praecipe and all issued copies thereof shall be signed by counsel of record or an unrepresented party.

3. The scheduling praecipe shall be filed as provided in the prescribed form of scheduling praecipe, and the praecipe and copies thereof shall be served promptly on other counsel and unrepresented parties in the case.

4. Upon receipt of a scheduling praecipe any party may object thereto as follows:

a. If the objection is to the assertion in the praecipe of readiness of the case for disposition by the court, the objection shall be made promptly to the court in accordance with Motions practice on notice to other parties.

b. If the objection relates to any other assertion in the praecipe, such as time of scheduling, time required on the schedule, etc., the objecting party shall promptly file a counter praecipe stating only the matter corrected or changed.

5. If a party files a scheduling praecipe, knowing that the matter is not ready for disposition by the court, or knowing that the matters certified to in the scheduling praecipe are not true, the court may impose sanctions on the offending party. Sanctions may include assessment of reasonable counsel fees incurred by other parties as the result of such conduct or other appropriate order.

6. Form of Scheduling Praecept.

COMMONWEALTH, ) IN THE COURT OF COMMON
) PLEAS OF SOMERSET COUNTY,
) PENNSYLVANIA
)
)
v. )
) NO. CRIMINAL 200
)
)
Defendant )

Type of scheduling requested:

( ) Sec. Reg. (On the next available Argument Schedule).

( ) Prompt (At a presently fixed date and time on an Argument Schedule already issued).

State reason for Prompt scheduling (Granted only for cause) \_\_\_\_\_

Estimated hearing time for all parties: \_\_\_\_\_

Judge \_\_\_\_\_ has previously heard a matter in this case.

( ) A copy of this praecipe has been served on opposing counsel and any unrepresented party.

Signature \_\_\_\_\_

Type Name and Party Represented \_\_\_\_\_

ORDER

AND NOW, this \_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_ ,
( ) Argument ( ) Hearing is scheduled on \_\_\_\_\_
the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_ , in Court Room
\_\_\_\_ , at \_\_\_\_ .M. before Judge \_\_\_\_\_ .

BY THE COURT

\_\_\_\_\_ J

Distribution:

G. Preparation and Form of Orders. Copies for Distribution.

1. Unless otherwise directed by the court, orders requested by a party shall be drafted by the attorney at whose instance they are to be made, and shall be submitted to the court for approval.

2. All proposed orders presented to the court, whether by an attorney, court staff or department, or other person, shall list thereon the names of all counsel in the case (of record and known, including counsel for applicant), and shall indicate the party represented by each.

Official Note: Nothing herein is intended to alter the present practice of the court reporters in preparing court orders.

3. Counsel preparing the order shall be responsible for copying, and shall provide sufficient copies to the Clerk of Courts for distribution to all other counsel and parties. If the order continues a case or fixes a date for hearing or argument, counsel shall ensure that the order and its accompanying documents are transmitted to the Court Administrator for notation of the matter for scheduling purposes. The order and documents shall then be filed in the proper office.

4. All documents prepared in and issued from chambers shall be transmitted to the Court Administrator for copying and distribution sec reg., and for scheduling if necessary, then filed in the proper office.

Adopted November 21, 2006, effective 30 days after publication in the Pennsylvania Bulletin.

Som.R.Crim.P. 600.1. Criminal Trial Scheduling

A. The call of the criminal trial list shall be held on the [second] third Monday and third Tuesday preceding the beginning of the trial session, or at such other time established by the court.

B. At the call of the criminal trial list, all trial counsel must, unless excused by the court for cause, be present to report readiness for trial, and all defendants who have not previously pleaded to all charges shall be present for that purpose, unless excused by the court for cause or unless the court grants, or has granted, leave to plead on another date.

C. At the call of the list, the report of readiness for trial means that: All parties, witnesses, and counsel will (barring unexpected subsequent causes) be available, prepared and present for trial on the scheduled trial date and throughout the trial session until the case is called and trial completed. The readiness report is a professional commitment to the court and to all others in the case as above defined. Therefore, the readiness report certifies that reporting counsel has made the necessary recent inquiries of parties and witnesses in advance so that the readiness report will be informed and dependable.

Accordingly, if readiness is qualified in any way for any reason, the court must be informed thereof at the time of the call of the list, and facts which existed and should have been discovered before the readiness report are not cause for later continuance.

Adopted July 19, 2001, effective September 10, 2001. Amended December 10, 2001, effective 30 days after publication in the *Pennsylvania Bulletin*.

**Som.R.Crim.P. 600.2. Criminal Trial Scheduling Conference.**

A scheduling conference shall be held on the **second** Wednesday preceding the beginning of the trial session. All trial counsel must, unless excused by the court for cause, be present to report on scheduling. If readiness is qualified in any way for any reason, the court must be informed thereof, and facts which existed and should have been discovered before the scheduling conference are not cause for later continuance.

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 600.3. Criminal Trial Schedule.**

A. Not later than [**Friday**] **Monday** of the week preceding the beginning of the trial session, the Court Administrator shall issue a criminal trial schedule for the session.

B. All juries will be selected on the first day of the trial session. Further trial proceedings, however, shall be conducted on the dates and times shown on the trial schedule, or as soon thereafter as the preceding case is concluded.

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 604. Trial Procedure and Order of Proof.**

A. The order in which evidence is presented by a party within the party's case-in-chief, or within rebuttal or surrebuttal, rests primarily with trial counsel; but no evidence shall be presented otherwise out of order without prior notice to the opponent and consent of the Trial Judge.

B. Trial counsel shall have all witnesses and other evidence present and available in court when needed **and exhibits shall be identified and marked in advance** without delaying the trial, unless other arrangements are specially made in advance with the Trial Judge after notice to the opponent. If witnesses are excused from attendance at trial without prior approval of the Trial Judge, sanctions may be imposed, which may include exclusion of the witness' testimony.

C. Trial sessions shall begin at the date and time shown on the court schedule, unless otherwise ordered by the Trial Judge. Duration of trial sessions will be determined by the Trial Judge as the trial progresses. Counsel shall not rely on any particular time of day for recess or adjournment unless and until announced by the Trial Judge.

D. Counsel are encouraged to consult with the Trial Judge and other counsel concerning trial logistical problems as soon as the problem arises or becomes probable.

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 708. Revocation Petition.**

A. Whenever a probation officer or the District Attorney has reason to believe that a probationer or parolee of this court has violated any condition of his **or her**

probation or parole which warrants revocation, he **or she** shall prepare a petition for revocation setting forth:

1. The name of the sentencing Judge;
2. The date of the order of probation or parole and the term thereof;
3. The offense or offenses in which probation or parole was granted;
4. The specific condition or conditions violated and the facts of violation;
5. The name of defense counsel of record.

B. If the District Attorney is not the petitioner, the petition shall (except in juvenile cases) bear approval of the District Attorney or his designated assistant unless the court approves the filing without such approval.

C. The probation officer shall consult with the District Attorney or his **or her** designated assistant and seek [**his**] advice and counsel concerning the propriety of, and grounds for, revocation of probation or parole. Such consultation shall be arranged according to procedures mutually agreeable to said officers, preferably before preparation of the petition when time permits.

**Official Note:** See Som.R.Crim.P. 708.7 for suggested form of revocation petition.

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 708.1. Revocation Procedure. Detention.**

If in the opinion of petitioner the violation warrants detention of defendant pending revocation hearing on the merits of the petition, the following procedures shall be followed:

A. Petitioner shall present to the court the petition and a motion for process. Following the court's action on the motion, the petition and motion and order thereon shall be delivered to the Court Administrator for filing and distribution *sec reg.*, provided that the copies for defendant and his **or her** counsel shall be delivered promptly to petitioner for service as hereinafter provided.

**Official Note:** For suggested form of motion and order for process, see Som.R.Crim.P. 708.8.

B. If process is denied, the case shall proceed without pre-hearing detention as prescribed in Som.R.Crim.P. 708.2.

C. If process is awarded, defendant shall be arrested and detained, provided, however, that:

1. Defendant shall not be detained for more than ten (10) days (72 hours for a juvenile) after incarceration in the Somerset County Jail on such process, without a detention hearing to determine whether there is reasonable cause to believe that defendant has violated a condition or conditions of probation or parole and that continued detention pending revocation hearing is warranted; and

2. Defendant shall not continue to be detained for revocation hearing for more than thirty (30) days (10 days for a juvenile) after the detention hearing; and

3. Defendant may at any time make application to the court for release on bail.

D. When defendant is placed in custody on the process, petitioner shall promptly present to the Court Administrator a motion to schedule a detention hearing which the Administrator shall promptly grant by making a scheduling order in behalf of the court, scheduling detention

hearing within ten (10) days (72 hours if a juvenile) after defendant was placed in custody in the Somerset County Jail on the process.

**Official Note:** For suggested form of motion and order for scheduling, see Som.R.Crim.P. 708.9.

E. Upon making the scheduling order, the Administrator shall file the motion and order in the clerk's office, and shall make distribution of copies thereof sec reg. provided that copies for defendant and his counsel shall be promptly delivered to petitioner for service.

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 708.2. Revocation Procedure if Detention not Warranted.**

If in the opinion of petitioner the violation does not warrant detention of defendant pending revocation hearing, or if a motion for process is denied, the following procedure shall be followed:

A. Petitioner shall present to the Court Administrator the petition accompanied by a motion to schedule a revocation hearing which the Administrator shall promptly grant by making a scheduling order in behalf of the court, scheduling such hearing sec reg. unless prompt hearing is requested by petitioner. The Administrator shall file and distribute the petition, motion and order sec reg. provided that copies for defendant and his or her counsel shall be delivered promptly to petitioner for service on defendant and his or her counsel as hereinafter provided.

B. Petitioner shall serve or cause to be served upon defendant personally a copy of the revocation petition and hearing order and furnish a copy thereof to his or her counsel, at least ten (10) days prior to the hearing date.

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 708.4. Temporary Detainer.**

In case of a clear emergency when no Judge of the court is available to make an order awarding process, a probation officer may without court order issue a temporary detainer as process for detention of defendant pending further proceedings, provided that the officer shall, if possible, obtain oral approval of a Judge or, if the Judge is unavailable, of his or her immediate supervisor. Such temporary detainer shall be valid only until a Judge of the court is available when the petition and motion for process shall be presented as herein provided.

In case of a probation violation when no Judge of the court is available to make an order awarding process, the petitioning officer may without court order issue a temporary detainer not to exceed 48 hours as process for incarceration of defendant. A written report will be submitted to the sentencing Judge within 24 hours or the next working day. If possible, the officer will obtain oral approval from either Judge to incarcerate the defendant under a detainer.

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 708.7. Form. Petition for Revocation.**

The petition for revocation shall be in substantially the following form:

COMMONWEALTH,	)	IN THE COURT OF COMMON
	)	PLEAS OF SOMERSET COUNTY,
	)	PENNSYLVANIA
	)	
	)	
v.	)	NO. CRIMINAL 200
	)	
	)	
Defendant	)	
	)	

**PETITION FOR REVOCATION OF PROBATION/PAROLE**

TO THE HONORABLE JUDGES OF SAID COURT:

This petition respectfully represents:

1. Petitioner is \_\_\_\_\_ .  
(State name and title of officer seeking revocation)
2. Defendant named above was placed on probation/parole by \_\_\_\_\_, J., on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, for a term of \_\_\_\_\_ years on charges of \_\_\_\_\_, in the above captioned proceedings.
3. Defendant has violated [ his ] probation/parole as follows (state specific conditions violated and facts of violation): \_\_\_\_\_
4. Counsel for defendant of record is \_\_\_\_\_, Esquire.

WHEREFORE, petitioner prays the court after hearing to revoke defendant's probation/parole.

\_\_\_\_\_  
Petitioner

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ .

\_\_\_\_\_  
District Attorney

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.Crim.P. 1200. Briefs.**

A. Hearings on Suppression or Omnibus Pre-Trial Motions. The moving party shall include in the motion, or shall file a separate memorandum containing, a summary of the legal issues involved [ or ] and citation of authorities relied upon, stating the principle of law for which each authority is cited. If separate memorandum is utilized, it shall be filed not later than 10 days before the scheduled hearing date or at the hearing if earlier scheduled. The opponent shall file a response not later than calling of the case for hearing.

B. In all other cases, briefs shall be filed when ordered by the court. Unless the Order specifies otherwise, the moving party's brief shall be filed within 20 days of the Order and the reply brief within 10 days thereafter.

Adopted July 19, 2001, effective September 10, 2001.

**Som.R.J.A. 1011. Argument Cases. Scheduling. Lists Submitted by Court, District Attorney and Domestic Relations Director.**

B. The District Attorney shall as of course transmit to the Court Administrator a typed, written [ **argument** ] list **compiled from the records maintained by the District Attorney and/or generated by the CPCMS system** showing all criminal argument cases ready for disposition by the court, not later than [ **noon on the third Monday** ] **twenty (20) days** preceding the beginning of each argument court week. Said list shall show the following for each case: The caption, [ **the names of the offenses charged and the grade or degree of each,** ] the purpose of listing, and counsel of record (including the name or initials of the District Attorney or Assistant District Attorney assigned to the case). In cases listed for sentence, the list shall also show the name(s) of the Judge(s) before whom defendant was tried or entered a guilty plea; and in cases listed for any matter affecting or relating to a prior sentence (e.g., parole, revocation of probation, modification of sentence, etc.), the name of the sentencing Judge. See R.Crim.P. 311.

Adopted June 19, 1990, effective August 13, 1990.

[Pa.B. Doc. No. 08-2101. Filed for public inspection November 21, 2008, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Disbarment

Notice is hereby given that Mark S. Guberman, having been disbarred from the practice of law in the State of Maryland by Opinion and Order of the Court of Appeals of Maryland filed April 13, 2006, the Supreme Court of Pennsylvania issued an Order on November 7, 2008, disbaring Mark S. Guberman from the Bar of this Commonwealth, effective December 7, 2008. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of 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. 08-2102. Filed for public inspection November 21, 2008, 9:00 a.m.]

# 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 9, 2002 (P. L. 1572, No. 207), known as the Credit Union Code, has taken the following action on applications received for the week ending November 11, 2008.

Under section 503.E of the Department of Banking Code (71 P. S. § 733-503.E), any person wishing to comment on the following applications, with the exception of branch applications, 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 of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection during regular business hours. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

### BANKING INSTITUTIONS

#### Conversions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
11-4-2008	<i>From:</i> Commerce Bank/Harrisburg, N.A. Harrisburg Dauphin County	Harrisburg	Approved
	<i>To:</i> Commerce Bank/Harrisburg Harrisburg Dauphin County		
	Application for conversion from a National Banking Association to a Pennsylvania State-chartered bank.		
11-7-2008	<i>From:</i> Commerce Bank/Harrisburg, N.A. Harrisburg Dauphin County	Harrisburg	Effective
	<i>To:</i> Commerce Bank/Harrisburg 3801 Paxton Street Harrisburg, PA 17111 Dauphin County		

Conversion from a National banking association to a Pennsylvania State-chartered bank. Commerce Bank/Harrisburg is a wholly-owned subsidiary of Pennsylvania Commerce Bancorp, Inc., Harrisburg, an existing bank holding company.

#### **Branch offices operated by Commerce Bank/Harrisburg:**

3201 Trindle Road Camp Hill Cumberland County	20 Noble Boulevard, Building No. 1 Carlisle Cumberland County
65 Ashland Avenue Carlisle Cumberland County	1130 Carlisle Road Camp Hill Cumberland County
4700 Jonestown Road Harrisburg Dauphin County	4250 Derry Street Harrisburg Dauphin County
101 North Second Street Harrisburg Dauphin County	115 Bowman Street Lebanon Lebanon County
5140 Perkiomen Avenue Reading Berks County	4860 Carlisle Pike Mechanicsburg Cumberland County

600 Walton Avenue  
Hummelstown  
Dauphin County

4350 Linglestown Road  
Harrisburg  
Dauphin County

1461 Manheim Pike  
Lancaster  
Lancaster County

1400 Mount Zion Road  
York  
York County

3045 North 5th Street Highway  
Reading  
Berks County

2030 North Progress Avenue  
Harrisburg  
Dauphin County

2160 South Queen Street  
York  
York County

23 Rohrerstown Road  
Lancaster  
Lancaster County

2701 Shillington Road  
Sinking Spring  
Berks County

2101 State Hill Road  
Wyomissing  
Berks County

742 Wertzville Road  
Enola  
Cumberland County

2100 York Crossing Drive  
York  
York County

606 East Lancaster Avenue  
Shillington  
Berks County

1416 Lititz Pike  
Lancaster  
Lancaster County

1249 Market Street  
Lemoyne  
Cumberland County

6071 Allentown Boulevard  
Harrisburg  
Dauphin County

903 East Main Street  
Palmyra  
Lebanon County

1098 Haines Road  
York  
York County

Windsor Commons  
3109 Cape Horn Road  
Red Lion  
York County

55 Arsenal Road  
York  
York County

5032 Simpson Ferry Road  
Mechanicsburg  
Cumberland County

3951 Union Deposit Road  
Harrisburg  
Dauphin County

2120 Cumberland Street  
Lebanon  
Lebanon County

### Branch Applications

#### De Novo Branches

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
10-31-2008	Graystone Bank Lancaster Lancaster County	2325 South Market Street Elizabethtown Lancaster County	Filed
11-4-2008	Allegheny Valley Bank of Pittsburgh Pittsburgh Allegheny County	333 Allegheny Avenue Oakmont Allegheny County	Filed

#### Articles of Amendment

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
11-7-2008	First Columbia Bank & Trust Co. Bloomsburg Columbia County	Amendment to Article II of the Articles of Incorporation provides for a change of the principal place of business of the institution <i>From:</i> 11 West Main Street, Bloomsburg, PA 17815 <i>To:</i> 232 East Street, Bloomsburg, PA 17815, Columbia County.	Approved and Effective

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS****Articles of Amendment**

<i>Date</i>	<i>Name of Credit Union</i>	<i>Purpose</i>	<i>Action</i>
10-28-2008	Schuylkill County School Employees Credit Union Pottsville Schuylkill County	Amendment to Article 1 of the Articles of Incorporation provides for a change of the name of the credit union <i>From</i> : "Schuylkill County School Employees Credit Union" <i>To</i> : "Hidden River Credit Union."	Filed

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

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 08-2103. Filed for public inspection November 21, 2008, 9:00 a.m.]

**Maximum Lawful Rate of Interest for Residential Mortgages for the Month of December 2008**

The Department of Banking (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of December, 2008, is 6 3/4%.

The interest rate limitations under the State's usury statute were preempted to a great extent by Federal law, the Depository Institutions Deregulation and Monetary Control Act of 1980 (Pub. L. No. 96-221). Further preemption was instituted with the signing of Pub. L. No. 96-399, which overrode State interest rate limitations on any individual who finances the sale or exchange of residential real property which the individual owns and which the individual occupies or has occupied as his principal residence.

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 4.13 to which was added 2.50 percentage points for a total of 6.63 that by law is rounded off to the nearest quarter at 6 3/4%.

STEVEN KAPLAN,  
*Secretary*

[Pa.B. Doc. No. 08-2104. Filed for public inspection November 21, 2008, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council; Meeting Notice

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, December 3, 2008, at 10 a.m. in Room 105, Lobby Level, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

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

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact Joan Dupes directly at (717) 705-0031 or through

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

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 08-2105. Filed for public inspection November 21, 2008, 9:00 a.m.]

### Retention of Professional Interpretive Planning and Exhibit Design Firms; Project Reference No. FDC-500-914

The Department of Conservation and Natural Resources (Department) is seeking proposals from interested and qualified professional interpretive planning and exhibit design firms for various exhibit design and interpretation projects for visitor centers, parks and forestry offices and nature inns across the State. The contract will be an open-end type with projects assigned on an as-



needed basis to meet operational needs and requirements. The Department may select up to four proposals that meet its objectives.

Letters of Interest for this project will only be accepted from individuals, firms or corporations duly authorized to engage in the practice of interpretive planning and exhibit design. If an individual, firm or corporation not authorized to engage in the practice of interpretive planning and exhibit design desires to submit a letter of interest, said individual, firm or corporation may do so as part of a joint venture with an individual, firm or corporation which is permitted under State law to engage in the practice of interpretive planning and exhibit design.

#### *Scope of Services*

The purpose of these contracts is to satisfy the need for a range of services for all aspects of visitor contact environments. These services include, but are not limited to researching and writing exhibit interpretive plans, developing schematic and concept plans, developing budgets, preparing reports, attending planning meetings, researching text and storyline writing and editing, graphic design and production, web site development, exhibit design, lighting design, audio-visual and other interactive media design, production and installation of media, exhibit specification and engineering drawing, development of specifications and drawings for bid, exhibit fabrication and installation, exhibit maintenance plan writing, artifact conservation and preparation for exhibits, training for Department staff, planning to support the activities listed previously, fixture/furniture design, fixture/furniture fabrication and installation, and interpretive and directional signage (indoor and outdoor). Sustainability should be incorporated into the earliest design decisions. Work may occur in, but is not limited to exhibit areas, visitor lobbies, sales areas, other public areas such as hallways and any other point of public contact in each visitor center, office building or nature inn.

At the time this Request for Proposal (RFP) is issued, there are three State Park visitor centers, one State Forest Resource Management Center and two nature inns in the design or initial construction stages. The visitor centers are located at Sinnemahoning State Park, Cameron County; S.B. Elliott State Park, Clearfield County; and Kinzua Bridge State Park, McKean County. The Tiadaghton State Forest Resource Management Center is located in Lycoming County. The nature inns are located at Bald Eagle State Park in Center County and Parker Dam State Park in Clearfield County. Each visitor center and State forest office building will include between 500—4,000 square feet of indoor exhibit space to orient the visitor to the park, state forest, tourism region and Department, and provide interpretive information about the natural and cultural resources of that area. The nature inns have their own individual theme and will need interpretive features designed for each building utilizing wall space, display cabinets, registration areas, foyers, overnight rooms and outside space.

The selected firms will be expected to provide a full range of professional interpretive exhibit planning, design/build services and web site development services for the stated individual facilities and future facilities on an *as needed basis* throughout the contract period. Projects will be developed and assigned to potentially four successful consultants on an annual basis or as required. Each visitor center/office building or nature inn project

will be individually developed and assigned to the successful consultant using separate project Work Orders.

It is expected that the firms will assemble a team of professionals who are recognized specialists in their individual fields of expertise and/or may subcontract or joint venture with other professionals to assemble the most capable team to address the needs and objectives of this RFP. Selected firms will be required to work closely with the assigned Department Project Coordinator to develop each project utilizing current Department staff onsite to the fullest extent feasible in the creative processes involved. Department Project Coordinators will be responsible for signing off on project development milestones. The Department Project Coordinator may change from project to project. Travel to the project sites will be required.

#### *Qualifications*

The firm shall have staff available to facilitate rapid services associated with assigned projects. The firm may be called upon to provide services on multiple projects at the same time. The firm and its staff shall have demonstrated knowledge of interpretive planning, web site development and exhibit design/build/fabrication/installation methods. The interpretive designer should have knowledge and experience in interpretive planning, with preference given to staff who are Certified Interpretive Planners as defined by the National Association of Interpretation. Experience shall include the completion of an Interpretive Plan for the exhibits in and around a visitor center, state park or forestry office and/or nature inn/lodge.

#### **Special Provisions Concerning Disadvantaged Businesses and Enterprise Zone Businesses for Requests for Proposals**

##### **"Disadvantaged Business Information"**

The Commonwealth encourages participation by Small Disadvantaged Businesses as prime contractors, joint ventures, and subcontractors/suppliers, and by Socially Disadvantaged Businesses as prime contractors.

**Small Disadvantaged Businesses are small businesses that are owned or controlled by a majority of persons, not limited to members of minority groups, who have been deprived of the opportunity to develop and maintain a competitive position in the economy because of social disadvantages. The term includes: 1) Department of General Services Bureau of Minority and Women Business Opportunities (BMWBO)—certified Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) that qualify as small businesses, and 2) United States Small Business Administration (SBA)—certified Small Disadvantaged Businesses (SDBs) or 8(a) small disadvantaged business concerns.**

Small businesses are businesses in the United States that are independently owned, are not dominant in their field of operation, employ no more than 100 persons, and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

Socially disadvantaged businesses are businesses in the United States that BMWBO determines are owned or controlled by a majority of persons, not limited to members or minority groups, who are subject to racial or ethnic prejudice or cultural bias, but which do not qualify as small businesses. For a business to qualify as "socially

disadvantaged,” the offeror must include in its proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person’s color, ethnic origin or gender.

Questions regarding this Program can be directed to Department of General Services, Bureau of Minority and Women Business Opportunities, Room 611, North Office Building, Harrisburg, PA 17125, gs-bmwbo@state.pa.us (717) 787-6708, fax (717) 772-0021.

Program information and a database of BMWBO-certified minority- and women-owned businesses can be accessed at [www.dgs.state.pa.us](http://www.dgs.state.pa.us), Keyword: BMWBO. The Federal vendor database can be accessed at [www.ccr.gov](http://www.ccr.gov) by clicking on Dynamic Small Business Search (certified companies are so indicated).

#### **“Information Concerning Small Businesses in Enterprise Zones”**

The Commonwealth of Pennsylvania encourages participation by small businesses whose primary headquarters facility is physically located in areas designated by the Commonwealth as Designated Enterprise Zones, as prime contractors, joint ventures and subcontractors/suppliers.

Small businesses are businesses in the United States that are independently owned, are not dominant in their field of operation, employ no more than 100 persons and earn less than \$20 million in gross annual revenues (\$25 million in gross annual revenues for those businesses in the information technology sales or service business).

There is no database or directory of small business located in Designated Enterprise Zones. Information on the location of *Designated Enterprise Zones* can be obtained by contacting Aldona M. Kartorie, Center for Community Building, Department of Community and Economic Development, 4th Floor Keystone Building, 400 North Street, Harrisburg, PA 17120-0225, (717) 720-7409, fax (717) 787-4088, [akartorie@state.pa.us](mailto:akartorie@state.pa.us)

#### **“Disadvantaged Businesses Information”**

*To receive credit for being a Small Disadvantaged Business or a Socially Disadvantaged Business, entering into a joint venture agreement with a Small Disadvantaged Business, or subcontracting with a Small Disadvantaged Business (including purchasing supplies and/or services through a purchase agreement), a company must include proof of Disadvantaged Business qualification in the Disadvantaged Business submittal of the proposal:*

a) Small Disadvantaged Businesses qualifying as a result of MBE/WBE certification from BMWBO must provide a photocopy of their BMWBO certificate.

b) Disadvantaged Businesses qualifying as a result of certification from the United States Small Business Administration as an 8(a) or Small Disadvantaged Business must submit proof of Small Business Administration Certification. The owners of such businesses must also submit proof of United States citizenship.

c) Companies claiming Small Disadvantaged Business status, whether as a result of BMWBO certification or Small Business Administration certification as an 8(a) or Small Disadvantaged Business, must attest to the fact that the business has 100 or fewer employees.

d) Companies claiming Small Disadvantaged Business status, whether as a result of BMWBO certification or Small Business Administration certification as an 8(a) or Small Disadvantaged Business, must submit proof that

their gross annual revenues are less than \$20,000,000 (\$25,000,000 for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax or audited financial statement.

**Companies claiming status as a Socially Disadvantaged Business must include in the Disadvantaged Business submittal of the proposal clear and convincing evidence to establish that the business has personally suffered racial or ethnic prejudice or cultural bias stemming from the business person’s color, ethnic origin or gender. The submitted evidence of prejudice or bias must:**

a) Be rooted in treatment which the business person has experienced in American society, not in other countries.

b) Show prejudice or bias that is chronic and substantial, not fleeting or insignificant.

c) Indicate that the businessperson’s experience with the racial or ethnic prejudice or cultural bias has negatively impacted on his or her entry into and/or advancement in the business world.

BMWBO shall determine whether the contractor has established that a business is socially disadvantaged by clear and convincing evidence.

In addition to these verifications, this portion of the proposal should include the following information:

- The name and telephone number of your project (contact) person for the Small Disadvantaged Business(es).

- The company name, address, telephone number of the prime contact person for each **specific** Small Disadvantaged Business or Socially Disadvantaged Business included in the proposal. The contractor must specify the Small Disadvantaged Business(es) to which it is making commitments. The contractor will not receive credit by stating it will find a Small Disadvantaged Business after the contract is awarded or by listing several companies and stating it will select one later.

- The specific work, goods, or services the Small Disadvantaged Business(es) will perform or provide.

- The location where the Small Disadvantaged Business(es) will perform these services.

- The time frame for the Small Disadvantaged Business(es) to provide or deliver the goods or services.

- The amount of capital, if any, the Small Disadvantaged Business(es) will be expected to provide.

- The form and amount of compensation each Small Disadvantaged Business will receive. In the Disadvantaged Business submittal of the proposal, provide the estimated dollar value of the contract to each Small Disadvantaged Business.

- The percent of the total value of services or products purchased/subcontracted under the proposal that will be provided by the Small Disadvantaged Business(es).

- In the case of a joint venture agreement, a copy of the agreement, signed by all parties, must be included in the Disadvantaged Business portion of the proposal. If subcontracting, a signed subcontract or letter of intent must be included in the Disadvantaged Business portion of the proposal.

- Include in the Disadvantaged Business Submittal any and all information concerning the contractor’s pro-

posed utilization of small businesses located in *Designated Enterprise Zones* as required by [ **Enter Section or Part # of the Enterprise Zone Small Business Utilization Response** ], Enterprise Zone Small Business Utilization Response.

The Disadvantaged Business submittal of the proposal must be clearly identified as Disadvantaged Business information and sealed in an envelope separately from the remainder of the proposal. Only one copy of the Disadvantaged Business section is needed.

