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PENNSYLVANIA BULLETIN

Volume 43

Number 16

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Pages 2127—2256

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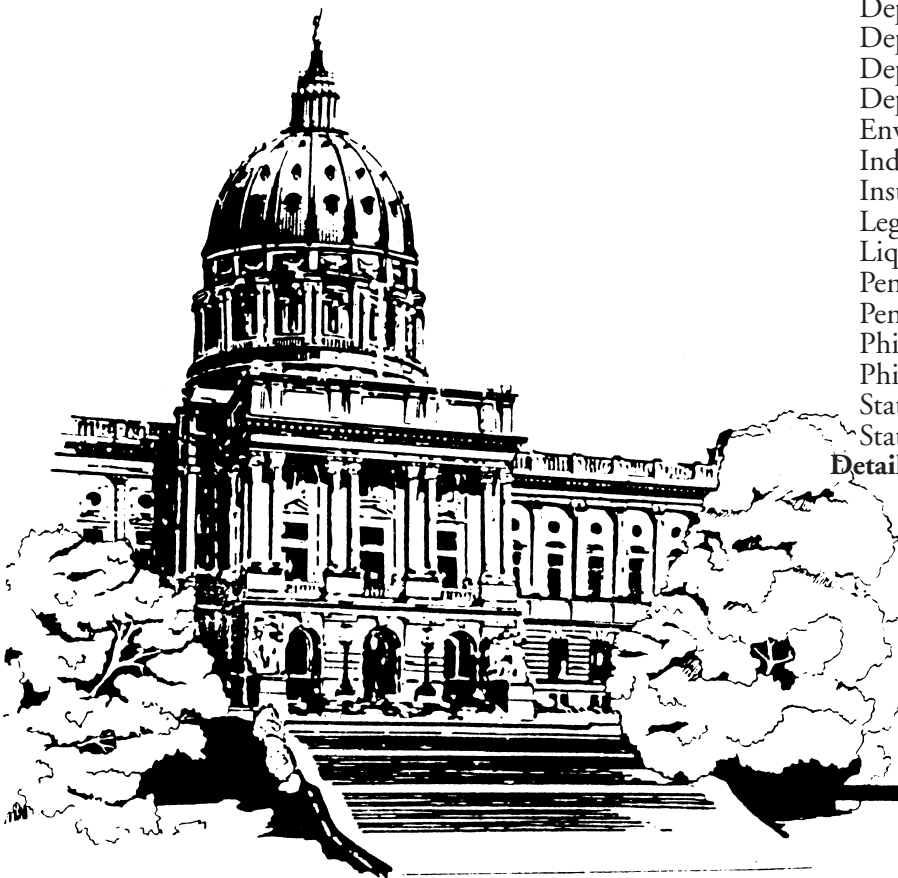
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(Master Transmittal Sheets):**

No. 461, April 2013

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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 Pennsylvania 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 when the agency may omit the proposal step; it 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, it must repropose.

Citation to the *Pennsylvania Bulletin*

Cite material in the *Pennsylvania Bulletin* by volume number, a page number and date. Example: Volume 1, *Pennsylvania Bulletin*, page 801, January 9, 1971 (short form: 1 Pa.B. 801 (January 9, 1971)).

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* is available at www.pacode.com.

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*.

A chronological table of the history of *Pennsylvania Code* sections may be found at www.legis.state.pa.us.

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. The *Pennsylvania Bulletin* is available at www.pabulletin.com.

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Printing Format

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

Fiscal Notes

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

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

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THE COURTS

Title 231—RULES OF CIVIL PROCEDURE

PART I. GENERAL

[231 PA. CODE CH. 1300]

Order Amending Rule 1311.1 of the Rules of Civil Procedure; No. 575 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 8th day of April, 2013, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published at 41 Pa.B. 2316 (May 7, 2011):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 1311.1 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective May 8, 2013.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 1300. ARBITRATION

Subchapter A. COMPULSORY ARBITRATION

Rule 1311.1. Procedure on Appeal. Admission of Documentary Evidence.

(a) The plaintiff may [stipulate to] elect a limit of \$25,000.00 as the maximum amount of damages recoverable upon the trial of an appeal from the award of arbitrators. The [stipulation] election shall be filed and served upon every other party at least thirty days from the date the appeal is first listed for trial. **The election may be withdrawn at any time by agreement of the parties. If the parties cannot agree, upon plaintiff's motion to withdraw the election, the court may grant the withdrawal of the election upon good cause shown.**

(b) If the plaintiff has filed and served [a stipulation] an election as provided in subdivision (a), any party may offer at trial the documents set forth in Rule 1305(b)(1). The documents offered shall be admitted if the party offering them has provided written notice to every other party of the intention to offer the documents at trial at least twenty days from the date the appeal is first listed for trial. The written notice shall be accompanied by a copy of each document to be offered.

* * * * *

(d) Any other party may subpoena the person whose testimony is waived by this rule to appear at or serve upon a party a notice to attend the trial and any adverse party may cross-examine the person as to the document as if the person were a witness for the party offering the document. The party issuing the subpoena shall pay the [reasonable] usual and customary fees and costs of

the person subpoenaed to testify, including a [reasonable] usual and customary expert witness fee if applicable.

(1) If another party subpoenas or otherwise arranges for the attendance at trial of the person whose testimony is waived by this rule, the document may be presented to the judge or jury as direct examination as if the person has not been subpoenaed by another person, or the plaintiff may conduct a direct examination of the witness.

(2) Any party, or the person subpoenaed, may require that the testimony be given by deposition pursuant to Pa.R.C.P. 4020(a)(5). The party issuing the subpoena shall pay the witness's usual and customary fee for such testimony.

(e) The [stipulation] election required by subdivision (a) shall be substantially in the following form:

(Caption)

[Stipulation to Limitation of] Election to Limit
Monetary Recovery
Pursuant to Rule 1311.1

To: _____
(Name of Party/Parties)

_____, plaintiff, [stipulates to] elects \$25,000.00 as the maximum amount of damages recoverable upon the trial of the appeal from the award of arbitrators in the above captioned action.

(Name of Plaintiff)

(Attorney for Plaintiff)

Date

Official Note: The term "plaintiff" includes a defendant who is the plaintiff in a counterclaim.

A plaintiff may include in a single document the [stipulation] election and the notice of intent to offer documents.

* * * * *

Explanatory Comment

The Supreme Court of Pennsylvania has amended Rule 1311.1 governing the admission of documentary evidence upon the appeal of an award of arbitrators in compulsory arbitration in three respects. Currently, subdivision (a) of the rule provides for a party to stipulate to \$25,000 as the maximum amount recoverable. The rule is silent as to any procedure for withdrawing the stipulation. The amended rule will allow a plaintiff to elect, rather than stipulate, a limit of \$25,000. An election can subsequently be withdrawn upon agreement by the parties or pursuant to a court order upon good cause shown.

Subdivision (d) of the current rule provides that the expert witness be paid a reasonable fee for his or her testimony. The amendment changes the reasonable fee to a usual and customary fee.

The amendment to subdivision (d) also provides a new procedure when another party subpoenas the witness

whose testimony is waived under this rule. The amendment would allow the plaintiff to present the document to the judge or jury as direct examination as if the person has not been subpoenaed by another person, or allow the plaintiff to conduct a direct examination of the witness.

By the Civil Procedural Rules Committee

DIANE W. PERER,
Chair

[Pa.B. Doc. No. 13-698. Filed for public inspection April 19, 2013, 9:00 a.m.]

PART I. GENERAL

[231 PA. CODE CH. 3000]

Order Amending Rule 3051 of the Rules of Civil Procedure; No. 574 Civil Procedural Rules Doc.

Order

Per Curiam

And Now, this 5th day of April, 2013, upon the recommendation of the Civil Procedural Rules Committee; the proposal having been published at 41 Pa.B. 5062 (September 24, 2011):

It Is Ordered pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Rule 3051 of the Pennsylvania Rules of Civil Procedure is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective May 5, 2013.

Annex A

TITLE 231. RULES OF CIVIL PROCEDURE

PART I. GENERAL

CHAPTER 3000. JUDGMENTS

Subchapter C. FORMS

Rule 3051. Relief from Judgment of Non Pros.

(a) Relief from a judgment of non pros shall be sought by petition. All grounds for relief, whether to strike off the judgment or to open it, must be asserted in a single petition.

(b) **[If] Except as provided in subdivision (c), if the relief sought includes the opening of the judgment, the petition shall allege facts showing that**

- (1) the petition is timely filed,
- (2) there is a reasonable explanation or legitimate excuse for the **[inactivity or delay] conduct that gave rise to the entry of judgment of non pros**, and
- (3) there is a meritorious cause of action.

Official Note: See Rule 237.3 for special provisions relating to relief from a judgment of non pros entered pursuant to Rule 1037(a).

(c) If the relief sought includes the opening of the judgment of non pros for inactivity, the petition shall allege facts showing that

Official Note: The “inactivity” covered by this subdivision is governed by and subject to *Jacobs v. Halloran*, 551 Pa. 350, 710 A.2d 1098 (1998).

- (1) the petition is timely filed,
- (2) there is a meritorious cause of action, and
- (3) the record of the proceedings granting the judgment of non pros does not support a finding that the following requirements for entry of a judgment of non pros for inactivity have been satisfied:

(i) there has been a lack of due diligence on the part of the plaintiff for failure to proceed with reasonable promptitude,

(ii) the plaintiff has failed to show a compelling reason for the delay, and

(iii) the delay has caused actual prejudice to the defendant.

Explanatory Comment

The Supreme Court of Pennsylvania has amended Rule 3051 governing relief from a judgment of *non pros* to clarify the requirements for opening a judgment of *non pros* entered for inactivity. In *Madrid v. Alpine Mountain Corp.*, 24 A.3d 380 (Pa. Super. 2011), the Superior Court of Pennsylvania ruled that under the current language of Rule 3051(b) it was compelled to conclude that a plaintiff is not entitled to relief from a judgment of *non pros* for inactivity without a showing that there was a reasonable explanation or legitimate excuse for the inactivity. Under this interpretation of Rule 3051(b), a judgment of *non pros* for inactivity cannot be opened even if the record did not establish actual prejudice unless the plaintiff could also show a reasonable explanation or legitimate excuse for the delay. Thus, while the defendant was required to show that the delay caused actual prejudice in order to obtain a judgment of *non pros* for inactivity, the plaintiff who cannot show a reasonable excuse for the delay may not challenge the entry of the judgment of *non pros* on the ground that the record failed to establish actual prejudice.

