

# PENNSYLVANIA BULLETIN

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## Agencies in this issue

The General Assembly

The Courts

Department of Aging

Department of Agriculture

Department of Banking and Securities

Department of Environmental Protection

Department of Human Services

Department of Labor and Industry

Department of Revenue

Department of Transportation

Housing Finance Agency

Insurance Department

Pennsylvania Public Utility Commission

State Board of Barber Examiners

State Board of Cosmetology

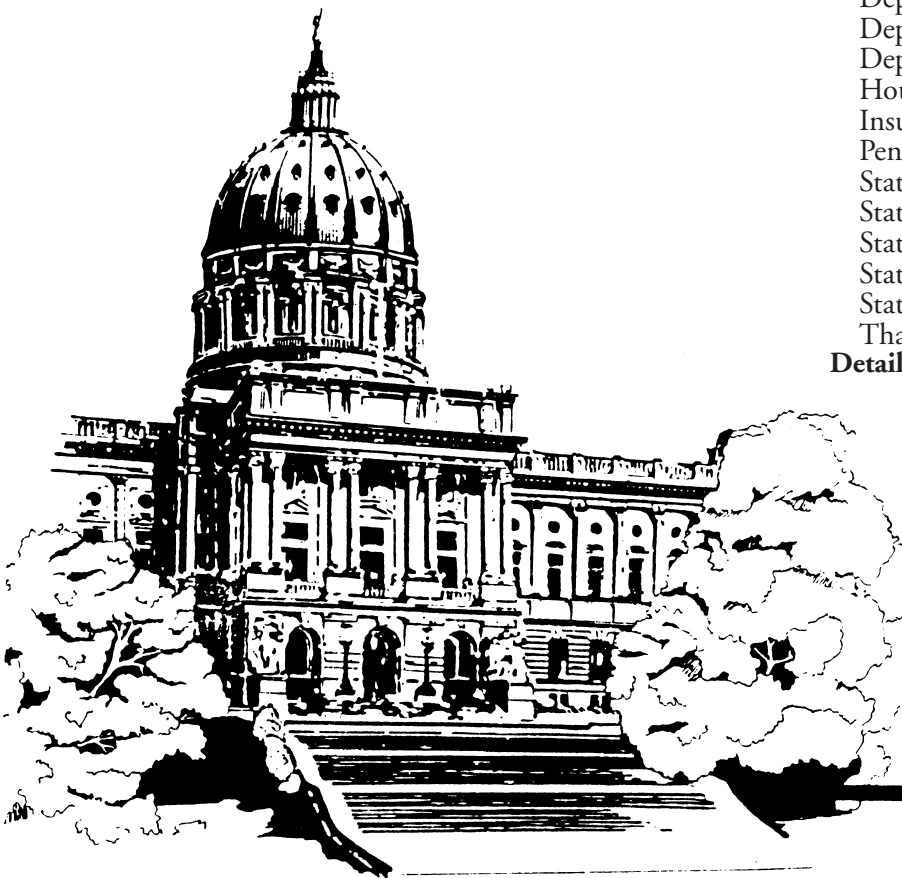
State Board of Nursing

State Board of Physical Therapy

State Employees' Retirement Board

Thaddeus Stevens College of Technology

**Detailed list of contents appears inside.**



The outfalls listed below discharge to Shade Creek:

<i>Parameter</i>	<i>Outfall No.</i>	<i>30-day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
	001			
	002			
	003			
			<i>New Outfall (Y/N)</i>	
			N	
			N	
			N	
Total Suspended Solids		35 mg/l	70 mg/l	90 mg/l
pH (S.U.): Must be between 6.0 and 9.0 standard units at all times				
Alkalinity must exceed acidity at all times				

**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. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the 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, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an 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. Each individual 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 working days at the office noted before the application.

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

**Applications Received under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and Requests for Certification under section 401(a) of the FWPCA.**

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401, Telephone 484-250-5900.*

**E09-999. Delaware River Joint Toll Basin Commission**, Administration Building, 110 Wood and Grove Streets, Morrisville, PA 19067, Lower Makefield Township, **Bucks County**. ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the Delaware River Joint Toll Basin Commission Scudder Falls Bridge Replacement and roadway improvement project over the Delaware River (WWF, MF), the Delaware Cannel (WWF, MF), and a few UNT to the Delaware River:

- 1) To replace the existing Scudder Falls Bridge and to construct and maintain in its place two twin bridges across the Delaware River.
- 2) To widen and maintain the roadway approaches on both ends of the existing bridge areas in the floodway of the stream to accommodate the addition of five new lanes and to facilitate the construction of the proposed twin bridges.
- 3) To replace, expand and maintain the existing 75' diameter 182 feet long concrete pipe under I-95 with a 72 inch diameter 282 feet long concrete pipe which carries a UNT to Delaware River.
- 4) To construct and maintain a retaining wall to support slope stability and protect wetlands near the proposed bridge pier.
- 5) To impact approximately 373 linear feet of stream (0.222 acre) all UNT to the Delaware River and the Delaware Cannel, to facilitate the modification of Ramp B.
- 6) To provide for cofferdam impacting several segments of the streams and wetlands to facilitate the construction operations of the project.
- 7) To impact approximately 0.122 acre of wetland to accommodate roadway widening, removal and replacement of bridge piers, retaining wall construction, cofferdam configuration and arrangements to support the overall objective of the project.
- 8) To mitigate for wetland lost by creating approximately 1.4 acre of forester freshwater wetland at 1149 Woodside Road, Lower Makefield, PA mitigation site.

The project site is located along the SR 0095 (Interstate Route 95) approximately 2,400 feet West of the intersection of SR 0095 (Interstate Route 95) and Taylorsville Road within Lower Makefield Township, Bucks County with coordinates located at the center of area of the existing Scudder Falls Bridge (Pennington PA-NJ USGS Quadrangle, Longitude 74° 50' 53" Latitude 40° 15' 30").

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110, Ed Muzic, Section Chief, 717.705.4802.*

**E05-384: Ridgetop Realty, LP**, 2953 Valley Road, Fishertown, PA 15539 in East St. Clair Township, **Bedford County**, U.S. Army Corps of Engineers Baltimore District.

To construct and maintain a proposed entrance drive, with a culvert crossing the unnamed tributary to Adams Run (WWF, MF). The project involves constructing a driveway onto State Route 56 to serve Ridgetop Orchards. The proposed culvert carrying the unnamed tributary to Adams Run is an 18-inch diameter pipe, 34-foot in length, of high density polyethylene material, with concrete end walls and R-4 riprap aprons. The proposed project will have 0.088 acre of permanent palustrine emergent wetland impacts. Compensatory wetland mitigation in the form of 0.04 acre of creation on-site and payment into the Pennsylvania Wetland Replacement Fund is proposed. The Ridgetop Orchards Entrance project is located (Latitude: 40° 07' 37"; Longitude: -78° 34' 51") approximately 500 feet south of State Route 4028 in East St. Clair Township, Bedford County.

**E36-953: Lancaster County**, 150 North Queen St., Suite 612 in Paradise & Leacock Townships, **Lancaster County**, U.S. Army Corps of Engineers Baltimore District.

To remove existing bridge and to install and maintain a 90 foot x 28-foot bridge over Pequea Creek (WWF, MF) with R-7 rip-rap scour protection for the purpose of improving transportation safety and roadway standards. The project proposed to permanently effect 40 linear feet of and temporarily effect 113 linear feet.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636*

**E59-531. Tioga County Commissioners**, 118 Main St., Wellsboro, PA 16901. Marsh Creek Channel Realignment and Stabilization Project in Delmar Township, **Tioga County**, ACOE Baltimore District (Keeneyville, PA Quadrangle Lat: 41° 46' 23"; Long: -77° 18' 17").

To construct, operate and maintain the stream channel embankment of Marsh Creek adjacent to an existing railroad located in Delmar Township—Tioga County which is located over Marsh Creek. The realignment and stabilization will serve to repair the erosion of the railroad embankment. This project will serve two purposes. The first purpose is to protect the existing active railroad line. The second purpose is to provide an area adjacent to the railroad for a proposed multipurpose recreational trail. The proposed project includes realignment of Marsh Creek, installation of rock protection and log vane deflectors, construction of stream barbs and removal of earth for the stream overbank in two locations.

The restoration project will consist of a combination of bank grading, stabilization, armoring, and channel relocation of Marsh Creek. The total estimated stream impacts for the project are approximately 31,528 ft<sup>2</sup> of permanent and 7,121 ft<sup>2</sup> of temporary. There are no wetlands being impacted by the project. The proposed restoration will not permanently impact wetlands, cultural or archaeological resources, national/state/local parks, forests recreational areas, landmarks wildlife refuge, or historical sites. Marsh Creek is classified with a designated use of Warm Water Fishery (WWF). It is not listed as an approved trout or wild trout stream.

*District Oil & Gas Operations: Eastern Oil & Gas District, 208 West Third Street, Suite 101, Williamsport, PA 17701*

**E4129-104: Anadarko Marcellus Midstream, LLC**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Cascade Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 6-inch gas pipelines and a timber mat bridge impacting 195 linear feet of unnamed tributaries to East Branch Murray Run (EV) and 500 square feet of an adjacent palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°25'38"N 76°56'28"W);

2) two 6-inch gas pipelines and a timber mat bridge impacting 69 linear feet of East Branch Murray Run (EV) and 14,789 square feet of adjacent palustrine emergent (PEM) wetlands (Bodines, PA Quadrangle 41°25'38"N 76°56'25"W);

3) two 6-inch gas pipelines and a timber mat bridge impacting 57 linear feet of East Branch Murray Run (EV) (Bodines, PA Quadrangle 41°26'00"N 76°56'01"W).