The dollar value of the commitment to each Small Disadvantaged Business must be sealed in the same envelope with the Disadvantaged Business submittal of the proposal. The selected contractor's Disadvantaged Business commitment amount, name of the Disadvantaged Business, services to be provided including time frame for performing services will be included as a contractual obligation when the contract is executed.

Offerors may submit, within the same proposal envelope, alternate proposals for differing utilization of Small Disadvantaged Businesses or Socially Disadvantaged Businesses. For example, a proposal may be submitted by prime contractor with a Small Disadvantaged Business as a subcontractor while an alternate proposal may be submitted by the Small Disadvantaged Business as the prime contractor. If an alternate proposal is offered, it must include separately sealed Technical, Price and Disadvantaged Business submittals for the alternate. The alternate proposal will be scored separately. Only the higher-scored proposal (prime proposal or alternate proposal) will be eligible for participation for Best and Final Offers.

*"Enterprise Zone Small Business Utilization Response"*

To receive credit for being an enterprise zone small business or entering into a joint venture agreement with an enterprise zone small business or subcontracting with an enterprise zone small business, a company must include the following information in the Disadvantaged Business submittal of the proposal:

- Proof of the location of the business' headquarters (such as a lease or deed or Department of State corporate registration).
- Confirmation of the enterprise zone in which it is located (obtained from the local enterprise zone office).
- Proof of United States citizenship of the owners of the business.
- Certification that the business employs 100 or fewer employees.
- Proof that the business's gross annual revenues are less than \$20,000,000 (\$25,000,000 for those businesses in the information technology sales or service business). This can be accomplished by including a recent tax or audited financial statement.

In addition to these verifications, this portion of the Submittal should include the following information:

- The company name, address, name and telephone number of the primary contact person for each Enterprise Zone Small Business included in the proposal. The contractor must specify the Enterprise Zone Small Business to which it is making commitments. The contractor will not receive credit by stating that it will find an Enterprise Zone Small Business after the contract is awarded or by listing several companies and stating it will select one later.

- The specific work, goods or services the Enterprise Zone Small Business will perform or provide.
- The location where the Enterprise Zone Small Business will perform these services.
- The time frame for the Enterprise Zone Small Business to provide or deliver the goods or services.
- The amount of capital, if any, the Enterprise Zone Small Business will be expected to provide.
- The form and amount of compensation each Enterprise Zone Small Business will receive. In the Disadvantaged Business portion of the proposal, provide the estimated dollar value of the contract to each Enterprise Zone Small Business.
- The percent of the total value of services or products purchased/subcontracted under the proposal that will be provided by the Enterprise Zone Small Business.
- In the case of a joint venture agreement, a copy of the agreement, signed by all parties, must be included in the Disadvantaged Business Submittal of the proposal. If subcontracting, a signed subcontract or letter of intent must be included in the Disadvantaged Business Submittal of the proposal.

*The dollar value of the commitment to each Enterprise Zone Small Business must be sealed in the same envelope with the Disadvantaged Business Submittal of the proposal. The selected contractor's Enterprise Zone Small Business commitment amount, name of Enterprise Zone Small Business, and services to be provided including timeframe for performing services will be included as a contractual obligation when the contract is executed.*

**"Disadvantaged Business Participation"**

The following options will be considered as part of the final criteria for selection:

**Priority Rank 1.** Proposals submitted by Small Disadvantaged Businesses.

**Priority Rank 2.** Proposals submitted from a joint venture with a Small Disadvantaged Business as a joint venture partner.

**Priority Rank 3.** Proposals submitted with subcontracting commitments to Small Disadvantaged Businesses.

**Priority Rank 4.** Proposals submitted by Socially Disadvantaged Businesses.

Each proposal will be rated for its approach to enhancing the utilization of Small Disadvantaged Businesses and/or Socially Disadvantaged Businesses. Each approach will be evaluated with Priority Rank 1 receiving the highest score and the succeeding options receiving scores in accordance with the previously-listed priority ranking.

To the extent that a proposal is submitted by a Small Disadvantaged Business or a Socially Disadvantaged Business, the Small Disadvantaged Business or Socially Disadvantaged Business cannot enter into subcontract arrangements for more than 40% of the total estimated dollar amount of the contract. If a Small Disadvantaged Business or a Socially Disadvantaged Business subcontracts more than 40% of the total estimated dollar amount of the contract to other contractors, the Disadvantaged Business Participation scoring shall be proportionally lower for that proposal.

**"Enterprise Zone Small Business Participation"**

**The following options will be considered as part of the final criteria for selection:**

**Priority Rank 1.** Proposals submitted by an Enterprise Zone Small Business will receive the highest score.

**Priority Rank 2.** Proposals submitted by a joint venture with an Enterprise Zone Small Business as a joint venture partner will receive the next highest score for this criterion.

**Priority Rank 3.** Proposals submitted with a subcontracting commitment to an Enterprise Zone Small Business will receive the lowest score for this criterion.

**Priority Rank 4.** Proposals with no Enterprise Zone Small Business Utilization shall receive no points under this criterion.

To the extent that a proposal is submitted as a prime contractor by an Enterprise Zone Small Business, the Enterprise Zone Small Business cannot enter into contract or subcontract arrangements for more than 40% of the total estimated dollar amount of the contract.

**“Contract Requirements—Disadvantaged Business Participation and Enterprise Zone Small Business Participation”**

Contracts containing Disadvantaged Business participation must also include a provision requiring the contractor to meet and maintain those commitments made to Disadvantaged Businesses and/or Enterprise Zone Small Businesses at the time of proposal submittal or contract negotiation, unless a change in the commitment is approved by the BMWBO. Contracts containing Disadvantaged Business participation and/or Enterprise Zone Small Business participation must include a provision requiring Small Disadvantaged Business subcontractors, Enterprise Zone Small Business subcontractors, and Small Disadvantaged Businesses or Enterprise Zone Small Businesses in a joint venture to perform at least 50% of the subcontract or Small Disadvantaged Business/Enterprise Zone Small Business portion of the joint venture.

Commitments to Disadvantaged Businesses and/or Enterprise Zone Small Businesses made at the time of proposal submittal or contract negotiation must be maintained throughout the term of the contract. Any proposed change must be submitted to BMWBO which will make a recommendation as to a course of action to the contracting officer.

If a contract is assigned to another contractor, the new contractor must maintain the Disadvantaged Businesses participation and/or Enterprise Zone Small Business participation of the original contract.

The contractor shall complete the Prime Contractor's Quarterly Utilization Report (or similar type document containing the same information) and submit it to the contracting officer of the agency that awarded the contract and BMWBO within 10 workdays at the end of each quarter the contract is in force. If there was no activity, the form must also be completed, stating "No activity in this quarter." This information will be used to determine the actual dollar amount paid to Small Disadvantaged Business and/or Enterprise Zone Small Business subcontractors and suppliers, and Small Disadvantaged Businesses and/or Enterprise Zone Small Businesses involved in Joint Ventures. Also, it is a record of fulfillment of the commitment your firm made and for which it received Disadvantaged Business and Enterprise Zone Small Business points.

**Note: Equal employment opportunity and contract compliance statements referring to company equal employment opportunity policies or past con-**

**tract compliance practices do not constitute proof of disadvantaged business status or entitle a proposer to receive credit for disadvantaged business utilization.**

*General Requirements and Information*

Firms interested in performing the required services for this project are invited to submit Letters of Interest to Eugene J. Comoss, P. E., Director, Bureau of Facility Design and Construction, Rachel Carson State Office Building, 8th Floor, 400 Market Street, P. O. Box 8451, Harrisburg, PA 17105-8451. Contact Alfred Uzokwe at (717) 783-3333 for general information concerning the RFP.

Each Letter of Interest must include the firm's Federal identification number and the project reference number. The Letter of Interest shall also include a description of the firm's most recently completed interpretive planning and exhibit design project. The description shall include the client, contact person and phone number, the estimated or actual cost of the project, the project manager, and the names of all personnel who made major contributions to the interpretive planning and exhibit design project. The Letter of Interest shall indicate the firm's capability of working on multiple projects at the same time and understanding of the Department's needs. A standard DGS Form 150-ASP must accompany the Letter of Interest and shall indicate the individual in charge. The Form 150-ASP is available by downloading from DGS Home Page on the Internet at [www.dgs.state.pa](http://www.dgs.state.pa). Form 150-ASP may also be obtained in hard copy. Written request for hard copy should be addressed to the Selections Committee, Department of General Services, Room 206, 18th and Herr Streets, Harrisburg, PA 17125. In addition, the Form 150-ASP can be obtained by means of e-mail by addressing your request to [pbianchi@state.pa.us](mailto:pbianchi@state.pa.us). Additional information pertinent to the firm's qualifications to do the work of this contract should be included.

Direct costs other than payroll, such as travel and subsistence, shall be based on the current state rates. Miscellaneous expenses such as copies, prints, sepias, postage and film shall be reimbursed at cost upon approval by the Department.

The following factors will be considered during the evaluation of the firm's Letter of Interest:

Criteria evaluated by the Technical review will include:

1. Professional's understanding of the problem as demonstrated in Letter of Interest, and as stated in their own interpretation of the tasks to be performed.
2. Qualifications of firm consisting of specialized experience and technical competence.
3. Professional personnel in firm.
4. Soundness of approach as demonstrated in Letter of Interest, and as stated in their own interpretation of the tasks to be performed.
5. Available manpower to perform the services required and on demand response capabilities in the event of emergencies.
6. Disadvantaged Businesses participation. (Evaluated by DGS)
7. Equitable distribution of the contracts.

Each proposer shall relate their proposal to the previous criteria.

One copy of the Disadvantaged Business section bound and sealed separately from the remainder of the proposal and six copies of the complete set consisting of the Letter of Interest and the required forms must be received no later than 4 p.m. on December 30, 2008. The six copies shall be submitted in six complete sets that shall be spiral bound or in folders or secured by binder clips. The assignment and services will be made to one of the firms responding to this notice. However, the Department reserves the right to reject all Letters of Interest submitted, cancel the solicitation requested under this notice, and/or re-advertise solicitation for this service.

The Department will not offer a debriefing session to the unsuccessful firms. The Department disclaims any liability whatsoever to its review of the proposal submitted and in formulating a recommendation for selections. Recommendations made by the Department shall be final.

MICHAEL F. DIBERARDINIS,  
*Secretary*

[Pa.B. Doc. No. 08-2106. Filed for public inspection November 21, 2008, 9:00 a.m.]

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## DEPARTMENT OF EDUCATION

**Application of Art Institutes of York, LLC for  
Approval of Change From Private Licensed  
School to 4-Year College Status**

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

Under 24 Pa.C.S. § 6503(e) (relating to certification of institutions), the Department of Education (Department) will consider the application of the Art Institute of York, LLC (AiY, LLC) for approval of its Certificate of Organization and to have a Certificate of Authority from the Department approving its change from a private licensed school to 4-year college status. Additionally, approval is requested for authority to offer programs in Graphic Design and Kitchen & Bath Design leading to the Associate in Science (AS) degree and programs in Fashion & Retail Management, Graphic Design, Interior Design,

Media Arts & Animation and Web Design & Interactive Media leading to the Bachelor of Science (BS) degree.

By authority under 24 Pa.C.S. § 6503(e), the Secretary may impose specific conditions on the approval of a certificate of authority. AiY, LLC is wholly owned by Art Institutes International, LLC and Aii, LLC is allowed to operate as a college in the form of a limited liability company rather than as an incorporated entity. AiY, LLC would be obligated to operate in all regards as appropriate for a college, such as to maintain its own minimum protective endowment as required by State statute and to have its own Board of Trustees as required by State Board of Education regulations. Thus, action by the Secretary in this instance would be to approve a Certificate of Authority for the change of status of AiY, LLC to operate as a 4-year college, to grant approval of the specific degrees and programs that may be offered under that status and to approve the Certificate of Organization for AiY, LLC.

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

Petitions to intervene, protest and request for hearing shall be filed with Carol M. D. Gisselquist, Higher Education Specialist (717) 787-4448, 333 Market Street, Harrisburg, PA 17126-0333 on or before 4 p.m. on the due date prescribed by this notice. Persons wishing to review the application should phone or write to the aforementioned office to schedule a time for an in-office review. Duplicate copies of the application are not available.

Persons with a disability who wish to attend the hearing, if held, and require an auxiliary aid, service or other accommodation to participate should contact Carol Gisselquist at (717) 787-4448 to discuss how the Department may best accommodate their needs.

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

[Pa.B. Doc. No. 08-2107. Filed for public inspection November 21, 2008, 9:00 a.m.]

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## DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

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### APPLICATIONS

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

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

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

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

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

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

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

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

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

## **I. NPDES Renewal Applications**

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA 0042048 (Minor Sewage)	Conyngham Borough Authority P. O. Box 469 Conyngham, PA 18219-0469	Sugarloaf Township Luzerne County	Little Nescopeck Creek 05D	Y

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

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

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

**PA0002941-A1**, Industrial Waste, SIC 4911, **Allegheny Energy Supply Company, LLC**, 800 Cabin Hill Drive, Greensburg, PA 15601. This application is for amendment of an NPDES permit to discharge treated process water, stormwater, leachate, untreated cooling water and stormwater from Hatfield's Ferry Power Station in Monongahela Township, **Greene County**.

The following effluent limitations are proposed for discharge to the receiving waters, of Monongahela River (Outfalls 006, 007, 014, 015, 021 and 022), UNT Little Whiteley Creek (Outfalls 016 and 017), and a UNT Monongahela River (Outfalls 018—020) all classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is Carmichael Municipal Water Authority, located in Carmichael, PA, 3.5 miles below the discharge point.

*Internal Outfall 206:* new discharge, proposed flow of 1.21 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
TSS			30	100	
Oil and Grease			15	20	
Cadmium				Monitor and Report	
Mercury				Monitor and Report	
Selenium				Monitor and Report	
Thallium				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

*Internal Outfall 306:* new discharge, design flow of 0.475 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30	100	
Oil and Grease			15	20	
Aluminum				Monitor and Report	
Arsenic				Monitor and Report	
Beryllium			0.005	0.01	
Boron				Monitor and Report	
Cadmium				Monitor and Report	
Chromium III				Monitor and Report	
Chlorides				Monitor and Report	
Copper			0.1	0.2	
Iron, total				Monitor and Report	
Iron, dissolved				Monitor and Report	
Lead			0.1	0.2	
Manganese				Monitor and Report	
Mercury			0.005	0.01	
Nickel				Monitor and Report	
Selenium			2.0	4.0	
Silver			0.05	0.1	
Thallium				Monitor and Report	
Zinc				Monitor and Report	
TDS				Monitor and Report	
Sulfate				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 006:* existing discharge, interim limits, existing flow of 3.21 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)			Monitor and Report		
TSS			30	100	
Oil and Grease			15	20	30
Cadmium				Monitor and Report	
Mercury				Monitor and Report	
Selenium				Monitor and Report	
Thallium				Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 006:* existing discharge, final limits, proposed flow 1.68 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30	100	
Oil and Grease			15	20	30
Cadmium			0.01	0.02	

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Mercury			0.002	0.004	
Selenium			0.2	0.4	
Thallium			0.066	0.132	
Total Dissolved Solids			500	750	
Sulfate				250	
pH	not less than 6.0 nor greater than 9.0				

Outfall 007: existing discharge, interim limits, average flow of 0.1266 mgd and maximum daily flow of 0.576 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
TSS			30	100	
Aluminum			0.6	1.2	
Iron			1.8	3.6	
Thallium			0.0021	0.0042	
Manganese			1.2	2.4	
pH	not less than 6.0 nor greater than 9.0				

Outfall 007: existing discharge, final limits, average flow of 0.1266 mgd and maximum daily flow of 0.576 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
TSS			30	100	
Aluminum			0.6	1.2	
Iron			1.8	3.6	
Thallium			0.0021	0.0042	
Manganese			1.2	2.4	
pH	not less than 6.0 nor greater than 9.0				

Internal Outfall 114: new discharge, average flow of 0.164 mgd and maximum daily flow of 0.379 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
TSS			30	60	
Iron			Monitor and Report	Monitor and Report	
Aluminum			Monitor and Report	Monitor and Report	
Manganese			Monitor and Report	Monitor and Report	
Boron			Monitor and Report	Monitor and Report	
Selenium			Monitor and Report	Monitor and Report	
Thallium			Monitor and Report	Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				

Internal Outfall 214: new discharge, flow of 0.001 mgd.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
TSS			Monitor and Report	Monitor and Report	
Iron			Monitor and Report	Monitor and Report	
Aluminum			Monitor and Report	Monitor and Report	
Manganese			Monitor and Report	Monitor and Report	
Boron			Monitor and Report	Monitor and Report	
Selenium			Monitor and Report	Monitor and Report	
Thallium			Monitor and Report	Monitor and Report	
pH	not less than 6.0 nor greater than 9.0				



*Internal Outfall 314: new discharge, varied flow.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30	60	
Oil and Grease			Monitor and Report		
Iron			Monitor and Report		
Aluminum			Monitor and Report		
Manganese			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Internal Outfall 414: new discharge, varied flow.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30	60	
Oil and Grease			Monitor and Report		
Iron			Monitor and Report		
Aluminum			Monitor and Report		
Manganese			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfall 014: new discharge, average flow of 0.164 mgd and maximum daily flow of 27.82 mgd.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30	60	
pH	not less than 6.0 nor greater than 9.0				

*Outfall 015: new discharge, varied flow.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30	60	
Iron			Monitor and Report		
Aluminum			Monitor and Report		
Manganese			Monitor and Report		
Boron			Monitor and Report		
Selenium			Monitor and Report		
Thallium			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

*Outfalls 016—020: varied flow.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
These discharges shall consist solely of uncontaminated stormwater runoff.					

*Outfall 021: new discharge, varied flow.*

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow (mgd)	Monitor and Report				
TSS			30	60	
Oil and Grease			Monitor and Report		
Iron			Monitor and Report		

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Aluminum			Monitor and Report		
Manganese			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Outfall 022: new discharge, varied flow.

Parameter	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum
Flow (mgd)	Monitor and Report				
TSS			30	60	
Oil and Grease			Monitor and Report		
Iron			Monitor and Report		
Aluminum			Monitor and Report		
Manganese			Monitor and Report		
pH	not less than 6.0 nor greater than 9.0				

Internal Outfall 106 has been deleted from the permit.

The EPA waiver is not in effect.

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

**PA0011631A1**, Industrial Waste, SIC 4911, **Exelon Generation Company, LLC**, 200 Exelon Way, Kennett Square, PA 19348. This proposed facility is located in East Pikeland Township, **Chester County**.

Description of Proposed Activity: Amendment of an NPDES permit to discharge treated process wastewater and cooling water from Cromby Generating Station.

The receiving streams, the Schuylkill River and Stony Run, are in the State Water Plan Watershed 3D and are classified for WWF, HQ-TSF, aquatic life, water supply and recreation. The nearest downstream public water supply intake for Phoenixville (Intake No. 1) is located on the Schuylkill River and is 0.65 mile below the point of discharge.

The proposed changes to the effluent limits in the existing permit are based on negotiations between the Department of Environmental Protection and the permittee as a result of an appeal filed by the permittee.

- (i) The limits for Spectrus CT 1300 at Outfalls 004—006 and 010 are changed from Nondetectable to 0.05 mg/l.
- (ii) The limits for Spectrus OX 1200 at Outfall 006 are removed.

The following new special conditions are added to the permit:

1. Capacity Emergency.
2. Contingency Plan for Continuous Monitoring Equipment.
3. Monitoring During Shut Down.
4. Rerouting of Outfalls 004 and 006.

**PA0057339**, Sewage, **Brian and Cheryl Davidson**, 209 Poplar Road, Honey Brook, PA 19344. This proposed facility is located in Honey Brook Township, **Chester County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit for the existing discharge of treated sewage from a single-residence sewage treatment plant.

The receiving stream, a UNT to West Branch Brandywine Creek, is in the State Water Plan Watershed 3H and is classified for: HQ-TSF and MF.

The proposed effluent limits for Outfall 001 are based on a design flow of 500 gpd:

Parameters	Mass (lb/day)		Concentration (mg/l)		
	Average Monthly	Maximum Daily	Average Monthly	Maximum Daily	Instantaneous Maximum (mg/l)
CBOD <sub>5</sub>					
(5-1 to 10-31)			10		20
(11-1 to 4-30)			20		40
Total Suspended Solids			10		20
Ammonia as N					
(5-1 to 10-31)			1.5		3.0
(11-1 to 4-30)			4.5		9.0

<i>Parameters</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	
Total Residual Chlorine			Monitor and Report		Monitor and Report
Fecal Coliform			200/100 ml Geometric Mean		1,000/100 ml
Dissolved Oxygen			Minimum of 6.0 mg/l at all times		
pH			Within limits of 6.0 to 9.0 Standard Units at all times		

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

1. AMR Submittal to the Department of Environmental Protection.
2. Abandon STP when Municipal Sewers Available.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Change of Ownership.
7. Total Residual Chlorine Requirement.
8. Proper Sludge Disposal.
9. Fecal Coliform I-max Reporting.

**PA0050750**, Sewage, **UMH Properties, Inc.**, 3499 Route 9 North, Suite 3C, Freehold, NJ 07728. This existing facility is located in Penn Township, **Chester County**.

Description of Proposed Activity: Renewal of the NPDES permit for discharge of treated sewage from the sewage treatment plant serving Oxford Village Mobile Home Park.

The receiving stream, East Branch Big Elk Creek, is in the State Water Plan Watershed 7K, within the Chesapeake Bay Watershed and is classified for: HQ-TSF; MF. This facility is a Phase 5, smaller discharger as described in Pennsylvania's Chesapeake Bay Tributary Strategy.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.047 mgd:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	25	50
Total Suspended Solids	30	60
Ammonia (as N)	20	40
Total Residual Chlorine	0.5	1.2
Fecal Coliform (5-1 to 9-30)	200/100 ml Geometric Mean	1,000/100 ml
(10-1 to 4-30)	2,000/100 ml Geometric Mean	
Dissolved Oxygen	Minimum of 2.0 mg/l at all times	
pH	Within limits of 6.0 to 9.0 Standard Units at all times	

As a Phase 5 smaller discharger, the facility is given the option to monitor levels of Total Nitrogen (TN) and Total Phosphorus (TP) for 2 years, as part of this permit renewal or a subsequent renewal, for the purpose of data collection to establish existing performance for TN and TP effluent quality. If the facility chooses to monitor with this renewal, the following monitoring requirements are proposed for Outfall 001:

<i>Parameters</i>	<i>Mass (lbs)</i>		<i>Concentration (mg/l)</i>		
	<i>Monthly</i>	<i>Annual</i>	<i>Minimum</i>	<i>Monthly Average</i>	<i>Maximum</i>
Ammonia as N	Report	Report		Report	
Kjeldahl-N	Report			Report	
Nitrate-Nitrite as N	Report			Report	
Total Nitrogen	Report	Report		Report	
Total Phosphorus	Report	Report		Report	

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

1. Notification of Designation of Operator.
2. Abandon STP When Municipal Sewers Available.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Change of Ownership.
7. Total Residual Chlorine Requirement.
8. Sludge Disposal Requirement.
9. 2/Month Sampling.

- 10. Laboratory Certification.
- 11. Certified Operator.
- 12. Instantaneous Max Requirements.
- 13. Fecal Coliform 1-max Reporting.
- 14. Fecal Coliform 10% Rule.

**PA0039004**, Sewage, SIC 4952, **Upper Gwynedd-Towamencin Municipal Authority**, 225 Kriebel Road, Lansdale, PA 19446. This proposed facility is located in Towamencin Township, **Montgomery County**.

Description of Proposed Activity: This application is for renewal of an NPDES permit to discharge treated sewage from Upper Gwyneed Towamencin Municipal Authority's sewage treatment plant in Towamencin Township, Montgomery County. This is an existing discharge to Towamencin Creek.

The receiving stream, Towamencin Creek, is in the State Water Plan Watershed 3E and is classified for: TSF. The nearest downstream public water supply intake for Aqua Pennsylvania is located near the mouth of the Perkiomen Creek which is more than 10 miles downstream below the point of discharge.

The proposed effluent limits for Outfalls 003 and 001 (only during emergency) are based on a design flow of 6.5.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>			
(5-1 to 10-31)	10	15	20
(11-1 to 4-30)	20	30	40
Suspended Solids	30	45	60
Ammonia (as N)			
(5-1 to 10-31)	0.7		1.4
(11-1 to 4-30)	1.7		3.4
Phosphorus (as P)			
(11-1 to 4-30)	1.0		2.0
(4-1 to 10-31)	2.0		4.0
Fecal Coliform	200 colonies/100 ml as a Geometric Average		
Dissolved Oxygen	Minimum of 5.0 mg/l at all times		
pH	Within limits of 6.0 to 9.0 Standard Units at all times		
Total Residual Chlorine	0.014		0.047
Cyanide, Free	0.0054		0.0084 (maximum daily)
Iron, Total	1.56		
Copper, Total	Monitor and Report		
Cadmium, Total	Monitor and Report		
Lead, Total	Monitor and Report		
Mercury, Total	Monitor and Report		
Zinc, Total	Monitor and Report		

The proposed effluent limits for Outfalls 004—007 which are stormwater outfalls are as follows (monitoring is required once per year at Outfall 005 only):

<i>Parameter</i>	<i>Average Annual (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>	Monitor and Report	Monitor and Report
COD	Monitor and Report	Monitor and Report
Oil and Grease	Monitor and Report	Monitor and Report
pH	Monitor and Report	Monitor and Report
Total Suspended Solids	Monitor and Report	Monitor and Report
Total Kjeldahl Nitrogen	Monitor and Report	Monitor and Report
Total Phosphorus	Monitor and Report	Monitor and Report
Iron (Dissolved)	Monitor and Report	Monitor and Report

Other Conditions:

The EPA waiver is not in effect.

Major Permit Conditions:

- Implementation of industrial pretreatment program requirements.
- Effective disinfection.
- Special Test Methods for certain pollutants.
- Whole Effluent Toxicity Test Requirement.
- High Flow Maintenance Plan Requirement.

**PA0023949**, Sewage, SIC 4952, **Brookhaven Borough**, 2 Cambridge Road, Brookhaven, PA 19015. This proposed facility is located in Brookhaven Borough, **Delaware County**.

Description of Proposed Activity: Renewal of an NPDES permit to discharge treated sewage from the Brookhaven Borough STP.

The receiving stream, Chester Creek, is in the State Water Plan Watershed 3G and is classified for: WWF, aquatic life, water supply and recreation. There is no downstream public water supply intake below the point of discharge.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.192 mgd:

<i>Parameters</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub> (5-1 to 10-31)	20	30	40
(11-1 to 4-30)	25	40	50
TSS	30	45	60
NH <sub>3</sub> -N			
(5-1 to 10-31)	5.0		10.0
(11-1 to 4-30)	15.0		30.0
Phosphorus, Total			
(Years 1—2)	Monitor and Report		Monitor and Report
(5-1 to 10-31)			
(Years 3—5)	1.0		2.0
(11-1 to 4-30)			
(Years 3—5)	2.0		4.0
Fecal Coliform	# 200/100 ml		# 1,000/100 ml
Dissolved Oxygen			3.0 (Instantaneous Minimum)
TRC	0.5		1.0
pH		6.0 to 9.0 Standard Units at all times	

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

1. Operator Notification.
2. Average Weekly Definition.
3. Remedial Measures if Unsatisfactory Effluent.
4. No Stormwater.
5. Acquire Necessary Property Rights.
6. Change of Ownership.
7. Chlorine Minimization.
8. Proper Sludge Disposal.
9. TMDL/WLA Analysis.
10. Operator Education.
11. I-max Limits.
12. Laboratory Certification.
13. Fecal Coliform Reporting.

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

**PA0263435**, Sewage, **Matric Limited, Inc.**, 2099 Hill City Road, Seneca, PA 16346-3711. This proposed facility is located in Cranberry Township, **Venango County**.

Description of Proposed Activity: New NPDES Permit for a new 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 Emlenton Water Company located on Allegheny River and is approximately 47.2 miles below point of discharge.

The receiving stream, Slate Run, is in Watershed 16-E and classified for: CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0068 mgd.

<i>Parameters</i>	<i>Loadings</i>		<i>Concentrations</i>		<i>Instantaneous Maximum (mg/l)</i>
	<i>Average Monthly (lb/day)</i>	<i>Average Weekly (lb/day)</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	
Flow (mgd)	XX				
CBOD <sub>5</sub>			10		20
Total Suspended Solids			10		20
Total Nitrogen			5		10
Fecal Coliform					
(5-1 to 9-30)			200/100 ml as a Geometric Average		
(10-1 to 4-30)			2,000/100 ml as a Geometric Average		
Total Residual Chlorine			0.5		1.2
Dissolved Oxygen			Minimum of 6 mg/l at all times		

Parameters	Loadings		Concentrations		Instantaneous Maximum (mg/l)
	Average Monthly (lb/day)	Average Weekly (lb/day)	Average Monthly (mg/l)	Average Weekly (mg/l)	
Phosphorus as "P"			0.5		1.0
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)

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

**WQM Permit No. 0908403**, Sewerage, **Chalfont-New Britian Township Joint Sewer Authority**, 1645 Upper State Road, Doylestown, PA 18901-2666. This proposed facility is located in Chalfont Borough, **Bucks County**.

Description of Action/Activity: Replacement of approximately 7,320 linear feet of interceptor pipe and 29 manholes.

**WQM Permit No. 1508414**, Sewerage, **Oxford Area Sewer Authority**, 401 East Market Street, P. O. Box 380, Oxford, PA 19363. This proposed facility is located in Lower Oxford Township, **Chester County**.

Description of Action/Activity: Construction and operation of a wastewater pump station for Oxford Commons commercial development.

**WQM Permit No. 4693430**, Sewerage, Amendment, **Bucks County Water and Sewer Authority**, 1272 Almshouse Road, Warrington, PA 18976-1413. This proposed facility is located in Upper Dublin Township, **Bucks County**.