New subdivision (c) is intended to alter the ruling in *Madrid* by providing for the opening of a judgment of *non pros* dismissing a case for inactivity upon a showing that the defendant did not meet each of the three requirements for the entry of a judgment of non pros.

By the Civil Procedural Rules Committee

DIANE W. PERER,
Chair

[Pa.B. Doc. No. 13-699. Filed for public inspection April 19, 2013, 9:00 a.m.]

Title 246—MINOR COURT CIVIL RULES

PART I. GENERAL

[246 PA. CODE CH. 200]

Proposed Amendment to Rule 207

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania adopt an amendment to Rule 207 of the Minor Court Civil Rules. The Committee has not yet submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. The

Committee's Report should not be confused with the Committee's Official Notes to the rules. The Supreme Court does not adopt the Committee's Official Notes or the contents of the explanatory reports.

The text of the proposed changes precedes the Report. Additions are shown in bold.

We request that interested persons submit written suggestions, comments, or objections concerning this proposal to the Committee through counsel,

Pamela S. Walker, Counsel
Supreme Court of Pennsylvania
Minor Court Rules Committee
Pennsylvania Judicial Center
PO Box 62635
Harrisburg, PA 17106-2635
Fax: 717-231-9546
or email to: minorrules@pacourts.us

no later than June 20, 2013.

By the Minor Court Rules Committee

MARY P. MURRAY,
Chair

Annex A

TITLE 246. MINOR COURT CIVIL RULES

PART I. GENERAL

CHAPTER 200. RULES OF CONSTRUCTION; GENERAL PROVISIONS

Rule 207. Representation in Magisterial District Court Proceedings.

(A) In magisterial district court proceedings:

(1) Individuals may be represented by themselves, by an attorney at law, or by a representative with personal knowledge of the subject matter of the litigation and written authorization from the individual to appear as the individual's representative.

(2) Partnerships may be represented by an attorney at law, a partner, or by an employee or authorized agent of the partnership with personal knowledge of the subject matter of the litigation and written authorization from a partner to appear as the partnership's representative.

(3) Corporations or similar entities and unincorporated associations may be represented by an attorney at law, by an officer of the corporation, entity, or association, or by an employee or authorized agent of the corporation, entity, or association with personal knowledge of the subject matter of the litigation and written authorization from an officer of the corporation, entity, or association to appear as its representative.

(B) A representative, employee, or authorized agent:

(1) must provide verification of personal knowledge of the subject matter of the litigation, and

(2) may take no action on behalf of a party until the written authorization required under paragraph (A)(1), (2), or (3) is filed with the court.

Official Note: This rule is intended to permit a non-lawyer representative, employee, or authorized agent to appear on behalf of an individual, partnership, corporation or similar entity, or unincorporated association, but not to allow a non-lawyer to establish a business for the purpose of representing others in magisterial district court proceedings.

It is intended that the designation of a non-lawyer representative, employee, or authorized agent to represent a party is to apply only on a case-by-case basis. A

party may not give blanket authorization for a non-lawyer representative, employee, or authorized agent to represent the party in all cases involving the party.

As to "personal knowledge of the subject matter of the litigation" see Pa.R.E. 602 and Comment.

A business organized as a sole proprietorship may be represented in the same manner as an individual under paragraph (A)(1).

See rules in Chapter 800 as to representation of minors and incapacitated persons by guardians.

REPORT

Proposed Amendment to Rule 207 of the Minor Court Civil Rules

Verification by Non-Lawyer Representative, Employee or Authorized Agent

I. Introduction

The Minor Court Rules Committee (the "Committee") is proposing an amendment to the rules of procedure governing actions in magisterial district courts. The goal of this rule change is to ensure that a non-lawyer representative, employee or authorized agent representing a party in a magisterial district court proceeding has personal knowledge of the subject matter of the litigation as required by Pa.R.C.P.M.D.J. No. 207.

II. Discussion

In 2006, the Supreme Court of Pennsylvania amended Pa.R.C.P.M.D.J. No. 207, clarifying who may represent certain parties in magisterial district court proceedings, and establishing an authorization procedure for non-lawyer representatives, employees and authorized agents of parties. Specifically, Rule 207 was amended to permit a non-lawyer representative, employee or authorized agent to appear on behalf of an individual, partnership, corporation or similar entity. Rule 207 requires that the authorized representative must have "personal knowledge of the subject matter of the litigation." The rule requires the party to file a written authorization with the magisterial district court naming the non-lawyer representative, employee or authorized agent to act as the party's authorized representative. A written authorization form is available on the website of the Unified Judicial System for use by the public.

In 2012, the Administrative Office of Pennsylvania Courts advised the Committee that it received a request from a magisterial district judge to modify the written authorization form to include the party's verification that the authorized representative has personal knowledge of the subject matter of the litigation. After reviewing and discussing the request, the Committee concluded that a more direct way to ensure that the authorized representative has the requisite personal knowledge is to require the representative's verification.

III. Proposed Rule Changes

The Committee proposes adding a provision to Pa.R.C.P.M.D.J. No. 207(B) requiring that the representative, employee or authorized agent provide verification of the subject matter of the litigation.

[Pa.B. Doc. No. 13-700. Filed for public inspection April 19, 2013, 9:00 a.m.]

Title 249—PHILADELPHIA RULES

PHILADELPHIA COUNTY

Dismissal of Citations not Disposed within Three Years of the Commission of the Offense; Admin- istrative Order No. 01 of 2013

Order

And Now, this 3rd day of April, 2013, the Traffic Court having determined that the Citations listed on the following report were committed more than three years ago, and the Traffic Court having further determined that the citations have not been adjudicated,

It is hereby *Ordered, Adjudged and Decreed* that pursuant to 42 Pa.C.S. § 5553(e), the Citations are dismissed. The Traffic Court shall return any collateral posted in connection with the dismissed citations to the depositor, unless the depositor has outstanding Traffic Court fees, fines and costs in which event, the collateral shall be used to satisfy the depositor's outstanding fees, fines and costs. The depositor shall be sent the refund or receipt for allocation of the refund, as appropriate.

The original Administrative Order and amended local rule shall be filed with the Prothonotary in a docket maintained for Administrative Orders issued by the Administrative Judge of the Philadelphia Traffic Court, and, two certified copies of this Administrative Order and amended local rule as well as a copy on a computer diskette shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. Copies of this Administrative Order and amended local rule shall be published in *The Legal Intelligencer* and will be submitted to American Lawyer Media, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

By the Court

HONORABLE GARY S. GLAZER,
Administrative Judge,
Philadelphia Traffic Court

Ticket Number

F01223961
Q03793974
R00444301
Q03733402
\$003549162
Q01965876
Q01965880
R00198542
R02529520
R02529531
G01044761
S01177831
E07241780
E07241791
V00329921
Q02292264
K01350355
F00821085
F00821096
F00826464

Defendant's Name

Alexander, Marie
Aveni, Jasper Ademola
Bae, Shelly Jin
Brown, Tremaine R
Cancelliere, Pascual
Carter, Tyler Ariel
Carter, Tyler Ariel
Cervantes, Emmanuel
Childs III, Raymond
Childs III, Raymond
Clinton Princess
Cole, Timothy M
Contractors Inc, Greenscap Landscap
Contractors Inc, Greenscap Landscap
Corp, The Maramont
Cutts, Reginald
Davis, Troy
Dejesus Angel
Dejesus Angel
Dejesus Angel

Ticket Number

Q03331285
Q00002402
Q70213205
Q01252646
N04047223
W01895224
W01895246
W01895250
K01238764
H02083373
Q02601362
Q02601373
Q01449626
N01674525
K00118753
G00226170
B03398872
B04213812
B05567450
B05567461
B05567472
C02348010
C02349981
C02349992
C02350003
E06604975
Q02794912
Q00240590
Q00240601
R01545596
Q02562593
S02241901
R01522323
R01522345
Q70008525
Q70098420
F00014755
F00014766
F00014770
F00014781
Q03411660
Q03411671
Q01781662
R02874653
Q70320456
Q00147943
Q00228885
Q00228896
D01454950
G00552554
Q02567132
H00214841
B01667444
Q03330795
Q02553843
Q00124025
Q00124036
L02258686
K00272101
Q01248962
K02712813
R00284513
Q03450064
N02143120

Defendant's Name

Diamantis, Maria
Diggs, Lloyd
Dolch Jr, Henry J
Dougherty, Kristen Iris
Dunning, Anthony
Godfrey, Eric
Godfrey, Eric
Godfrey, Eric
Hale, Roshonna T
Hale, Scott
Herring, Tanya
Herring, Tanya
Hewitt III, Edward J
High, Ronette
Inc, Middlesex Materials
Jahaj, Eneo
Johnson, Amie
Johnson, Amie
Johnson, Amie
Johnson, Amie
Johnson, Amie
Johnson, Naill
Johnson, Naill
Johnson, Naill
Johnson, Naill
Johnson, Naill
Johnson Roosevelt
Johnson, Matthew R
Jones, Charles Kwame
Jones, Charles Kwame
Kashmer, Marietta L
Kearns, Benjamin
Konovalov, Alexander
Lautenbacher, Adam
Lautenbacher, Adam
Leasing, Superior
Leasing, Superior
Lebreau, Scott M
Lebreau, Scott M
Lebreau, Scott M
Lebreau, Scott M
Lewis, Darlene
Lewis, Darlene
Lewis, Gordon
Lopez, Alberto
Lucjan, B
Matta-Robles Isaac
Mcgill, Stephen Paul
Mcgill, Stephen Paul
Mcneil, Jermaine
Moore Hermione
Morella, Edward P
Pak, Kie C
Peterson, Anthony
Pivovrnik, Kerry Ann
Potter, Joshua I
Poulides, John C
Poulides, John C
Queiros-Rivera, Nery
Ribeiro, Weuler M
Richards, Gregory
Roberts, Michael Patrick
Roberts, Michael Patrick
Sampson, David
Savarino, Christoph T

