



PUBLIC INTEREST LAW
CENTER OF PHILADELPHIA

AFFILIATED WITH THE LAWYERS COMMITTEE FOR CIVIL RIGHTS UNDER LAW

STAFF

November 3, 2008

Jennifer R. Clarke
Executive Director

VIA FAX & FIRST CLASS MAIL

Judith A. Gran
Director, Disabilities Project

Environmental Hearing Board
2nd Floor – Rachel Carson State Office Building
400 Market Street – Post Office Box 8457
Harrisburg, PA 17105-8457

Adam H. Cutler
Bessie Dewar
James Eiseman, Jr.
Barbara E. Ransom
Aaron B. Zisser
Attorneys

Fax #: 717-783-4738

Attn: William T. Phillipy IV, Secretary to the Board

Michael Churchill
Thomas K. Gilhool
Of Counsel

RE: Notice of Appeal of Approval of Sewage
Facilities Planning Module for Land
Development, SugarHouse Casino, DEP Code
1-51000-974-3J, APS ID 648157, SITE ID
691276

Edwin D. Wolf
Executive Director
1974-1976

Dear Secretary Phillipy:

Enclosed via first class mail please find an original and three copies of the Notice of Appeal of Third-Party Appellants Northern Liberties Neighbors Association, Delaware Riverkeeper Network, The Delaware Riverkeeper, and Herbert Shallcross, in connection with the above-referenced action by the Department. I have filed a copy with the Board via facsimile earlier today in accordance with EHB Rule 1021.32(c)

Please return a date-stamped copy to me in the enclosed self-addressed, stamped envelope to confirm the filing. Thank you for your assistance.

Respectfully yours,

Adam H. Cutler

Attachment (via facsimile, to Secretary Phillipy)

Enclosure (via first class mail, to Secretary Phillipy and all ccs)

cc: Connie Luckadoo, PA DEP, Office of Chief Counsel, Litigation Support Unit
Stefanie Yosmanovich, PA DEP Water Management, Southeast Regional Office
City of Philadelphia Law Department
HSP Gaming, L.P., c/o Terrence J. McKenna, Owner's Representative

ENVIRONMENTAL HEARING BOARD
2nd Floor, Rachel Carson State Office Building
400 Market Street, Post Office Box 8457
Harrisburg, Pennsylvania 17105-8457

**NORTHERN LIBERTIES NEIGHBORS
ASSOCIATION, Third-Party Appellant**
700 N. 3rd Street, Philadelphia, Philadelphia
County, Pennsylvania 19123
(Telephone (215) 627-6562);

Docket No. _____

**DELAWARE RIVERKEEPER NETWORK, AN
AMERICAN LITTORAL SOCIETY AFFILIATE,
Third-Party Appellant**
300 Pond Street, Second Floor, Bristol,
Bucks County, Pennsylvania 19007
(Telephone (215) 369-1188);

**THE DELAWARE RIVERKEEPER, Third-
Party Appellant**
300 Pond Street, Second Floor, Bristol,
Bucks County, Pennsylvania 19007
(Telephone (215) 369-1188);

and

**HERBERT SHALLCROSS, Third-Party
Appellant**
1305 East Susquehanna Avenue,
Philadelphia, Philadelphia County,
Pennsylvania 19125
(Telephone (215) 423-2045)

v.