Description of Action/Activity: Addition proposed chemical feed system.

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

**WQM Permit No. 0307202-A2**, Industrial Waste, **Reliant Energy NE Mgmt. Co.**, 121 Champion Way, Suite 200, Canonsburg, PA 15317. This existing facility is located in Plumcreek, Burrell, Kittanning, Manor and Bethel Townships, **Armstrong County**.

Description of Proposed Action/Activity: Permit amendment application for the Keystone Generating Station Pipeline.

**WQM Permit No. 467S021-A4**, Sewerage, **Masontown Borough**, 2 Court Avenue, Masontown, PA 15461-1841. This existing facility is located in Masontown Borough, **Fayette County**.

Description of Proposed Action/Activity: Permit amendment application for the Big Run Sewage Treatment Plant.

**WQM Permit No. 467S035-A3**, Sewerage, **Masontown Borough**, 2 Court Avenue, Masontown, PA 15461-1841. This existing facility is located in Masontown Borough, **Fayette County**.

Description of Proposed Action/Activity: Permit amendment application for the Cats Run Sewage Treatment Plant.

**WQM Permit No. 468S079-A4**, Sewerage, **Municipality of Penn Hills**, 12245 Frankstown Road, Pittsburgh, PA 15235. This existing facility is located in Penn Hills Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit amendment application for the Long Run equalization facility and pump station.

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

**WQM Permit No. 1608402**, Sewerage, **Foxburg Area Water and Sewer Authority and the Borough of Foxburg**, P. O. Box 327, Foxburg, PA 16036. This proposed facility is located in Foxburg Borough, **Clarion County**.

Description of Proposed Action/Activity: This project will consist of an expansion from the current sewage treatment plant permitted capacity of 85,000 gpd to 160,000 gpd.

**WQM Permit No. 6188404**, Sewerage, Amendment No. 1, **Borough of Pleasantville**, P. O. Box 150, 114 West State Street, Pleasantville, PA 16341. This proposed facility is located in Pleasantville Borough, **Venango County**.

Description of Proposed Action/Activity: This is an amendment of a permit which requires new construction. The major components of this project would involve the replacement of the barscreen with a fine screen, replacement/upgrading of Sequencing Batch Reactor and digester components, replacement of chlorination disinfection with Ultra Violet disinfection and upgrades to the existing Sludge Drying Beds.

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 1508071	Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Chester	Charlestown Township	Valley Creek EV Pickering Creek HQ-TSF
PAI01 2308010	Anderson and Anderson, LLC 4511 Helton Drive Florence, AL 35630	Delaware	Lower and Upper Chichester Townships	Naamans Creek at Marcus Hook Creek WWF-WWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI024808016	Department of General Services 18th and Herr Streets Harrisburg, PA 17120	Northampton	Bushkill Township	Bushkill Creek HQ-CWF

*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>
PAI033608007	Brian M. Landis 364 Fulton View Road Quarryville, PA 17566	Lancaster	Fulton and East Drumore Townships	UNT to Conowingo Creek HQ-CWF

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

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041408013	Thomas F. Songer, II Torrion Group, LP Zion Manor 2601 Gateway Drive Suite 175 State College, PA 16801	Centre	Walker Township	UNT to Little Fishing Creek HQ-CWF

*Potter County Conservation District: 107 Market Street, Coudersport, PA 16915, (814) 274-8411, Ext. 4.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI045308002	Department of Transportation 1924 Daisy Street Extension P. O. Box 342 Clearfield, PA 16830-0342	Potter	Portage and Sylvania Townships	First Fork of the Sinnemahoning HQ-CWF

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

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

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

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

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

clude 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**

**MINOR AMENDMENT**

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

**Application No. 4092511MA, Minor Amendment, Public Water Supply.**

Applicant **Pennsylvania American Water Co.**  
Plains Township  
**Luzerne County**

Responsible Official Thomas Scott  
Pennsylvania American Water Co.  
800 West Hersheypark Drive  
Hershey, PA

Type of Facility Public Water System

Consulting Engineer Scott M. Thomas, P. E.  
PA American Water Co.  
800 West Hersheypark Drive  
Hershey, PA

Application Received Date October 17, 2008

Description of Action The rehabilitation of the Mill Creek tank No. 1.

**Application No. 6606503MA, Minor Amendment, Public Water Supply.**

Applicant **Aqua Pennsylvania, Inc.**  
Rivercrest Water System  
Tunkhannock Township  
**Wyoming County**

Responsible Official Patrick R. Burke  
Aqua Pennsylvania, Inc.  
50 East Woodhaven Drive  
White Haven, PA

Type of Facility Public Water System

Consulting Engineer CET Engineering Services  
1240 North Mountain Road  
Harrisburg, PA

Application Received Date October 10, 2008

Description of Action The installation of a pipe for chlorine contact time at well No. 1.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 1**

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

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the Background Standard, Statewide Health Standard, the Site-Specific Standard or who intend to remediate a site as a special industrial area must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, a combination of the cleanup standards or who receives approval of a special industrial area remediation identified under the act will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

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

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



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

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Chester Soccer Stadium Area**, City of Chester, **Delaware County**. Steve Johnson, Weston Solutions, Inc., 1400 Weston Way, West Chester, PA 19380 on behalf of Michael Hare, FC, Pennsylvania Stadium, LLC, 322 A Street, Suite 300, Wilmington, DE 19801 has submitted a Notice of Intent to Remediate. Groundwater at the site has been impacted with the release of inorganics. The intended future use of the site is a major league soccer stadium with use for alternate venues including high school and collegiate championships concert and exhibitions.

**Riverplace Homes of Marcus Hook**, Marcus Hook Borough, **Delaware County**. Mark Zunich, Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602 on behalf of Bruce Dorbian, Marcus Hook Community Development Corporation, 1015 Green Street, Marcus Hook, PA 19061 has submitted a Notice of Intent to Remediate. Soil at the site has been impacted with the release of other organics. The subject property is currently being redeveloped from a mixture of commercial and residential properties into a solely residential facility.

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

**Appalachian RV Resort**, Upper Bern Township, **Berks County**. BL Companies, 213 Market Street, 6th Floor, Harrisburg, PA 17101, on behalf of MHC Appalachian, LP, Two North Riverside Plaza, Suite 800, Chicago, IL 60606, submitted a Notice of Intent to Remediate site soils contaminated with arsenic and lead. The intended future use of this property is to remain as a campground. The site will be remediated to the Residential Statewide Health Standard.

**Former Getty Service Station 67628**, Hanover Borough, **York County**. Tyree Environmental Corporation, 2702 Cindel Drive, Suite 7, Cinnaminson, NJ 08077, on behalf of Getty Realty Group, 125 Jericho Turnpike, Suite 103, Jericho, NY 11753, submitted a Notice of Intent to Remediate site soils contaminated with No. 2 fuel oil. The site will be remediated to a Residential Statewide Health Standard. Future use is unknown.

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

**National Transit (National Transit Pipeline)**, Otto Township, **McKean County**. URS Corporation, 501 Holiday Drive, Suite 300, Foster Plaza 4, Pittsburgh, PA 15220 on behalf of Pennzoil-Quaker State Company, d/b/a Shell Oil Products, US (SOPUS), 5595 Wylmoor Drive, Norcross, GA 30093 has submitted a Notice of Intent to Remediate. Petroleum product impact was discovered at the Duke Center pumping station property during installation/repair of municipal sewers in 1997. Samples were collected and analyzed for diesel-range organics. Resultant data indicated petroleum impacts to both soil and groundwater. The proposed future use of the property will be limited to nonresidential use. The Notice of Intent to Remediate was published in *The Bradford Era* on October 17, 2008.

## DETERMINATION FOR APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Application for Determination of Applicability deemed complete 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**

*Northcentral Region: Regional Solid Waste Manager, 208 West Third Street, Williamsport, PA 17701.*

**General Permit Application No. WMGR038 NC006**, Tire Advantage Group, 29 Frosty Valley Road, Bloomsburg, PA 17815. The application for Determination of Applicability for a Tire Processing Facility in Hemlock Township, **Columbia County** was deemed complete by the Williamsport Regional Office on October 31, 2008.

Comments concerning the application should be directed to David Garg, P. E., Facilities Manager, Williamsport Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Persons interested in obtaining more information about the permit application may contact the Williamsport Regional Office, (570) 327-3740. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

## AIR QUALITY

### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

#### NEW SOURCES AND MODIFICATIONS

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

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

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

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

the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

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

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

### PLAN APPROVALS

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

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

**25-996B: Advanced Finishing, USA** (7401 Klier Drive East, Fairview Business Park, Fairview, PA 16506) for construction of an additional coating booth in Fairview Township, **Erie County**. This is a State-only facility.

**62-172A: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) to combine all the existing general permits into a plan approval and to modify equipment at a sand and gravel plant at their Brokenstraw Plant No. 22 in Pittsfield Township, **Warren County**.

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

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

**19-00025A: Ciba Specialty Chemicals Corp.** (920 Seventh Avenue, Berwick, PA 18603) for installation of air cleaning devices on a starch dryer, a screen and reject bagger and a dump screen in Berwick Borough, **Columbia County**.

The first proposed air cleaning device, a fabric collector, will be installed on a potato starch flash dryer and will replace the fabric collector currently being used to control the PM/PM10 emissions from the respective dryer. The second proposed air cleaning device, a cartridge collector, will be installed on a screen and reject bagger and will replace the cyclone collector currently being used to control the PM/PM10 emissions from the respective screen and reject bagger. The third proposed air cleaning device, a cartridge collector, will be installed on a dump screen and will replace the fabric collector or cartridge collector currently being used to control the PM/PM10 emissions from the respective dump screen.

No increase in the emission of PM/PM10, or any other air contaminant, is expected to occur as a result of the air cleaning device installations.

The facility in which the flash dryer, screen, reject bagger and dump screen are located is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection's (Department) review of the information submitted by Ciba Specialty Chemicals Corporation indicates that the flash dryer, screen, reject bagger and dump screen will comply with all applicable conditions of State-only Operating Permit 19-00025 and all applicable regulatory requirements pertaining to air contamination sources and the emission of air contaminants following the installation of the three proposed air cleaning devices. Based on this finding, the Department proposes to issue plan approval for the installation of the three proposed air cleaning devices. Additionally, if the Department confirms that the flash dryer, screen, reject bagger and dump screen are operating in compliance with all applicable conditions of State-only Operating Permit 19-00025 and all applicable regulatory requirements following the installation of the three proposed air cleaning devices, the Department intends to incorporate the plan approval conditions into State-only Operating Permit 19-00025 in accordance with the administrative amendment requirements of 25 Pa. Code § 127.450.

The following is a summary of the conditions the Department proposes to place in the plan approval to be issued to ensure compliance with all applicable requirements:

1. All conditions contained in State-only Operating Permit 19-00025 remain in effect unless amended or superseded by a condition contained herein. If there is a conflict between a condition or requirement contained in the plan approval and a condition or requirement contained in State-only Operating Permit 19-00025, the permittee shall comply with the condition or requirement contained in this plan approval rather than with the conflicting condition or requirement contained in State-only Operating Permit 19-00025.

2. The concentration of PM/PM10 in the exhaust of the fabric collector controlling the PM/PM10 emissions from the flash dryer shall not exceed .02 grain per dry cubic foot of effluent gas volume and the concentration of PM/PM10 in the exhaust of the cartridge collector controlling the PM/PM10 emissions from the screen and reject bagger shall not exceed .04 grain per dry standard cubic foot of effluent gas volume.

3. The cartridge collector controlling the PM/PM10 emissions from the dump screen shall not be exhausted to the outdoor atmosphere at any time.

4. The fabric collector used to control the PM/PM10 emissions from the flash dryer and the cartridge collector used to control the PM/PM10 emissions from the screen and reject bagger shall each be equipped with instrumentation to monitor the differential pressure across the collector on a continuous basis.

5. The air compressor used to supply compressed air to the fabric collector used to control the PM/PM10 emissions from the flash dryer and the cartridge collector used to control the PM/PM10 emissions from the screen and reject bagger shall be equipped with an air dryer and oil trap.

6. Spare filter bags and cartridges shall be kept onsite for the fabric collector used to control the PM/PM10

emissions from the flash dryer and the cartridge collector used to control the PM/PM10 emissions from the screen and reject bagger.

**14-00003D: The Pennsylvania State University** (101P Office of Physical Plant, University Park, PA 16802-1118) for the construction of a dual-fired, combined heat and power combustion turbine and a heat recovery steam generation unit with duct burner (HRSG) located at the University Park Campus facility in College Township, **Centre County**. The respective facility is a major facility for which a Title V operating permit 14-00003 has been issued.

The Department of Environmental Protection's (Department) review of the information contained in the application indicates that the construction of the respective combustion turbine and HRSG meets all applicable air quality regulatory requirements pertaining to air contamination sources and the emission of air contaminants, including BAT Requirements of 25 Pa. Code §§ 127.1 and 127.12. Based on these findings, the Department intends to issue a plan approval for the construction of the combustion turbine and HRSG. Additionally, if the Department determines that the respective sources are operating in compliance with all plan approval conditions, the conditions established in the plan approval will be incorporated into Title V operating permit 14-00003 by means of an administrative amendment under 25 Pa. Code § 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:

*Emissions Restrictions*

25 Pa. Code § 127.12b

1. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the total emissions from Source ID P171 shall not at any time exceed any of the following limitations:

- i) 20.85 tons of NO<sub>x</sub>, expressed as (NO<sub>2</sub>), in any 12-consecutive month period;
- ii) 0.96 ton of carbon monoxide in any 12-consecutive month period;
- iii) 1.66 tons of SO<sub>x</sub>, expressed as (SO<sub>2</sub>), in any 12-consecutive month period;
- iv) 10.10 tons of PM/PM10 in any 12-consecutive month period;
- v) 5.05 tons of VOCs in any 12-consecutive month period; and
- vi) 0.02 ton of formaldehyde in any 12-consecutive month period.

25 Pa. Code § 127.12b

2. Compliance with the requirement specified in this streamlined permit condition assures compliance with the provisions in 40 CFR 60.4325.

Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not permit the emission into the outdoor atmosphere of NO<sub>x</sub>, expressed as (NO<sub>2</sub>) from Source ID P171 in a manner that the concentration of NO<sub>2</sub> in the effluent gas exceeds the following:

- i) 15 parts per million, by volume, dry basis, corrected to 15% O<sub>2</sub> at any time Source ID P171 is operating in a SoLoNO<sub>x</sub> mode and uses natural gas as fuel for operation.

- ii) 74 parts per million, by volume, dry basis, corrected to 15% O<sub>2</sub> at any time Source ID P171 is operating in a SoLoNO<sub>x</sub> mode and uses No. 2 oil as fuel for operation.

25 Pa. Code § 127.12b

3. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, during periods of start-up and shut-down, the NO<sub>x</sub>, expressed as (NO<sub>2</sub>) emissions from the exhaust of Source ID P171 shall not exceed the following:

- i) 1.2 pounds per start-up and 1.4 pounds per shut-down when Source ID P171 uses natural gas as fuel for operation.

- ii) 2.5 pounds per start-up and 2.7 pounds per shut-down when Source ID P171 uses No. 2 oil as fuel for operation.

25 Pa. Code § 127.12b

4. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not permit the emission into the outdoor atmosphere of CO from Source ID P171 in a manner that the concentration of CO in the effluent gas exceeds the following:

- i) 1.3 parts per million, by volume, dry basis, corrected to 15% O<sub>2</sub> at any time Source ID P171 is operating in a SoLoNO<sub>x</sub> mode and uses natural gas as fuel for operation.

- ii) 2.6 parts per million, by volume, dry basis, corrected to 15% O<sub>2</sub> at any time Source ID P171 is operating in a SoLoNO<sub>x</sub> mode and uses No. 2 oil as fuel for operation.

25 Pa. Code § 127.12b

5. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, during periods of start-up and shut-down, the CO emissions from the exhaust of Source ID P171 shall not exceed the following:

- i) 113.0 pounds per start-up and 118.2 pounds per shut-down when Source ID P171 uses natural gas as fuel for operation.

- ii) 86.2 pounds per start-up and 78.9 pounds per shut-down when Source ID P171 uses No. 2 oil as fuel for operation.

25 Pa. Code § 127.12b

6. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not permit the emission into the outdoor atmosphere of VOCs from Source ID P171 in a manner that the concentration of VOC in the effluent gas exceeds the following:

- i) 10.8 parts per million, by volume, dry basis, corrected to 15% O<sub>2</sub> at any time Source ID P171 is operating in a SoLoNO<sub>x</sub> mode and uses natural gas as fuel for operation.

- ii) 11.2 parts per million, by volume, dry basis, corrected to 15% O<sub>2</sub> at any time Source ID P171 is operating in a SoLoNO<sub>x</sub> mode and uses No. 2 oil as fuel for operation.

25 Pa. Code § 127.12b

7. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, during periods of start-up and shut-down, the VOCs emissions from the exhaust of Source ID P171 shall not exceed the following:

- i) 6.5 pounds per start-up and 6.8 pounds per shut-down when Source ID P171 uses natural gas as fuel for operation.

ii) 14.3 pounds per start-up and 12.8 pounds per shut-down when Source ID P171 uses No. 2 oil as fuel for operation.

40 CFR 60.4330

8. The permittee shall comply with all applicable SO<sub>2</sub> emission standards specified in 40 CFR 60.4330.

25 Pa. Code § 127.12b

9. Compliance with the requirement specified in this streamlined permit condition assures compliance with the provisions in 25 Pa. Code § 123.13.

Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not, at any time, permit the emission into the outdoor atmosphere of total PM/PM10 from Source ID P171 in excess of the following limitations;

i) 0.03 lb/mmBtu of heat input, at anytime, using natural gas as fuel for operation.

ii) 0.06 lb/mmBtu of heat input, at anytime, using No. 2 oil as fuel for operation.

iii) 0.01 gr/dscf, at anytime, using No. 2 oil or natural gas as fuel for operation.

25 Pa. Code § 127.12b

10. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12 the permittee shall not, at any time, permit the emission into the outdoor atmosphere of formaldehyde emissions from Source ID P171 in excess of the following limitations;

i) 0.0001 lb/mmBtu of heat input, at anytime, using natural gas as fuel for operation.

ii) 0.00002 lb/mmBtu of heat input, at anytime, using No. 2 oil as fuel for operation.

*Throughput Restrictions*

25 Pa. Code § 127.12b

11. Additional authority for this plan approval condition is derived from the permittee requesting the following elective restriction.

The amount of No. 2 oil used in Source ID P171 shall not exceed 486,140 gallons in any 12-consecutive month period.

*Fuel Type Restriction*

25 Pa. Code § 127.12b

12. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use No. 2 oil containing maximum percentage of sulfur equal to 0.05% by weight for fuel to operate Source ID P171.

25 Pa. Code § 127.12b

13. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use natural gas containing maximum sulfur content equal to 20 grains per 100 standard cubic foot for fuel to operate Source ID P171.

25 Pa. Code § 127.12b

14. The permittee shall never simultaneously use natural gas and No. 2 oil as a combined fuel mixture to operate Source ID P171.

*Testing Requirements*

25 Pa. Code § 127.12b

15. Additional authority for this plan approval condition is derived from 25 Pa. Code §§ 127.1 and 127.12.

Within 180 days of commencement of operation of Source ID P171, the permittee shall conduct stack testing to determine the NO<sub>x</sub>, CO, VOCs, formaldehyde and PM (filterable and condensable) emission rates while separately firing natural gas and No. 2 oil. All testing shall be performed using test methods and procedures which are acceptable to the Department. The testing shall be performed while Source ID P171 is operating at maximum rated capacity.

Subsequent stack tests shall be conducted on Source ID P171 to determine the NO<sub>x</sub> and CO emission rates while separately firing both fuels, and operating at maximum rated capacity on an approximate annual basis, but in each case, no less than 10 months and no more than 14 months following the previous test. Additionally, subsequent stack tests shall be conducted on Source ID P171 to determine the VOCs and formaldehyde emission rates while separately firing both fuels, and operating at maximum rated capacity on an approximate triennial basis, but in each case, no less than 32 months and no more than 36 months following the previous test.

The permittee may request a change in the required frequency of testing once enough data has been generated to determine the consistency of the results.

During the initial performance stack testing, the permittee shall record the percentage of pilot fuel flow to total fuel flow on a continuous basis. The requirement for percentage of fuel flow to total fuel flow range will be established based upon the stack test report.

25 Pa. Code § 127.12b

16. The permittee shall perform tests (in accordance with the provisions of 25 Pa. Code Chapter 139) or provide a fuel certification report of the percent sulfur by weight of each delivery of the fuel oil delivered to this facility.

OR

The permittee shall keep records of the fuel certification reports obtained yearly from the fuel oil supplier stating that the sulfur percentage for each shipment of fuel oil delivered to the facility during the year shall not exceed 0.5% sulfur (by weight).

40 CFR 60.4400

17. The permittee shall comply with all applicable NO<sub>x</sub> testing requirements specified in 40 CFR 60.4400.

40 CFR 60.4415

18. The permittee shall comply with all applicable testing requirements for sulfur specified in 40 CFR 60.4415.

*Monitoring Requirements*

25 Pa. Code § 127.12b

19. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12 and 40 CFR 60.4340(b)(ii), Source ID P171 shall be equipped, prior to initial start-up of Source ID P171, with instrumentation to continuously monitor operational parameters that indicate whether the Source ID P171 is operating in a low-NO<sub>x</sub> (SoLoNO<sub>x</sub>) mode.

25 Pa. Code § 127.12b

20. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the oxidation catalyst (ID C171) associated with Source ID P171 shall be equipped with instrumentation to continuously monitor the catalyst bed inlet and outlet temperatures as well as the pressure differential across the catalyst bed.

## 40 CFR 60.4340

21. The permittee shall comply with all applicable monitoring requirements specified in 40 CFR 60.4340.

## 40 CFR 60.4360

22. The permittee shall monitor the total sulfur content of each fuel being used in Source ID P171, in accordance with the requirements specified in 40 CFR 60.4360.

*Recordkeeping Requirements*

## 25 Pa. Code § 127.12b

23. The permittee shall keep accurate and comprehensive records of the following information:

i) A copy of the stack test reports for any testing performed on Source ID P171.

The permittee shall keep accurate and comprehensive records of the following information on a monthly basis for Source ID P171:

ii) The calculations of air contaminant emissions (including emission calculations during a SoLoNOx mode, start-up and shut-down) from Source ID P171 used to verify compliance with NOx, CO, SOx, VOCs, formaldehyde and PM/PM10 emissions limitations in any 12-consecutive month period.

iii) The type of fuel used in Source ID P171.

iv) The amount of fuel used in Source ID P171.

v) The number of start-ups and shut-downs performed on Source ID P171.

vi) For each delivery of No. 2 oil used to operate Source ID P171, a copy of the test results or fuel certification report that verifies compliance with No. 2 oil requirements for Source ID P171.

OR

The permittee shall keep records of a current, valid purchase contract, tariff sheet or transportation contract obtained yearly from the No. 2 oil supplier stating that the sulfur percentage for each shipment of No. 2 oil delivered to the facility during the year shall not exceed 0.05% sulfur by weight.

The permittee shall keep accurate and comprehensive records of the following information on a daily basis for Source ID P171:

vii) The percentage of pilot fuel flow to the total fuel flow.

These records shall be kept for a minimum of 5 years and shall be made available to the Department upon request.

*Reporting Requirements*

## 25 Pa. Code § 127.12b

24. The permittee shall submit the following information for Source ID P171 on an annual basis:

i) The monthly emissions of NOx, CO, SOx and PM/PM10 emissions with the supporting calculations/documentation (includes total emissions tpy based on a 12-month rolling total for each month in a the reporting period).

Annual reports shall be submitted to the Department by March 1 (for the January 1 through December 31 reporting period).

## 40 CFR 60.4

25. The submission of all requests, reports, applications, submittals and other communications required by 40 CFR 60.4300—60.4420 must be made to both the Department and the Environmental Protection Agency (EPA). The EPA copies may be sent to:

Permits and Technical Assessment Branch (3AP11)  
Air Protection Division  
USEPA Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

*Work Practice Standards*

## 25 Pa. Code § 127.12b

26. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P171 shall only operate in a non-SoLoNOx mode during periods of start-up and shut-down. The permittee shall follow the manufacturer's recommendations for procedures of start-up and shut-down.

*Additional Requirements*

## 25 Pa. Code § 127.12b

27. Source ID P171 consists of a dual-fired, combined heat and power combustion turbine, manufactured as Solar Taurus 70, Model No. 70-10301S with the capacity to produce 6,800 kW of electricity and heat inputs at peak load equal to 76.83 mmBtu/hr and 86.29 mmBtu/hr when firing natural gas and No. 2 oil, respectively.

## 25 Pa. Code § 127.12b

28. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, Source ID P171 shall be equipped with Solar SoLoNOx technology and a 27160 SCFM, BASF oxidation catalyst (ID C171) or equivalent as determined by the Department.

## 25 Pa. Code § 127.12b

29. Source ID P171 is subject to Subpart KKKK of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.4300—60.4420. The permittee shall comply with all applicable requirements specified in 40 CFR 60.4300—60.4420.

## 25 Pa. Code § 127.12b

30. Source ID P171 is subject to Subpart YYYY of the Federal National Emission Standards for HAPs for Source Categories, 40 CFR 63.6080—63.6175. The permittee shall comply with all applicable requirements specified in 40 CFR 63.6080—63.6175.

## SOURCE ID 171

*Emissions Restrictions*

## 25 Pa. Code § 127.12b

31. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the total emissions from Source ID 171 shall not at any time exceed any of the following limitations:

i) 16.15 tons of NOx, expressed as (NO<sub>2</sub>), in any 12-consecutive month period;

ii) 0.59 ton of CO in any 12-consecutive month period;

iii) 0.09 ton of SOx, expressed as (SO<sub>2</sub>), in any 12-consecutive month period;

iv) 1.47 tons of PM/PM10, in any 12-consecutive month period;

v) 1.89 tons of VOCs in any 12-consecutive month period; and

vi) 0.01 ton of formaldehyde in any 12-consecutive month period.

25 Pa. Code § 127.12b

32. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall not permit the emission into the outdoor atmosphere of air contaminant pollutants from Source ID 171 at a rate in excess of the following limitations;

- i) 0.11 lb/mmBtu for NO<sub>x</sub> (expressed as NO<sub>2</sub>) emissions;
- ii) 0.004 lb/mmBtu for CO emissions;
- iii) 0.01 lb/mmBtu for PM/PM10;
- iv) 0.013 lb/mmBtu for VOCs; and
- v) 0.00001 lb/mmBtu for formaldehyde;

*Throughput Restrictions*

25 Pa. Code § 127.12b

33. Additional authority for this plan approval condition is derived from the permittee requesting the following elective restriction.

The amount of natural gas used Source ID 171 shall not exceed 293.55 million standard cubic feet (mmscf) in any 12-consecutive month period.

*Fuel Type Restrictions*

25 Pa. Code § 127.12b

34. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the permittee shall only use natural gas containing maximum sulfur content equal to 20 grains per 100 standard cubic foot for fuel to operate Source ID 171.

*Testing Requirements*

25 Pa. Code § 127.12b

35. Additional authority for this plan approval condition is derived from 25 Pa. Code §§ 127.1 and 127.12.

Within 180 days of commencement of operation of Source ID 171, the permittee shall conduct stack testing to determine the NO<sub>x</sub>, CO, VOC, formaldehyde and PM/PM10 emission rates from Source ID 171. All testing shall be performed using test methods and procedures which are acceptable to the Department. The testing shall be performed while Source ID 171 is operating at maximum rated capacity.

Subsequent stack tests shall be conducted on Source ID 171 to determine the NO<sub>x</sub> and CO emission rates while operating at maximum rated capacity on an approximate annual basis, but in each case, no less than 10 months and no more than 14 months following the previous test. Additionally, subsequent stack tests shall be conducted on Source ID 171 to determine the VOCs and formaldehyde emission rates while operating at maximum rated capacity on an approximate triennial basis, but in each case, no less than 32 months and no more than 36 months following the previous test.

The permittee may request a change in the required frequency of testing once enough data has been generated to determine the consistency of the results.

40 CFR 60.4400

36. The permittee shall comply with all applicable NO<sub>x</sub> testing requirements specified in 40 CFR 60.4400.

40 CFR 60.4415

37. The permittee shall comply with all applicable testing requirements for sulfur specified in 40 CFR 60.4415.

*Monitoring Requirements*

25 Pa. Code § 127.12b

38. Under BAT requirements of 25 Pa. Code §§ 127.1 and 127.12, the oxidation catalyst (ID C171) associated with Source ID 171 shall be equipped with instrumentation to continuously monitor the catalyst bed inlet and outlet temperatures as well as the pressure differential across the catalyst bed.

*Recordkeeping Requirements*

25 Pa. Code § 127.12b

39. The permittee shall keep accurate and comprehensive records of the following information:

i) A copy of stack test reports for testing performed on Source ID 171.

The permittee shall keep accurate and comprehensive records of the following information on a monthly basis:

ii) The calculations of air contaminant emissions from Source ID 171 used to verify compliance with NO<sub>x</sub>, CO, SO<sub>x</sub>, PM/PM10, VOCs and formaldehyde emissions limitations in any 12-consecutive month period.

iii) The amount of fuel used in the duct burner associated with Source ID 171.

These records shall be kept for a minimum of 5 years and shall be made available to the Department upon request.

*Reporting Requirements*

25 Pa. Code § 127.12b

40. The permittee shall submit the following information for Source ID P171 on an annual basis:

i) The monthly emissions of NO<sub>x</sub>, CO, SO<sub>x</sub>, PM/PM10, VOCs and formaldehyde emissions with the supporting calculations/documentation (includes total emissions tpy based on a 12-month rolling total for each month in a the reporting period).