**Ticket
Number****Defendant's Name**

| | |
|-----------|-------------------------------|
| N04802615 | Sebastian, Veronica |
| K00324015 | Shah, Chetana K |
| Q00123222 | Smith, Patrick James |
| A01372556 | Smith, Victoria D |
| A01372560 | Smith, Victoria D |
| H02658935 | Stone, Andre |
| H02658946 | Stone, Andre |
| R00733600 | Thomas Jr, Jeffery W |
| S02396063 | Total Landscapi, Four Seasons |
| Q00126755 | Trucking Inc, Black Horse |
| Q02557015 | Trucking Inc, Black Horse |
| E05013831 | Unlimited Inc, Furniture |
| Q01445566 | Unruh, Eric Michael |
| F03744241 | Werts, Malik |
| K01783014 | Wheelings, Jamal |
| Q03641831 | Wheelings, Jamal |
| Q03641842 | Wheelings, Jamal |
| R01261256 | Whitlock, Jr., Carl |
| R03085375 | Wilkins, Cathy J |
| Q01963625 | Williams, Brandon |
| F01105532 | Williams, Selwyn |
| Q01682133 | Williams, Matthew B |
| K02051184 | Wilson, Tashanna |
| K02051195 | Wilson, Tashanna |
| K02051206 | Wilson, Tashanna |
| K02051210 | Wilson, Tashanna |
| Q03360335 | Woolson, Lester |
| K01126554 | Yang, Serey |
| N04796094 | Yost, Walter C |
| S01798020 | Young, Blake |
| C02776211 | Young, Jenice C |
| R03608010 | Young, Shawn D |
| R03608021 | Young, Shawn D |

[Pa.B. Doc. No. 13-701. Filed for public inspection April 19, 2013, 9:00 a.m.]

Title 255—LOCAL COURT RULES

WAYNE COUNTY

Local Rule 6.12A; No. 62-1996-OCD

Order

And Now, to wit, this 27th day of March 2013, the Local Rules of Civil Procedure are amended, effective thirty (30) days after publication in the *Pennsylvania Bulletin*, as follows:

1. Local Civil Rule 6.12A is rescinded in its entirety.

The Court Administrator of Wayne County shall file or submit certified copies of this Order as follows:

A. One (1) certified copy with the Administrative Office of Pennsylvania Courts;

B. Two (2) copies and a CD ROM to the Legislative Reference Bureau, for publication in the *Pennsylvania Bulletin*;

C. One (1) copy to *The Wayne County Legal Journal*; and

D. One (1) copy shall be kept continuously available for public inspection and copying at the Clerk of Courts Office.

By the Court

RAYMOND L. HAMILL,
President Judge

[Pa.B. Doc. No. 13-702. Filed for public inspection April 19, 2013, 9:00 a.m.]

RULES AND REGULATIONS

Title 25—ENVIRONMENTAL PROTECTION

ENVIRONMENTAL QUALITY BOARD [25 PA. CODE CH. 123] Corrective Amendment to 25 Pa. Code § 123.22

The Department of Environmental Protection has discovered a discrepancy between the agency text of 25 Pa. Code § 123.22 (relating to combustion units) and the official text as published in the *Pennsylvania Code Reporter* (Master Transmittal Sheet No. 150, May 1987), and as currently appearing in the *Pennsylvania Code*. The official text omitted the exponent “6” in the heading to the table in subsection (e)(5)(iii).

Therefore, under 45 Pa.C.S. § 901: The Department of Environmental Protection has deposited with the Legislative Reference Bureau a corrective amendment to 25 Pa. Code § 123.22. The corrective amendment to 25 Pa. Code § 123.22 is effective May 9, 1987, the date the defective official text was announced in the *Pennsylvania Bulletin*.

The correct version of 25 Pa. Code § 123.22(e) appears in Annex A, with ellipses referring to the existing text of the regulations.

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart C. PROTECTION OF NATURAL RESOURCES

ARTICLE III. AIR RESOURCES

CHAPTER 123. STANDARDS FOR CONTAMINANTS

SULFUR COMPOUND EMISSIONS

§ 123.22. Combustion units.

* * * * *

(e) *Southeast Pennsylvania air basin.* Combustion units in the Southeast Pennsylvania air basin must conform with the following:

(1) *General provision.* A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from a combustion unit except as provided in paragraph (3) or (5), in excess of the applicable rate in pounds per million Btu of heat input specified in the following table:

| <i>Rated Capacity of Units in 10⁶ Btus per hour</i> | <i>Inner Zone</i> | <i>Outer Zone</i> |
|--|-------------------|-------------------|
| Less than 250 | 1.0 | 1.2 |
| Greater than or equal to 250 | 0.6 | 1.2 |

(2) *Commercial fuel oil.*

(i) Except as specified in subparagraphs (ii) and (iii), a person may not offer for sale, deliver for use, exchange in trade or permit the use of commercial fuel oil in a combustion unit in the Southeast Pennsylvania air basin if the commercial fuel oil contains sulfur in excess of the applicable maximum allowable sulfur content set forth in the following tables:

| <i>Grades of Commercial Fuel Oil</i> | <i>Maximum Allowable % Sulfur by Weight through June 30, 2016</i> | |
|--|---|-------------------|
| | <i>Inner Zone</i> | <i>Outer Zone</i> |
| No. 2 and lighter (viscosity less than or equal to 5.82cSt) | 0.2 | 0.3 |
| No. 4, No. 5, No. 6 and Heavier (viscosity greater than 5.82cSt) | 0.5 | 1.0 |

*Maximum Allowable Sulfur Content Beginning July 1, 2016,
Expressed as Parts per Million (ppm) by Weight or Percentage by Weight*

| <i>Grades Commercial Fuel Oil (Consistent with ASTM D396)</i> | <i>500 ppm</i> | <i>(0.05%)</i> |
|---|----------------|----------------|
| No. 2 and lighter oil | 500 ppm | (0.05%) |
| No. 4 oil | 2,500 ppm | (0.25%) |
| No. 5, No. 6 and heavier oil | 5,000 ppm | (0.5%) |

(ii) Commercial fuel oil that was stored in this Commonwealth by the ultimate consumer prior to July 1, 2016, which met the applicable maximum allowable sulfur content for commercial fuel oil through June 30, 2016, in subparagraph (i) at the time it was stored, may be used by the ultimate consumer in this Commonwealth on and after July 1, 2016.

(iii) Beginning July 1, 2016, the Department may temporarily suspend or increase the applicable maximum allowable sulfur content for a commercial fuel oil set forth in subparagraph (i) if the following occur:

(A) The Department receives a written request at the address specified in subsection (h) for a suspension or increase on the basis that compliant commercial fuel oil is not reasonably available in the subject air basin. The request must include both of the following:

(I) The reason compliant commercial fuel oil is not reasonably available.

(II) The duration of time for which the suspension or increase is requested and the justification for the requested duration.

(B) The Department determines that an insufficient quantity of compliant commercial fuel oil is reasonably available in the air basin and that the circumstances leading to the insufficiency are due to events that could not have been reasonably foreseen or prevented and are not due to lack of prudent planning on the part of the transferor of the commercial fuel oil into or within the air basin.

(C) The Department approves the request, in writing, prior to the transferor distributing the noncompliant commercial fuel oil into or within the air basin.

(iv) The Department will limit a suspension or increase in the applicable maximum allowable sulfur content granted under subparagraph (iii) to the shortest duration in which adequate supplies of compliant commercial fuel oil can be made reasonably available, but in no case longer than 60 days from the date the Department grants the suspension or increase.

(3) *Noncommercial fuels.* A person may not permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from a combustion unit using a noncommercial fuel, in excess of the rate of 0.6 pound per million Btu of heat input in the inner zone or 1.2 pounds per million Btu of heat input in the outer zone.

(4) *Equivalency provision.* Paragraph (2) does not apply to a person who uses equipment or a process, or to the owner or operator of an installation where equipment or a process is used, to reduce the sulfur emissions from the burning of a fuel with a higher sulfur content than that specified in paragraph (2). The emissions may not exceed those which would result from the use of commercial fuel oil that meets the applicable maximum allowable sulfur content specified in paragraph (2).

(5) *Solid fossil fuel fired combustion units.* Solid fossil fuel fired combustion units shall conform with the following:

(i) This paragraph applies to all solid fossil fuel fired combustion units with a rated capacity greater than or equal to 250 million Btus of heat input per hour and to any solid fossil fuel fired combustion unit upon petition to and acceptance by the Department.

(ii) The owner of any solid fossil fuel fired combustion unit with a rated capacity of less than 250 million Btu heat input per hour may petition the Department for application of the limitations in this paragraph in lieu of the limitations in paragraph (1). Upon demonstration of installation of continuous monitoring equipment which complies with Chapter 139, the Department will grant the petition.

(iii) No person may permit the emission into the outdoor atmosphere of sulfur oxides, expressed as SO₂, from any combustion unit in excess of the applicable rate in pounds per million Btu of heat input specified in the following table:

| | <i>Rated Capacity of Unit in 10⁶ Btus per Hour</i> | |
|--|---|-------------------------------------|
| | <i>Less than 250</i> | <i>Greater than or equal to 250</i> |
| Thirty-day running average not to be exceeded at any time | | |
| Inner Zone | 0.75 | 0.45 |
| Outer Zone | 0.90 | 0.90 |
| Daily average not to be exceeded more than 2 days in any running 30-day period | | |
| Inner Zone | 1.00 | 0.60 |
| Outer Zone | 1.20 | 1.20 |
| Daily average maximum not to be exceeded at any time | | |
| Inner Zone | 1.20 | 0.72 |
| Outer Zone | 1.44 | 1.44 |

(iv) A combustion unit not meeting the requirements of § 123.25 for installation and operation of continuous SO₂ emission monitoring equipment is subject to the provisions of paragraph (1).

* * * * *

[Pa.B. Doc. No. 13-703. Filed for public inspection April 19, 2013, 9:00 a.m.]