The project will result in a total of 0.35 acre of wetland impacts and 321 linear feet of stream impacts all for the purpose of installing natural gas gathering line and access roadway to a natural gas well site for Marcellus well development.

#### **Proposed State Water Quality Certification**

#### **Required by Section 401 of the Federal Clean Water Act for the PennEast Pipeline Company, LLC, PennEast Pipeline Project**

*Northeast Region: Waterways & Wetlands Program, 2 Public Square, Wilkes-Barre, PA 18711, Joseph Buczynski, Program Manager 570-826-2511*

**WQ02-005, PennEast Pipeline Company, LLC (Applicant)**, 1 Meridian Boulevard, Suite 2C01, Wyomissing, PA 19610, PennEast Pipeline Project (Project), in Dallas, Kingston, Jenkins, Plains and Bear Creek Townships, West Wyoming, Wyoming and Laflin Boroughs, **Luzerne County**, Kidder, Penn Forest, Towamensing and Lower Towamensing Townships, **Carbon County**, Lehigh, Moore, East Allen, Upper Nazareth, Lower Nazareth, Bethlehem, Lower Saucon, and Williams Townships, and Easton City, Northampton County, and Durham and Rieglesville Townships, **Bucks County**, Philadelphia and Baltimore District Corps of Engineers. The proposed project starts at a point at the Wyoming Pipeline Interconnect of the Energy Transfer Partners, L.P. pipeline (Kingston, PA Quadrangle N: 41°20'48.16", W: 75°56'43.42") and ends at a point under the Delaware River as it enters New Jersey (Rieglesville, PA Quadrangle N: 40°35'2.28", W: 75°11'35.43").

On September 24, 2015, Applicant filed an application with the Federal Energy Regulatory Commission (FERC) under Section 7 of the Natural Gas Act (15 U.S.C.A. § 717f) seeking a Certificate of Public Convenience and Necessity to construct and operate its Project (FERC Docket No. CP 15-558-000). The FERC Environmental Assessment for the Project, when available, may be viewed on FERC's website at [www.ferc.gov](http://www.ferc.gov) (search eLibrary; Docket Search; CP 15-558-000).

On February 9, 2016, Applicant requested a state water quality certification from the Pennsylvania Department of Environmental Protection (PADEP), as required by Section 401 of the Clean Water Act (33 U.S.C.A. § 1341), to ensure that the construction, operation and maintenance of the Project will protect water quality in Pennsylvania through compliance with State water quality standards and associated State law requirements, which are consistent with the requirements of the Clean Water Act.

The Project, as proposed, includes an approximately 77.4 mile long, 36-inch pipeline for the purpose of transporting natural gas from a point at the Wyoming Pipeline

Interconnect of the Energy Transfer Partners, L.P. pipeline to a point under the Delaware River as it enters New Jersey. The project also includes an approximate 2.1 mile long lateral, known as the Hellertown lateral consisting of 24 inch pipeline The Project, as proposed, will require approximately 1,574 acres of earth disturbance, and impacts to 15,001 linear feet of Deep Creek (CWF, MF), Mill Creek (CWF, MF), Bear Creek (HQ-CWF, MF), Little Shades Creek (HQ-CWF, MF), Shades Creek (HQ-CWF, MF), Stoney Creek (EV, MF), Wild Creek (EV, MF), Aquashicola Creek (HQ-CWF, MF), Indian Creek (CWF, MF), Hokendaqua Creek (CWF, MF), Monocacy Creek (HQ-CWF, MF), Meadow Run (HQ-CWF, MF), Stoney Run (HQ-CWF, MF), Laurel Run (HQ-CWF, MF), Mud Run (HQ-CWF, MF), Bull Run (CWF, MF), Frya Run (HQ-CWF, MF), Delaware River (WWF) and unnamed tributaries; Trout Brook (CWF, MF), Gardner Creek (CWF, MF), Buckwha Creek (CWF, MF), Yellow Run (EV, MF), Delaware Canal; and UNT's to Abrahams Creek (CWF, MF), Toby Creek (CWF, MF), Little Bear Creek (HQ-CWF, MF), Black Creek (HQ-CWF, MF), Pohopoco Creek (CWF, MF), Hunter Creek (HQ-CWF, MF), East Branch Monocacy Creek (HQ-CWF, MF) and Cooks Creek (EV, MF), Hawk Run (HQ-CWF, MF), and White Oak Run (EV, MF) and the Susquehanna River (CWF, MF); Wild Creek/Beltville Lake (EV, MF), and Pohopoco Creek/Beltville Lake (CWF, MF), 35.19 acre(s) of floodway, 43.48 acre(s) of temporary PEM/PSS/PFO wetland impacts, and 7.90 acre(s) of PSS/PFO conversion to PEM impacts.