Annual reports shall be submitted to the Department by March 1 (for the January 1 through December 31 reporting period).

*Additional Requirements*

25 Pa. Code § 127.12b

41. Source ID 171 consists of a 97.85 mmBtu/hr, heat recover steam generation unit with supplemental natural gas-fired duct burner.

25 Pa. Code § 127.12b

42. Source ID 171 shall be equipped a 27160 SCFM, BASF oxidation catalyst (ID C171) or equivalent as determined by the Department.

25 Pa. Code § 127.12b

43. Source ID 171 is subject to Subpart KKKK of the Federal Standards of Performance for New Stationary Sources, 40 CFR 60.4300—60.4420. Source ID P171 shall comply with all applicable requirements specified in 40 CFR 60.4300—60.4420.

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, 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.

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

**32-00397: Rosebud Mining Company** (301 Market Street, Kittanning, PA 16201-1504) to allow the construction of a coal processing facility consisting of conveyors, a screen, radial stackers, stockpiles, a haul road and other supporting equipment at the Heilwood Mine, in Pine Township, **Indiana County**.

In accordance with 25 Pa. Code §§ 127.44(b) and 127.45, notice is hereby given that the Department of Environmental Protection (Department) intends to issue a Plan Approval PA-32-00397 to allow the construction of a coal processing facility consisting of conveyors, a screen, radial stackers, stockpiles, a haul road and other supporting equipment at the Heilwood Mine, located in Pine Township, Indiana County.

Emissions from the facility are estimated to be 43.32 tons of PM/PM30 and 14.51 tons of PM10 per year. The proposed facility is subject to the applicable requirements of 25 Pa. Code Chapter 127, related to construction, modification, reactivation and operation of sources, and also to 40 CFR Part 60, Subpart Y, Standards of Performance for Coal Preparation Plants. The Department believes that the facility will meet these requirements by complying with the following Plan Approval conditions:

*Special Conditions*

1. This Plan Approval is to allow the construction and operation of a Coal Preparation Plant by the Rosebud Mining Company at their Heilwood Mine Coal Preparation Plant located in Pine Township, Indiana County (25 Pa. Code § 127.12b).

2. Air contamination sources at the Facility are as follows (25 Pa. Code § 127.12b):

- Pit Conveyor, 42".
- ROM Stockpile.
- Screen, Conn-Weld 8' by 20' double deck (or equivalent), 1,000 tph.
- Oversize Coal Radial Stacker.
- Oversize Coal Stockpiles.
- Clean Coal Conveyor.
- Clean Coal Radial Stacker.
- Clean Coal Stockpiles.
- Truck Loadout by Front-end Loader.
- Paved and Unpaved Roadways.
- Emergency Diesel Generator.

3. Air pollution prevention equipment at the Facility includes the following (25 Pa. Code § 127.12b):

- Pressurized water truck with pressurized spray gun; stockpile and roadway control.

- Paving, sweeper and pressurized water truck; roadway control.

- Truck tarping; truck shipping control.

- Covers; conveyor, transfer point, radial stacker and screen control.

- Water sprays; transfer point and screen control.

- Coal moisture greater than 5%; Facility fugitive emission control.

4. There shall be no fugitive emissions from the Facility contrary to 25 Pa. Code §§ 123.1 and 123.2.

5. Air pollution and visible emission rates for the emergency diesel generator shall comply with the applicable NSPS 40 CFR Part 60 Subpart IIII and BAT requirements (25 Pa. Code § 127.12b).

6. The sulfur content in diesel fuel shall not, at any time, exceed 500 ppm. A sulfur content of 0.05 wt% will ensure compliance with this requirement (25 Pa. Code § 127.12b).

7. Emergency diesel generators shall be limited to no greater than 500 hours of operation in any 12-month period (25 Pa. Code § 127.12b).

8. The Owner/Operator may not permit the emission into the outdoor atmosphere of any malodorous air contaminants from any source, in such a manner that the malodors are detectable outside the property of the Facility (25 Pa. Code § 123.31).

9. Visible emission from diesel engines stacks shall not exceed the following limitations (25 Pa. Code § 127.12b):

- Equal to or greater than 10% for a period or periods aggregating more than 3 minutes in any 1 hour.
- Equal to or greater than 30% at any time.

10. Raw coal throughput at the Facility in any consecutive 12-month period shall not exceed 800,000 tons (25 Pa. Code § 127.12b).

11. Coal shall be stockpiled in such a manner that it may be adequately wetted by the onsite pressurized water truck to control fugitive emissions. The coal shall be adequately wetted prior to, during, and after processing, as necessary, to control fugitive emissions (25 Pa. Code § 127.12b).

12. The conveying equipment, radial stackers and front-end loaders used to stockpile, transfer and load coal shall maintain a minimal amount of drop height at all times so as to prevent fugitive emissions (25 Pa. Code § 127.12b).

13. The Owner/Operator shall employ the use of existing vegetation as wind barriers around coal storage piles (25 Pa. Code § 127.12b).

14. The hoppers, screens and transfer points shall be fully enclosed in a building, or equipped with water sprays, or both (25 Pa. Code § 127.12b).

15. The conveyors and radial stackers shall be covered, except if located within 500 feet of a residence where total enclosure will be required (25 Pa. Code § 127.12b).

16. The plant access road shall be paved for the first 500 feet and maintained so as to prevent fugitive emissions from crossing the property line. The remaining areas of vehicle traffic shall be paved or periodically delineated with gravel or crushed stone, as necessary to prevent fugitive emissions from crossing the property line (25 Pa. Code § 127.12b).

17. In-plant roads and areas of vehicle traffic shall be watered and swept, as needed on a preventative basis, such that visible fugitive emissions do not cross the property line in accordance with 25 Pa. Code §§ 123.1 and 123.2. Other methods of dust control shall be used when weather conditions make in-plant road watering hazardous, as necessary, to prevent visible fugitive emissions from crossing the property line in accordance with 25 Pa. Code §§ 123.1 and 123.2.

18. Road watering and sweeping shall be performed on, as needed, and earth or other material transported from the site shall be removed promptly from, as needed, the paved public road (SR 403) to prevent visible fugitive emissions in accordance with 25 Pa. Code § 123.1(c).

19. The Owner/Operator shall post a requirement stating, "All loaded trucks exiting the plant property shall be properly tarpaulin covered" (25 Pa. Code § 127.12b).

20. The Owner/Operator shall perform a daily inspection of the Facility for the presence of fugitive emissions. Records of each inspection shall be maintained in a log and include any corrective actions taken (25 Pa. Code § 127.12b).

21. Coal moisture shall be tested at the truck loadout on each day that the Facility operates. Records of those tests shall be maintained in a log (25 Pa. Code § 127.12b).

22. The Owner/Operator shall maintain the following 12-month rolling totals (25 Pa. Code § 127.12b):

- a. Tons of raw coal processed at the Facility.
- b. Tons of clean coal shipped from the Facility by truck.
- c. Tons of oversize coal shipped from the Facility by truck.
- d. The number of hours the emergency diesel engine operated using a nonresettable hour meter.

23. The Facility is subject to New Source Performance Standards for Coal Preparation Plants and for Stationary Compression Ignition Internal Combustion Engines (40 CFR Part 60, Subparts Y and IIII respectively). In accordance with 40 CFR 60.4, copies of all requests, reports, applications, submittals and other communications shall be forwarded to both the Environmental Protection Agency (EPA) and the Department at the addresses listed unless otherwise noted.

Director  
Air Toxics and Radiation  
US EPA, Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

Department of Environmental Protection  
Air Quality Program  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745

24. The logs and required records shall be maintained onsite for a minimum of 5 years and shall be made available to the Department upon request (25 Pa. Code § 127.12b).

25. Upon determination by the Owner/Operator that the sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall contact the Department's reviewing engineer and schedule the Initial Operating Permit Inspection (25 Pa. Code § 127.12b).

26. Upon completion of Initial Operating Permit Inspection and determination by the Department that the

sources covered by this Plan Approval are in compliance with all conditions of the Plan Approval the Owner/Operator shall submit a State-only Operating Permit application at least 60 days prior to the expiration date of the Plan Approval (25 Pa. Code § 127.12b).

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

#### *General Conditions*

1. Words and terms that are not otherwise defined in this plan approval shall have the meanings set forth in section 3 of the Air Pollution Control Act (APCA).

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

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

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

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

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

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



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

4. The permittee shall maintain and operate the sources and associated air cleaning devices in accordance with good engineering practice as described in the plan approval application submitted to the Department.

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

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

6. This plan approval will be valid for a limited time, as specified by the expiration date contained on page 1 of this plan approval. Except as provided in §§ 127.11a and 127.215 (relating to reactivation of sources; and reactivation), at the end of the time, if the construction, modification, reactivation or installation has not been completed, a new plan approval application or an extension of the previous approval will be required.

a. If construction has commenced, but cannot be completed before the expiration of this plan approval, an extension of the plan approval must be obtained to continue construction. To allow adequate time for Departmental action, a request for the extension should be postmarked at least 30 days prior to the expiration date. The Department will not issue an extension after the plan approval expires. The request for an extension should include the following:

1. A justification for the extension,
2. A schedule for the completion of the construction.

If construction has not commenced before the expiration of this plan approval, then a new plan approval application must be submitted and approval obtained before construction can commence.

b. If the construction, modification or installation is not commenced within 18-months of the issuance of this plan approval or if there is more than an 18-month lapse in construction, modification or installation, a new plan approval application that meets the requirements of 25 Pa. Code Chapter 127, Subchapters B, D and E (relating to plan approval requirements; prevention of significant deterioration of air quality; and new source review) shall be submitted.

7. This plan approval may not be transferred from one person to another except when a change of ownership is

demonstrated to the satisfaction of the Department and the Department approves the transfer of the plan approval in writing.

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

b. This plan approval is valid only for the specific source and the specific location of the source as described in the application.

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

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

b. Nothing in this plan approval condition shall limit the ability of the EPA to inspect or enter the premises of the permittee in accordance with section 114 or other applicable provisions of the CAA.

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

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

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

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

d. The EPA determines that this plan approval is not in compliance with the CAA or the regulations thereunder.

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

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

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

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

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

14. A person may not cause or permit the operation of a source subject to § 127.11 (relating to plan approval requirements), unless the source and air cleaning devices identified in the application for the plan approval and the plan approval issued to the source, are operated and maintained in accordance with specifications in the application and conditions in the plan approval issued by the Department. A person may not cause or permit the operation of an air contamination source subject to this chapter in a manner inconsistent with good operating practices.

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

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

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

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

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

For additional information you may contact Alan Binder at (412) 442-4168.

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

**10-267C: Three Rivers Aluminum Co.—TRACO** (71 Progress Avenue, Cranberry Township, PA 16066) for replacement of a thermal oxidizer at their facility in Cranberry Township, **Butler County**. This is a Title V facility.

Under 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (Department) intends to issue Plan Approval 10-267C to Three Rivers Aluminum Co. (TRACO) for the replacement of a thermal oxidizer at the company's facility located at 71 Progress Avenue, Cranberry Township, Butler County. The facility currently has a Title V permit No. 10-00267. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 10-267C is for the replacement of the existing thermal oxidizer associated with two surface coating operations with a new regenerative thermal oxidizer. Based on the information provided by the applicant and Department's own analysis, the source and associated control device will emit a total of 171 tons of VOC's, 4.29 tons of NOx, 3.6 tons of CO, 0.33 ton of PM, 0.25 ton of which will be PM10 and 0.03 ton of SOx per year. This proposed installation will not increase the facility's current VOC emissions limit for this source.

The Plan Approval will contain additional testing, monitoring, recordkeeping, reporting and work practice

requirements designed to keep the facility operating within all applicable air quality requirements. This proposed installation will additionally be subject to 40 CFR 63 Subpart M, the applicable requirements of which are contained in the facility's Title V Operating Permit.

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

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

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

2. Identification of the proposed Plan Approval; No. 10-267C.

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

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

**24-017C: Morgan Advanced Materials and Technology** (441 Hall Avenue, St. Marys, PA 15857), for construction of a second batch coking oven to be controlled by a new thermal oxidizer in St. Marys City, **Elk County**. This is a State-only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the State-only operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- Source shall comply with 25 Pa. Code § 123.21 for SOx.

- Emissions shall with 25 Pa. Code §§ 123.1, 123.31 and 123.41 for fugitive, odor and visible emissions respectively.

- No person may permit the emission into the outdoor atmosphere of filterable PM (FPM) in a manner that the concentration of FPM in the effluent gas exceeds 0.02 gr/dscf.

- The VOC emissions shall not exceed 0.1 lbs/hr from the afterburner.

- The SOx emissions shall not exceed 1.2 lbs/hr from the afterburner.

- Conduct stack testing for VOC and FPM.

- The permittee shall maintain a record of the preventive maintenance inspections of the control devices. The records of the maintenance inspections shall include, at a minimum, the dates of the inspections, the name of the person performing the inspection, any problems or defects identified, any actions taken to correct the problems or defects, and any routine maintenance performed.

- The permittee shall record the following operational data from the control devices (these records may be done with strip charts recorders, data acquisition systems or manual log entries):

- Combustion chamber temperature—continuously as defined as at least once every 15 minutes.

- The permittee shall perform a daily operational inspection of the control device.

- The gauges employed by the permittee to monitor the required control device operating parameters shall have a scale that the expected normal reading shall be no less than 20% of full scale and be accurate within +/- 2% of full scale reading.

- Control device operating parameters, including combustion chamber temperature, shall be operated in a range defined by the manufacturer or in a range developed during compliant stack testing. The operating range of the combustion chamber shall be operated at a minimum temperature of 1,400° F during the heating portion of the baking cycle or shall be determined within 90 days after startup of the control device and shall be indicated to the Department in writing prior to administratively amending into the facility operating permit. The operating range shall be made part of the facility operating permit.

- The permittee shall operate the control device at all times that the source is in operation.

- The permittee shall maintain and operate the source and control device in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

**37-243F: INMETCO** (One INMETCO Drive, Ellwood City, PA 16117) for modification of plan approval 37-243D condition with regards to the CO CEM for the 156,000 acfm baghouse controlling the Rotary Hearth Furnace in Ellwood City Borough, **Lawrence County**. This is a Title V facility. The public notice is required for sources required to obtain a Plan Approval at Title V facilities in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450, be incorporated into the Title V operating permit through an administrative amendment at a later date. The source shall comply with the following conditions, which will satisfy the requirements of 25 Pa. Code § 127.12b (pertaining to plan approval terms and conditions) and will demonstrate BAT for the source:

- The conditions from plan approval 37-243D remain in effect except for the following:

- No person may permit the emission into the outdoor atmosphere of filterable PM (FPM) in a manner that the concentration of FPM in the effluent gas exceeds 0.02 gr/dscf. (This condition replaces Condition No. 002(b) from 37-243D)

- The CO emission rate will be determined after performance of three stack tests performed within an 18-month period. If CO emissions are major, a CO CEM will be installed in accordance with the Department of

Environmental Protection's CEM manual. (This condition replaces Condition No. 002(d) from 37-243D)

- The facility shall stack test for FPM (using Method 5 or another Department approved method) at the outlet of the RHF baghouse (C102A). (This condition replaces Condition No. 003(a) from 37-243D)

- The permittee shall perform three CO stack test, within an 18-month period, in accordance with the provisions of Chapter 139 of the Rules and Regulations of the Department. The stack test shall be performed while the aforementioned source is operating at the maximum or normal rated capacity as stated on the application. The stack test shall be conducted at the outlet of both the RHF baghouse (C102A) and the Materials Handling baghouse (C101). The stack test shall be performed concurrently with NOx testing.

#### PLAN APPROVAL

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#### PUBLIC HEARINGS

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

**06-05002: Lehigh Cement Co.** (537 Evansville Road, Fleetwood, PA 19522-8541) The Department of Environmental Protection will hold a public hearing for the approval of a change to the Reasonably Available Control Technology (RACT) Plan for the two cement kilns at Lehigh's Portland cement manufacturing facility in Maiden Creek Township, **Berks County**. The change to the plan involves the short term NOx limit and the method of monitoring used. The NOx limit will be changed from 8.83 pounds per ton of clinker to 367.7 pounds per hour (30-day rolling average). This is an actual reduction in the emission limit for NOx. The second change involves the type of system used to monitor these emissions. Lehigh will be permitted to use a continuous emission monitor in place of the "Linkman" system currently required by the RACT Plan.

The pertinent documents concerning this change to the plan is available at the Reading District Office. Reviews may be scheduled by contacting the office by telephone at (610) 916-0100.

The public hear will be held on December 16, 2008, from 9 a.m. until all scheduled comments on the proposal are received in the Reading District Office, 1005 Cross Roads Boulevard, Reading, PA 19605. Persons interested in submitting comments should notify Roger A. Fitterling by telephone at (610) 916-0100 to reserve time. Two written copies of the comments to be presented shall be send to office no later than December 15, 2008.

The Department will continue to receive written comments for 2 weeks following the hearing.

#### OPERATING PERMITS

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**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.**

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

**46-00048: Wyeth Pharmaceuticals** (500 Arcola Road, Collegeville, PA 19426) for a renewal of Title V Operating Permit in Upper Providence Township, **Montgomery County**. The facility's primary sources include boilers and emergency generators. The permit will include moni-

toring, recordkeeping and reporting requirements designed to address the applicable air quality requirements.

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

**22-05026: Eldorado Properties Corp.** (P. O. Box 2621, Harrisburg, PA 17105) for a bulk petroleum product loading terminal in the City of Harrisburg, **Dauphin County**. The primary emissions are VOC. This is a renewal of Title V operating permit issued in April 2004.

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

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

**15-00112: Merck & Co., Inc.** (466 Devon Park Drive, Wayne, PA 19087) for operation of their research facility in Tredyffrin Township, **Chester County**. The permit is for a non-Title V (State-only) facility. Major sources of air emissions include two natural gas-fired boilers and two diesel-fired emergency generators. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**23-00077: County of Delaware—Fair Acres Complex** (340 North Middletown Road, Lima, PA 19037) for operation of boilers and emergency generators on its grounds at Middletown Township, **Delaware County**. This action is a renewal of a State-only Operating Permit (Synthetic Minor), which was originally issued on November 6, 2003. The entire facility took a 4,150 pounds per month (24.9 tpy) limit on the NOx emissions produced by the consumption of fuels. The renewal contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**09-00090: Praxair Distribution Mid-Atlantic, LLC, d/b/a GTS-Welco** (1 Steel Road East, Morrisville, PA 19067) for renewal of a Non-Title V Facility, State-only, Natural Minor Permit in Falls Township, **Bucks County**. GTS-Welco owns and operates a facility for filling and recycling gas cylinders for industry. A catalytic oxidizer is used to control emissions of ethylene oxide. Base Products and Acid Product emissions are controlled through the use of wet scrubber systems. Gases containing boron or silanes are processed in the Guardian Gas Cylinder Manifold, and the emissions from this unit are controlled through the use of a thermal oxidizer, a baghouse and a wet scrubber. Monitoring, recordkeeping and reporting requirements have been added to the permit to address applicable limitations.

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

**06-05114: Birchcraft Kitchens, Inc.** (425 Richmond Street, Reading, PA 19605) for operation of their wood cabinet manufacturing plant in the City of Reading, **Berks County**. The facility has a potential-to-emit greater than 50 tpy of VOC from their painting operations. In keeping with their synthetic minor status, the facility emissions shall be less than 25 tpy of VOC. The State-only permit will include monitoring, work practices, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**67-03021: General Dynamics OTS** (P. O. Box 127, Red Lion, PA 17356) for operation of a boiler and metal finishing systems at the ordinance and tactical systems plant in Red Lion Borough, **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, David Aldenderfer, Program Manager, (570) 327-3637.*

**59-00017: Hitachi Metals Automotive Components USA, LLC** (P. O. Box 68, Blossburg, PA 16912) for modification of a State-only operating permit for an automotive parts iron foundry in Lawrence Township, **Tioga County**.

The proposed modification to the operating permit consists of modifying a permit condition which currently restricts the amount of time material can be pneumatically conveyed into two sand/binder storage silos to no more than 150 hours each in any 12-consecutive month period to allow material to be pneumatically conveyed into the respective silos for no more than 400 hours each in any 12-consecutive month period.

As the PM/PM10 emissions from each of the silos are controlled by a fabric collector, the potential increase in PM/PM10 emissions from the silos which will result from the proposed permit modification is not expected to exceed .02 ton, combined, in any 12-consecutive month period.

The facility in which the silos are located is not a major (Title V) facility for any air contaminant.

The Department of Environmental Protection proposes to approve the proposed modification to State-only Operating Permit 59-00017.

**14-00020: Hanson Aggregates (PA), Inc.** (7660 Imperial Way, Suite 103, Allentown, PA 18195-1040) for their Oak Hall quarry in College Township, **Centre County**. The facility's main sources include two crushers and associated various material sizing and conveying equipment. These sources have the potential to emit PM/PM10 below the major emission thresholds. The proposed Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

## COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

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

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

particular proposed mining activity, the submittal of the permit application will serve as the request for the certification.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the address of the district mining office indicated above each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—34.

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

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

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

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

For noncoal mining activities, the proposed limits are found in Table 2. Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit descrip-

tion 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:

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

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

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to: surface runoff (resulting from a precipitation event of less than or equal to a 10-year 24-hour event) from active mining areas; active areas disturbed by

coal refuse disposal activities; and mined areas backfilled and revegetated; and drainage (resulting from a precipitation event of less than or equal to a 1-year 24-hour event) from coal refuse disposal piles.

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

**17823701 and NPDES Permit No. PA0617083, Rosebud Mining Company**, (301 Market Street, Kittanning, PA 16201), to transfer the permit and related NPDES Permit for the Bigler Coal Refuse Disposal Area No. 1 in Bradford Township, **Clearfield County** from Energy Resources, Inc. to Rosebud Mining Company and to change the operation name from Refuse Disposal Area No. 1. No additional discharges. Application received September 18, 2008.

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

**56080109 and NPDES No. PA0262706. PBS Coals, Inc.**, P. O. Box 260, Friedens, PA 15541, commencement, operation and restoration of a bituminous surface and auger mine in Somerset Township, **Somerset County**, affecting 320.7 acres. Receiving streams: UNTs to Wells Creek to Stonycreek River classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 29, 2008.

**32000102 and NPDES Permit No. PA0248827. Britt Energies, Inc.**, 2450 Philadelphia Street, Indiana, PA 15701, permit revision—land use change on Christopher Evans property from Forest to Pasture or land occasionally cut for hay in White Township, **Indiana County**, affecting 105.3 acres. Receiving streams: UNTs to and Yellow Creek classified for the following use: TSF. There are no potable water supply intakes within 10 miles downstream. Application received November 5, 2008.

**32000109 and NPDES Permit No. PA0248827. Britt Energies, Inc.**, 2450 Philadelphia Street, Indiana, PA 15701, permit revision—and use change on Christopher Evans property from Forest to Pasture or land occasionally cut for hay in White Township, **Indiana County**, affecting 33.5 acres. Receiving streams: UNTs to and Yellow Creek classified for the following use: TSF. There

are no potable water supply intakes within 10 miles downstream. Application received November 5, 2008.

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

**24880103 and NPDES Permit No. PA010779. Energy Resources, Inc.** (c/o Ohio American Energy, Inc., 34 Kelly Way, Brilliant, OH 43913). Renewal of an existing bituminous surface strip operation in Horton Township, **Elk County** affecting 541.0 acres. Receiving streams: UNT to Mead Run; UNT to Vineyard Run; two UNTs to Laurel Run; two UNTs to West Branch Walburn Run, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application for reclamation only. Application received October 31, 2008.

**33990102 and NPDES Permit No. PA0227978. McKay Coal Company** (P. O. Box 343, Punxsutawney, PA 15767). Renewal of an existing bituminous surface strip and auger operation in Perry Township, **Jefferson County** affecting 81.7 acres. Receiving streams: Two UNTs to Foundry Run, Foundry and Perryville Runs, classified for the following use: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received November 4, 2008.

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

**17080114 and NPDES No. PA0256951. Waroquier Coal Company** (P. O. Box 128, Clearfield, PA 16830). Commencement, operation and restoration of a bituminous surface mine in Jordan Township, **Clearfield County**, affecting 125.0 acres. Receiving streams: Davidson and North Witmer Runs, classified for the following use: CWF. There are no potable water supply intakes within 10 miles downstream. Application received October 27, 2008.

*Noncoal Applications Received*

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

Table 2

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

\* The parameter is applicable at all times.

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

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

**44930301 and NPDES Permit No. PA0595985. Eastern Industries, Inc.**, 4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034, renewal of NPDES Permit, Armagh Township, **Mifflin County**. Receiving stream: Laurel Creek classified for the following use: HQ-CWF. Application received November 3, 2008.

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

**3778SM10. Gierlach Crushing and Consulting** (206 Patchel Run Road, Franklin, PA 16323-6709). Renewal of NPDES Permit No. PA0108812, City of Franklin. Receiving streams: Patchel Run, classified as WWF. The first downstream potable water supply intake from the point of discharge is Franklin City Water Authority. NPDES Renewal application received October 31, 2008.

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

**5777SM4C7 and NPDES Permit No. PA0034690. Barletta Materials & Construction, Inc.**, (P. O. Box 550, Tamaqua, PA 18252), renewal of NPDES Permit for discharge of treated mine drainage from a quarry opera-

tion in Nescopeck Township, **Luzerne County**, receiving streams: Susquehanna River and a UNT to Susquehanna River, classified for the following uses: WWF and CWF. Application received October 30, 2008.

### FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

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

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

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

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

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### WATER OBSTRUCTIONS AND ENCROACHMENTS

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

**E15-790. 505 Eagleview Boulevard Associates, LP**, 707 Eagleview Boulevard, P. O. Box 562, Exton, PA 19341, Uwchlan Township, **Chester County**, United States Army Corps of Engineers, Philadelphia District.

To amend the permit No. 15-790 (No E15-602), to include the construction and maintenance of the proposed 50-foot long, 12-foot span and 3.5-foot rise bridge across a UNT to Shamona Creek (HQ-TSF) impacting 0.031 acre of wetlands associated with access to the proposed development. The project is located approximately 3,000 feet southwest of the Pottstown Pike (SR 0100) Interchange of Turnpike (Downingtown, PA USGS Quadrangle North: 11.5 inches; West: 7.1 inches).

**E46-1033. PECO Energy Company**, 2301 Market Street, S 9-1, Philadelphia, PA 19101, Hatfield Township, **Montgomery County**, United States Army Corps of Engineers, Philadelphia District.

To expand, construct and maintain an existing PECO substation impacting 0.17 acre of wetland associated with the power demand for PA, NJ and DE. The project proposes to construct 0.18 acre of replacement wetlands onsite.

The site is located near the intersection of Derstine and Elroy Roads (Telford, PA USGS Quadrangle N: 5.00 inches; W: 10.00 inches).

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

**E14-513. Department of Transportation, Engineering District 2-0**, P. O. Box 342, Clearfield, PA 16830. SR 3023 Section A01 Bridge Replacement, in Worth Township, **Centre County**, United States Army Corps of Engineers, Pittsburgh District (Port Matilda, PA Quadrangle N: 040° 49' 33"; W: 076° 06' 32").

Construct and maintain a single-span, composite prestressed spread box beam bridge, with integral abutments placed behind the existing abutments. The proposed bridge will have a span of 60 ft., a curb to curb width of 26 ft. and a skew of 32°. The proposed bridge will have a low chord elevation of 1,404.82 ft. This project proposes approximately a 30 ft. permanent impact to Laurel Run as a result of the bridge replacement and approximately 130 ft. (135 sq. ft.) impact as a result of the installation of R-8 Rip-Rap to stabilize the stream banks. The project is located on SR 3023, Segment 0090, Offset 0446-1046, over Laurel Run. Laurel Run is designated a Class A Wild Trout, HQ-CWF stream. This project does not propose to impact any jurisdictional wetlands.

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## ACTIONS

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

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

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

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

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

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

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

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

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

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA-0060780 Minor Sewage	Leggett & Platt, Inc. 515 Salem Boulevard Berwick, PA 18603	Salem Township Luzerne County	UNT to Susquehanna River	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>
PA0205257 Sewage	Greensboro Monongahela Township Joint Sewer Authority P. O. Box 342 Greensboro, PA 15338-0342	Greene County Monongahela Township	Back Channel of the Monongahela River	Y
PA0094102 Sewage	Thom A. Yohe 405 Vista Valley Road Washington, PA 15301	Washington County South Franklin Township	UNT of Chartiers Creek	Y
PA0217883 Sewage	Encotech, Inc. P. O. Box 305 Eighty Four, PA 15330	Washington County North Strabane Township	Drainage Swale Tributary to Little Chartiers Creek	Y
PA0219461 Sewage	Center-West Joint Sewer Authority 235 Main Street West Brownsville, PA 15417	Washington County Centerville Borough	Monongahela River	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>
PA0028941	Evans City Borough STP 803 North Washington Street Ext. Evans City, PA 16033	Jackson Township Butler County	Breakneck Creek 20-C	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. PA0011266, Amendment No. 2**, Industrial Waste, **Cabot Corporation**, County Line Road, Boyertown, PA 19512. This proposed facility is located in Douglass Township, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the amendment to divert reverse osmosis reject water from existing permitted Outfall 003 to permitted Outfall 002 into West Swamp Creek in Watershed 3D.

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

**NPDES Permit No. PA0253693**, Sewage, **East Conemaugh Borough**, 355 First Street, East Conemaugh, PA 15909. This proposed facility is located in East Conemaugh Borough, **Cambria County**.

Description of Proposed Action/Activity: Permit issuance for discharge of combined sewage from combined sewer outfalls at East Conemaugh Borough, Cambria County.

**NPDES Permit No. PA0253766**, Sewage, **Rox Coal, Inc.**, P. O. Box 260, Friedens, PA 15541. This proposed facility is located in Somerset Township, **Somerset County**.