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE BOARD OF MEDICINE [49 PA. CODE CHS. 16 AND 18] Athletic Trainers

The State Board of Medicine (Board) amends §§ 16.11, 16.13 and 18.501—18.511 to read as set forth in Annex A.

Effective Date

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

Statutory Authority

The final-omitted rulemaking is required to implement the act of December 22, 2011 (P. L. 572, No. 124) (Act 124). Section 51.1(d) of the Medical Practice Act of 1985 (act) (63 P. S. § 422.51a(d)) authorizes the Board and the State Board of Osteopathic Medicine to jointly promulgate regulations regarding athletic trainers. Additionally, section 8 of the act (63 P. S. § 422.8) authorizes the Board to adopt regulations reasonably necessary to carry out the purposes of the act.

Omission of Proposed Rulemaking

Under section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), known as the Commonwealth Documents Law (CDL), the Board is authorized to omit the procedures for proposed rulemaking in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) if the Board finds that the specified procedures are impracticable, unnecessary or contrary to the public interest.

In this instance, the procedures for proposed rulemaking are unnecessary. The final-omitted rulemaking tracks the amendments in Act 124, changing “certified” to “licensed” athletic trainers and defines the term “licensed athletic trainer” as defined in Act 124. Furthermore, section 4 of Act 124 provides that references in the current regulations referring to certification or certified athletic trainers are deemed to be references to licensure or licensed athletic trainers. Because the final-omitted rulemaking does not change or interpret the statutory language in any way, notice of proposed rulemaking is unnecessary. The Board is updating the regulations to be consistent with the act.

Background and Need for Amendment

Act 124 amended the act by replacing references to “certified” athletic trainers with references to “licensed” athletic trainers. The Board is amending its regulations to conform to the act.

Description of Amendments

“Athletic trainer license” and “biennial registration of athletic trainer license” are added to the list of licenses the Board issues under § 16.11(b) and (c) (relating to licenses, certificates and registrations).

The Board is adding “license” to § 16.13(h) (relating to licensure, certification, examination and registration fees) and amends the reference to “application for certification” to “application” to conform subsection (h) to the format of this section.

The remaining changes are to Chapter 18, Subchapter H (relating to athletic trainers). The Board is changing

“certification” to “licensure,” “certified” to “licensed” and “certificate” to “license” throughout the subchapter.

Section 18.502 (relating to definitions) is amended to replace the definition of “certified athletic trainer” with a definition of “licensed athletic trainer.” In § 18.503 (relating to licensure requirement), the abbreviations used by certified athletic trainers, “A.T.C” and “C.A.T.,” are replaced with those used by licensed athletic trainers, “A.T.L.” and “L.A.T.” In addition, § 18.503(c) is deleted because Act 124 deleted section 51.1(b) of the act, which provided a transitional rule for athletic trainers formerly licensed under the Physical Therapy Practice Act (63 P. S. §§ 1301—1313).

In §§ 18.506 and 18.507 (relating to examination requirement; and temporary licensure), the Board is deleting “certification” to refer simply to the Board of Certification, Inc. examination, which is the examination required for licensure.

When the regulations refer to athletic trainers in other states, “certified” and “licensed” are used because some states still use the term “certified” to refer to athletic trainers. Therefore, both terms appear in § 18.503(b)(1) because athletic trainers from other states may be in this Commonwealth on a visiting basis. Likewise, in § 18.509(a) and (b) (relating to practice standards for athletic trainers), athletic trainers from other states may be in this Commonwealth working with an out-of-State team.

Fiscal Impact

This final-omitted rulemaking will not have fiscal impact on the Commonwealth, the general public or political subdivisions.

Paperwork Requirements

This final-omitted rulemaking does not create additional paperwork for the Board, the Board’s licensees or the general public.

Sunset Date

The Board continuously monitors its regulations. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on March 4, 2013, the Board submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the House Professional Licensure Committee (HPLC). On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on April 3, 2013, the final-omitted rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 4, 2013, and approved the final-omitted rulemaking.

Additional Information

For additional information about the final-omitted rulemaking, contact Teresa Lazo, Board Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7200, tlazo@pa.gov. When requesting additional information, reference No. 16A-4936 (athletic trainers).

Findings

The Board finds that:

(1) Notice of the Board's intention to amend its regulations under the procedures in sections 201 and 202 of the CDL has been omitted under the authority of section 204 of the CDL because public comment is unnecessary due to the fact that this final-omitted rulemaking is limited to implementing statutory requirements and it does not interpret the act or make other changes not authorized under the act.

(2) The amendment of the Board's regulations in the manner provided in this order is necessary and appropriate for the administration of the act.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapters 16 and 18, are amended by amending §§ 16.11, 16.13 and 18.501—18.511 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to form and legality as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the Pennsylvania Bulletin.

JAMES W. FREEMAN, M.D.,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 2242 (April 20, 2012).)

Fiscal Note: 16A-4936. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 16. STATE BOARD OF MEDICINE—GENERAL PROVISIONS

Subchapter B. GENERAL LICENSE, CERTIFICATION AND REGISTRATION PROVISIONS

§ 16.11. Licenses, certificates and registrations.

(a) The following medical doctor licenses are issued by the Board:

- (1) License without restriction.
(2) Institutional license.
(3) Extraterritorial license.
(4) Graduate license.
(5) Temporary license.
(6) Interim limited license.

(b) The following nonmedical doctor licenses and certificates are issued by the Board:

- (1) Nurse-midwife license.
(2) Nurse-midwife certificate of prescriptive authority.
(3) Physician assistant license.
(4) Acupuncturist license.
(5) Practitioner of Oriental medicine license.
(6) Behavior specialist license.
(7) Athletic trainer license.
(c) The following registrations are issued by the Board:

- (1) Registration as a supervising physician of a physician assistant.
(2) Biennial registration of a license without restriction.
(3) Biennial registration of an extraterritorial license.
(4) Biennial registration of a midwife license.
(5) Biennial registration of a physician assistant license.
(6) Biennial registration of a drugless therapist license.
(7) Biennial registration of a limited license-permanent.
(8) Biennial registration of an acupuncturist license.
(9) Biennial registration of a practitioner of Oriental medicine license.
(10) Biennial registration of a behavior specialist license.
(11) Biennial registration of athletic trainer license.

§ 16.13. Licensure, certification, examination and registration fees

* * * * *

(h) Athletic Trainer License:

Table with 2 columns: Fee type and Amount. Application: \$20, Biennial renewal: \$37

(i) Behavior Specialist License:

* * * * *

CHAPTER 18. STATE BOARD OF MEDICINE—PRACTITIONERS OTHER THAN MEDICAL DOCTORS

Subchapter H. ATHLETIC TRAINERS

§ 18.501. Purpose.

This subchapter implements section 51.1 of the act (63 P. S. § 422.51a) to provide for the licensure and practice standards of athletic trainers.

§ 18.502. Definitions.

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

Approved athletic training education programs—An athletic training education program that is accredited by a Board-approved Nationally recognized accrediting agency.

Athletic training services—The management and provision of care of injuries to a physically active person, with the direction of a licensed physician.

(i) The term includes the rendering of emergency care, development of injury prevention programs and providing appropriate preventative and supportive devices for the physically active person.

(ii) The term also includes the assessment, management, treatment, rehabilitation and reconditioning of the physically active person whose conditions are within the professional preparation and education of a licensed athletic trainer.

(iii) The term also includes the use of modalities such as: mechanical stimulation, heat, cold, light, air, water, electricity, sound, massage and the use of therapeutic exercise, reconditioning exercise and fitness programs.

(iv) The term does not include surgery, invasive procedures or prescription of any medication or controlled substance.

BOC—The Board of Certification, Inc., a National credentialing organization for athletic trainers.

Direction—Supervision over the actions of a licensed athletic trainer by means of referral by prescription to treat conditions for a physically active person from a licensed physician, dentist or podiatrist or written protocol approved by a supervising physician, except that the physical presence of the supervising physician, dentist or podiatrist is not required if the supervising physician, dentist or podiatrist is readily available for consultation by direct communication, radio, telephone, facsimile, telecommunications or by other electronic means.

Licensed athletic trainer—A person who is licensed to perform athletic training services by the Board or the State Board of Osteopathic Medicine.

Physically active person—An individual who participates in organized, individual or team sports, athletic games or recreational sports activities.

Referral—An order from a licensed physician, dentist or podiatrist to a licensed athletic trainer for athletic training services. An order may be written or oral, except that an oral order must be reduced to writing within 72 hours of issuance.

Standing written prescription—A portion of the written protocol or a separate document from a supervising physician, which includes an order to treat approved individuals in accordance with the protocol.

Written protocol—A written agreement or other document developed in conjunction with one or more supervising physicians, which identifies and is signed by the supervising physician and the licensed athletic trainer, and describes the manner and frequency in which the licensed athletic trainer regularly communicates with the supervising physician and includes standard operating procedures, developed in agreement with the supervising physician and licensed athletic trainer, that the licensed athletic trainer follows when not directly supervised onsite by the supervising physician.

§ 18.503. Licensure requirement.

(a) A person may not use the title “athletic trainer” or “licensed athletic trainer” or use any abbreviation including “A.T.,” “A.T.L.” or “L.A.T.” or any similar designation to indicate that the person is an athletic trainer unless that person has been licensed by the Board.

(b) Except as otherwise provided in this subsection, a person may not perform the duties of an athletic trainer unless that person is licensed by the Board. This provision is not intended to prevent the following:

(1) A person trained and licensed or certified under any other law from engaging in the licensed or certified practice in which the person is trained.

(2) An athletic trainer from another state, province, territory or the District of Columbia, who is employed by an athletic team or organization that is competing in this Commonwealth only on a visiting basis, from providing athletic training services, provided the practice of the athletic trainer is limited to the members of the team or organization.

(3) An athletic training student practicing athletic training that is coincidental to required clinical education and is within the scope of the student’s education and training.

(c) Athletic trainers licensed by the State Board of Osteopathic Medicine are deemed licensed by the Board.

§ 18.504. Application for licensure.

(a) The applicant shall submit the following on forms supplied by the Board:

(1) A completed application and the fee set forth in § 16.13 (relating to licensure, certification, examination and registration fees).