**Commonwealth of Pennsylvania,
Department of Environmental Protection,
Appellee,**

and

**City of Philadelphia, Water Department,
Permittee.**

NOTICE OF APPEAL

1. Name, address and telephone number of Appellants:

Northern Liberties Neighbors Association
700 N. 3rd Street
Philadelphia, PA 19123
(215) 627-6562

Delaware Riverkeeper Network
300 Pond Street
Second Floor
Bristol, PA 19007
(215) 369-1188

The Delaware Riverkeeper
300 Pond Street
Second Floor
Bristol, PA 19007
(215) 369-1188

Herbert Shallcross
1305 East Susquehanna Avenue
Philadelphia, PA 19125
(215) 423-2045

2. Subject of this appeal:

- a. Action of the Department of Environmental Protection for which review is sought:

The approval of a revision to the City of Philadelphia Official Sewage Facilities Plan concerning a Sewage Facilities Planning Module for Land Development for the proposed Sugarhouse Casino, issued to the City of Philadelphia Water Department, DEP Code 1-51000-974-3J, APS ID 648157, SITE ID 691276 (the "Module"). A copy of the Department of Environmental Protection's letter dated September 11, 2008, notifying Eric Ponert, City of Philadelphia Water Department, of the approval of the above-referenced Module is attached as Exhibit A.

- b. The Department of Environmental Protection official who took the action:

Stefanie Yosmanovich
Sewage Planning Specialist 2
Water Management Program
Southeast Regional Office

- c. The location of the operation or activity which is the subject of the Department of Environmental Protection's action:

City of Philadelphia
County of Philadelphia

- d. Date and manner in which Appellants received notice of the Department of Environmental Protection's action:

The notice of the Department of Environmental Protection's approval of the Module was published in the *Pennsylvania Bulletin* on October 4, 2008, at 38 Pa. B. 5453, 5492-5493. A copy of the notice, obtained online from the Pennsylvania Bulletin's website, is attached as Exhibit B. Third-Party Appellants Delaware Riverkeeper Network, The Delaware Riverkeeper, Herbert Shallcross, and certain members of the Northern Liberties Neighbors Association received copies of the letter attached as Exhibit A from the Department via Certified Mail at times subsequent to September 11, 2008.

3. Objections to the Department of Environmental Protection's action:

The Department of Environmental Protection's ("Department") action in approving the Sewage Planning Module modifying the City of Philadelphia's Official Sewage Facilities Plan was an arbitrary and unreasonable exercise of the Department's functions and duties, an abuse of the Department's discretion, contrary to law, and violated the Pennsylvania Clean Streams Law, Act of June 22, 1937, P.L. 1987, *as amended*, 35 P.S. §§ 691.1-691.1001; the Pennsylvania Sewage Facilities Act, Act of Jan. 24, 1966, P.L. 1535, *as amended*, 35 P.S. §§ 750.1-750.20; applicable regulations at 25 Pa. Code, Chapters 71 and 94; and Article 1, Section 27, of the Pennsylvania Constitution. Without limiting the foregoing, Third-Party Appellants object to and appeal the Department's action approving the above-referenced Module for the following reasons:

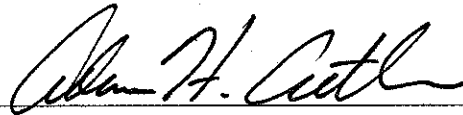
- a. The Department acted arbitrarily and unreasonably and/or abused its discretion by approving the Module despite the facts that, upon information and belief, the City of Philadelphia Water Department ("Permitee") (1) accepted a significant modification to the projected flow for the Module in November 2007 during the pendency of the 30-day period for public comment thereon, but failed to notify the public of that significant change until March 2008 at the earliest, well after the public comment period had expired, (2) failed to require a new public notice of the Module as modified, and (3) failed to provide an additional opportunity for public comment on the modified Module, thereby prejudicing Third-Party Appellants and the public at large.