Description of Proposed Action/Activity: Permit issuance for sewage treatment plant discharge.

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

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

**WQM Permit No. 0285431-A1**, Sewerage, **The Municipal Authority of the Township of Robinson**, P. O. Box 15539, Pittsburgh, PA 15244-0539. This existing facility is located in Robinson Township, **Allegheny County**.

Description of Proposed Action/Activity: Permit issuance for modifications at Covi-Douglas STP to address a hydraulic overload and meet more stringent NPDES permit effluent limits.

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

**WQM Permit No. WQG018652**, Sewerage, **Nicholas E. Adams**, 8381 Lake Pleasant Road, Erie, PA 16509. This proposed facility is located in Fairview Township, **Erie County**.

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

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

**WQM Permit No. 4608410**, Sewerage, **Lower Salford Township Authority**, P. O. Box 243, 57 Main Street, Harleysville, PA 19438. This proposed facility is located in Lower Salford Township, **Montgomery County**.

Description of Action/Activity: The influent pump station for the Mainland WWTP will be relocated together with the influent sanitary sewer and force main from the pump station to the wastewater treatment plant.

**WQM Permit No. 4608411**, Sewerage, **Springfield Township**, 1510 Paper Mill Road, Wyndmoor, PA 19038. This proposed facility is located in Springfield Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a sanitary pump station to convey the wastewater from the Squires Ridge Development to the City of Philadelphia, SW WWTF.

**WQM Permit No. 2307402-A-1**, Sewerage, **Amendment, Delaware County Regional Water Quality Control Authority**, 100 East Fifth Street, Chester, PA 19016-0999. This proposed facility is located in Trainer Borough, **Delaware County**.

Description of Action/Activity: To rebuild and upgrade the Price Street Pump station due to overflows during wet weather events.

**WQM Permit No. 1500421**, Sewerage, **Amendment, Upper Uwchlan Township**, 140 Pottstown Pike, Chester Springs, PA 19425. This proposed facility is located in Upper Uwchlan Township, **Chester County**.

Description of Action/Activity: New blowers and blower building, post equalization tank, new influent flow meter for SBR sys, new pump, chemical feed for pH adjustment and new centrifuge of sludge dewatering.

**WQM Permit No. WQG02460820**, Sewerage, **Lower Providence Township Sewer Authority**, 100 Parklane Drive, Eagleville, PA 19403. This proposed facility is located in Lower Providence Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a low pressure grinder pump system and associated force main to service eight new single-family units.

**IV. NPDES Stormwater Discharges from MS4 Permit Actions****V. NPDES Waiver Stormwater Discharges from MS4 Actions****VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 0907018	Buckingham Properties, LP P. O. Box 182 Holicong, PA 18929	Bucks	Solebury Township	Aquetong Creek HQ-CWF
PAI01 0908001	Charles Reese 785 Nemeth Road Coopersburg, PA 18036	Bucks	Springfield Township	Cooks Creek EV
PAI01 1504013A-1	ACMEC of North America P. O. Box 1485 Blue Bell, PA 19422	Chester	West Pikeland Township	Pine Creek/Pickering Creek HQ-TSF
PAI01 2308005	James Greco 1004 Millstream Drive Malvern, PA 19355	Delaware	Edgmtont Township	Chester Creek TSF-MF Ridley Creek HQ-TSF

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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI025207005	Pine Hill Partners, LP HC 8, Box 8334 Hawley, PA 18428	Pike	Westfall Township	Delaware River HQ-CWF, HQ-MF

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

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

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

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

*General Permit Type—PAG-2**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Tinicum Township Bucks County	PAG200 0904025	Positive Managers 112 Cafferty Road Point Pleasant, PA 18950	Tohickon Creek CWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Doylestown Borough Bucks County	PAG200 0908033	County of Bucks 55 East Court Street Doylestown, PA 18901	Cooks Run WWF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Frederick Township Montgomery County	PAG200 4608147	Harold Lingenfelter 275 Township Line Road Schwenksville, PA 19512	Goshenhoppen Creek TSF, MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Upper Merion Township Montgomery County	PAG200 4608124	Rufo Contracting 427 East Elm Street Conshohocken, PA 19428	Schuylkill River WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Lower Pottsgrove Township Montgomery County	PAG200 4608139	Valley Forge Properties, LP 910 Germantown Pike Plymouth Meeting, PA 19462	Hartenstine Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 (484) 250-5900
Allen Township East Allen Township Northampton County	PAG2004808019	County of Northampton Attn: Gordon Heller Division of Parks and Recreation Department of Public Works Greystone Building Gracedale Complex Nazareth, PA 18064	Catasauqua Creek CWF Dry Run CWF	Northampton County Conservation District (610) 746-1971
Wilkes-Barre Township Wilkes-Barre City Luzerne County	PAG2004008018	Mark Coal Street Associates, LLP Attn: Anthony Mazonkey P. O. Box 1389 Kingston, PA 18704	Solomon Creek CWF	Luzerne County Conservation District (570) 674-7991
Cass Township Foster Township Schuylkill County	PAG2005408023	SEDCO P. O. Box 659 Pottsville, PA 17901	West Branch of the Schuylkill River CWF	Schuylkill County Conservation District (570) 622-3742
Codorus Township York County	PAG2006708056	Phil Martin 2583 Buffalo Valley Road Spring Grove, PA 17362	Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
North Codorus Township York County	PAG22006708034	Kinsley Equities III, LP 6259 Reynolds Mill Road Seven Valleys, PA 17360	UNT to West Branch Codorus Creek WWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Monaghan Township York County	PAG2006708031	Linda Altland Monaghan Township 202 South York Road Dillsburg, PA 17019	Yellow Breeches Creek CWF	York County Conservation District 118 Pleasant Acres Road York, PA 17402 (717) 840-7430
Bern Township Berks County	PAG2000608059	Philip Yocum 50 Grandview Boulevard Reading, 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

**NOTICES**

**6409**

<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>
Muhlenberg Township Berks County	PAG2000608040	Larry Gardner Larken Associates P. O. Box 6989 Hillsborough, NJ 08844	Laurel Run WWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Bern Township Berks County	PAG2000608059	Philip Yocum 50 Grandview Boulevard Reading, PA 19609	UNT to the Schuylkill River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Caernarvon Township Berks County	PAG2000608060	Keith Grant and Charlie Knapp Morgantown Affiliates I, LP Morgantown Affiliates II, LP 960 Pottstown Pike Chester Springs, PA 19425	UNT to Conestoga River WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Laureldale Borough Berks County	PAG2000606093	Teresa Haught Muhlenberg School District 801 Bellevue Avenue Laureldale, PA 19605	Laurel Run CWF-WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Amity Township Berks County	PAG2000608067	Kenneth Jones Reading Hospital and Medical Center 6th Avenue and Spruce Street West Reading, PA 19611	Leaf Creek—Schuylkill River WWF-MF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Spring Township Berks County	PAG2000608063	Ian Salada Pennsylvania State University Office of Physical Plant Physical Plant Building University Park, PA 16802	Tulpehocken Creek WWF	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Richmond Township Berks County	PAG2000608058	Frank Schoch Carbon Copy Limited Partnership 220 Main Street Topton, PA 19562	UNT Sacony Creek—Schuylkill TS	Berks County Conservation District 1238 County Welfare Road Suite 200 Leesport, PA 19533-9710 (610) 372-4657, Ext. 201
Swatara Township Dauphin County	PAG2002208037	Verdelli Farms, Inc. 7505 Grayson Road Harrisburg, PA 17111	Beaver Creek WWF	Dauphin County Conservation District 1451 Peters Mountain Road Dauphin, PA 17018 (717) 921-8100

*Facility Location:  
Municipality &  
County*North Cornwall  
Township  
Lebanon County

Permit No.

PAG2003804035(1)

*Applicant Name &  
Address*Bruce Thaler  
BTKD Lebanon, LLC  
116 Union Avenue  
Altoona, PA 16602*Receiving  
Water/Use*Snitz Creek  
TSF*Contact Office &  
Phone No.*Lebanon County  
Conservation District  
2120 Cornwall Road  
Suite 5  
Lebanon, PA 17042  
(717) 272-3908, Ext. 4Potter County  
Harrison Township

Permit No.

PAG2045307001(1)

Potter County  
Commissioners  
Douglas Morley,  
Chairperson  
One East Second Street  
Room 22  
Coudersport, PA 16915North Fork, White  
Branch and Cowanesque  
River  
WWFsPotter County  
Conservation District  
107 Market Street  
Coudersport, PA 16915  
(814) 274-8411, Ext. 4Butler County  
Cherry Township

Permit No.

PAG2091008003

Bureau of Abandoned  
Mine Reclamation  
Cambria Office  
286 Industrial Park Road  
Ebensburg, PA  
15931-4119UNT to South Branch to  
Slippery Rock Creek  
CWFDepartment of  
Environmental Protection  
Cambria Office  
286 Industrial Park Road  
Ebensburg, PA  
15931-4119  
(814) 472-1800*General Permit Type—PAG-3**Facility Location:  
Municipality &  
County*Hazleton Township  
Luzerne County

Permit No.

PAR122218

*Applicant Name &  
Address*ADM Cocoa  
400 Stony Creek Drive  
Hazle Township, PA  
18202*Receiving  
Water/Use*Stony Creek to Black  
Creek  
CWF*Contact Office &  
Phone No.*DEP—NERO  
Water Management  
Program  
2 Public Square  
Wilkes-Barre, PA  
18711-2511  
(570) 826-2511*General Permit Type—PAG-4**Facility Location:  
Municipality &  
County*Donora Borough  
Washington County

Permit No.

PAG046394

*Applicant Name &  
Address*David P. Suski  
1305 3rd Avenue  
Donora, PA 15033*Receiving  
Water/Use*UNTs to Monongahela  
River*Contact Office &  
Phone No.*Southwest Regional Office  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh, PA  
15222-4745  
(412) 442-4000Jefferson Township  
Mercer County

Permit No.

PAG048480

Randall L. Carroll  
622 Charleston Road  
Sharpsville, PA 16150UNT to Shenango River  
20-ADEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
(814) 332-6942Fairview Township  
Erie County

Permit No.

PAG049466

Nicholas E. Adams  
8381 Lake Pleasant Road  
Erie, PA 16509UNT to Goodban Run  
15-ECDEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
(814) 332-6942

*General Permit Type—PAG-5**Facility Location:  
Municipality &  
County*City of Hermitage  
Mercer CountyPermit No.  
PAG058385*Applicant Name &  
Address*Kirila Contractors, Inc.  
505 Bedford Road  
Brookfield, OH 44403*Receiving  
Water/Use*

UNT to Pine Run

*Contact Office &  
Phone No.*DEP—NWRO  
Water Management  
230 Chestnut Street  
Meadville, PA 16335-3481  
(814) 332-6942*General Permit Type—PAG-9**Facility Location:  
Municipality &  
County*Upper Mifflin  
Township  
Cumberland CountyPermit No.  
PAG093513T*Applicant Name &  
Address*Oaktree Environmental  
Services  
414 Roxbury Road  
Newville, PA 17241*Receiving  
Water/Use*Oaktree Environmental  
Services  
414 Roxbury Road  
Newville, PA 17241*Contact Office &  
Phone No.*DEP—SCRO  
909 Elmerton Avenue  
Harrisburg, PA  
17110-8200  
(717) 705-4707*General Permit Type—PAG-9 (SSN)**Facility Location:  
Municipality &  
County*Mark Zook Farm  
230 Trozelville Road  
Middleburg  
Center Township  
Snyder CountyPermit No.  
PAG094839*Applicant Name &  
Address*Dave Zook  
346 Sunrise Garden Lane  
Middleburg, PA 17842*Receiving  
Water/Use*Mark Zook Farm  
230 Trozelville Road  
Middleburg  
Center Township  
Snyder County*Contact Office &  
Phone No.*Northcentral Regional  
Office  
Water Management  
Program  
208 West Third Street  
Suite 101  
Williamsport, PA 17701  
(570) 327-3664*General Permit Type—PAG-10**Facility Location:  
Municipality &  
County*Salem Township  
Luzerne CountyPermit No.  
PAG102214*Applicant Name &  
Address*Transcontinental Gas  
Pipe Line Corporation  
2800 Post Oak Boulevard  
Houston, TX*Receiving  
Water/Use*Susquehanna River  
WWF*Contact Office &  
Phone No.*DEP—NERO  
Water Management  
2 Public Square  
Wilkes-Barre, PA 18711  
(570) 826-2511**STATE CONSERVATION COMMISSION****NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR  
NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES)  
PERMITS FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)**

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

Persons aggrieved by any action may appeal under section 517 of Act 38, section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law) to the Environmental Hearing Board, Second Floor, Rachael Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

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

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

## NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET—ACTIONS

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Approved or Disapproved</i>
Marvin Carpenter R. D. 3 Box 471 Shunk, PA 17768	Sullivan	500.8	632.52	Swine/beef	HQ	Approved

## PUBLIC WATER SUPPLY (PWS) PERMITS

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

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

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

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

### SAFE DRINKING WATER

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

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

<b>Permit No 0908509</b> , Public Water Supply.	
Applicant	<b>Aqua Pennsylvania, Inc.</b> 762 West Lancaster Avenue Bryn Mawr, PA 19010
Borough	Bristol
County	<b>Bucks</b>
Type of Facility	PWS

Consulting Engineer      CET Engineering Services, Inc.  
1240 North Mountain Road  
Harrisburg, PA 17112

Permit to Construct      June 17, 2008  
Issued

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

**Permit No. 0608510 MA, Minor Amendment**, Public Water Supply.

Applicant	<b>Irish Creek Village MHP</b>
Municipality	Centre Township
County	<b>Berks</b>
Type of Facility	Addition of buried piping to provide proper chlorine contact time.

Consulting Engineer      Joseph H. Body, P. E.  
Box 188  
Virginville, PA 19564

Permit to Construct      October 31, 2008  
Issued

**Operations Permit issued to Borough of Duncannon**, 7500019, Duncannon Borough, **Perry County** on October 31, 2008, for the operation of facilities approved under Construction Permit No. 5006503 MA.

**Operations Permit issued to The York Water Company**, 7670100, Oxford Mt. Pleasant, Union Township, **York County** on October 31, 2008, for the operation of facilities approved under Construction Permit No. 6707510 MA.

**Operations Permit issued to Hereford Estates Mobile Home Park**, 3060037, Hereford Township, **Berks County** on October 27, 2008, for the operation of facilities approved under Construction Permit No. 0608502 MA.

**Operations Permit issued to Roaring Spring Municipal Authority**, 4070019, Roaring Spring Borough, **Blair County** on October 27, 2008, for the operation of facilities approved under Construction Permit No. 0708501 MA.

**Operations Permit issued to Western Berks Water Authority**, 3060066, Spring Township, **Berks County** on October 28, 2008, for the operation of facilities approved under Construction Permit No. 0608504.

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

**Permit No. Minor Amendment—Construction**, Public Water Supply.

Applicant	<b>Snow Shoe Borough Water Authority</b>
Township or Borough	Snow Shoe Borough
County	<b>Centre</b>
Responsible Official	Gary Fox, President Snow Shoe Borough Water Authority 112 East Sunset Avenue Snow Shoe, PA 16874
Type of Facility	Public Water Supply—Construction
Consulting Engineer	Eric S. Lundy, P. E. Nittany Engineering & Associates, LLC 2836 Earlstown Road Suite 1 Centre Hall, PA 16828
Permit Issued Date	November 5, 2008
Description of Action	Reconstruction of Well No. 2.

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

**Operations Permit** issued to **Eastern Management Associates, Inc., Mason Mobile City**, PWSID No. 6620036 (North Park), Conewango Township, **Warren County**, on November 7, 2008, for the operation of the Arsenic treatment system at the northern side of the park, per specifications approved by construction permit 6207503, issued March 31, 2008.

#### **SEWAGE FACILITIES ACT PLAN APPROVAL**

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

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

##### *Plan Location:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Marion Township	Marion Township 4895 Hartzell School Road Fombell, PA 16123	Beaver County

*Plan Description:* The approved plan provides for construction of a 400 gpd single-residence sewage treatment plant to serve the Bauer single-family home. The property is located 326 Pine Run Road. The proposed discharge point is a UNT to Connoquenessing Creek, classified as a WWF. Any required NPDES Permits or WQM Permits must be obtained in the name of the applicant as appropriate. The Department of Environmental Protection's review of the sewage facilities revision has not identified any significant impacts resulting from this proposal.

### **HAZARDOUS SITES CLEANUP UNDER THE ACT OF OCTOBER 18, 1988**

#### **Proposed Consent Decree Vandor/Furlong HSCA Site Doylestown and Buckingham Townships Bucks County**

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites

Cleanup Act (HSCA) (35 P. S. §§ 6020.101—6020.1305), is proposing an Interim Response at the Vandor/Furlong HSCA Site (Site) in Doylestown and Buckingham Townships, Bucks County, PA.

The Department, under the authority of HSCA, is conducting an investigation of the Site. This investigation includes the sampling of private drinking water supply wells located in the vicinity of the Vandor/Furlong Site at the intersection of Route 263 and Edison Furlong Road in Bucks County, PA. Approximately 38 wells are contaminated or may potentially become contaminated with detectable levels of Trichloroethene (TCE). Tetrachloroethene (PCE) and breakdown products of TCE were also detected in some of the wells, but TCE is the primary contaminant of concern.

To address the release and threat of release of hazardous substances at the Site and corresponding threats to human health and the environment, the Department proposes a response action at the Site under section 501(a) of HSCA, (35 P. S. § 6020.501(a)). The Department hereby proposes the installation of a waterline, including water mains and lateral connections to the public water supply. This proposed alternative complies with Applicable, Relevant and Appropriate Requirements and is feasible and cost-effective. Other possible alternatives include no action or the maintenance of existing/installation and continued monitoring and maintenance of whole-house carbon filtration units and/or supplying bottled water.

An Administrative Record, which contains more detailed information concerning this proposed response action, is available for public inspection. The Administrative Record may be examined from 8 a.m. until 4 p.m. at the Department's office at 2 East Main Street, Norristown, PA 19401. Those interested in examining the Administrative Record should contact Charles Clark at (484) 250-5731 to arrange for an appointment. An additional copy of the Administrative Record is available for review at the Doylestown Township Municipal Building at 425 Wells Road, Doylestown, PA 18901.

Under section 506(d) of HSCA (35 P. S. § 6020.506(d)), the Department shall conduct a public hearing on January 7, 2009, with an inclement weather date of January 15, 2009, at 7 p.m. in the conference room at the Doylestown Township Building at 425 Wells Road, Doylestown, PA 18901. Anyone who would like to present formal oral comments regarding this Interim Response may do so by registering with the Department before the meeting. Individuals may register by calling the Department's Community Relations Coordinator, Lynda Rebarchak, at (484) 250-5820.

Any person with a disability who wishes to attend the public hearing and will require an auxiliary aid, service or other accommodation to participate in the proceedings should contact Lynda Rebarchak at the telephone number listed previously or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs. The public may also submit written comments regarding the Department's proposed Interim Response action during the period of public comment. In accordance with section 506(c) of HSCA, the Department has established a period for public comment that is now open until close of business February 20, 2009. Written comments should be addressed to Charles Clark, Project Officer, Department of Environmental Protection, 2 East Main Street, Norristown, PA 19401.



Anyone with questions regarding this notice should contact Charles Clark at (484) 250-5731.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 2

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

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

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

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Kovalchick Salvage Company**, Solebury Township, **Bucks County**. Bruce Fishman, RBR Consulting, Inc., 650 Shady Drive, Beaver Hills, PA 15010 on behalf of Mark Himberger, Shell Lubricants, 12700 Northborough Drive, 300 E-11, Houston, TX 77067 has submitted a Risk Assessment/Remedial Investigation and Final Report concerning remediation of site groundwater and soil contaminated with No 2 fuel oil. The report is intended to document remediation of the site to meet the Site-Specific Standard.

**538—522 Lancaster Avenue Property**, Lower Merion Township, **Montgomery County**. Michael Christie, Penn

E & R, Inc., 2755 Bergey Road, Hatfield, PA 19440 on behalf of Daniel Polett and Scott Lustgarten, Dan Scott, 538 West Lancaster, LP, 568 West Lancaster Avenue, Haverford, PA 19041 has submitted a Cleanup Plan/Risk Assessment Report concerning remediation of site groundwater and soil contaminated with leaded gasoline. The report is intended to document remediation of the site to meet the Site-Specific Standard.

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

**Armstrong World Industries/Lancaster's Northwest Gateway/Lancaster General Hospital Portion**, City of Lancaster and Manheim Township, **Lancaster County**. ARM Group, P. O. Box 797, Hershey, PA 17033, on behalf of EDC Finance Corporation, 100 South Queen Street, Lancaster, PA 17608-1558, submitted a Final Report concerning remediation of site soils contaminated with VOCs, SVOCs and metals. The report is intended to document remediation of the site to the background and Residential Statewide Health Standards. Groundwater will be addressed separately.

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

**Northumberland Former MGP Site**, Northumberland Borough, **Northumberland County**, The Mahfood Group, LLC, 260 Millers Run Road, Bridgeville, PA 15017 on behalf of PPL Electric Utilities Corporation, 2 North 9th Street, GENTW-17, Allentown, PA 18101-1179 has submitted a Final Report concerning remediation of site soil and groundwater contaminated with polycyclic aromatic hydrocarbons (PAHs) and benzene, ethylbenzene, toluene and xylene (BETX). The report is intended to document remediation of the site to meet the Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

UNDER ACT 2, 1995

### PREAMBLE 3

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

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

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

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

The Department has received the following plans and reports:

*Southeast Region: Environmental Cleanup Program Manager, 2 East Main Street, Norristown, PA 19401.*

**Verizon Ardmore Business Center**, Lower Merion Township, **Montgomery County**. Sean Damon, Langan Engineering and Environmental Services, 2700 Kelly Road, Suite 200, Warrington, PA 18976 on behalf of Cheryl Houghton, Verizon Pennsylvania, Inc., 966 South Matlack Street, West Chester, PA 19380 has submitted a Final Report concerning the remediation of site groundwater 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 21, 2008.

**Multi-Family Residence**, City of Philadelphia **Philadelphia County**. Robert Marion, GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602 on behalf of Daniel Lasdon, 1700-02 North 5th LLP, 700 East Erie Avenue, Philadelphia, PA 19134 has submitted a Risk Assessment and Final Report concerning the remediation of site soil and contaminated with No. 6 fuel oil. The Risk Assessment and Final Report have been placed on hold by the Department of Environmental Protection on October 21, 2008.

**Jadko Realty Corporation**, Limerick Township **Montgomery County**. Craig Herr, RT Environmental Services, Inc., 215 West Church Road, Suite 300, King of Prussia, PA 19406 on behalf of Debi Geyer, Stanley Tool Works, Route 2 Briggs Drive, East Greenwich, RI 02818, Jim Derrah, Sr., Jadko Realty Corporation, P. O. Box 781, Gwynedd Valley, PA 19437 has submitted a Final Report concerning the remediation of site soil contaminated with selenium arsenic and lead. The Final Report demonstrated attainment of the Statewide Health Standard and was approved by the Department of Environmental Protection on October 29, 2008.

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

**Holy Family Manor Carriage House**, Eleventh and Prospect Streets, Bethlehem City, **Lehigh County**. Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 submitted a Final Report (on behalf of his client, Holy Family Manor, 1200 Spring Street, Bethlehem, PA 18018), concerning the remediation of soils found to have been impacted by No. 2 fuel oil as a result of a leaking 275-gallon aboveground storage tank. The report documented attainment of the Statewide Health Standard for soil and was approved on November 4, 2008. The report was originally submitted within 90 days of the release.

**South Whitehall Township**, Corner of Focht and Minnich Roads, South Whitehall Township, **Lehigh County**. Thomas Martinelli, JMT Environmental Technologies, Inc., P. O. Box 22044, Lehigh Valley, PA 18002-2044 submitted a Final Report (on behalf of his client, South Whitehall Township, 4444 Walbert Avenue, Allentown, PA 18104), concerning the remediation of soil found to have been impacted by No. 2 fuel oil as a result of the illegal emptying of contents remaining in a 275-gallon storage tank along the shoulder of the road. The report documented attainment of the Statewide Health Standard for soil and was approved on November 4, 2008. The report was originally submitted within 90 days of the release.

**Mack Trucks, Inc.**, Lower Macungie Township, **Lehigh County**. Sergio H. Rojas, Brinkerhoff Environmental Services, Inc., 1913 Atlantic Avenue, Suite R5, Manasquan, NJ 08736 submitted a Final Report (on behalf of his client, Mack Trucks, Inc., 7000 Alburdis Road, Macungie, PA 18062), concerning the remediation of soils found to have been impacted by releases of ethylene glycol from newly manufactured trucks as a result of coolant system gasket failure. The report documented attainment of the Statewide Health Standard for soils and was approved on November 5, 2008.

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

**Warriors Mark Fuel Tanker Release**, Warriors Mark Township, **Huntingdon County**. ATC Associates, 101 Allegheny Street, Hollidaysburg, PA 16643, on behalf of Sel-Lo Oil, R. D. 2, Box 629, Altoona, PA 16601, submitted a Final Report concerning remediation of site soils contaminated with gasoline released in a tanker accident. The Final Report did not demonstrate attainment of the Statewide Health Standard and was disapproved by the Department of Environmental Protection on November 6, 2008.

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

**Shamokin Former MGP Site**, City of Shamokin, **Northumberland County**. The Mahfood Group, LLC, 260 Miller Run Road, Bridgeville, PA 15017 on behalf of PPL Gas Utilities Corporation, 2 North 9th Street, (GENTW17), Allentown, PA 18101-1179 has submitted a Remedial Investigation Report concerning remediation of site soil and groundwater contaminated with PAHs, benzene, toluene, ethylbenzene and xylenes. The Remedial Investigation Report was approved by the Department of Environmental Protection on November 4, 2008.

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

**Stackpole Center Northeast Area**, City of St. Marys, **Elk County**. EMSOURCE St. Marys, LLC, 111 Commercial Street, Suite 400, Portland, ME 04101 has submitted a Final Report concerning the remediation of site soil contaminated with arsenic, benzene, cadmium, 1,2-dichloroethane, dichloromethane (methylene chloride), lead, polychlorinated biphenyls (aroclor) (PCBs), tetrachloroethylene (PCE), thallium, trichloroethylene (TCE), vinyl chloride and site groundwater contaminated with benzene, bromomethane, 1,2-dichloroethane, 1,1-dichloroethylene, CIS-1,2-dichloroethylene, 1,2-dichloropropane, lead, tetrachloroethylene (PCE), 1,1,1-trichloroethane, trichloroethylene (TCE) and vinyl chloride. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on October 10, 2008.

**American Meter**, City of Erie, **Erie County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of American Meter Company (Elster Group), 2 West Liberty Boulevard, Malvern, PA 19355 has submitted a Final Report concerning remediation of site soils contaminated with antimony, arsenic, lead and site groundwater contaminated with 1,1-dichloroethane, CIS-1,2-dichloroethylene, trans-1,2-dichloroethylene, tetrachloroethylene (PCE), toluene, 1,1,1-trichloroethane, trichloroethylene (PCE), xylenes (Total). The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department of Environmental Protection on November 5, 2008.

#### REGISTRATION FOR GENERAL PERMIT—RESIDUAL WASTE

**Registration Issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Residual 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 Registration Number WMGR097R007**. Global Tungsten & Powders Corporation, 100 Hawes Street, Towanda, PA 18848. Registration to operate under General Permit Number WMGR097R007 for research and development (R & D) activities to support the beneficial use or processing prior to beneficial use. The project involves processing of the phosphor layer of end use lamps to reclaim metals. Global Tungsten & Powders Corporation acquired the facility from OSRAM Sylvania, Inc. The registration was reissued to Global Tungsten & Powders Corporation by Central Office on November 4, 2008.

Persons interested in reviewing the general permit should 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 should contact the Department of Environmental Protection through the Pennsylvania AT&T Relay Services, (800) 654-5984.

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

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

*Northwest Region: Regional Solid Waste Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**Permit Application No. 101397. Veolia ES Greentree Landfill, LLC**, 635 Toby Road, Kersey, PA 15846, Fox Township, **Elk County**. The application was for a permit renewal at the Veolia ES Greentree Landfill allowing the company to operate under the same permit terms and conditions to finish filling disposal areas previously approved. The permit renewal was issued by the Northwest Regional Office on November 4, 2008.

#### AIR QUALITY

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

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

**GP11-46-0031: Allied Recycling Co.** (1725 Limekiln Pike, Dresher, PA 19025-1595) on November 6, 2008, to operate a nonroad engine in Conshohocken Borough, **Montgomery County**.

**GP3-46-0076: Allied Recycling Co.** (1725 Limekiln Pike, Dresher, PA 19025-1595) on November 6, 2008, to operate a portable nonmetallic mineral in Conshohocken Borough, **Montgomery County**.

**GP1-46-0235: Norristown State Hospital** (1001 East Sterigere Street, Norristown, PA 19401) on November 7, 2008, to operate three natural gas No. 2 fuel-fired boilers in Norristown Borough, East and West Norriton Townships, **Montgomery County**.

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

**GP4-2-22-03042: Edwin L. Heim Co., Inc.** (1900 Greenwood Street, Harrisburg, PA 17104) on November 3, 2008, for a burn off oven under GP4 in the City of Harrisburg, **Dauphin County**.

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

**GP-62-017A: United Refining Co.** (15 Bradley Street, Warren, PA 16365) on October 31, 2008, for the operation of diesel or No. 2 fuel-fired internal combustion engines (BAQ-GPA/GP-9) in Warren City, **Warren County**.

**GP-62-017C: United Refining Co.** (15 Bradley Street, Warren, PA 16365) on November 5, 2008, for a storage tank for volatile organic liquids, Tank ID No. 247 (BAQ-GPA/GP-2) in Warren City, **Warren County**.