(2) Verification of professional education in athletic training in accordance with § 18.505 (relating to educational requirements).

(3) Documentation of passage of the National examination in accordance with § 18.506 (relating to examination requirement).

(4) Documentation of practice as an athletic trainer, if licensed or certified in another jurisdiction, and verification as to whether there has been disciplinary action taken in that jurisdiction.

(b) To qualify for licensure, an applicant shall be at least 20 years of age and may not be addicted to alcohol or hallucinogenic, narcotic or other drugs which tend to impair judgment or coordination.

§ 18.505. Educational requirements.

An applicant for licensure shall comply with one of the following:

(1) Be a graduate of an approved athletic training education program.

(2) Hold and maintain current credentialing as a certified athletic trainer (ATC) from the BOC or another credentialing body approved by the Board.

§ 18.506. Examination requirement.

An applicant for a license to practice as a licensed athletic trainer shall submit to the Board written evidence that the applicant has passed the BOC examination for athletic trainers, or its equivalent as determined by the Board.

§ 18.507. Temporary licensure.

An applicant who is a graduate of an approved athletic training education program and who has applied to take the examination may be granted a temporary license to practice athletic training under the onsite direct supervision of a licensed athletic trainer. The temporary license expires 1 year from issuance or upon licensure as an athletic trainer by the Board, whichever comes first, and may not be renewed.

§ 18.508. Renewal of license.

(a) A license issued under this subchapter expires on December 31 of every even-numbered year unless renewed for the next biennium.

(b) Biennial renewal forms and other forms and literature to be distributed by the Board will be forwarded to the last mailing address given to the Board.

(c) To retain the right to engage in practice, the licensee shall renew licensure in the manner prescribed by the Board and pay the required fee prior to the expiration of the next biennium.

(d) When a license is renewed after December 31 of an even-numbered year, a penalty fee of \$5 for each month or part of a month of practice beyond the renewal date will be charged in addition to the renewal fee as set forth in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225).

(e) As a condition of renewal, a licensee shall comply with the continuing education requirements in § 18.511 (relating to continuing education).

§ 18.509. Practice standards for athletic trainers.

(a) Athletic trainers licensed by the Board or certified or licensed by the proper licensing authority of another state, province, territory or the District of Columbia shall comply with the following:

(1) Ensure that the physically active person has secured a written referral or prescription from a licensed physician, dentist or podiatrist or is subject to a written protocol for treatment by a licensed or certified athletic trainer from a licensed physician.

(2) Comply strictly with conditions or restrictions that may be placed on the course of athletic training services by the referring physician, dentist or podiatrist.

(3) Ensure that the physically active person has undergone a medical diagnostic examination or has had the results of a recently performed medical diagnostic examination reviewed by the referring physician, dentist or podiatrist.

(4) Keep a copy of the referral or prescription and the results of the medical diagnostic examination in the physically active person's file.

(5) Consult promptly with the referring physician, dentist or podiatrist regarding a new ailment or condition or a worsened ailment or condition of the physically active person.

(6) Consult with the referring physician, dentist or podiatrist upon request of either the referring physician, dentist or podiatrist or the physically active person.

(7) Refer a physically active person with conditions outside the scope of athletic training services to a licensed physician, dentist or podiatrist.

(b) Athletic trainers licensed by the Board or certified or licensed by the proper licensing authority of another state, province, territory or the District of Columbia who are working in a team setting, treating injuries which arise in the course of practices or team sports events, may treat the participant at the events under the conditions of the referral, or the standing written prescription or written protocol.

(c) An athletic trainer shall obtain the standing written prescription or protocol annually from the supervising physician and review it at least annually. The standing

written prescription or written protocol shall be retained at or near the treatment location or facility. An individual referral or prescription from a referring physician, dentist or podiatrist is required in the absence of a standing written prescription or written protocol.

§ 18.510. Refusal, suspension or revocation of license.

(a) The Board may refuse to issue a license, and after notice and hearing, may suspend or revoke the license of a person who is subject to disciplinary action under section 41 of the act (63 P. S. § 422.41) as set forth in § 16.61 (relating to unprofessional and immoral conduct).

(b) Actions taken by the Board regarding the refusal, suspension or revocation of a license are taken subject to the right of notice, hearing and adjudication and appeal under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

§ 18.511. Continuing education.

(a) Beginning with the biennial period commencing on the next biennial renewal period following July 14, 2007, athletic trainers shall complete the continuing education requirements prescribed by the BOC.

(b) Applicants for renewal of a license shall provide a signed statement verifying that the continuing education requirement has been met.

(c) Proof of completion of the required continuing education shall be retained for at least 2 years after completion.

[Pa.B. Doc. No. 13-704. Filed for public inspection April 19, 2013, 9:00 a.m.]

**STATE BOARD OF MEDICINE
[49 PA. CODE CH. 18]
Certified Registered Nurse Practitioners**

The State Board of Medicine (Board) rescinds Chapter 18, Subchapter C to read as set forth in Annex A.

Effective Date

The final-omitted rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

Statutory Authority

The amendments are authorized under section 8 of the Medical Practice Act of 1985 (act) (63 P. S. § 422.8) and sections 2.1(k) and (l) and 8.1—8.3 of The Professional Nursing Law (nursing act) (63 P. S. §§ 212.1(k) and (l) and 218.1—218.3).

Background and Purpose

The Board and the State Board of Nursing jointly promulgated regulations regarding certified registered nurse practitioner (CRNP) practice at 30 Pa.B. 5943 (November 18, 2000) under section 15 of the act (63 P. S. § 422.15) that provided for joint regulation of CRNPs by the Board and the State Board of Nursing. Section 15 of

the act was repealed by the act of December 9, 2002 (P. L. 1567, No. 206) (Act 206). The nursing act was amended by Act 206 to provide that the State Board of Nursing would have exclusive jurisdiction over the regulation of CRNPs. The nursing act was further amended by the act of July 20, 2007 (P. L. 318, No. 48) (Act 48). The State Board of Nursing's final-form rulemaking implementing Act 206 and Act 48 was published at 39 Pa.B. 6994 (December 12, 2009).

Because the statutory authority under which the Board regulated the practice of CRNPs was repealed and the State Board of Nursing has adopted regulations which take the place of the jointly promulgated regulations, the Board is rescinding the regulations related to CRNPs.

Omission of Proposed Rulemaking

Under section 204 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204), known as the Commonwealth Documents Law (CDL), the Board is authorized to omit the procedures for proposed rulemaking in sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) if the Board finds that the criteria in section of the CDL are met.

The Board's regulations were jointly promulgated under statutory authority that has been repealed to specifically provide that the State Board of Nursing has the sole authority to regulate the practice of CRNPs. Under authority of section 204(3) of the CDL, the Board finds that proposed rulemaking may be omitted as unnecessary because these amendments merely conform the Board's regulations to the applicable statutes by deleting outdated regulations.

Description of Amendments

The Board is rescinding Chapter 18, Subchapter C.

Fiscal Impact

The final-omitted rulemaking will not have fiscal impact on the Board, its licensees, the private sector, the general public or political subdivisions.

Paperwork Requirements

The final-omitted rulemaking will not create additional paperwork for the Board, its licensees, the private sector, the general public or political subdivisions.

Sunset Date

The Board continuously monitors the effectiveness of its regulations. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on March 4, 2013, the Board submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the House Professional Licensure Committee (HPLC). On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on April 3, 2013, the final-omitted rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 4, 2013, and approved the final-omitted rulemaking.

Additional Information

For additional information about the final-omitted rulemaking, submit inquiries to Teresa Lazo, Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7200.

Findings

The Board finds that:

(1) Public notice of the Board's intention to amend its regulations under the procedures in sections 201 and 202 of the CDL has been omitted under the authority of section 204 of the CDL because public comment is unnecessary in that individuals are not adversely affected by this final-omitted rulemaking that deletes regulations promulgated under the authority of a repealed statute.

(2) The amendment of the Board's regulations in the manner provided in this order is necessary and appropriate for the administration of the act.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 18, are amended by deleting §§ 18.21, 18.22, 18.31, 18.41, 18.42, 18.51—18.57, 18.61—18.64, 18.71, 18.81, 18.91, 18.101 and 18.111 as set forth in Annex A.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to form and legality as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

JAMES W. FREEMAN, M.D.,
Chairperson

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 2242 (April 20, 2012).)

Fiscal Note: 16A-4938. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 18. STATE BOARD OF MEDICINE—PRACTITIONERS OTHER THAN MEDICAL DOCTORS

Subchapter C. (Reserved)

| Sec. | |
|--------------|-------------|
| 18.21. | (Reserved). |
| 18.22. | (Reserved). |
| 18.31. | (Reserved). |
| 18.41. | (Reserved). |
| 18.42. | (Reserved). |
| 18.51—18.57. | (Reserved). |
| 18.61—18.64. | (Reserved). |
| 18.71. | (Reserved). |
| 18.81. | (Reserved). |
| 18.91. | (Reserved). |
| 18.101. | (Reserved). |
| 18.111. | (Reserved). |

[Pa.B. Doc. No. 13-705. Filed for public inspection April 19, 2013, 9:00 a.m.]

STATE BOARD OF OSTEOPATHIC MEDICINE

[49 PA. CODE CH. 25]

Athletic Trainers

The State Board of Osteopathic Medicine (Board) amends §§ 25.1, 25.231 and 25.701—25.711 to read as set forth in Annex A. This final-omitted rulemaking conforms the Board's regulations to the amendments to the Osteopathic Medical Practice Act (act) (63 P.S. §§ 271.1—271.18) under the act of December 22, 2011 (P.L. 567, No. 123) (Act 123).

Effective Date

The final-omitted rulemaking will be effective upon publication in the *Pennsylvania Bulletin*.

Statutory Authority

This final-omitted rulemaking is mandated by the Act 123 amendments to sections 2 and 7.1 of the act (63 P.S. §§ 271.2 and 271.7a). Furthermore, section 16 of the act (63 P.S. § 271.16) authorizes the Board to adopt and revise regulations reasonably necessary to carry out the purposes of the act.