- b. The Department acted arbitrarily and unreasonably and/or abused its discretion by approving the Module despite the fact that the Philadelphia Water Department certified that the proposed sewer module had adequate capacity without providing data to support the existing system's current or projected average and peak capacity and flow values for either the collection system or the conveyance system affected by the proposed casino development.
- c. The Department acted arbitrarily and unreasonably and/or abused its discretion by approving the Module without appropriate consideration of the environmental harm that is likely to occur from CSO discharges of increased frequency and/or volume that the Permittee has asserted are necessary to alleviate capacity exceedances in the collection and conveyance system during wet weather events.
- d. The action of the Department in granting approval of the Module under the circumstances is contrary to sections 5, 7, 10, and 14 of the Sewage Facilities Act, Pa. Stat. Ann. tit. 35, §§ 750.5, 750.7, 750.10, and 750.14, and the applicable regulations found at 25 Pa. Code, Chapters 71 and 94.
- e. The action of the Department in granting approval of the Module under the circumstances is contrary to sections 4, 5, 201, 202, and 207 of the Clean Streams Law, Pa. Stat. Ann. tit. 35, §§ 691.4, 691.5, 691.201, 691.202, and 691.207, and applicable regulations thereunder.
- f. The action of the Department in granting approval of the Module under the circumstances is, upon information and belief, inconsistent with the City's NPDES Permit for the Southeast Water Pollution Control Plant, Permit No. PA002662 (the "NPDES Permit").
- g. The action of the Department in granting approval of the Module is, upon information and belief, contrary to and inconsistent with the Nine Minimum Controls policy guidance promulgated by the United States Environmental Protection Agency, as incorporated into the NPDES Permit.
- h. The action of the Department in granting approval of the Module is, upon information and belief, contrary to and inconsistent with the Philadelphia Water Department's Long Term CSO Control Plan ("LTCP") dated January 24, 1997, and any updates thereto, as incorporated into the NPDES Permit.
- i. The action of the Department in granting approval of the Module is contrary to Article I, Section 27, of the Pennsylvania Constitution.

- j. The action of the Department in granting approval of the Module is otherwise contrary to law and in violation of the rights of the Third-Party Appellants.
 - k. Appellants reserve the right to raise additional grounds for appeal upon the completion of discovery.
4. Third-Party Appellants are not aware of any related appeals now pending before the Board.

The information submitted is true and correct to the best of Third-Party Appellants' information and belief.

Dated: November 3, 2008



Adam H. Cutler, PA Bar I.D. 76605
PUBLIC INTEREST LAW CENTER
OF PHILADELPHIA
125 S. 9th Street
Philadelphia, PA 19107
(215) 627-7100
(215) 627-3138 (fax)
acutler@pilcop.org

Counsel for Third-Party Appellants
Northern Liberties Neighbors Association
and Herbert Shallcross



Elizabeth Koniers Brown, PA Bar I.D. 94052
DELAWARE RIVERKEEPER
NETWORK
300 Pond Street, 2nd Floor
Bristol, PA 19007
(215) 369-1188
(215) 369-1181 (fax)
elizabeth@delawareriverkeeper.org

Counsel for Third-Party Appellants
Delaware Riverkeeper Network and The
Delaware Riverkeeper

EXHIBIT A



Pennsylvania Department of Environmental Protection

2 East Main Street
Norristown, PA 19401

Southeast Regional Office

SEP 11 2008

Phone: 484-250-5970
Fax: 484-250-5971

Mr. Eric Ponert
City of Philadelphia Water
Department
The ARAMARK Tower
1101 Market Street
Philadelphia, PA 19107-2994

Re: Planning Module for Land Development
Sugarhouse Casino
DEP Code 1-51000-974-3J
Status: ISSUED
APS ID 648157, SITE ID 691276
City of Philadelphia
Philadelphia County

Dear Mr. Ponert:

Approval is hereby granted by the Department of Environmental Protection (Department) for the above-referenced revision to the City of Philadelphia Official Sewage Facilities Plan. In accordance with the Pennsylvania Sewage Facilities Act and Title 25, Chapter 71 of the Department's Rules and Regulations, the City of Philadelphia is responsible for implementing this revision as per the approved planning module.