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

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

**46-0151: PPL Interstate Energy Co.** (214 Shoemaker Road, Pottstown, PA 19464) on November 4, 2008, for reactivation of a direct fire Residual Fuel Heater to raise the temperature of heavy oil in a pipeline to maintain it in a fluid State as it is transferred from the pumping station in Salford Township, **Montgomery County**. As a result of potential emissions of NO<sub>x</sub>, the facility is a State-only facility. The Plan Approval and Operating Permit will contain recordkeeping requirements and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

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

**58-329-002: Tennessee Gas Pipeline Co.** (1001 Louisiana Street, Houston, TX 77002-5089) on October 16, 2008, to construct and operate a Simple Cycle Gas Turbine at their site in Clifford Township, **Susquehanna County**.

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

**05-05006B: Columbia Gas Transmission Corp.** (1700 MacCorkle Avenue SE, Charleston, WV 25314-1518) on October 31, 2008, to install two dehydrator flares to replace the existing flares at their Artermas Compressor Station in Mann Township, **Bedford County**.

**36-05138A: Quality Custom Kitchens, Inc.** (125 Peters Road, New Holland, PA 17557-9205) on November 4, 2008, to install three spay booths, one batch oven and one make-up air unit in Earl Township, **Lancaster County**.

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

**20-123C: Lord Corp.** (124 Grant Street, Cambridge Springs, PA 16403) on October 30, 2008, to install five new automated adhesive spray booths in Cambridge Springs Borough, **Crawford County**.

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

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

**06-05109A: Atlas Minerals & Chemicals** (1227 Valley Road, P. O. Box 38, Mertztown, PA 19539) on November 1, 2008, to install a second asphalt processing line in Longswamp Township, **Berks County**. This plan approval was extended.

**36-05129A: Haines & Kibblehouse, Inc.** (2052 Lucon Road, P. O. Box 196, Skipack, PA 19474) on August 30, 2008, to use alternative fuel sources for their existing

Silver Hill Quarry batch asphalt plant in Brecknock Township, **Lancaster County**. This plan approval was extended.

**Plan Approvals Denied, Terminated, Modified, Suspended or Revoked under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and the provisions of 25 Pa. Code §§ 127.13b and 127.13c.**

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

**GP3-09-0080: DeNucci Excavating Corp.** (2807 Old Rodgers Road, Bristol, PA 19007) on November 3, 2008, to operate a portable nonmetallic mineral processing plant in Bristol Township, **Bucks County**. This general permit was denied due to local zoning restrictions.

**GP9-09-0011: DeNucci Excavating Corp.** (2807 Old Rodgers Road, Bristol, PA 19007) on November 3, 2008, to operate an internal combustion engine to power a portable nonmetallic mineral processing plant in Bristol Township, **Bucks County**. This general permit was denied due to local zoning restrictions.

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

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

**28-05028: Allegheny Energy Supply Co., LLC** (800 Cabin Hill Drive, C109, Greensburg, PA 15601) on October 29, 2008, to operate two combustion turbines to be used as a peaking station in Guilford Township, **Franklin County**. The facility is subject to Title V and Title IV (Acid Rain). This permit is a renewal of the Title V and Acid Rain Permits issued in 2003.

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

**16-00124: The Peoples Natural Gas Co.—Truittsburg Station** (5093 Truittsburg Road, Fairmont City, PA 16224) on November 4, 2008, to modify the Title V Operating Permit to clarify the VOC testing required in the permit. The following condition was added to the site level of the permit to address the VOC emissions and formaldehyde emissions:

a) "Volatile Organic Compounds" and "VOCs" as used in this permit refers to nonmethane, nonethane hydrocarbons as determined by the Environmental Protection Agency (EPA) Methods 18/25A (or equivalent).

b) Formaldehyde emissions reported by the facility in accordance with 25 Pa. Code Chapter 135 shall be based on EPA AP-42 emissions factors.

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

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

**09-00132: McAdoo & Allen—Quaker Color Division** (201 South Hellertown Avenue, Quakertown, PA 18951) on November 7, 2008, to operate their pigments dispersions manufacturing facility in Quakertown Borough,

**Bucks County.** The permit is for a non-Title V (State-only) facility. The facility's main sources include: seven natural gas-fired boilers, two No. 2 fuel oil-fired boilers and a chip manufacturing process consisting of roll mills and paddle blenders. The facility has elected to cap VOC emissions to less than 25 tpy; therefore the facility is a Synthetic Minor. The permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00200: John Middleton Co.** (418 West Church Road, King of Prussia, PA 19406) on November 7, 2008, for renewal of a non-Title V (State-only) facility in Upper Merion Township, **Montgomery County.** The facility has elected to cap VOC emissions to less than 25 tpy each; therefore the facility is a Synthetic Minor. The facility operates two steam-heated tobacco dryers, a thermal oxidizer equipped with a 20 mmBtu/hr waste heat (recovery) boiler, a Top Dressing Storage and Mixing area, a Top Dressing Application and Flavor Retention area and a 200-horsepower Boiler. The renewed permit will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

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

**06-03113: Haines and Kibblehouse, Inc.** (P. O. Box 196, Skippack, PA 19474) on October 30, 2008, to operate a nonmetallic mineral crushing plant at their Birdsboro Quarry in Robeson Township, **Berks County.** This is a renewal of the State-only operating permit.

**06-05009: Eastern Industries, Inc.** (4401 Camp Meeting Road, Suite 200, Center Valley, PA 18034) on November 3, 2008, to operate a nonmetallic mineral crushing plant and asphalt plant controlled by wet suppression and fabric collector in Maxatawny Township, **Berks County.** This is a renewal of the State-only operating permit.

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

**32-00013: Indiana Regional Medical Center** (835 Hospital Road, Indiana, PA 15701-3650) on November 3, 2008, to renew their State-only Operating Permit to operate three boilers, two emergency generators and ethylene oxide sterilizers for **Indiana Regional Medical Center**, in White Township, **Indiana County.**

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

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

**46-00198: Blommer Chocolate Co.** (1101 Blommer Drive, East Greenville, PA 18041) on November 6, 2008, for a Title V facility expansion project involving a new processing line and the modification of two existing processing lines, which share a micronizer, an aspiration box and a winnower in Upper Hanover Township, **Montgomery County.** The Title V Operating Permit was revised to incorporate plan approvals 46-0198K, 46-0198L and 46-0198M for. The Title V Permit includes limits on sources for VOC emissions and includes monitoring and recordkeeping requirements to demonstrate compliance with these applicable permit limits. All revisions to the Title V Operating Permit were made under 25 Pa. Code § 127.450.

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

**49-00020: Truck Accessories Group, LLC—d/b/a Leer East** (3560 Housels Run Road, Milton, PA 17847) on November 5, 2008, in accordance with the minor operating permit modification requirements of 25 Pa. Code § 127.462, to authorize the use of two new materials in a fiberglass reinforced plastic and aluminum truck cap and tonneau manufacturing facility in Milton Borough, **Northumberland County.**

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

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

**24-00123: Veolia Greentree Landfill, LLC** (635 Toby Road, Kersey, PA 15846) for their Landfill in Fox Township, **Elk County.** The de minimis increases are a result of construction of a tire shredder engine and an emergency diesel engine (Caterpillar 3408 DITA rated at 400 kW). The Department of Environmental Protection (Department) has started a list of de minimis increases as prescribed in 25 Pa. Code § 127.449(i).

Since the October 6, 2005, Title V Operating Permit issuance date, Veolia Greentree Landfill has notified the Department of the following de minimis emission increases at the Landfill:

Date	Source	PM10 (tons)	SOx (tons)	NOx (tons)	VOC (tons)	CO (tons)
10/30/2008	Tire Shredder Engine	0.066	0.062	0.935	0.076	0.202
10/30/2008	Caterpillar 3408 emergency generator	0.039	0.036	0.543	0.044	0.117
Total Reported Increases		0.105	0.098	1.478	0.120	0.319

Date	Source	PM10 (tons)	SOx (tons)	NOx (tons)	VOC (tons)	CO (tons)
Allowable		0.6 ton/source 3 tons/facility	1.6 tons/ source 8 tons/facility	1 ton/source 5 tons/ facility	1 ton/source 5 tons/facility	4 tons/source 20 tons/ facility

## 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

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

**65980106 and NPDES Permit No. PA0202380. Gary Gioia Coal Company** (319 Karen Drive, Elizabeth, PA 15037). Renewal approved by letter for reclamation only of an existing bituminous surface mine, located in South Huntingdon Township, **Westmoreland County**, affecting 40 acres. Receiving streams: Sewickley Creek. Application received October 14, 2008. Permit issued October 31, 2008.

**65990103 and NPDES Permit No. PA0202550. Gary Gioia Coal Company** (319 Karen Drive, Elizabeth, PA 15037). Renewal approved by letter for reclamation only of an existing bituminous surface mine, located in South Huntingdon Township, **Westmoreland County**, affecting 40 acres. Receiving streams: UNTs to Wilson Run. Application received October 14, 2008. Permit issued October 31, 2008.

**02-03-02 and NPDES Permit No. PA0250473. Collier Land & Coal Development, LP** (P. O. Box 62278, Upper St. Clair, PA 15241). Government Financed Construction Contract issued for reclamation of approximately 13.9 acres of abandoned mine lands located in Collier Township, **Allegheny County**. Receiving streams: UNTs to Robinson Run and Robinson Run. Application received July 12, 2007. Contract issued November 4, 2008.

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

**33030104. Larry D. Baumgardner Coal Company, Inc.** (P. O. Box 186, Lanse, PA 16849) Renewal of an existing bituminous strip operation in Washington Township, **Jefferson County** affecting 81.4 acres. Receiving streams: UNT to Beaverdam Run and UNT to Wolf Run.

This renewal is issued for reclamation only. Application received September 10, 2008. Permit issued November 4, 2008.

**16070103 and NPDES Permit No. PA0258326. RFI Energy, Inc.** (P. O. Box 162, Sligo, PA 16255) Revision to an existing bituminous strip, coal refuse and beneficial use of coal ash operation to add 13.0 acres in Perry Township, **Clarion County** affecting 145.0 acres. Receiving streams: Two UNTs to the Clarion River. Application received July 7, 2008. Permit issued November 3, 2008.

**24010101 and NPDES Permit No. PA0241857. AMFIRE Mining Company, LLC** (One Energy Place, Suite 2800, Latrobe, PA 15650) Transfer of an existing bituminous strip, auger and clay removal operation from FSMR, Inc. in Horton Township, **Elk County** affecting 264.3 acres. Receiving streams: UNT "G" to Mead Run and UNTs "2" and "3" to Johnson Run. Application received September 19, 2008. Permit issued November 5, 2008.

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

**549110205R3. Blaschak Coal Corp.,** (P. O. Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite coal refuse reprocessing operation in West Mahanoy Township, **Schuylkill County** affecting 12.5 acres, receiving stream: none. Application received June 27, 2008. Renewal issued November 7, 2008.

### Noncoal Applications Returned

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

**08080804. Charles K. Kingston** (R. R. 2, Box 180A, Wyalusing, PA 18853). Commencement, operation and restoration of a small noncoal (flagstone) operation in Tuscarora Township, **Bradford County**, affecting 1.0 acre. Receiving streams: UNT, tributary to Fargo Creek. Application received March 17, 2008. Application returned August 28, 2008.

### Noncoal Permits Actions

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

**21020301 and NPDES Permit No. PA0224251. Pennsy Supply, Inc.,** 1001 Paxton Street, Harrisburg, PA 17104, renewal of NPDES Permit, Penn Township, **Cumberland County**. Receiving streams: UNT Mt. Rock Spring Creek classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received August 29, 2008. Permit issued November 3, 2008.

**0179301 and NPDES No. PA0122297. Gettysburg Granite LLC,** 800 Baltimore Pike, Gettysburg, PA 17325, transfer of an existing noncoal surface mine from Meda Clapsaddle, 1790 Baltimore Pike, Gettysburg, PA 17325, located in Mount Joy Township, **Adams County**, affecting 14.7 acres. Receiving streams: UNT to Rock Creek to Monocacy River classified for the following use: WWF. There are no potable water supply intakes within 10 miles downstream. Application received April 16, 2008. Permit issued November 4, 2008.

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

**2579301. Walter Kuhl** (9415 Peck Road, Erie, PA 16510-5233) Renewal of NPDES Permit No. PA0118354 in Greene Township, **Erie County**. Receiving streams: Fourmile Creek. Application received September 19, 2008. Permit issued November 4, 2008.

**3779103. Cemex, Inc.** (840 Gessner, Suite 1400, Houston, TX 77024) Renewal of NPDES Permit No. PA0109258 in Shenango and Taylor Townships, **Lawrence County**. Receiving streams: UNT to McKee Run and UNT to Beaver Run. Application received September 15, 2008. Permit issued November 4, 2008.

**20080301 and NPDES Permit No. PA0258521. Andrew M. Kosturick** (8565 State Highway 285, Conneaut Lake, PA 16316) Commencement, operation and restoration of a large sandstone operation in East Fallowfield Township, **Crawford County**. Receiving streams: UNT to Crooked Creek. Application received January 2, 2008. Permit issued November 3, 2008.

**10070303 and NPDES Permit No. PA0258440. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Commencement, operation and restoration of a large Limestone operation in Slippery Rock Township, **Butler County** affecting 57.3 acres. Receiving streams: UNT to Slippery Rock Creek and UNT to Wolf Creek. Application received October 15, 2007. Permit issued November 5, 2008.

**1270-10070303-E-1. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to conduct mining activities within 100 feet of Wolf Creek in Slippery Rock Township, **Butler County**. Receiving streams: UNT to Slippery Rock Creek and UNT to Wolf Creek. Application received October 15, 2007. Permit issued November 5, 2008.

**1270-10070303-E-2. Allegheny Mineral Corporation** (P. O. Box 1022, Kittanning, PA 16201). Application for a stream encroachment to conduct mining activities within 100 feet of Slippery Rock Creek in Slippery Rock Township, **Butler County**. Receiving streams: UNT to Slippery Rock Creek and UNT to Wolf Creek. Application received October 15, 2007. Permit issued November 5, 2008.

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

**18080801. Daniel J. Stoltzfus** (125 McHenry Lane, Mill Hall, PA 17751). Commencement, operation and restoration of a small noncoal (gravel/shale) operation in Lamar Township, **Clinton County**, affecting 4.5 acres. Receiving streams: UNT to Chub Run, tributary to Long Run. Application received March 24, 2008. Permit issued October 21, 2008.

**08080811. Nancy S. Preston** (R. R. 1, Box 20A-1, Wyalusing, PA 18853). Commencement, operation and restoration of a small noncoal (flagstone, shale) operation in Wyalusing Township, **Bradford County**, affecting 2.0 acres. Receiving streams: Wyalusing Creek, tributary to Susquehanna River. Application received February 2, 2007. Permit issued October 23, 2008.

**5308006. Samuel A. Treat** (326 Burrows Road, Coudersport, PA 16915). Commencement, operation and restoration of a small noncoal (bluestone) operation in Allegany Township, **Potter County**, affecting 2.0 acres. Receiving streams: Peet Brook, tributary to Allegany River. Application received July 2, 2008. Permit issued October 2, 2008.

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

**66082801. Meshoppen Stone, Inc.** (P. O. Box 127, Meshoppen, PA 18630), commencement, operation and restoration of a quarry operation in Washington Township, **Wyoming County** affecting 5.0 acres, receiving stream: none. Application received August 13, 2008. Permit issued November 5, 2008.

**7973SM3C9 and NPDES Permit No. PA0594369. Miller Quarries**, (6100 Easton Road, Pipersville, PA 18947), renewal of NPDES for discharge of treated mine drainage from a quarry operation in Wrightstown Township, **Bucks County**, receiving stream: Mill Creek. Application received September 18, 2008. Renewal issued November 6, 2008.

**6376SM2A1C5 and NPDES Permit No. PA0594474. York Building Products Co., Inc.** (P. O. Box 1708, York, PA 17405), renewal of NPDES for discharge of treated mine drainage from a quarry operation in Jackson Township, **York County**, receiving stream: Little Conewago Creek. Application received September 19, 2008. Renewal issued November 6, 2008.

#### ACTIONS ON BLASTING ACTIVITY APPLICATIONS

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

#### *Blasting Permits Actions*

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

**28084128. M & J Explosives, Inc.**, P. O. Box 608, Carlisle, PA 17013-0608, blasting activity permit issued for residential development in Southampton Township, **Franklin County**. Blasting activity permit end date is October 31, 2009. Permit issued October 28, 2008.

**21084158. David H. Martin Excavating, Inc.**, 4961 Cumberland Highway, Chambersburg, PA 17201-9655, blasting activity permit issued for commercial development in Hampden Township, **Cumberland County**. Blasting activity permit end date is October 29, 2008. Permit issued October 31, 2008.

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

**65084006. New Enterprise Stone & Lime** (5510 State Park Road, New Enterprise, PA 16664). Blasting activity permit for highway construction of the Department of Transportation, SR 22, Section B10, located in Derry Township, **Westmoreland County**. Blasting is has an expected duration of 3 years. Permit issued November 3, 2008.

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

**17084006. Sky Haven Coal, Inc.** (5510 State Park Road, Penfield, PA 15849), blasting on the Long Run GFCC No. 17-05-09 located in Bradford Township, **Clearfield County**. Permit issued November 3, 2008. Permit expires May 31, 2009.

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

**06084130. Dyno-Nobel, Inc.,** (567 Main Street, Tremont, PA 17981), construction blasting for Petroleum Products Corporation Terminal in Sinking Springs Borough, **Berks County** with an expiration date of November 30, 2009. Permit issued November 4, 2008.

**22084114. John W. Gleim, Jr., Inc.,** (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Hersheypark utility trench in Derry Township, **Dauphin County** with an expiration date of March 15, 2009. Permit issued November 5, 2008.

**64084003. Northeast Blasting,** (403 Middle Creek Road, Honesdale, PA 18431), construction blasting for the Damascus Township Shale Bank in Damascus Township, **Wayne County** with an expiration date of December 10, 2008. Permit issued November 6, 2008.

**67084131. J. Roy's, Inc.,** (Box 125, Bowmansville, PA 17507), construction blasting for Motter Industrial Lot No. 1 in Springettsbury Township, **York County** with an expiration date of November 4, 2009. Permit issued November 6, 2008.

### FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

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

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

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

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

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

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

*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.*

**E51-224. HSP Gaming, LP,** 1600 Arch Street, Suite 300, Philadelphia, PA 19103, Philadelphia City, **Philadelphia County**, United States Army Corps of Engineers, Philadelphia District.

To perform the following water obstruction and encroachment activities at the former Jack Frost Sugar Processing Facility, within and along the Delaware River (WWF) to accommodate the proposed Sugar House Casino Project:

1. To relocate and maintain a combined sewer outfall (CSO) to a point just south of Pier 41, which will include approximately 1,500 cubic yards of new fill. The CSO will also be extended in a later phase, approximately 200 feet riverward, to a proposed river wall to accommodate public access.
2. To place approximately 3,600 cubic yards of fill between Piers 41 and 42.
3. To place approximately 13,500 cubic yards of fill between Piers 43 and 44.
4. To construct and maintain a 750-foot long cut-off wall along the Delaware River. Work also includes removal of 0.063 acre of illicit fill on the waterside of the new cut-off wall.
5. To construct and maintain a 1.63-acre pile-supported high-deck structure over 1.23 acres of currently open waters.
6. To widen and maintain the CSO located at Shackamoxon Street, which will include approximately 450 feet of rip-rap revetment for shoreline protection.
7. To construct and maintain a 30-foot by 60-foot floating ferry dock, 12-foot by 50-foot floating taxi dock and a 520-foot long by 8-foot wide pedestrian access ramp.
8. To construct and maintain four new 36-inch diameter stormwater outfalls for onsite stormwater management.
9. To construct those portions of a parking garage, an entertainment and gaming complex and associated structures which will be located on submerged lands of the Commonwealth.
10. To construct and maintain a 1.08 acres tidal wetland, open water complex and associated appurtenances to compensate for open water impacts for this project. The location of this mitigation area will be offsite at the Philadelphia Water Department's Baxter Water Treatment Plant in the Northeast Section of Philadelphia waterfront.

This project is located approximately 500 feet northwest of the intersection Frankford Avenue and North



Columbus Boulevard (Philadelphia, PA USGS Quadrangle N: 16.4 inches; W: 1.2 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)).

**E51-222. Philadelphia Water Department**, 1101 Market Street, 2nd Floor, Aramark Tower, Philadelphia, PA 10107-2994, New Garden Township, **Chester County**, United States Army Corps of Engineers, Philadelphia District.

To restore an approximately 2,200 linear-foot segment of the Tacony Creek (WWF). The project focuses on the use of natural restoration materials as opposed to structural methods. The activities associated with this stream restoration includes:

1. Streambank grading and stabilization to mimic natural stream channel conditions.
2. Placement of clay channel block, rock vanes, boulder cluster, j-hooks and a series of rock clusters to redirect flows through the restoration reach and to facilitate protection of an existing 12-inch sanitary main and associated manholes and to enhance flood geometry, sediment transport and improve fish habitat.
3. Removal of fills and appurtenant structures associated with the remnants of an abandoned railroad structure.
4. Change cross section of the stream channel at several reaches of the stream channel.

The site is located in the City and County of Philadelphia, South of the northbound lane on Roosevelt Boulevard, (SR 001) adjacent to the Tacony Creek Park. The segment of the stream earmarked for restoration starts from just north of the bridge crossing Whitaker Avenue and terminates approximately 35 feet from the intersection of East Wyoming Street and Maple Lane (Frankford, PA Quadrangle N: 4.24 inches; W: 14.97 inches, middle of the stream segment).

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)).

**E15-785. Department of Transportation**, 7000 Geerdes Boulevard, King of Prussia, PA 19406, New Garden Township, **Chester County**, United States Army Corps of Engineers, Philadelphia District.

To remove the existing truss bridge and to construct and maintain, in its place, a 79-foot-long single-span pony truss bridge across the East Branch of White Clay Creek associated with the roadway improvements for Landenberg Road (SR 3024, Section 28S). The proposed bridge will have a clear span of 19 feet and a minimum underclearance of 8 feet.

The site is located approximately 100 feet east of the intersection of Penn Green (SR 3009) and Landenberg Roads (SR 3024) (West Grove, PA-DE USGS Quadrangle N: 5.1 inches; W: 3.00 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)).

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

**E41-591. Lycoming County**, 48 West Third Street, Williamsport, PA 17701. Standard Joint Water Obstruction Permit, in Brady Township, **Lycoming County**, United States Army Corps of Engineers, Susquehanna River Basin District (Montoursville South, PA Quadrangle N: 41° 9' 5"; W: 76° 55' 7").

To remove 64 feet of existing metal culvert and construct and maintain 136 feet of 60-inch by 38-inch reinforced concrete culvert, in Brady Township, Lycoming County. This project proposes to have a minor impact on Black Run, designated a WWF. This project proposes to impact 0.90 acre of jurisdictional wetlands and replace with 1.57 acres of jurisdictional wetlands to be debited from an existing wetland bank. This permit also includes 401 Water Quality Certification.

**E60-187. Lewisburg Area Recreational Park**, 629 Fairground Road, Lewisburg, PA 17837-8885. Saint Mary Street Park, in Lewisburg Borough, **Union County**, United States Army Corps of Engineers, Baltimore District (Lewisburg, PA Quadrangle N: 16.1 inches; W: 3.3 inches).

To beautify and stabilize an eroded and trampled 1,550-foot reach of Limestone Run in the Lewisburg Area Recreational Park when they construct and maintain: 1) fill-in 386 linear feet of existing R-7 rip-rap with soil and vegetation; 2) excavate 400 cubic yards of undercut side slopes to lay 2,714 linear feet of the stream bank back to a 1.5 horizontal to 1 vertical slope and armor the bank as detailed in this; 3) 180 linear feet of soil filled and vegetated R-6 rip-rap; 4) 1,503 linear feet of soil filled and vegetated turf reinforcement matting; 5) 1,945 linear feet of live staking and temporary erosion control blankets; 6) 61 linear feet of dry laid gravity block wall with a 2 foot reveal buried 2 feet; 7) 59 linear feet by 3-foot high gabion baskets filled with rip-rap; 8) temporarily impact 0.25 acre of wetland due to construction activity; and 9) 3,100 linear feet or 10,890 square feet of total riparian vegetation plantings, to include both riparian seeding and live steak/seedling whips located north of Saint Mary's Street between Lawrence Street and Fairground Road. (Note—Linear foot measurements include both left and right bank measurements added together.) This permit also includes 401 Water Quality Certification.

**E60-191. Edwin L. McCullum**, Route 45, Box 60, Montandon, PA 17850. River Property, in Union Township, **Union County**, United States Army Corps of Engineers, Baltimore District (Northumberland, PA Quadrangle Latitude: 40° 54' 04"; Longitude: 76° 50' 12").

To: 1) remove an existing 12-foot by 68-foot mobile home; 2) maintain a 12-foot by 8-foot shed and a 21-foot by 20-foot open sided carport; 3) construct and maintain a 56-foot by 27-foot 4-inch modular home with a first floor elevation of 456.25 feet on a cement block wall foundation with four 16-inch by 32-inch louvers at ground level on the upstream and downstream walls, two 10-foot by 9-foot garage doors and a 43-inch by 46-inch window on the west wall and two 40-inch by 46-inch windows and a 76-inch by 82-inch sliding glass door on the east wall; 4) 35 cubic yards of earthen or concrete fill for the ground level slab and garage door ramps, located at 371 Lees Lane in the right 100-year flood way of the West Branch Susquehanna River. This permit was issued under section 105.13(e) "Small Projects."

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

**E02-584-A5. Hanson Aggregates PMA, Inc.**, 2200 Springfield Pike, Connellsville, PA 15425, in South Buffalo and Gilpen Townships, **Armstrong County**, United States Army Corps of Engineers, Pittsburgh District. To amend Permit E02-584. (Downstream beginning point: Freeport, PA Quadrangle N: 11.3 inches; W: 5.6 inches, Latitude: 40° 41' 14.73"; Longitude: 79° 39' 53.35". Upstream end point: Freeport, PA Quadrangle N: 12.75 inches; W: 3.7 inches, Latitude: 40° 41' 42.23"; Longitude: 79° 39' 4.63"). To amend Permit E02-584, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties to include Allegheny River Mile Points 30.7 to 31.25 and 31.65 to 31.7, right and left descending banks in South Buffalo and Gilpen Townships.

**E02-919-A5. Tri-State River Products, Inc.**, Box 218, 334 Insurance Street, Beaver, PA 15009, in South Buffalo and Gilpen Townships, **Armstrong County**, United States Army Corps of Engineers, Pittsburgh District. To amend Permit E02-919. (Downstream beginning point: Freeport, PA Quadrangle N: 11.3 inches; W: 5.6 inches, Latitude: 40° 41' 14.73"; Longitude: 79° 39' 53.35". Upstream end point: Freeport, PA Quadrangle N: 12.75 inches; W: 3.7 inches, Latitude: 40° 41' 42.23"; Longitude: 79° 39' 4.63"). To amend Permit E02-919, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties to include Allegheny River Mile Points 30.7 to 31.25 and 31.65 to 31.7, right and left descending banks in South Buffalo and Gilpen Townships.

**E02-1326-A5. Glacial Sand and Gravel Company**, P. O. Box 1022, Kittanning PA 16201, in South Buffalo and Gilpen Townships, **Armstrong County**, United States Army Corps of Engineers, Pittsburgh District. To amend Permit E02-1326. (Downstream beginning point: Freeport, PA Quadrangle N: 11.3 inches; W: 5.6 inches, Latitude: 40° 41' 14.73"; Longitude: 79° 39' 53.35". Upstream end point: Freeport, PA Quadrangle N: 12.75 inches; W: 3.7 inches, Latitude: 40° 41' 42.23"; Longitude: 79° 39' 4.63"). To amend Permit E02-1326, which authorizes commercial sand and gravel dredging in select areas of the Allegheny River (WWF) and Ohio River (WWF), subject to review of fish surveys, mussel surveys and prescribed setbacks in Allegheny, Armstrong, Beaver and Westmoreland Counties to include Allegheny River Mile Points 30.7 to 31.25 and 31.65 to 31.7 right and left descending banks in South Buffalo and Gilpen Townships.

**E30-221. Department of Transportation, District 12-0**, 825 North Gallatin Avenue Extension, Uniontown, PA 15401-2105. To construct a bridge and fill wetlands in Franklin Township, **Greene County**, United States Army Corps of Engineers, Pittsburgh District (Waynesburg, PA Quadrangle N: 4.9 inches; W: 4.3 inches, Latitude 39° 54' 7.5"; Longitude 80° 9' 22.5"). To remove the existing bridge and to construct and maintain a new bridge having a span of 123.5' and underclearance of 17.45' over the South Fork of Tenmile Creek (HQ-WWF); to construct

and maintain various outfalls to the same stream and to place and maintain fill in 0.05 acre of (PEM) wetlands. The work is associated with the proposed roadway improvements to SR 188 at its intersection with Elm Drive. The new bridge is located approximately 65' downstream of the existing bridge.

#### ENVIRONMENTAL ASSESSMENTS

*Cambria District: Environmental Program Manager, 286 Industrial Park Road, Ebensburg, PA 15931-4119.*

**EA4309-002. Department of Environmental Protection, Bureau of Abandoned Mine Reclamation**, Division of Mine Hazards, P. O. Box 8476, Harrisburg, PA 17105. Abandoned Mine Land Reclamation Project, in Springfield and Findley Townships, **Mercer County**, United States Army Corps of Engineers, Pittsburgh District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 55 acres of Priority 2 dangerous highwalls and Priority 3 spoil piles. The highwalls total approximately 3,200 feet and average 25 feet high. The project will include the backfilling of 10.29 acres of open water that have developed within the strip pits. The project will also add 0.44 acre of open water to a remaining water body and two remaining water bodies will receive habitat improvements. In addition, 0.55 acre of wetlands will be created (Mercer, PA Quadrangle N: 9 inches; W: 7.5 inches).