PADEP anticipates issuing a state water quality certification to Applicant for the Project that will require compliance with the following State water quality permitting programs, criteria and conditions established pursuant to State law to ensure the Project does not violate applicable State water quality standards set forth in 25 Pa. Code Chapter 93:

1. *Discharge Permit*—Applicant shall obtain and comply with a PADEP National Pollutant Discharge Elimination System (NPDES) permit for the discharge of water from the hydrostatic testing of the pipeline pursuant to Pennsylvania's Clean Streams Law (35 P.S. §§ 691.1—691.1001) and all applicable implementing regulations (25 Pa. Code Chapter 92a).

2. *Erosion and Sediment Control Permit*—Applicant shall obtain and comply with PADEP's Chapter 102 Erosion and Sediment Control General Permit for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment issued pursuant to Pennsylvania's Clean Streams Law and Storm Water Management Act (32 P.S. §§ 680.1—680.17) and all applicable implementing regulations (25 Pa. Code Chapter 102).

3. *Water Obstruction and Encroachment Permits*—Applicant shall obtain and comply with a PADEP Chapter 105 Water Obstruction and Encroachment Permits for the construction, operation and maintenance of all water obstructions and encroachments associated with the project pursuant to Pennsylvania's Clean Streams Law, Dam Safety and Encroachments Act (32 P.S. §§ 673.1—693.27), and Flood Plain Management Act (32 P.S. §§ 679.101—679.601.) and all applicable implementing regulations (25 Pa. Code Chapter 105).

4. *Water Quality Monitoring*—PADEP retains the right to specify additional studies or monitoring to ensure that the receiving water quality is not adversely impacted by any operational and construction process that may be employed by Applicant.

5. *Operation*—Applicant shall at all times properly operate and maintain all Project facilities and systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this Certification and all required permits. Proper operation and maintenance includes adequate laboratory controls, appropriate quality assurance procedures, and the operation of backup or auxiliary facilities or similar systems installed by Applicant.

6. *Inspection*—The Project, including all relevant records, are subject to inspection at reasonable hours and intervals by an authorized representative of PADEP to determine compliance with this State Water Quality Certification, including all required State water quality permits and State water quality standards. A copy of this Certification shall be available for inspection by the PADEP during such inspections of the Projects.

7. *Transfer of Projects*—If Applicant intends to transfer any legal or equitable interest in the Project which is affected by this State Water Quality Certification, Applicant shall serve a copy of this Certification upon the prospective transferee of the legal and equitable interest at least thirty (30) days prior to the contemplated transfer and shall simultaneously inform the PADEP Regional Office of such intent. Notice to PADEP shall include a transfer agreement signed by the existing and new owner containing a specific date for transfer of Certification responsibility, coverage, and liability between them.

8. *Correspondence*—All correspondence with and submittals to PADEP concerning this Certification shall be addressed to the Department of Environmental Protection, Northeast Regional Office, Joseph Buczynski, Waterways and Wetlands Program Manager, 2 Public Avenue, Wilkes-Barre, PA 18711.

9. *Reservation of Rights*—PADEP may suspend or revoke this Certification if it determines that Tennessee Gas Pipeline Company, LLC has not complied with the terms and conditions of this Certification. PADEP may require additional measures to achieve compliance with applicable law, subject to Applicant's applicable procedural and substantive rights.

10. *Other Laws*—Nothing in this Certification shall be construed to preclude the institution of any legal action or relieve Applicant from any responsibilities, liabilities, or penalties established pursuant to any applicable federal or state law or regulation.

11. *Severability*—The provisions of this Certification are severable and should any provision of this Certification be declared invalid or unenforceable, the remainder of the Certification shall not be affected thereby.

Prior to final action on the proposed section 401 Water Quality Certification, consideration will be given to any comments, suggestions or objections which are submitted in writing within 30 days of this notice. Comments concerning the proposed 401 Water Quality Certification should be directed to Mr. Joseph Buczynski, Northeast Region Waterways and Wetlands Program Manager at the above address or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD). Comments must be submitted in writing and contain the name, address and telephone number of the person commenting and a concise statement of comments, objections or suggestions on this proposal. No comments submitted by facsimile will be accepted. The Department will consider all relevant and timely comments received. Comments must be submitted within 30 days of this notice.