This revision provides for adequate sewage facilities planning to permit the development of a casino that will ultimately contain the following:

Casino Item	Patrons per day/Capacity	Gallons per Day	Total Proposed Sewage Flow
Gaming Floor (5,000 slot machines)	23,837	9	214,533
Food and Beverage seating (nonbar and cocktail seating)	10,800 patrons/day, 1,800 seats	6.67	72,036
Food and Beverage seating (bar and cocktail seating)	1,200 patrons/day, 1,200 seats	8	9,600
Event Center	5,008 patrons	3.33	16,677
Retail (18,330 sq ft)	18,330 sq ft/1,000 sq ft	120 gpd/1,000 sq ft	2,200
Office (31,500 sq ft)	31,500 sq ft/1,000 sq ft	50 gpd/1,000 sq ft	1,575
Warehouse/Storage (38,400 sq ft)	38,400 sq ft/1,000 sq ft	5gpd/1,000 sq ft	192
Hotel	1,264 rooms	75	94,800
Employees	1,350	6.67	9,005
Total:			420,618

Mr. Eric Ponert

- 2 -

SEP 11 2008

This project is located at 941-1025 North Delaware Avenue in the City of Philadelphia, Philadelphia County.

This project will be connected to the City of Philadelphia Water Department collection system and will generate 420,618 gallons of sewage per day to be treated at the City of Philadelphia Water Department's Southeast Water Pollution Control Facility.

We note that the City of Philadelphia Water Department's Laurel Street Combined Sewer Outfall (CSO) and regulating chamber will be relocated and improved in conjunction with the construction of this project. A new 48-inch storm sewer will be constructed, along with a third barrel for the CSO. The City of Philadelphia Water Department must secure a Department permit for the proposed combined sewer relocation and improvement activities.

Please be advised that the applicant is responsible for complying with the mitigation plan approved by the Pennsylvania Fish and Boat Commission and with the Commission's December 21, 2007, letter that states that that all in river activities should be conducted between May 1 and October 15 (excluding pile driving).

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 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 may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action 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 YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717-787-3483) FOR MORE INFORMATION.

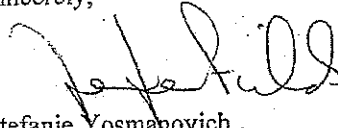
Mr. Eric Ponert

- 3 -

SEP 11 2008

If you have any questions, please contact Ms. Stefanie Yosmanovich of our office at 484-250-5186.

Sincerely,



Stefanie Yosmanovich
Sewage Planning Specialist 2
Water Management

cc: Philadelphia County Planning Commission
Philadelphia County Health Department
Urban Engineers, Inc.
Mr. Hirschhorn - City of Philadelphia Health Department
Mr. McKenna - Keating Consulting, LLC
Ms. Yosmanovich
Ms. Moore
Planning Section
Re 30 (GJE08WQ)253-13

EXHIBIT B

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
9-22-2008	North Penn Bank Scranton Lackawanna County	<i>To:</i> 232 East Street Bloomsburg, PA 17815 Columbia County Amendment to Article VII of the Articles of Incorporation changes the authorized number of directors <i>From:</i> not fewer than seven nor more than 20 <i>To:</i> not fewer than five nor more than 20.	Approved and Effective

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

The Department's web site at www.banking.state.pa.us includes public notices for more recently filed applications.

STEVEN KAPLAN,
Secretary

[Pa.B. Doc. No. 08-1804. Filed for public inspection October 3, 2008, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Snowmobile and ATV Advisory Committee Meeting

The Snowmobile and ATV Advisory Committee of the Department of Conservation and Natural Resources (Department) meeting is scheduled for Thursday, October 16, 2008, at 9 a.m. in Room 105, Rachel Carson State Office Building, Harrisburg, PA.

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

Persons in need of accommodations as provided for in the Americans With Disabilities Act of 1990 should contact John Quigley at (717) 787-9632 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

MICHAEL DIBERARDINIS,
Secretary

[Pa.B. Doc. No. 08-1805. Filed for public inspection October 3, 2008, 9:00 a.m.]