Omission of Proposed Rulemaking

Under section 204(3) of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. § 1204(3)), known as the Commonwealth Documents Law (CDL), the Board may omit the procedures for proposed rulemaking in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) if the Board for good cause finds that the specified procedures are impracticable, unnecessary or contrary to the public interest. The Board finds for good cause that publication of this rulemaking as proposed is unnecessary because the regulations are limited to implementing the statutory requirements. This rulemaking does not interpret the act or make changes not contained in Act 123. The Board is required to promulgate these regulations. Therefore, the procedures for making comments are unnecessary.

Background and Need for Final-Omitted Rulemaking

Act 123 amended the act to delete references to “certified” athletic trainers and replace them with “licensed” athletic trainers. Furthermore, Act 123 defined the term “licensed athletic trainer,” which appears in § 25.702 (relating to definitions).

The significance of changing “certified” to “licensed” is explained on the web site of the National Athletic Trainer Association Board of Certification, Inc. (BOC). In addition to the information provided in the definition of “BOC” in § 25.702, the BOC was incorporated in 1989 to provide a certification program for entry-level athletic trainers. The BOC establishes and regularly reviews both the standards for the practice of athletic training and the continuing education requirements for BOC certified athletic trainers. The BOC has the only accredited certification program for athletic trainers in the United States and also administers the BOC certification examination for athletic trainers. On the BOC's web site, www.bocatc.org, the BOC defines and distinguishes between “licensure” and “certification” under frequently asked questions about state regulation. The BOC defines “licensure” as “the most restrictive form of professional and occupational regulation. Licensure is often referred to as right-to-practice. Under licensure laws, it is illegal for a person to practice a profession without first meeting state standards.” The BOC defines “certification” as the status under which “the state grants title protection (right-to-title) to persons meeting predetermined standards. Those

without certification may perform the duties of the occupation, but may not use the title.” In this Commonwealth, “licensure” is the appropriate term applying to athletic trainers.

Description of Final-Omitted Rulemaking

“Board-regulated practitioner” is defined in section 2 of the act. As with other definitions, Act 123 changed “certified” to “licensed” in this definition. Although the definition of “Board-regulated practitioner” is in section 2 of the act, it was not previously in § 25.1 (relating to definitions). Because the definition of “Board-regulated practitioner” makes reference to an osteopathic physician, a physician assistant, a respiratory therapist and an athletic trainer as well as an applicant for a license or certificate issued by the Board, this definition is added to § 25.1 because its application to various licensees applies to many regulations in Chapter 25. To implement section 2 of the act, “licensed athletic trainer” is used in this definition.

In § 25.231 (relating to schedule of fees), “application for athletic trainer certification” is amended to “application for athletic trainer license” to follow Act 123.

In § 25.701 (relating to purpose), “certification” is changed to “licensure.”

In § 25.702, definitions in section 2 of the act were followed by changing “certified” to “licensed” in the definitions of “athletic training services,” “direction,” “referral” and “written protocol.” Furthermore, because Act 123 deleted the definition of “certified athletic trainer,” this definition is deleted from § 25.702. In similar fashion, because Act 123 added the definition of “licensed athletic trainer,” the Board also added this definition.

The heading of § 25.703 (relating to licensure requirement) is amended from “certification requirement” to “licensure requirement” to follow Act 123. Likewise, to track the statutory mandate in section 7.1(c) of the act, in subsection (a) references to certified athletic trainers have been updated to “licensed athletic trainer,” “A.T.L.” and “L.A.T.”

In § 25.703, “certified” is updated to “licensed.” In § 25.703(b)(1), “certified” is not deleted because other medical professionals, such as physician assistants, are certified by the Board and “certification” appears in Subchapter C (relating to physician assistant provisions). Section 25.703(c) is deleted because there are no more athletic trainers with licenses or certificates from the State Board of Physical Therapy and the former regulation grandfathering certificateholders under the Physical Therapy Practice Act (63 P.S. §§ 1301—1313) prior to July 14, 2007, no longer applies. In § 25.703(d), “athletic training certificateholders” is replaced with “athletic trainers licensed to practice” because it refers to athletic trainers licensed by the Board and section 7.1(b.1)(1) of the act contains a cross reference to athletic trainers licensed by the State Board of Medicine.

The title of § 25.704 (relating to application for licensure) is amended by replacing “certification” with “licensure.” In § 25.704(b), “licensure” is updated to “certification.”

In § 25.705 (relating to educational requirements), “licensure” is updated to “certification.” Because the BOC only issues credentials for certified athletic trainers, the Board did not change the title to licensed athletic trainer in § 25.705(2). Because the BOC only issues credentials for certified athletic trainers, the Board did not change

that title to licensed athletic trainer in § 18.505(2) (relating to educational requirements).

In § 25.706 (relating to examination requirement), “certificate” is updated to “license” and “certified” to “licensed.” Because the BOC administers the certification examination for athletic trainers, the Board did not change “certification examination” in this section or in § 25.707 (relating to temporary licensure).

In the heading of § 25.707, “certification” is updated to “licensure.” Likewise, the following substitutions are made: “certificate” to “license;” “certified” to “licensed;” and “certification” to “license” or “licensure,” as appropriate.

In the heading of § 25.708 (relating to renewal of license), “certificate” is updated to “license.” Throughout this section, the following substitutions are made: “certificate” or “certificates” to “license” or “licenses;” “certificate-holder” to “licensee;” and “certification” to “license.”

In § 25.709 (relating to practice standards for athletic trainers), after changing “certified” to “licensed,” the words “certified or licensed” are added in subsections (a) and (b) because, according to the BOC, some states still use “certified” to refer to athletic trainers. Therefore, to encompass athletic trainers in states that certify or license athletic trainers, the Board uses both terms. As noted in § 25.703(b)(2), athletic trainers from other states may be in this Commonwealth on a visiting basis, so it is appropriate to encompass athletic trainers who are either certified or licensed. Also, in § 18.509(b) (relating to practice standards for athletic trainers), an athletic trainer may be in this Commonwealth if the athletic trainer is working in a team setting, so the Board uses both terms “certified or licensed.”

In §§ 25.710 and 25.711 (relating to refusal, suspension or revocation of license; and continuing education), “certificate” is changed to “license” throughout these sections when appropriate.

Fiscal Impact

The final-omitted rulemaking should not have fiscal impact on the Commonwealth, the general public or political subdivisions.

Paperwork Requirements

The final-omitted rulemaking does not create additional paperwork for the Board, the Board’s licensees or the general public.

Sunset Date

The Board continuously monitors its regulations. Therefore, a sunset date has not been assigned.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on March 4, 2013, the Board submitted a copy of the final-omitted rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) and the House Professional Licensure Committee (HPLC). On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(j.2) of the Regulatory Review Act, on April 3, 2013, the final-omitted rulemaking was deemed approved by the HPLC and the SCP/PLC. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 4, 2013, and approved the final-omitted rulemaking.

Additional Information

For additional information about the final-omitted rulemaking, contact Regulatory Unit Counsel, Department of State, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7200, st-osteopathic@pa.us. When submitting questions, reference No. 16A-5325 (athletic trainers).

Findings

The Board finds that:

(1) Public notice of the Board’s intention to amend its regulations under the procedures in sections 201 and 202 of the CDL has been omitted under the authority of section 204 of the CDL because public comment is unnecessary due to the fact that this rulemaking is limited to implementing the statutory requirements and does not interpret the act or make other changes not contained in Act 123.

(2) The amendment of the Board’s regulations in the manner provided in this order is necessary and appropriate for the administration of the act.

Order

The Board, acting under its authorizing statute, orders that:

(a) The regulations of the Board, 49 Pa. Code Chapter 25, are amended by amending §§ 25.1, 25.231 and 25.701—25.711 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Board shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to form and legality as required by law.

(c) The Board shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

JOSEPH C. GALLAGHER, Jr., D.O.,
Chairperson

(Editor’s Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 43 Pa.B. 2242 (April 20, 2012).)

Fiscal Note: 16A-5325. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 25. STATE BOARD OF OSTEOPATHIC MEDICINE

Subchapter A. GENERAL PROVISIONS

§ 25.1. Definitions.

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

* * * * *

Board—State Board of Osteopathic Medicine.

Board-regulated practitioner—An osteopathic physician, physician assistant, respiratory therapist or licensed athletic trainer or an applicant for a license or certificate issued by the Board.

Bureau—Bureau of Professional and Occupational Affairs of the Department of State of the Commonwealth.

* * * * *

Subchapter F. FEES

§ 25.231. Schedule of fees.

An applicant for a license, certificate, registration or service shall pay the following fees at the time of application:

| | |
|---|-------|
| Application for unrestricted license to practice as osteopathic physician—original, reciprocal, bound-ary or by endorsement | \$45 |
| Application for short-term camp license as osteopathic physician | \$30 |
| Temporary training license or graduate training certificate | \$30 |
| Annual renewal of temporary training license or graduate training certificate | \$25 |
| Application for physician assistant certificate | \$30 |
| Application for supervising physician | \$95 |
| Uncertified verification of any license, certifi-cation or permit | \$15 |
| Certification of any licenses, certifications, exam-ination grades or hours | \$25 |
| Application for athletic trainer license | \$20 |
| Biennial renewal—athletic trainer | \$37 |
| Biennial renewal—physicians | \$220 |
| Biennial renewal—physician assistants | \$10 |
| Penalty for late biennial renewal—per month or part of month | \$5 |
| Duplicate license or certificate | \$5 |
| Application for radiology examinations | \$25 |
| Application for acupuncturist registration | \$30 |
| Biennial renewal—acupuncturists | \$25 |
| Application for acupuncturist supervisor registration | \$30 |

Subchapter M. ATHLETIC TRAINERS

§ 25.701. Purpose.

This subchapter implements section 7.1 of the act (63 P. S. § 271.7a) to provide for the licensure of athletic trainers.

§ 25.702. Definitions.

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

Approved athletic training education programs—An athletic training education program that is accredited by a Board-approved Nationally recognized accrediting agency.

Athletic training services—The management and provi-sion of care of injuries to a physically active person, with the direction of a licensed physician.

(i) The term includes the rendering of emergency care, development of injury prevention programs and providing appropriate preventative and supportive devices for the physically active person.