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

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

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

ESCP-4108801-1	Ted Wurfel Chief Gathering, LLC 6051 Wallace Road Extension Suite 210 Wexford, PA 15090	Lycoming County	Cummings Township	Second Fork Larry's Creek HQ
ESCP-4108805	Bertha Hefe Anadarko E & P Company, LP P. O. Box 1330 Houston, TX 77257	Lycoming County	Mifflin Township	Mud Run HQ

[Pa.B. Doc. No. 08-2108. Filed for public inspection November 21, 2008, 9:00 a.m.]

### Availability of Technical Guidance

Technical guidance documents are available on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Technical Guidance"). The "Final Documents" heading is the link to a menu of the various Department bureaus where each bureau's final technical guidance documents are posted. The "Draft Technical Guidance" heading is the link to the Department's draft technical guidance documents.

The Department will continue to revise its nonregulatory documents, as necessary, throughout 2008.

#### *Ordering Paper Copies of Department Technical Guidance*

The Department encourages the use of the Internet to view and download technical guidance documents. When this option is not available, persons can order a paper copy of any of the Department's draft or final technical guidance documents by contacting the Department at (717) 783-8727.

In addition, bound copies of some of the Department's documents are available as Department publications. Check with the appropriate bureau for more information about the availability of a particular document as a publication.

#### *Changes to Technical Guidance Documents*

Following is the current list of recent changes. Persons who have questions or comments about a particular document should call the contact person whose name and phone number is listed with each document.

#### *Draft Technical Guidance—Substantive Revision*

DEP ID: 275-2101-003. Title: Air Quality Permit Exemptions. Description: Under 25 Pa. Code § 127.14 (relating to exemptions), the Department may determine sources or classes of sources which may be exempt from the plan approval and permitting requirements of 25 Pa. Code Chapter 127 (relating to construction, modification, reactivation and operation of sources). In accordance with § 127.14(d), the listing of these determinations is being revised. Technical Guidance Document No. 275-2101-003 identifies the following—exemptions under § 127.14(a); exemptions under § 127.14(a)(8), that do not require submission of a Request for Determination form and exemption criteria that the Department may use when an owner or operator of a source or a facility is seeking an exemption; further qualifications regarding plan approval exempted sources; exemptions under § 127.14(a)(9) related to physical changes; and exemption criteria for operating permits. Written Comments: The Department invites written comments on the proposed

list of plan approval and operating permit exemptions. Notice and opportunity for comment will also be provided to the United States Environmental Protection Agency and the States of Delaware, Maryland, New Jersey, New York, Ohio, Virginia and West Virginia. 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, suggestions or objections should be submitted by December 22, 2008, to Virendra Trivedi, Environmental Engineer Manager, Department of Environmental Protection, Bureau of Air Quality, Division of Permits, New Source Review Section, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468; [vtrivedi@state.pa.us](mailto:vtrivedi@state.pa.us). The Department will also consider written requests that a public hearing be held concerning this proposed exemption list. Following a 30-day comment period, the listings will be revised, as appropriate, and notice concerning the final-form technical guidance document will be published in the *Pennsylvania Bulletin*. Contact: Interested parties are encouraged to obtain and review a complete copy of this proposed list of plan approval and operating permit exemptions by contacting Jeanette Van Skike, Department of Environmental Protection, Bureau of Air Quality, Division of Permits, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325, [jvanskike@state.pa.us](mailto:jvanskike@state.pa.us). TDD users may telephone the Department through the Pennsylvania AT&T Relay Services, (800) 654-5984. Effective Date: Upon publication of notice as final in the *Pennsylvania Bulletin*.

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2109. Filed for public inspection November 21, 2008, 9:00 a.m.]

### Bid Opportunity

**BOGM 08-7, Cleaning out and plugging 32 abandoned oil wells, (Lynn Higley and Ram Forest Products (c/o Rich Labrozzi) Properties), Eldred Township, McKean County.** The principal items of work include cleaning out and plugging 32 abandoned oil wells, estimated to be 1,150 feet in depth, to Department of Environmental Protection's specifications, preparing and restoring well sites and mobilizing and demobilizing plugging equipment. This project issues on November 21, 2008, and bids will be opened on December 23, 2008, at 2 p.m. Bid documents cost \$10 per set and will not be

mailed until payment has been received. A prebid conference is planned for this project but a date has not been set. Use the contact information contained in this advertisement to find out more about the prebid. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2110. Filed for public inspection November 21, 2008, 9:00 a.m.]

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### Bid Opportunity

**C35/40-101.1, Concrete Channel Access Improvement Project, Lackawanna and Luzerne Counties.** The principal items of work include mobilization and demobilization, 11 each of access gates, 127 each of ladder rungs and 20 each of waterproof locks. This project issues on November 21, 2008, and bids will be opened on December 23, 2008, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal Government under the authority given it by Pub. L. No. 95-87 dated August 3, 1977, The Surface Mining Control and Reclamation Act of 1977, and is subject to that Law, and to the Federal Grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2111. Filed for public inspection November 21, 2008, 9:00 a.m.]

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### Certification Program Advisory Committee for Water and Wastewater System Operators; Special Meeting Notice

The Certification Program Advisory Committee for Water and Wastewater System Operators will hold a special meeting on Tuesday, December 2, 2008, at 10 a.m. in Conference Room 105, First Floor, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA 17105. The purpose of this meeting is to discuss the Department of Environmental Protection's (Department) proposed changes to the fee structure for the Operator Certification Program.

Questions concerning the meeting may be directed to Cheri Sansoni at (717) 772-5158 or csansoni@state.pa.us. The agenda and meeting materials for the meeting will be available through the Public Participation Center on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Public Participation, Participate").

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

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2112. Filed for public inspection November 21, 2008, 9:00 a.m.]

### Notice of Proposed General Permit and/or General Operating Permit for Hot Mix Asphalt Plants (BAQ-GPA/GP-13)

The Department of Environmental Protection (Department) proposes to issue General Plan Approval and/or Operating Permit (BAQ-GPA/GP-13 or General Permit) for Hot Mix Asphalt Plants (hereinafter referred to as HMA plants) which contains a Best Available Technology (BAT) determination and other applicable requirements.

The proposed General Permit, BAQ-GPA/GP-13, developed under the authority of section 6.1(f) of the Air Pollution Control Act (35 P.S. § 4006.1(f)) and 25 Pa. Code § 127.611 (relating to general plan approval and general operating permits), will apply to the construction, operation and modification of both new and existing HMA plants.

This proposed General Permit is limited to the construction, operation and modification of HMA plants that are located at facilities for which a valid mining permit or an air quality operating permit exists for the operation of the facility.

The proposed General Permit contains conditions that prescribe applicability, emission limitations, compliance, notification, monitoring, recordkeeping, reporting and administrative requirements. The proposed General Permit establishes restrictions and BAT requirements for HMA plants that are consistent with current industrial practices.

Prior to initiating construction or modification and operation using BAQ-GPA/GP-13, the owner or operator of a HMA plant must submit an application form provided by the Department to the appropriate regional office. At least 15 working days prior to submitting the BAQ-GPA/GP-13 application to the Department, a copy of the application must be submitted to the municipality where the source will be located. Proof of the municipal notice must accompany the application subsequently submitted to the Department.

A permittee using this General Permit shall comply with the terms and conditions of the general plan approval and/or general operating permit.

This General Permit has been established in accordance with the provisions described in 25 Pa. Code Chapter 127, Subchapter H (relating to general plan approvals and operating permits) and is not applicable to a HMA plant regulated by the requirements of 25 Pa. Code Chapter 127, Subchapters D, E and G (relating to prevention of significant deterioration of air quality; new source review; and Title V operating permits).

Along with conventional fuels like propane, natural gas, No. 2 fuel oil and No. 4 fuel oil, the General Permit allows the use of biodiesel, on-specification waste derived liquid fuel and other alternative fuels in the HMA plant's rotary dryer. The permittee shall, upon the request of the Department, provide fuel analyses or fuel samples of the fuel used in any of the units authorized to operate under this general permit.

Within 180 days of the commencement of operation of any HMA plant at the respective site, the permittee shall perform a source test to establish the baseline emissions of filterable particulates, NOx, and CO, VOCs, PM10 and PM2.5 (total PM10 and PM2.5 for new plants). The permittee shall conduct a burner tuning procedure in accordance with the manufacturer's specifications to mini-

mize NOx and CO emissions each year after the initial stack test mentioned previously.

The authorization to construct and/or operate a HMA plant under this proposed General Permit will be granted for a fixed period of 5 years.

The proposed General Permit establishes the following fees:

- a. General Plan Approval application fee: \$1,000

A new application and fee must be submitted to Department each time the permittee installs or modifies a HMA plant. The installation or modification of a HMA plant must be conducted according to the terms and conditions of this General Permit.

- b. General Operating Permit fees shall be submitted along with the BAQ-GPA/GP-13 application: \$375  
 c. The General Operating Permit renewal fee shall be payable every 5 years: \$375  
 d. Annual operating permit administration fees shall be payable on an annual basis: \$375

Interested parties are encouraged to obtain and review a complete copy of this proposed General Permit by contacting Jeanette Van Skike, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468, (717) 787-4325. TDD users may telephone the Department through the Pennsylvania AT&T Relay Services, (800) 654-5984. Internet users can access a copy of the General Permit at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keyword: Air Quality Home).

The Department invites written comments on the proposed General Permit. Notice and opportunity for comment will also be provided to the United States Environmental Protection Agency and the States of Delaware, Maryland, New Jersey, New York, Ohio, Virginia and West Virginia. Interested persons may submit written comments, suggestions or objections to Virendra Trivedi, Environmental Engineer Manager, New Source Review Section, Division of Permits, Bureau of Air Quality, 12th Floor, Rachel Carson State Office Building, P. O. Box 8468, Harrisburg, PA 17105-8468. The Department will also consider written requests that a public hearing be held concerning this proposed General Permit. Written public comments must be submitted to the Department by January 9, 2009. Comments received by facsimile will not be accepted.

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2113. Filed for public inspection November 21, 2008, 9:00 a.m.]

### **Processing and Conversion of Municipal Waste into a Fuel Product; Proposed General Permit WMGM037**

Under the regulatory authority of 25 Pa. Code § 271.811 (relating to authorization for general permit) of the municipal waste regulations and the statutory authority of the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Department of Environmental Protection (Department) is proposing a General Permit for the processing and conversion of municipal waste to produce a fuel product.

This proposed General Permit authorizes permittees to process municipal waste to produce a fuel. Fuel manufactured under the authority of the permit is not considered a waste when marketed as a commodity in trade for use in an air contamination source approved through an Air Quality authorization issued by the Department under 25 Pa. Code Chapter 127 (relating to construction, modification, reactivation and operation of sources). General Permit WMGM037 will reduce the amount of waste disposed in landfills by providing a mechanism to divert waste suitable for use under this permit to a more productive, beneficial use.

Comments concerning the general permit should be directed to Ronald Hassinger, Division of Municipal and Residual Waste, Bureau of Waste Management, Rachel Carson State Office Building, P. O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381. Public comments must be received by January 21, 2009.

Persons interested in obtaining more information or a paper copy of the proposed General Permit WMGM037 should contact Peter Arnt of the Division of Municipal and Residual Waste at (717) 787-7381. TDD users may contact the Department through the Pennsylvania AT&T Relay Services at (800) 654-5984. The General Permit WMGM037 document is also accessible on the Department's web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Participate"; then "Proposals Currently Open for Comment" or DEP Keywords: "Municipal Waste").

The Department will provide public notice upon finalization of General Permit WMGM037.

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2114. Filed for public inspection November 21, 2008, 9:00 a.m.]

### **Small Water Systems Technical Assistance Center Advisory Board; Rescheduling Meeting Notice**

The November 20, 2008, meeting of the Small Water Systems Technical Assistance Center (TAC) Advisory Board is rescheduled to Monday, December 1, 2008. The meeting will begin at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

Questions concerning this meeting should be directed to Janet Fisher at (717) 787-0122 or [janfisher@state.pa.us](mailto:janfisher@state.pa.us). The agenda and meeting materials for the meeting will be available through the Public Participation Center on the Department of Environmental Protection's (Department) web site at [www.depweb.state.pa.us](http://www.depweb.state.pa.us) (DEP Keywords: "Public Participation, Participate").

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact the Department at (717) 787-0122 or through the Pennsylvania AT&T Relay Services at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2115. Filed for public inspection November 21, 2008, 9:00 a.m.]

### State Board for Certification of Water and Wastewater Systems Operators; Special Meeting Notice

The State Board for Certification of Water and Wastewater Systems Operators will hold a special meeting on Monday, December 15, 2008, at 10 a.m. at the Department of Environmental Protection's (Department) Southcentral Regional Office, Conference Rooms A and B, 909 Elmerton Avenue, Harrisburg, PA. The purpose of this meeting is to discuss the Department's proposed changes to the fee structure for the Operator Certification Program.

Questions concerning the meeting may be directed to Cheri Sansoni at (717) 772-5158 or csansoni@state.pa.us. The agenda and meeting materials for the meeting will be available through the Public Participation Center on the Department's web site at www.depweb.state.pa.us (DEP Keywords: "Public Participation, Participate").

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

JOHN HANGER,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2116. Filed for public inspection November 21, 2008, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Bux-Mont Endoscopy Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Bux-Mont Endoscopy Center has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or

hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2117. Filed for public inspection November 21, 2008, 9:00 a.m.]

### Application of The Center for Cosmetic Surgery, PC, d/b/a The Skin Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Center for Cosmetic Surgery, PC, d/b/a The Skin Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.7-5.2.1.1 (relating to corridor width), 3.7-2.3.1.1 (relating to class A operating rooms) and 3.7-2.5.7.4 (stretcher storage area).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2118. Filed for public inspection November 21, 2008, 9:00 a.m.]

### Application of Lancaster Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Lancaster Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 138.1 (relating to principle).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2119. Filed for public inspection November 21, 2008, 9:00 a.m.]

### Application of Nason Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Nason Hospital has requested an exception to the requirements of 28 Pa. Code § 127.32 (relating to written orders).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2120. Filed for public inspection November 21, 2008, 9:00 a.m.]

### Application of The Pain and Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Pain and Surgical Center has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

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

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2121. Filed for public inspection November 21, 2008, 9:00 a.m.]

### Application of Palmerton Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Palmerton Hospital has requested an exception to the requirements of 28 Pa. Code § 123.25(2) (relating to regulations for control of anesthetic explosion hazards).

The request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from the Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax (717) 772-2163, paexcept@health.state.pa.us.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone numbers or for speech and/or hearing impaired persons V/TT (717) 783-6154 or the Pennsylvania AT&T Relay Services at (800) 654-5984.

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2122. Filed for public inspection November 21, 2008, 9:00 a.m.]

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

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 205.36(h) (relating to bathing facilities).

Millcreek Community Hospital Transitional Care Unit  
5515 Peach Street  
Erie, PA 16509-2603  
FAC ID 57010201

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 it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of the request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

A. EVERETTE JAMES,  
*Acting Secretary*

[Pa.B. Doc. No. 08-2123. Filed for public inspection November 21, 2008, 9:00 a.m.]

## DEPARTMENT OF TRANSPORTATION

### Clarification of Restriction Codes on Driver's License

The Department of Transportation under the authority of 75 Pa.C.S. § 1512 (relating to restrictions on drivers' licenses) may add restrictions, whenever there is good cause, to add restrictions, suitable to the licensee's driving ability, requiring special equipment to be installed on a motor vehicle or other impose other restrictions applicable to assure the safe operation of a motor vehicle. The following matrix of Medical Restrictions is being published to clarify the meaning of the restriction codes currently utilized on the Pennsylvania Driver's License:

<i>Code</i>	<i>Explanation of Code</i>
1	License holder must wear corrective lenses when driving (glasses/contacts)
2	Vehicle must be equipped with mirrors on both sides of the vehicle (dual mirrors)
3	Vehicle must be equipped with an automatic transmission (no manual transmission)
4	Vehicle must be equipped with special equipment (spinner knob, left foot gas pedal, and the like)
5	License holder can only drive during daylight hours—sunrise to sunset (no night driving)
6	License holder is considered a "Classified" driver because of a physical impairment that will not affect ability to drive (missing fingers, missing an arm, and the like)
7	License holder has a "Restricted" license because of a visual impairment (limited to driving within a limited radius of residence; limited to roads other than freeways; limited to passenger vehicles weighing no more than 10,000 pounds; cannot operate a motorcycle)

<i>Code</i>	<i>Explanation of Code</i>
8	Driver's M License is restricted to a motor-driven cycle (motorcycle motor cannot be greater than 5 brake horsepower)
A	Permit holder is restricted to operating a vehicle equipped with dual controls (right side brake pedal) with a certified driver trainer in the passenger seat.
Z	Motorcycle learner's permit holder can only operate a motorcycle during daylight hours—sunrise to sunset (no night riding)

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

[Pa.B. Doc. No. 08-2124. Filed for public inspection November 21, 2008, 9:00 a.m.]

### 511 Pennsylvania

In response to the Order of the Pennsylvania Public Utility Commission (PUC), adopted October 23, 2008, entered at PUC Docket Number M-2008-2061434 on October 30, 2008, and advertised at 38 Pa.B. 6347 (November 15, 2008), which recognizes and assigns the Department of Transportation (Department) the role of sole administrator for the provision of the 511 dialing code in this Commonwealth. The Department is providing notice of its point of contact for all interested local exchange carriers under the jurisdiction of the PUC with respect to the previously-referenced Order.

Interested parties can direct questions, submit time and cost estimates and enroll to receive future updates, information and the Department's implementation plan by e-mailing the Department at 511PA@state.pa.us. Questions regarding this notice can be directed to the foregoing e-mail address.

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

[Pa.B. Doc. No. 08-2125. Filed for public inspection November 21, 2008, 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, November 6, 2008, and announced the following:

*Regulation Deemed Approved Under Section 5(g) of the Regulatory Review Act—Effective November 5, 2008:*

Pennsylvania Public Utility Commission #57-261: Telecommunications Relay Service System and Relay Service Fund (amends 52 Pa. Code Chapter 63)

Insurance Department #11-237: Prohibited Phrases (re-scinds Chapter 139)

Milk Marketing Board #47-13: Producer Receipt for Farm Bulk Tank Milk (amends 7 Pa. Code § 143.46)



*Regulations Approved:*

Department of Agriculture #2-102: Amusement Rides and Attractions Erected Permanently or Temporarily at Carnivals, Fairs and Amusement Parks (amends 7 Pa. Code Chapter 139)

Department of Banking #3-43: Proper Conduct of Lending and Brokering in the Mortgage Loan Business (amends 10 Pa. Code Chapter 46)

Pennsylvania Public Utility Commission #57-264: Net Metering and Interconnection (amends 52 Pa. Code Chapter 75)

Pennsylvania Public Utility Commission #57-252: Implementation of the Alternative Energy Portfolio Standards Act of 2004 (amends 52 Pa. Code Chapter 75)

Pennsylvania Gaming Control Board #125-89: Employees; Slot Machine Licenses; and Accounting and Internal Controls (amends 58 Pa. Code Chapters 435a, 441a and 465a)

Pennsylvania Gaming Control Board #125-88: Slot Machine Testing and Control; Possession of Slot Machines; Accounting and Internal Controls; and Commencement of Slot Operations (amends 58 Pa. Code Chapters 461a, 463a, 465a and 467a)

Pennsylvania Gaming Control Board #125-85: Licensed Facility (amends 58 Pa. Code Chapter 401a)

*Regulation Disapproved: Order Not Yet Issued*

- \* Department of State No. 16-40: Lobbying Disclosure
- \* Will advise when order is issued.

**Approval Order**

Public Meeting held  
November 6, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; Nancy Sabol Frantz, Esq.; Karen A. Miller; John F. Mizner, Esq.

*Department of Agriculture—Amusement Rides and Attractions Erected Permanently or Temporarily at Carnivals, Fairs and Amusement Parks;  
Regulation No. 2-102 (#2616)*

On June 13, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Agriculture (Department). This rulemaking amends 7 Pa. Code Chapter 139. The proposed regulation was published in the June 23, 2007 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 25, 2008.

This rulemaking is a comprehensive update and revision of the Department's existing regulations on amusement rides and attractions. There are three basic reasons for this rulemaking. First, the provisions of Chapter 139 are out-of-date and have not been amended since 1987. Second, revisions are necessary to incorporate the standards of the ASTM International (formerly known as the American Society for Testing Materials). Third, the rulemaking brings this chapter into greater consistency with its enabling legislation, the Amusement Ride Inspection Act which was amended in the 1990.

We have determined this regulation is consistent with the statutory authority of the Department (4 P. S. § 404) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting held  
November 6, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; Nancy Sabol Frantz, Esq., Abstained; Karen A. Miller; John F. Mizner, Esq.

*Department of Banking—Proper Conduct of Lending and Brokering in the Mortgage Loan Business;  
Regulation No. 3-43 (#2620)*

On July 5, 2007, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Banking (Department). This rulemaking amends 10 Pa. Code Chapter 46. The proposed regulation was published in the July 21, 2007 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 25, 2008.

This final-form regulation seeks to alleviate some of the issues in the mortgage loan industry by establishing a set of rules governing persons or entities operating in the loan business in the Commonwealth.

We have determined this regulation is consistent with the statutory authority of the Department (7 Pa.C.S. § 6138(a)(4) and 7 P. S. § 6212) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

*By Order of the Commission:*

This regulation is approved.

**Approval Order**

Public Meeting held  
November 6, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; Nancy Sabol Frantz, Esq.; Karen A. Miller; John F. Mizner, Esq.

*Pennsylvania Public Utility Commission—Net Metering and Interconnection;  
Regulation No. 57-264 (#2724)*

On September 25, 2008, the Independent Regulatory Review Commission (Commission) received this regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chapter 75. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation implements Act 35 of 2007 by amending definitions, the reconciliation mechanism for surplus energy supplied through net metering and the price to be paid for surplus energy.

We have determined this regulation is consistent with the statutory authority of the PUC (73 P. S. § 1648.5) 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  
November 6, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; Nancy Sabol Frantz, Esq.; Karen A. Miller; John F. Mizner, Esq.

*Pennsylvania Public Utility Commission—  
Implementation of the Alternative Energy Portfolio  
Standards Act of 2004;  
Regulation No. 57-252 (#2569)*

On September 27, 2006, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chapter 75. The proposed regulation was published in the October 14, 2006 *Pennsylvania Bulletin* with a 60-day public comment period. The final-form regulation was submitted to the Commission on October 3, 2008.

This final-form regulation implements portions of the Alternative Energy Portfolio Standards Act of 2004. These provisions “identify how compliance will be measured, the penalties for noncompliance, the powers and duties of a third party administrator, the mechanism for cost recovery by electric distribution companies and other necessary provisions.”

We have determined this regulation is consistent with the statutory authority of the PUC (73 P. S. § 1648.3(e)) 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  
November 6, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; Nancy Sabol Frantz, Esq.; Karen A. Miller; John F. Mizner, Esq.

*Pennsylvania Gaming Control Board—Employees; Slot  
Machine Licenses; and Accounting and Internal Controls;  
Regulation No. 125-89 (#2703)*

On June 12, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking amends 58 Pa. Code Chapters 435a, 441a and 465a. The proposed regulation was published in the June 28, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 30, 2008.

This regulation amends three existing chapters of the Board’s regulations. These amendments expand the list of

offenses that licensees must report to the Board, establish time periods for the submission of additional documents required when applying via the SLOTS Link system, clarify that temporary credentials for non-gaming employees will be issued by the Bureau of Licensing to reflect current Board practice, and further restrict the employment of off-duty law enforcement officers as security personnel anywhere in the licensed facility.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S. §§ 1202(b)(30), 1308, 1318 and 1331) 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  
November 6, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson; Nancy Sabol Frantz, Esq.; Karen A. Miller

*Pennsylvania Gaming Control Board—Slot Machine  
Testing and Control; Possession of Slot Machines;  
Accounting and Internal Controls; and Commencement  
of Slot Operations; Regulation No. 125-88 (#2702)*

On June 12, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Pennsylvania Gaming Control Board (Board). This rulemaking amends 58 Pa. Code Chapters 461a, 463a, 465a and 467a. The proposed regulation was published in the June 28, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 30, 2008.

This final form rulemaking adds or amends provisions related to: random access memory of slot machines; transportation of slot machines; internal control systems and audit protocols; standard financial and statistical reports; central control computer equipment and access to it; organizational charts of slot machine licensees; and changes to the gaming floor.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S.A. § 1202(b)(30)) 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  
November 6, 2008

*Commissioners Voting:* Arthur Coccodrilli, Chairperson; Alvin C. Bush, Vice Chairperson, by Proxy; Nancy Sabol Frantz, Esq., Dissenting; Karen A. Miller; John F. Mizner, Esq., by Phone

*Pennsylvania Gaming Control Board—Licensed Facility;  
Regulation No. 125-85 (#2692)*

On April 21, 2008, the Independent Regulatory Review Commission (Commission) received this proposed regula-

tion from the Pennsylvania Gaming Control Board (Board). This rulemaking amends 58 Pa. Code Chapter 401a. The proposed regulation was published in the May 3, 2008 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on September 30, 2008.

The regulation expands the definition of the term "licensed facility" to provide greater clarity as to what areas are considered to be part of the licensed facility.

We have determined this regulation is consistent with the statutory authority of the Board (4 Pa.C.S.

§ 1202(b)(30)) 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. 08-2126. Filed for public inspection November 21, 2008, 9:00 a.m.]

### Notice of Comments Issued

Section 5(g) of the Regulatory Review Act (71 P. S. § 745.5(g)) provides that the Independent Regulatory Review Commission (Commission) may issue comments within 30 days of the close of the public comment period. The Commission comments are based upon the criteria contained in section 5.2 of the Regulatory Review Act (71 P. S. § 645.5b).

The Commission has issued comments on the following proposed regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
12-84	Department of Labor and Industry Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Appeals Board; Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Judges 38 Pa.B. 4902 (November 5, 2008)	10/6/08	11/5/08

#### Department of Labor and Industry Regulation #12-84 (IRRC #2721)

#### Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Appeals Board; Special Rules of Administrative Practice and Procedure Before the Workers' Compensation Judges

November 5, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the September 6, 2008 *Pennsylvania Bulletin*. Our comments are based on criteria in section 5.2 of the Regulatory Review Act (71 P. S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P. S. § 745.5a(a)) directs the Department of Labor and Industry to respond to all comments received from us or any other source.

#### Section 111.3. Definitions.—Implementation procedures; Clarity.

The definition of "filing" references the electronic filing of documents, but the regulation does not define that phrase. Additionally, it is our understanding that the Department lacks the technological capability to accept electronic filings, and that it is uncertain when it will be able to do so. While we agree with the Department's assessment that electronic filing will likely result in time and cost savings for all parties, we must also conclude that referencing electronic filing in regulations before such a thing exists will likely result in unnecessary confusion for the regulated community.

The final-form regulation should omit specific references to electronic filing. This concern also applies to sections 111.11, 111.12 and 131.11.

Should the Department retain the phrase "electronic filing," the final-form regulation should further explain what is meant by the term and explicitly state when the Department expects to implement it.

#### Section 111.11. Content and form.—Clarity.

This section references "paper forms or an electronic format prescribed by the Board." As noted in our comments pertaining to section 111.3, we recommend that all references to electronic filing be omitted. The final-form regulation should provide specific instruction as to where the prescribed paper forms (and the electronic format, should the Department choose to retain the reference) may be accessed.

#### Section 111.12. Filing, service and proof of service.—Clarity.

Subsection (b) requires that "[w]hen filing electronically, an original of each appeal and cross-appeal shall be filed." For purposes of electronic filing, what is an "original"? As noted in our comments pertaining to section 111.3, we recommend that all references to electronic filing be omitted. Should the Department elect to retain them, the final-form regulation should clarify what is required of a document to be filed in this manner.

Additionally, subsection (f) states that it supersedes multiple sections of the General Rules of Administrative Practice and Procedure (GRAPP). Some of the GRAPP sections mentioned appear to be entirely unrelated to this section. Pursuant to existing regulations of the Joint Committee on Documents, "a superseding special rule shall be limited in scope of subject matter to the scope of the general rule which it is intended to supersede." 1 Pa. Code § 13.38(b). In the final-form regulation, the

Department should only list the GRAPP provisions that are actually superseded by the specific regulatory language in that section.

The same concern applies to sections 131.50a, 131.52, 131.53b, 131.56, 131.59a, 131.59b, 131.60, 131.111.

**Section 131.5. Definitions.—Clarity.**

The proposed regulation defines “mediation” in part as “a conference conducted by a judge, as authorized by sections 401 and 401.1 of the act . . . .” The terms “judge” and “mediating judge” are separately defined. The final-form regulation should clarify how a mediation could be conducted by a judge other than a “mediating judge.”

**Section 131.11. Filing, service and proof of service.—Clarity.**

Subsections (a)(2) and (b)(2) reference “a format prescribed by the Department and published in the *Pennsylvania Bulletin*,” and subsection (e) references “a format as prescribed by the Bureau and published in the *Pennsylvania Bulletin*.” Because the *Bulletin* may be an unfamiliar resource for many, we recommend that the Department make the required format readily available on the Department’s web site. The final-form regulation should provide specific instruction as to where the prescribed format may be accessed.

**Section 131.50a. Employee request for special supersedeas hearing under sections 413(c) and 413(d) of the act.—Clarity.**

Subsection (c) limits issues to be determined in a challenge hearing to two: 1) whether the claimant has stopped working; and 2) whether the claimant is earning the wages stated in the Notice of Suspension or Modification. With regard to the first decidable issue, by when must the claimant have stopped working? May the claimant have returned to work at any point? The final-form regulation should include additional detail to fully inform the regulated community of decidable issues at this kind of hearing.