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Applications, Actions and Special Notices

APPLICATIONS

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

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

Permit No. 0208506MA, Minor Amendment, Public Water Supply.

Applicant Municipal Authority of Westmoreland County
124 Park & Pool Road
New Stanton, PA 15672

Borough or Township White Oak Borough

County Allegheny

Type of Facility White Oak Borough water storage tank

Consulting Engineer The EADS Group, Inc.
450 Aberdeen Drive
Somerset, PA 15501

Permit to Construct Issued September 19, 2008

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

Operations Permit issued to Slippery Rock Municipal Authority, PWSID No. 5100079, Slippery Rock, Butler County, on September 12, 2008, for operation of the newly constructed booster pump station at the Heights Apartment Complex, according to specifications approved by construction permit 1008501, issued June 25, 2008.

Operations Permit issued to Pennsylvania American Water Company-Kane, PWSID No. 6420019, Wetmore Township, McKean County, on September 22, 2008, for operation of the new chemical feed points for chlorine and caustic soda within lower reservoir No. 3 according to specifications approved by construction permit 4294501-MA2, issued May 30, 2008.

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

Wellhead Protection Program Approval issued to the Meadville Area Water Authority, 18160 Rogers Ferry Road, Meadville, PA 16335, PWSID No. 6200036, City of Meadville, Crawford County on September 18, 2008.

SEWAGE FACILITIES ACT PLAN APPROVAL

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

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

Plan Location:

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Butler Township	415 West Butler Drive Drums, PA 18222	Luzerne

Plan Description: This Plan Revision, as outlined in the Executive Summary of the Plan, calls for:

(1) Updates to the implementation schedule to reflect the current project timeline for continuing on with the 2004 Plan Revision recommendations of elimination of the Drums Wastewater Treatment Facility with subsequent replacement with a 1.0 mgd pump station and expansion of the St. John's Wastewater Treatment Facility from 0.6 mgd to 2.2 mgd.

According to the revised implementation schedule, the following task items are included:

- Completion of Construction: December 2009
 - Initiation of Operation/Performance Certification: December 2009
- (2) A change in the alignment routing of the force main and gravity sewer lines connecting the new Drums wastewater pump station to the St. John's Treatment Facility.

The Department of Environmental Protection's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality or authority as appropriate.

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

Plan Description: On September 11, 2008, the Southeast Regional office approved the sewage facilities planning module for the Sugarhouse Casino Project, Department Code 1-51000-974-3J, APS ID 648157, Site ID 691276. The project is located in the City of Philadelphia, Philadelphia County. This sewage facilities planning module constitutes a revision to the City of Philadelphia's Official Sewage Facilities Plan.

This revision provides for adequate sewage facilities planning to permit the development of a casino that will ultimately contain the following:

<i>Casino Item</i>	<i>Patrons per day/Capacity</i>	<i>Gallons per Day</i>	<i>Total Proposed Sewage Flow</i>
Gaming Floor (5,000 slot machines)	23,837	9	214,533
Food and Beverage seating (nonbar and cocktail seating)	10,800 patrons/day, 1,800 seats	6.67	72,036
Food and Beverage seating (bar and cocktail seating)	1,200 patrons/day, 1,200 seats	8	9,600
Event Center	5,008 patrons	3.33	16,677
Retail (18,330 sq. ft.)	18,330 sq. ft./1,000 sq. ft.	120 gpd/1,000 sq. ft.	2,200
Office (31,500 sq. ft.)	31,500 sq. ft./1,000 sq. ft.	50 gpd/1,000 sq. ft.	1,575
Warehouse/Storage (38,400 sq. ft.)	38,400 sq. ft./1,000 sq. ft.	5 gpd/1,000 sq. ft.	192
Hotel	1,264 rooms	75	94,800
Employees	1,350	6.67	9,005
Total:			420,618

This project is located at 941-1025 North Delaware Avenue, in City of Philadelphia, Philadelphia County.