(ii) The term also includes the assessment, manage-ment, treatment, rehabilitation and reconditioning of the

physically active person whose conditions are within the professional preparation and education of a licensed athletic trainer.

(iii) The term also includes the use of modalities such as: mechanical stimulation, heat, cold, light, air, water, electricity, sound, massage, and the use of therapeutic exercise, reconditioning exercise and fitness programs.

(iv) The term does not include surgery, invasive proce-dures or prescription of any medication or controlled substance.

BOC—The Board of Certification, Inc., a National credentialing organization for athletic trainers.

Direction—Supervision over the actions of a licensed athletic trainer by means of referral by prescription to treat conditions for a physically active person from a licensed physician, dentist or podiatrist or written proto-col approved by a supervising physician, except that the physical presence of the supervising physician, dentist or podiatrist is not required if the supervising physician, dentist or podiatrist is readily available for consultation by direct communication, radio, telephone, facsimile, tele-communications or by other electronic means.

Licensed athletic trainer—A person who is licensed to perform athletic training services by the Board or the State Board of Medicine.

Physically active person—An individual who partici-pates in organized, individual or team sports, athletic games or recreational sports activities.

Referral—An order from a licensed physician, dentist or podiatrist to a licensed athletic trainer for athletic train-ing services. An order may be written or oral, except that an oral order must be reduced to writing within 72 hours of issuance.

Standing written prescription—A portion of the written protocol or a separate document from a supervising physician, which includes an order to treat approved individuals in accordance with the protocol.

Written protocol—A written agreement or other docu-ment developed in conjunction with one or more supervising physicians, which identifies and is signed by the supervising physician and the licensed athletic trainer, describes the manner and frequency in which the licensed athletic trainer regularly communicates with the super-vised physician and includes standard operating proce-dures, developed in agreement with the supervising phy-sician and licensed athletic trainer, which the licensed athletic trainer follows when not directly supervised onsite by the supervising physician.

§ 25.703. Licensure requirement.

(a) A person may not use the title of “athletic trainer” or “licensed athletic trainer” or use any abbreviation including “A.T.L.,” “L.A.T.” or “A.T.” or any similar desig-nation to indicate that the person is an athletic trainer unless that person has been licensed by the Board.

(b) Except as otherwise provided by this subsection, a person may not perform the duties of an athletic trainer unless that person has been licensed by the Board. This provision is not intended to prevent the following:

(1) A person trained and licensed or certified under any other law from engaging in the licensed or certified practice in which the person is trained.

(2) An athletic trainer from another state, province, territory or the District of Columbia, who is employed by

an athletic team or organization that is competing in this Commonwealth on a visiting basis, who provides athletic training services to the members of their respective athletic team or organization.

(3) An athletic training student who practices athletic training that is coincidental to required clinical education and is within the scope of the student's education and training.

(c) Athletic trainers licensed by the State Board of Medicine are deemed licensed by the Board.

§ 25.704. Application for licensure.

(a) The applicant shall submit the following on forms supplied by the Board:

(1) A completed application and the fee set forth in § 25.231 (relating to schedule of fees).

(2) Verification of professional education in athletic training in accordance with § 25.705 (relating to educational requirements).

(3) Documentation of passage of the National examination in accordance with § 25.706 (relating to examination requirement).

(4) Documentation of practice as an athletic trainer, if licensed or certified in another jurisdiction, and verification as to whether there has been disciplinary action taken in that jurisdiction.

(b) To qualify for licensure, an applicant shall be at least 20 years of age and may not be addicted to alcohol or hallucinogenic, narcotic or other drugs which tend to impair judgment or coordination.

§ 25.705. Educational requirements.

An applicant for licensure shall comply with one of the following:

(1) Be a graduate of an approved athletic training education program.

(2) Hold current credentialing as a Certified Athletic Trainer (ATC) from the BOC or another credentialing body approved by the Board.

§ 25.706. Examination requirement.

An applicant for a license to practice as a licensed athletic trainer shall submit to the Board written evidence that the applicant has passed the BOC examination for athletic trainers or its equivalent, as determined by the Board.

§ 25.707. Temporary licensure.

An applicant who is a graduate of an approved athletic training education program and who has applied to take the examination may be granted a temporary license to practice athletic training under the onsite direct supervision of a licensed athletic trainer. The temporary license expires 1 year from issuance or upon licensure as an athletic trainer by the Board, whichever comes first, and may not be renewed.

§ 25.708. Renewal of license.

(a) A license issued under this subchapter shall be renewed biennially. An application form will be mailed to the most recent address of the licensee as it appears on the records of the Board. The licensee shall complete the renewal application and return it to the Board with a renewal fee before December 31 of the year in which the application was received. Licenses other than temporary

licenses expire on December 31 of each even-numbered year. Upon receipt of an application and renewal fee, the Board will verify the accuracy of the application and issue to the applicant a license of renewal for the next biennial period.

(b) When a license is renewed after December 31 of an even-numbered year, a penalty fee of \$5 for each month or part of a month of practice beyond the renewal date will be charged in addition to the renewal fee, as set forth in section 225 of the Bureau of Professional and Occupational Affairs Fee Act (63 P. S. § 1401-225).

(c) As a condition of renewal, a licensee shall comply with the continuing education requirements in § 25.711 (relating to continuing education).

§ 25.709. Practice standards for athletic trainers.

(a) Athletic trainers licensed by the Board or certified or licensed by the proper licensing or certification authority of another state, province, territory or the District of Columbia shall comply with the following:

(1) Ensure that the physically active person has secured a written referral or prescription from a licensed physician, dentist or podiatrist or is subject to a written protocol for treatment by a certified or licensed athletic trainer from a licensed physician.

(2) Comply strictly with conditions or restrictions that may be placed on the course of athletic training services by the referring physician, dentist or podiatrist.

(3) Ensure that the physically active person has undergone a medical diagnostic examination or has had the results of a recently performed medical diagnostic examination reviewed by the referring physician, dentist or podiatrist.

(4) Keep a copy of the referral or prescription and the results of the medical diagnostic examination in the physically active person's file.

(5) Consult promptly with the referring physician, dentist or podiatrist regarding a new ailment or condition or a worsened ailment or condition of the physically active person.

(6) Consult with the referring physician, dentist or podiatrist upon request of either the referring physician, dentist or podiatrist or the physically active person.

(7) Refer a physically active person with conditions outside the scope of athletic training services to a licensed physician, dentist or podiatrist.

(b) Athletic trainers licensed by the Board or certified or licensed by the proper licensing authority of another state, province, territory or the District of Columbia who are working in a team setting, treating injuries which arise in the course of practices or team sports events, may treat the participant at the events under the conditions of the referral, the standing written prescription or written protocol.

(c) An athletic trainer shall obtain the standing written prescription or written protocol annually from the supervising physician and review it at least annually. This standing written prescription or protocol must be in writing and retained at or near the treatment location or facility. An individual referral or prescription from a referring physician, dentist or podiatrist is required in the absence of a written protocol.

§ 25.710. Refusal, suspension or revocation of license.

(a) The Board may refuse to issue a license, and after notice and hearing, may suspend or revoke the license of a person who is subject to disciplinary action under section 15(b) of the act (63 P. S. § 271.15(b)).

(b) Actions taken by the Board regarding the refusal, suspension or revocation of a license are taken subject to the right of notice, hearing and adjudication and appeal under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law).

§ 25.711. Continuing education.

(a) Beginning with the biennial period commencing on the next biennial renewal period following July 14, 2007, athletic trainers shall complete the continuing education requirements prescribed by the BOC.

(b) Applicants for renewal of a license shall provide a signed statement verifying that the continuing education requirement has been met.

(c) Proof of completion of the required continuing education shall be retained for 4 years after completion.

[Pa.B. Doc. No. 13-706. Filed for public inspection April 19, 2013, 9:00 a.m.]

PROPOSED RULEMAKINGS

PENNSYLVANIA GAMING CONTROL BOARD

[58 PA. CODE CHS. 421a, 421b, 439a, 465a, 481a,
501a, 503a, 503b, 513a, 603a AND 633a]

Gaming Junket Enterprises, Accounting and Internal Controls, Compulsive and Problem Gambling, Self-Exclusion, Underage Gaming, Equipment, Blackjack

The Pennsylvania Gaming Control Board (Board), under the general authority in 4 Pa.C.S. § 1202(b)(15) and (30) (relating to general and specific powers) and the specific authority in 4 Pa.C.S. §§ 1207(2), (5), (8) and (9), 1212, 13A02(2), 13A26(c), 1509, 1516, 1518(a)(13) and 1602, proposes to rescind Chapters 421b and 503b (relating to advertising guidelines—statement of policy; and disclosure of information related to persons on the self-exclusion list—statement of policy) and amend Chapters 421a, 439a, 465a, 481a, 501a, 503a, 513a, 603a and 633a to read as set forth in Annex A.

Purpose of the Proposed Rulemaking

This proposed rulemaking will transition Chapters 421b and 503b into regulations, allow for the conditional licensure of gaming junket enterprises, amend the procedure for removal from the exclusion list for individuals whose period of voluntary exclusion has concluded, add a procedure for the possible removal of an individual's name from the lifetime exclusion list, update several provisions to reflect the other forms of cash equivalents used by licensed facilities and add an additional payable to an already existing side wager in Blackjack.

Advertising

Section 421a.6 (relating to advertising) is proposed to be rescinded as these requirements belong in Chapter 501a (relating to compulsive and problem gambling requirements). These provisions are proposed to be added in § 501a.7 (relating to advertising). Additionally, the statements of policy §§ 421b.1—421b.4 are proposed to be deleted and the requirements added to proposed § 501a.7. Section 501a.7 provides guidelines regarding the gambling assistance message that must be on gaming related advertising.

Conditioned licensure for gaming junket enterprises

Proposed § 439a.6b (relating to conditional licenses) contains provisions for a conditioned license awarded to gaming junket enterprises provided that certain criteria are satisfied including the following: agreements are submitted to the Board; the gaming junket enterprise is licensed or otherwise credentialed in good standing in a gaming jurisdiction that the Board has determined has licensing standards that are as comprehensive and thorough and provide similar safeguards as those required under 4 Pa.C.S. Part II (relating to gaming); and the applicant has passed a preliminary review for criminal history.