Also, 131.50a(c) refers to a “challenge hearing.” The existing regulation defines the term “challenge proceeding.” The final-form regulation should use consistent terminology.

**Section 131.53. Procedures subsequent to the first hearing.—Clarity; Reasonableness.**

This proposal deletes subsection (f), which requires medical examinations to be scheduled within 45 days after the first hearing is actually held. The preamble states that proposed section 131.52 will now govern the scheduling of such examinations; however, that provision does not provide a specific time frame during which the examinations must occur. The final-form regulation should explain why omission of a specific timeframe better serves public welfare.

**Section 131.59. Alternative dispute resolution.—Clarity.**

Although this regulation defines the related terms “mediation” and “voluntary settlement conference,” it does not define “alternative dispute resolution.” To improve clarity, the final-form regulation should define this term or include a cross-reference to an appropriate statutory definition.

**Section 131.59b. Mandatory mediation.—Clarity; Statutory authority.**

This section creates new rules governing mandatory mediations. We raise three concerns.

First, the undefined term “mandatory mediation,” which appears throughout the regulation and is spotlighted in this provision, is ambiguous. It is unclear when a mediation becomes “mandatory” for purposes of this regulation: is it mandatory pursuant to statute, mandatory pursuant to court order, or both? The final-form regulation should clarify in the definitions section whether a mediation is “mandatory” pursuant to Act 147, or whether another event could make it so for purposes of this regulation.

Second, we note a possible conflict between subsection (a) and the enabling statute. Subsection (a), which may not be waived, prohibits a mandatory mediation from being assigned to the adjudicating judge. Act 147 defines “mediation” as a “conference conducted by a worker’s compensation judge, but not necessarily the judge assigned to the actual case involving the parties.” From this, it appears that the General Assembly intended to permit adjudicating judges to handle mediations in some circumstances. What is the Department’s authority for creating a blanket prohibition against assigning a mandatory mediation to an adjudicating judge?

Third, subsection (b) poses a question of statutory authority. Without this provision, would 42 Pa.C.S. § 5949 (relating to confidential mediation communications and documents) apply to proceedings governed by this section? If so, what is the Department’s authority for limiting confidentiality in paragraph (b)(2)?

**Section 131.60. Resolution hearings.—Clarity.**

Subsection (g) states that the judge “will require proof that a petition has been filed with the Bureau, and will make the proof a part of the record.” The final form regulation should clarify what would satisfy the proof requirement. Additionally, it should define “resolution hearing” or include a cross-reference to an appropriate statutory definition.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-2127. Filed for public inspection November 21, 2008, 9:00 a.m.]

**2009 Public Meeting Schedule**

The Independent Regulatory Review Commission (Commission) will hold public meetings in 2009 as follows:

January 8, 2009	10:30 a.m.	14th Floor Conference Room 333 Market Street
January 22, 2009	10:30 a.m.	14th Floor Conference Room 333 Market Street
February 26, 2009	10:30 a.m.	14th Floor Conference Room 333 Market Street
March 19, 2009	10:30 a.m.	14th Floor Conference Room 333 Market Street
April 2, 2009	10:30 a.m.	14th Floor Conference Room 333 Market Street
April 23, 2009	10:30 a.m.	14th Floor Conference Room 333 Market Street

May 7, 2009	10:30 a.m.	14th Floor Conference Room 333 Market Street
May 21, 2009	10:30 a.m.	14th Floor Conference Room 333 Market Street
June 11, 2009	10:30 a.m.	14th Floor Conference Room 333 Market Street
June 25, 2009	10:30 a.m.	14th Floor Conference Room 333 Market Street
July 9, 2009	10:30 a.m.	14th Floor Conference Room 333 Market Street
July 23, 2009	10:30 a.m.	14th Floor Conference Room 333 Market Street
August 6, 2009	10:30 a.m.	14th Floor Conference Room 333 Market Street
August 20, 2009	10:30 a.m.	14th Floor Conference Room 333 Market Street
September 3, 2009	10:30 a.m.	14th Floor Conference Room 333 Market Street
September 17, 2009	10:30 a.m.	14th Floor Conference Room 333 Market Street
October 1, 2009	10 a.m.	14th Floor Conference Room 333 Market Street
October 22, 2009	10:30 a.m.	14th Floor Conference Room 333 Market Street
November 5, 2009	10:30 a.m.	14th Floor Conference Room 333 Market Street
November 19, 2009	10:30 a.m.	14th Floor Conference Room 333 Market Street
December 3, 2009	10:30 a.m.	14th Floor Conference Room 333 Market Street
December 17, 2009	10:30 a.m.	14th Floor Conference Room 333 Market Street

Individuals planning on attending or speaking at a public meeting, notify the Commission no later than 72 hours prior to the date of the meeting. For any changes to the meeting schedule, refer to our web site at [www.irrc.state.pa.us](http://www.irrc.state.pa.us). If an executive session is deemed necessary, it will be held immediately following the close of the public meeting in the 14th Floor Conference Room, 333 Market Street, Harrisburg. Persons in need of special accommodations, as provided for in the Americans With Disabilities Act of 1990, should contact Kristine Shomper at (717) 783-5419.

ARTHUR COCCODRILLI,  
*Chairperson*

[Pa.B. Doc. No. 08-2128. Filed for public inspection November 21, 2008. 9:00 a.m.]

## INSURANCE DEPARTMENT

### Agency Contract Termination of Insurance Solutions Concept under Act 143; The Philadelphia Contributorship Insurance Company; Doc. No. AT08-10-044

A prereview conference initiated by this office is scheduled for December 18, 2008, at 2 p.m. A review of the agency contract termination is scheduled for January 7, 2009, at 9 a.m.

Motion preliminary to those at the review, protests, petitions to intervene or notice of intervention, if any must be filed on or before December 11, 2008, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before December 17, 2008.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,  
*Insurance Commissioner*

[Pa.B. Doc. No. 08-2129. Filed for public inspection November 21, 2008. 9:00 a.m.]

### Tolino's Service, Inc.; Prehearing

#### Appeal of Tolino's Service, Inc. under the Storage Tank and Spill Prevention Act; Underground Storage Tank Indemnification Fund; USTIF File No. 2008-0072(M); Doc. No. UT08-10-019

The proceedings in this matter will be governed by 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law); 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and any other relevant procedure provisions of law.

A prehearing telephone conference shall be held on December 15, 2008 at 10 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. A hearing shall occur on January 6, 2009, at 10 a.m. in the Administrative Hearings Office, Room 200, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. Motions preliminary to those at hearing, protests, petitions to intervene, notices of appearance or notices of intervention, if any, must be filed with the Hearings Administrator at the previously listed address on or before December 1, 2008. Answers to petitions to intervene, if any, shall be filed on or before December 12, 2008.

On or before December 1, 2008, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for the party's case. Contemporaneously with service of the prehearing state-

ment on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office. Experts will be permitted to testify only on matters substantially contemplated by reports supplied to the other party in accordance with this paragraph.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, contact Donna R. Fleischauer, Human Resources Director, at (717) 705-3873.

JOEL SCOTT ARIO,  
Insurance Commissioner

[Pa.B. Doc. No. 08-2130. Filed for public inspection November 21, 2008, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The Liquor Control Board seeks the following new site:

Delaware County, Wine & Spirits Store #2303, (New Store), Concordville, PA

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,000 to 5,000 net useable square feet of new or existing retail commercial space. Location must be within a 2 mile radius of Route 1 and Brinton Lake Road, Concordville, PA.

*Proposals due:* December 5, 2008, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** James Bradley, (215) 482-9670

PATRICK J. STAPLETON, III,  
Chairperson

[Pa.B. Doc. No. 08-2131. Filed for public inspection November 21, 2008, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission. Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by December 8, 2008.

Documents filed in support of the applications are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the business address of the respective applicant.

### Applications of the following for approval to *begin* operating as *common carriers* for transportation of *persons* as described under each application.

**A-2008-2072531. Amish Express, LLC** (240 Letort Road, Millersville, Lancaster County, PA 17551)—persons, in paratransit service, whose personal convictions prevent them from owning or operating motor vehicles, from points in the County of Lancaster, to points in Pennsylvania and return.

**A-2008-2073231. Joseph C. Brown, t/a Endless Mountain Transportation** (915 SR 29 South, Tunkhannock, Wyoming County, PA 18657), begin right to transport, by motor vehicle, persons in group and party service, in vehicles seating 11 to 15 passengers, including the driver, from points in the Counties of Susquehanna, Bradford and Wyoming, to points in Pennsylvania, and return.

**A-2008-2073262. Glass City Limousine, Inc., t/a 2 Brothers Limo** (P. O. Box 469, Ford City, Armstrong County, PA 16226), a corporation of the Commonwealth—persons, in limousine service, from points in the Counties of Armstrong, Washington, Westmoreland, Indiana, Butler, Clarion and Allegheny, to points in Pennsylvania and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* William A. Gray, Esq., Vuono and Gray, LLC, 310 Grant Street, Suite 2310, Pittsburgh, PA 15219.

### Application of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for transportation of *persons* as described under the application.

**A-2008-2073090. Pocono Cab Company, LLC** (399 Oak Street, East Stroudsburg, Monroe County, PA 18301)—a limited liability corporation of the Commonwealth—persons upon call or demand from points in Monroe County: *So As To Permit*—persons upon call or demand service, in the Counties of Pike and Carbon, and from points in the Boroughs of Wind Gap, Pen Argyl and Bangor, and the Townships of Plainfield, Washington and Upper Bethel, all in Northampton County. *Attorney:* Craig A. Doll, 25 West Second Street, P. O. Box 403, Hummelstown, PA 17036.

**A-2008-2073650. Peter Equere, t/a Peace Taxi Company** (P. O. Box 13039, Harrisburg, Dauphin County, PA 17110)—for amendment to his common carrier certificate, which grants the right, *inter alia*—to transport persons, upon call or demand, in the City of York, York County and the Borough of Gettysburg, Adams: *So As To Permit* the transportation of persons, upon call or demand, in the Counties of Dauphin and Cumberland.

### Application of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for transportation of *persons* by *transfer of rights* as described under the application.

**A-2008-2053623.—Corrected—Jetway Transport, Inc. t/a Admiral Cab, Inc.** (908 Dekalb Street, Bridgeport, Montgomery County, PA), a corporation of the Commonwealth—persons, upon call or demand; (1) In the Borough of Narberth, and that portion of Lower Merion

Township, Montgomery County, beginning at the joinder of the Schuylkill River and City Line Avenue, thence northwardly along the Schuylkill River to its joinder with Mill Creek Road, thence westward along Mill Creek Road to its intersection with Gulph Road, then southwardly along Gulph Road to its intersection with Gypsy Lane, thence southeastwardly along Gypsy Lane and its merger with Wynnewood Avenue to its intersection with City Line Avenue, thence eastwardly along City Line Avenue to the point of beginning; subject to the following condition: That no right, power or privilege is granted to originate service from City Line Avenue addresses on the Montgomery County side of City Line Avenue from the Route 76 exit to Old Lancaster Road; (2) In the Townships of Marple, Upper Providence and Newtown, Delaware County, and that part of Lower Merion Township, Montgomery County, on and east of a line beginning at Waverly Road and the Schuylkill River, thence southeastwardly along Waverly Road to its intersection with Morris Avenue, then southeastwardly along Morris Avenue to its intersection with Old Gulph Road, then westward along Old Gulph Road to its merger with Roberts Road, then southward along Roberts Road to the Montgomery-Delaware County Line; (3) In the Boroughs of Conshohocken and West Conshohocken, Montgomery County; the Township of Radnor, Delaware County; and (4) In the Townships of Tredyffrin, Easttown, Willistown, East Whiteland, West Whiteland, Charlestown, East Goshen and the Borough of Malvern, all located in Chester County, and the Township of Upper Merion, Montgomery County, *So As To Permit* the transportation of persons upon call or demand service, from points in Valley Forge, Phoenixville, Malvern and Exton, Chester County, excluding service that is under the jurisdiction of the Philadelphia Parking Authority, which is to be a transfer of all the rights authorized under the Certificate issued at A-00120256 to Admiral Cab, Inc.

**Application of the following for approval of the beginning of the exercise of the right and privilege of operating motor vehicles as common carriers for the transportation of household goods as described under each application.**

**A-2008-2062242. Old City Movers, Inc.** (1324 North 4th Street, Philadelphia, Philadelphia County, PA 19122), a corporation of the Commonwealth, for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use between points in the City and County of Philadelphia and from points in the City and County of Philadelphia to points in the Counties of Berks, Bucks, Chester, Delaware and Montgomery.

*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Fargo Logistics, Inc.;*  
*Doc. No. C-2008-2046501*

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 Fargo Logistics, Inc. (respondent) is under suspension effective July 18, 2008 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 1097 Zeager Road, Elizabethtown, PA 17022.

3. That respondent was issued a Certificate of Public Convenience by this Commission on April 25, 2008, at A-899980.

4. That respondent has failed to maintain evidence of Liability insurance and Cargo insurance on file with this Commission. The penalty is \$250.00.

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 \$250.00 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 Docket No. A-899980 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 \$250.00 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. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
 Transportation and Safety v. Loiseau Corp.;*  
*Doc. No. C-2008-2044714*

#### 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 Loiseau Corp. (respondent) is under suspension effective July 15, 2006 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 641 North Broad Street, Philadelphia, PA 19123.

3. That respondent was issued a Certificate of Public Convenience by this Commission on September 24, 1996, at Application Docket No. A-00113002.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

*Wherefore*, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which; (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00113002 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 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. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Francis Belotta t/a B&B Trucking; Doc. No. C-2008-2048075*

### 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 Francis Belotta t/a B&B Trucking (respondent) is under suspension effective August 19, 2005 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 8019 Hillcrest Drive, Tobyhanna, PA 18466.
3. That respondent was issued a Certificate of Public Convenience by this Commission on December 16, 2002, at A-00119332.
4. That respondent has failed to maintain evidence of Liability insurance and Cargo insurance on file with this Commission. The penalty is \$250.00.
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 \$250.00 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-00119332 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 \$250.00 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

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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.

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\_\_\_\_\_  
*Pennsylvania Public Utility Commission, Bureau of  
Transportation and Safety v. Chesapeake Logistics, LLC;  
Doc. No. C-2008-2050879*

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 Chesapeake Logistics, LLC (respondent) is under suspension effective August 1, 2007 for failure to maintain evidence of insurance on file with this Commission.

2. That respondent maintains a principal place of business at 5304 Sunnyside Avenue, Beltsville, MD 20705.

3. That respondent was issued a Certificate of Public Convenience by this Commission on April 25, 1996, at Application Docket No. A-00119985.

4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission.

5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa.C.S. § 512, 52 Pa. Code § 32.2(c), and 52 Pa. Code § 32.11(a), § 32.12(a) or § 32.13(a).

Wherefore, unless respondent causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Transportation and Safety Prosecutory Staff will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at Docket No. A-00119985 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 knowl-

edge, 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

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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.

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 Pennsylvania Public Utility Commission  
 P. O. Box 3265  
 Harrisburg, PA 17105-3265

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 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 Transpor-

tation and Safety will request that the Commission issue an Order imposing a penalty, which may include the cancellation of your Certificate of Public Convenience. Should the Commission cancel your Certificate of Public Convenience, it may also impose an additional fine of up to \$1,000.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The judge is not bound by the optional fine set forth above.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

JAMES J. MCNULTY,  
 Secretary

[Pa.B. Doc. No. 08-2132. Filed for public inspection November 21, 2008, 9:00 a.m.]

#### Telecommunications Services

**A-310651F0002AMA-AMG, A-2008-2073665. Service Electric Telephone Company, LLC.** Application of Service Electric Telephone Company, LLC for approval to offer, render, furnish or supply telecommunications services to the public as a competitive local exchange carrier in the service territories of Buffalo Valley Telephone Company; Conestoga Telephone and Telegraph Company; Denver and Ephrata Telephone and Telegraph Telephone Company; Frontier Communications Commonwealth Telephone Company, LLC; Frontier Communications of Lake-wood, LLC; Frontier Communications of Pennsylvania, LLC; TDS Telecom Mahanoy and Mahantango Telephone Company and Windstream Pennsylvania, LLC.

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 22, 2008. The documents filed in support of the application are available for inspection and copying at the Office of the Secretary between 8 a.m. and 4:30 p.m., Monday through Friday, and at the applicant's business address.

*Applicant:* Service Electric Telephone Company, LLC

*Through and By Counsel:* James H. Lister, Birch Horton Bittner and Cherot, Suite 1200, 1155 Connecticut Avenue NW, Washington, DC 20036

JAMES J. MCNULTY,  
 Secretary

[Pa.B. Doc. No. 08-2133. Filed for public inspection November 21, 2008, 9:00 a.m.]

## PHILADELPHIA REGIONAL PORT AUTHORITY

### Request for Bids

The Philadelphia Regional Port Authority (PRPA) will accept sealed bids for Project No. 08-090.1, repairs to Ro/Ro Ramp at Pier 80 South until 2 p.m., on Thursday,

December 18, 2008. The bid documents can be obtained from the Director of Procurement, PRPA, 3460 North Delaware Avenue, 2nd Floor, Philadelphia, PA 19134, (215) 426-2600 and will be available November 25, 2008. Additional information and project listings may be found at [www.philaport.com](http://www.philaport.com). The cost of the bid document is \$35 (includes 7% PA Sales Tax). The cost is nonrefundable. PRPA is an equal opportunity employer. Contractors must comply with all applicable EEO laws. Bidders must provide to the Procurement Department in writing (24 hours prior to the meeting), the names of individuals that will be attending, fax (215) 426-6800, Attn: Procurement Department.

Mandatory prebid job site meeting will be held December 4, 2008, 10 a.m. at Pier Entrance Gate, Columbus Boulevard and Snyder Avenue (2101 South Columbus Boulevard), Philadelphia, PA 19148.

JAMES T. MCDERMOTT, Jr.,  
*Executive Director*

[Pa.B. Doc. No. 08-2134. Filed for public inspection November 21, 2008, 9:00 a.m.]

## STATE BOARD OF DENTISTRY

**Automatic Suspension of the License to Practice as an Expanded Function Dental Assistant of Stephanie A. Lemasters, Temporary Certificate No. DF000360L; Doc. No. 0719-46-2008; File No. 08-46-01644**

On September 25, 2008, Stephanie A. Lemasters, of Pittsburgh, Allegheny County, had her license to practice as an expanded function dental assistant suspended for not less than 10 years from July 10, 2000, based on her guilty plea to two counts of acquiring controlled substances by misrepresentation, fraud, forgery, deception or subterfuge, both felonies in violation of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).

Individuals may obtain a copy of the adjudication by writing to Christopher P. Grovich, Board Counsel, State Board of Dentistry, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the final State Board of Dentistry (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

JOHN W. REITZ, DDS,  
*Chairperson*

[Pa.B. Doc. No. 08-2135. Filed for public inspection November 21, 2008, 9:00 a.m.]

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v. Cindy S. Hodgdon, LPN; Doc. No. 1806-51-06**

On September 15, 2008, Cindy S. Hodgdon, license no. PN-253243-L, of Saylorsburg, Monroe County, had her nursing license indefinitely suspended based on findings that she was convicted of a crime of moral turpitude.

Individuals may obtain a copy of the adjudication by writing to C. William Fritz, II, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and order represents the Final State Board of Nursing (Board) decision in this matter. It may be appealed to the Commonwealth Court of Pennsylvania by the filing of a petition for review with that court in accordance with the Pennsylvania Rules of Appellate Procedure. Individuals who take an appeal to the Commonwealth Court must serve the Board with a copy of their petition for review. The Board contact for receiving service of the appeals is the previously-named Board counsel.

MARY E. BOWEN, RN, CRNP,  
*Chairperson*

[Pa.B. Doc. No. 08-2136. Filed for public inspection November 21, 2008, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearing Scheduled

The following hearing has been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to the State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimant's request concerning the indicated account.

The hearing will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

December 12, 2008      David L. Greene      1 p.m.  
Interest Rate on Frozen  
Present Value Debt

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with the 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

LEONARD KNEPP,  
*Secretary*

[Pa.B. Doc. No. 08-2137. Filed for public inspection November 21, 2008, 9:00 a.m.]

# SUSQUEHANNA RIVER BASIN COMMISSION

## Public Hearing and Meeting

The Susquehanna River Basin Commission (Commission) will hold a public hearing as part of its regular business meeting beginning at 8:30 a.m. on December 4, 2008, at Harford Community College—Chesapeake Center, 401 Thomas Run Road, Bel Air, MD 21015. At the public hearing, the Commission will consider: 1) approval of certain water resources projects; 2) a request for extension of an emergency certificate issued on October 30, 2008; and 3) adjustments to the Commissions Project Fee Schedule. Details concerning the matters to be addressed at the public hearing and business meeting are contained in the Supplementary Information section of this notice.

For further information, contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net or Stephanie L. Richardson, Secretary to the Commission, (717) 238-0423, Ext. 304, fax (717) 238-2436, srichardson@srbc.net.

### *Supplementary Information*

In addition to the public hearing and its related action items identified, the business meeting also includes actions or presentations on the following items: 1) "Water for Maryland's Future: What We Must Do Today" by the Commission's Maryland Member Dr. Robert Summers; 2) present hydrologic conditions of the basin; 3) a revised Comprehensive Plan for the Water Resources of the Susquehanna River Basin; 4) a final rulemaking action regarding consumptive use by gas well development projects; 5) certain grant applications and contracts; 6) the Fiscal Year 2008 Audit Report; 7) an additional expenditure of up to \$500,000 for the Whitney Point Lake Section 1135 Project Modification; and 8) an expenditure of up to \$65,000 to replace three main computer servers. The Commission will also hear a Legal Counsel's report.

### *Public Hearing—Projects Scheduled for Action*

1. Project Sponsor and Facility: Chesapeake Appalachia, LLC (for operations in Broome, Chenango, Cortland, Delaware, Steuben and Tomkins Counties, NY, and Blair, Cambria, Cameron, Centre, Clearfield, Clinton, Columbia, Elk, Lackawanna, Luzerne, Lycoming, Sullivan, Tioga and Wayne Counties, PA) (previously approved for operations in Chemung and Tioga Counties, NY, and Bradford, Susquehanna and Wyoming Counties, PA). Modification to increase consumptive water use from 2.075 mgd (peak day) up to 20.000 mgd from various surface water sources and the following previously approved public water suppliers: Towanda Municipal Authority, Aqua Pennsylvania, Inc.—Susquehanna Division, Canton Borough Authority and Borough of Troy.

2. Project Sponsor and Facility: Chief Oil and Gas, LLC (for operations in Clearfield County, PA). Application for consumptive water use of up to 5.000 mgd from various surface water sources and the following public water suppliers: BCI Municipal Authority and Jersey Shore Joint Water Authority.

3. Project Sponsor and Facility: Chief Oil and Gas, LLC (Clearfield Creek), Boggs Township, Clearfield County, PA. Application for surface water withdrawal of up to 2.000 mgd.

4. Project Sponsor and Facility: Chief Oil and Gas, LLC (Pine Creek), Cummings Township, Lycoming County, PA. Application for surface water withdrawal of up to 0.099 mgd.

5. Project Sponsor and Facility: Citrus Energy (for operations in Wyoming County, PA). Application for consumptive water use of up to 5.000 mgd from various surface water sources.

6. Project Sponsor and Facility: Citrus Energy (North Branch Susquehanna River), Washington Township, Wyoming County, PA. Application for surface water withdrawal of up to 0.499 mgd.

7. Project Sponsor and Facility: Dillsburg Area Authority, Franklin Township, York County, PA. Application for groundwater withdrawal of 0.022 mgd from Well 1.

8. Project Sponsor and Facility: Dillsburg Area Authority, Franklin Township, York County, PA. Application for groundwater withdrawal of 0.101 mgd from Well 3.

9. Project Sponsor and Facility: EXCO-North Coast Energy, Inc. (for operations in Centre County, PA). Application for consumptive water use of up to 5.000 mgd from various water sources.

10. Project Sponsor and Facility: EXCO-North Coast Energy, Inc. (unnamed tributary to Sandy Run), Burnside Township, Centre County, PA. Application for surface water withdrawal of up to 0.300 mgd.

11. Project Sponsor and Facility: Fortuna Energy, Inc. (Towanda Creek), Franklin Township, Bradford County, PA. Application for surface water withdrawal of up to 0.250 mgd.

12. Project Sponsor and Facility: J-W Operating Company (for operations in Cameron, Clearfield and Elk Counties, PA). Application for consumptive water use of up to 4.500 mgd from various surface water sources and the following public water supplier: Emporium Water Company.

13. Project Sponsor and Facility: J-W Operating Company (Abandoned Mine Pool), Shippen Township, Cameron County, PA. Application for surface water withdrawal of up to 0.090 mgd.

14. Project Sponsor: J-W Operating Company (Driftwood Branch—Sinnemahoning Creek), Lumber Township, Cameron County, PA. Application for surface water withdrawal of up to 0.245 mgd.

15. Project Sponsor and Facility: J-W Operating Company (Sterling Run), Lumber Township, Cameron County, PA. Application for surface water withdrawal of up to 0.026 mgd.

16. Project Sponsor: KBK-HR Associates, LLC. Project Facility: Honey Run Golf Club, Dover Township, York County, PA. Application for consumptive water use of up to 0.382 mgd.

17. Project Sponsor: KBK-HR Associates, LLC. Project Facility: Honey Run Golf Club, Dover Township, York County, PA. Application for surface water withdrawal of up to 0.382 mgd from Honey Run.

18. Project Sponsor: KBK-HR Associates LLC. Project Facility: Honey Run Golf Club, Dover Township, York County, PA. Application for surface water withdrawal of up to 1.440 mgd from Little Conewago Creek.

19. Project Sponsor and Facility: New Oxford Foods, LLC, New Oxford Borough, Adams County, PA. Applications for consumptive water use of up to 0.380 mgd and groundwater withdrawal of 0.035 mgd from Well 1.

20. Project Sponsor: PPL Holtwood, LLC. Project Facility: Holtwood Hydroelectric Station, Martic and Conestoga Townships, Lancaster County, and Chanceford and Lower Chanceford Townships, York County, PA. Applications for amendment to existing FERC license (FERC Project No. 1881) and for redevelopment of the project with modification of its operations on the lower Susquehanna River, including the addition of a second power station and associated infrastructure.

21. Project Sponsor and Facility: Rex Energy Corporation (Upper Little Surveyor Run), Girard Township, Clearfield County, PA. Application for surface water withdrawal of up to 0.400 mgd.

22. Project Sponsor and Facility: Rex Energy Corporation (Lower Little Surveyor Run), Girard Township, Clearfield County, PA. Application for surface water withdrawal of up to 0.400 mgd.

23. Project Sponsor: Sunbury Generation, LP. Project Facility: Sunbury Generation Facility, Monroe Township and Shamokin Dam Borough, Snyder County, PA. Applications for consumptive water use of up to 6.025 mgd and surface water withdrawal of up to 354.000 mgd.

24. Project Sponsor and Facility: Turm Oil, Inc. (for operations in Susquehanna County, PA). Application for consumptive water use of up to 5.000 mgd from various surface water sources and the following public water suppliers: Dushore Water Authority and Towanda Municipal Authority.

25. Project Sponsor and Facility: Turm Oil, Inc. (Deer Lick Creek), Rush Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.249 mgd.

26. Project Sponsor and Facility: Turm Oil, Inc. (East Branch Wyalusing Creek), Rush Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.249 mgd.

27. Project Sponsor and Facility: Turm Oil, Inc. (Elk Lake Stream), Rush Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.249 mgd.

28. Project Sponsor and Facility: Turm Oil, Inc. (Main Branch Wyalusing Creek), Rush Township, Susquehanna County, PA. Application for surface water withdrawal of up to 0.249 mgd.

29. Project Sponsor and Facility: Ultra Resources (for operations in Tioga and Potter Counties, PA). Application for consumptive water use of up to 4.990 mgd from

various surface water sources and the following public water supplier: Galetton Borough Authority.

30. Project Sponsor and Facility: Ultra Resources (Cowanessque River), Deerfield Township, Tioga County, PA. Application for surface water withdrawal of up to 0.217 mgd.

31. Project Sponsor and Facility: Ultra Resources (Elk Run), Gaines Township, Tioga County, PA. Application for surface water withdrawal of up to 0.020 mgd.

32. Project Sponsor and Facility: Ultra Resources (Pine Creek), Pike Township, Potter County, PA. Application for surface water withdrawal of up to 0.430 mgd.

*Public Hearing—Request to Extend Emergency Certificate*

1. CAN DO, Inc., Hazle Township, Luzerne County, PA—Request to again extend the emergency use of Site 14 Test Well to serve Humbolt Industrial Park, last extended at the September 11, 2008, meeting.

*Public Hearing—Project Fee Schedule*

1. The Commission will consider CPI and other adjustments to its Project Fee Schedule as directed by Resolution 2005-03.

*Opportunity to Appear and Comment:*

Interested parties may appear at the hearing to offer written or oral comments to the Commission on any matter on the hearing agenda, or at the business meeting to offer written or oral comments on other matters scheduled for consideration at the business meeting. The chair of the Commission reserves the right to limit oral statements in the interest of time and to otherwise control the course of the hearing and business meeting. Written comments may also be mailed to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391, or submitted electronically to Richard A. Cairo, General Counsel, rcairo@srbc.net or Stephanie L. Richardson, Secretary to the Commission, srichardson@srbc.net. Comments mailed or electronically submitted must be received prior to December 4, 2008, to be considered.

*Authority:* Pub. L. No. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808. Dated: November 4, 2008.

PAUL O. SWARTZ,  
*Executive Director*

[Pa.B. Doc. No. 08-2138. Filed for public inspection November 21, 2008, 9:00 a.m.]