This project will be connected to the City of Philadelphia Water Department collection system and will generate 420,618 gallons of sewage per day to be treated at the City of Philadelphia Water Department's Southeast Water Pollution Control Wastewater Treatment Facility.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

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

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

Plan Location:

Borough or Township	Borough or Township Address	County
Juniata Township	719 Mowry Hill Road Buffalo Mills, PA 15534	Bedford

Plan Description: The proposed Official Plan revision consists of a 12 lot single-family residential subdivision which would be served by individual onlot sewage disposal systems and individual water supplies. The proposed development is located along Teaberry Hollow Road.

The plan was disapproved for the following reasons:

1. Planning needs to be addressed for all lots in the subdivision, the Plot Plan shows that what is being called the residue lot is not one contiguous parcel. All stand alone lots need to have individual planning requirements addressed.
2. The Plot Plan does not show the percolation holes associated with the soil pit test.
3. Lot 8 shows 3 soil pit locations, when there is only information supplied for two test pits and a conversation with the SEO (Kim Corle) confirmed that only two test pits were conducted at this site.
4. The module did not contain a checklist signed by the township representative.
5. The module did not include a Transmittal letter.
6. The module did not contain a Resolution of Adoption.
7. The module did not contain Component 4 and any additional comments sheets from the county planning commission.

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.

East Street Cleaners Service, Doylestown Borough, **Bucks County**. Gary Brown, RT Environmental Services, 215 West Church Road, King of Prussia, PA 19406 on behalf of Buck Collins, URGE Properties, 530 West Butler Avenue, Chalfont, PA 18914 has submitted a Final Report concerning remediation of site soil contaminated with chlorinated solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Oxford Former MGP Site, Oxford Borough, **Chester County**. Bryan Sladky, Silar Services, Inc., 983 Butler Pike, Blue Bell, PA 19422, Craig Shamory, PPL Service Corporation, Two North Ninth Street, GENTW-17, Allentown, PA 18101-1179, John A. Ducar, P. G., The RETEC Group, Inc., 3040 William Pitt Way, Pittsburgh, PA 15238 on behalf of Michael Hasel, PPL Gas Utilities Corporation, Two North Ninth Street, GENTW-17, Allentown, PA 18101 has submitted a Risk Assessment, Cleanup Plan and Final Report, concerning remediation of site groundwater and Soil contaminated with other organics an PAH. The report is intended to document remediation of the site to meet the Site-Specific Standard and Statewide Health Standard.

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 remediation of site groundwater contaminated with No. 2 fuel oil. The report is intended to document remediation of the site to meet the Statewide Health Standard.

CERTIFICATION OF SERVICE

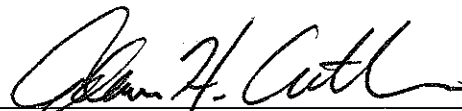
I hereby certify that on November 3, 2008, a copy of the attached Notice of Appeal was served via first class mail, postage prepaid, upon the following:

Commonwealth of Pennsylvania
Department of Environmental Protection
Office of Chief Counsel, Litigation Support Unit
Attention: Connie Luckadoo
9th Floor, Rachel Carson State Office Building
400 Market Street, P.O. Box 8464
Harrisburg, PA 17105-8464

Stefanie Yosmanovich
Sewage Planning Specialist 2
Water Management Program
DEP Southeast Regional Office
2 East Main Street
Norristown, PA 19401

City of Philadelphia Law Department
One Parkway
1515 Arch Street, 14th Floor
Philadelphia, PA 19102-1595
(Counsel for Recipient of the Action, the City of Philadelphia Water Department)

HSP Gaming, L.P.
c/o Terrence J. McKenna, Owner's Representative
Keating Consulting, LLC
1600 Arch Street, Suite 300
Philadelphia, PA 19103
(Proponent of the Decision)



Adam H. Cutler