Internal controls

In § 465a.20 (relating to personal check cashing), provisions are proposed to be added prohibiting a licensee or an entity certified or registered with the Board that is operating within a licensed facility from accepting checks

made payable to an individual such as Social Security, unemployment, public assistance checks, and the like. Notwithstanding the prohibition, a licensee may cash a payroll check of one of its employees or a check issued to a patron by the licensee. This provision was added as an employee convenience and to allow a licensee to cash its own check made payable to a patron who won a jackpot payout.

The prohibition on check cashing that was moved into § 465a.20 was previously in § 501a.6 (relating to check cashing). Section 501a.6 is proposed to be rescinded as the provisions more logically belong in Chapter 465a (relating to accounting and internal controls). Cross references to § 501a.6 are proposed to be deleted from § 465a.20 and §§ 465a.21 and 465a.22 (relating to wire transfers; and cash equivalents).

Section 465a.26(b)(2) (relating to jackpot and credit meter payouts) currently requires that two individuals be present to sign off on a jackpot payout greater than \$1,200 but less than \$9,999.99. This proposed rulemaking would allow operators to utilize only one individual instead of two for credit meter payouts less than \$5,000 provided that both the facility's casino management system and the central control computer system are fully operational. This should reduce the number of personnel required to sign off on a majority of jackpot payouts that occur on a daily basis.

Diversity

Chapter 481a (relating to diversity) is proposed to be amended to reflect that the Bureau of Small Business Opportunities (formerly the Bureau of Minority and Women's Business Enterprises) verifies that a business is minority or women's business enterprise. Proposed amendments to § 481a.6 (relating to diversity reviews) reflect that Board staff conducts diversity reviews, not audits. This technical revision was made for consistency with 4 Pa.C.S. § 1212(b) (relating to diversity goals of board).

Compulsive and problem gambling

As previously mentioned, the advertising requirements currently in § 421a.6 and Chapter 421b are included in proposed § 501a.7.

The definition of "advertising" is proposed to be added to § 501a.1 (relating to definitions). Redundant language in § 501a.2(i) (relating to compulsive and problem gambling plan) is proposed to be deleted and a cross reference to the requirements in subsections (g) and (h) is proposed to be added.

Proposed § 501a.3(b) (relating to employee training program) requires that training materials be updated annually to include the most current research on responsible and problem gambling. The remaining subsections are proposed to be renumbered.

A signage requirement is proposed to be added to § 501a.5(a) (relating to signage requirements) to reflect 4 Pa.C.S. § 1509(c) (relating to compulsive and problem gambling program). References to advertisements are proposed to be deleted from this section as advertising requirements are addressed in proposed § 501a.7.

Self-exclusion

In § 503a.1 (relating to definitions), language is proposed to be added to the definitions of "fully executed

gaming transaction” and “self-exclusion list” to reflect that gaming activity may also be conducted in locations off the gaming floor. The same language is proposed to be added throughout Chapter 503a (relating to self-exclusion) to reflect this change. A definition of “gaming activity” is proposed to be added and the definition of “gaming related activity” is proposed to be amended in § 503a.1.

In § 503a.2 (relating to request for self-exclusion), the cross reference in subsection (c) is proposed to be corrected.

In subsection (e)(5), language is proposed to be added specifying that a self-excluded individual’s gambling winnings will be subject to confiscation to support compulsive and problem gaming programs. Confiscation is consistent with 4 Pa.C.S. § 1516(a) (relating to list of persons self excluded from gaming activities). The confiscation of winnings language will also be included in the waiver individuals are required to sign to be placed on the exclusion list as specified in subsection (e)(6)(iii).

Section 503a.4(a) (relating to duties of slot machine licensees) is proposed to be amended for clarity and to delete unnecessary language. Subsection (a)(2) is proposed to be deleted as it is redundant with proposed subsection (a)(1)(iii). The remaining subsections are proposed to be renumbered. Subsection (a)(7) (proposed subsection (a)(6)) currently requires licensees to disseminate self-exclusion program materials but does not provide guidelines for licensees to ensure compliance. This paragraph is proposed to be amended to require licensees to “make available” information on the self-exclusion program. This proposed amendment is consistent with § 609a.12(f) (relating to duties of certificate holders).

In subsection (e), redundant language is proposed to be deleted and replaced with a cross reference to the submission and approval process in subsections (c) and (d).

In § 503a.5 (relating to removal from self-exclusion list), the removal process for individuals whose term of voluntary exclusion has concluded is proposed to be amended and a procedure for the possible removal of an individual’s name from the exclusion list when then individual has signed up for lifetime exclusion is proposed to be added.

Currently, once an individual’s period of exclusion has concluded (those with a 1-year or 5-year term), the individual can schedule an appointment and at the appointment time submit a Request for Removal form. The individual is then required to schedule another appointment and return a second time to sign the form. Requiring individuals to come back to the Board’s Harrisburg office or a regional office in Pittsburgh, Conshohocken and Scranton on two separate occasions can present substantial challenges to those individuals who live some distance from a Board office. Therefore, individuals whose term of voluntary exclusion has expired will be required to schedule only one appointment to be removed from the voluntary list once their period of exclusion has ended. Additionally, the Office of Compulsive and Problem Gambling may now approve an alternative location to complete the removal process if circumstances, such as geographical distance, warrant the use of an alternative location. Alternative locations can be discussed with the Director of the Office of Compulsive and Problem Gambling when the self-excluded individual schedules an appointment to be removed from the list.

This chapter also includes a proposed mechanism by which an individual who has signed up for lifetime exclusion may be removed from the list. An individual who has signed up for lifetime exclusion may petition the Board for removal from the list; however, the individual will be prohibited from petitioning for removal for a period of 10 years from the date the individual was placed on the list.

To petition the Board, the self-excluded person shall comply with the general petition requirements in § 493a.4 (relating to petitions generally) and must include affidavits supporting the individual’s removal from the list. The petition must state the specific grounds believed by the petitioner to constitute good cause as to why the individual’s name should be removed from the lifetime self-exclusion list. The Board may deny the petition, grant the petition or refer the matter to a hearing officer to develop the evidentiary record.

In subsection (d) (proposed subsection (e)), the time period for the Board and licensees to remove the name of a self-excluded person is proposed to be amended from 5 to 15 business days. After an individual completes the process to be removed from the self-exclusion list, the Board will update the database, provide notice to the licensees and the licensees shall update their in-house databases. Based on the Board’s experience to date, 15 business days will provide adequate time to the Board and slot machine licensees to complete the administrative process of removing the individual’s information from all databases. This additional time should also ensure that individuals who have completed the removal process are not inadvertently ejected from a licensed facility and charged with criminal trespass.

Proposed § 503a.7 (relating to disclosure of information related to persons on the self-exclusion list) specifies the type of general information that the Board may disclose publicly. In accordance with 4 Pa.C.S. § 1516(d), detailed information regarding an individual on the list is deemed confidential and will not be publically disclosed.

Underage gaming

Proposed amendments to Chapter 513a (relating to underage gaming) add additional requirements to ensure the exclusion of underage individuals from gaming and gaming related activities. Slot machine licensees are required to train their employees and establish procedures to identify underage individuals, refuse gaming related activities to minors, including check cashing and to notify the onsite casino compliance representatives and the Pennsylvania State Police if an underage individual is discovered on the gaming floor or areas off the gaming floor where contests or tournaments are conducted.

In § 513a.4 (relating to signage requirements), the underage prohibition language is proposed to be updated to add specificity on the type of activity that an underage individual is prohibited from engaging in and to reflect that gaming activity now includes the play of not only slot machines but also table games.

Table gaming equipment

Proposed amendments to § 603a.12 (relating to dice; physical characteristics) require that dice used in an automated Sic Bo must be a 0.625 inch cube with ball edge corners. These size specifications ensure a proper tumble of the dice in the automated Sic Bo shaker.

Blackjack

A payout table is proposed to be added to § 633a.13(k) (relating to payout odds; payout limitation) for winning Three Card Poker wagers.

Affected Parties

Slot machine licensees, gaming junket enterprises and individuals who are currently on the voluntary self-exclusion list or may request placement on the list will be affected by this proposed rulemaking.

Fiscal Impact

Commonwealth. The Board does not expect that this proposed rulemaking will have fiscal impact on the Board or any other Commonwealth agency. Updates to internal control procedures or training materials regarding compulsive and problem gambling submitted by licensees will be reviewed by Board staff.

Political subdivisions. This proposed rulemaking will not have fiscal impact on political subdivisions of this Commonwealth.

Private sector. Slot machine licensees will be required to comply with the requirements in this proposed rulemaking and may need to submit updated internal control procedures and training materials regarding compulsive and problem gambling. However, licensees have already been complying with requirements in the statements of policy. Therefore, it is not anticipated that this proposed rulemaking will have a negative fiscal impact on the licensees.

With respect to the amendment to the number of individuals required for jackpot credit meter payouts, the licensees may see a slight cost savings as licensees will only need one individual instead of two to perform a majority of the credit meter payouts during the gaming day.

General public. This proposed rulemaking will not have fiscal impact on the general public.

Paperwork Requirements

If a certificate holder selects different options for the play of table games, the certificate holder will be required to submit an updated rules submission reflecting the changes. These forms are available and submitted to the Board electronically.

Additionally, licensees will be required to update their compulsive and problem gambling training annually to include current research and information. This information is submitted electronically to the Director of the Office of Compulsive and Problem Gambling.

Effective Date

The proposed rulemaking will become effective upon final-form publication in the *Pennsylvania Bulletin*.

Public Comments

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed rulemaking within 30 days after the date of publication in the *Pennsylvania Bulletin* to Susan A. Yocum, Assistant Chief Counsel, Pennsylvania Gaming Control Board, P. O. Box 69060, Harrisburg, PA 17106-9060, Attention: Public Comment on Regulation #125-168.

Contact Person

The contact person for questions about this proposed rulemaking is Susan Yocum, Assistant Chief Counsel, (717) 346-8300.

Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on April 5, 2013, the Board submitted a copy of this proposed rulemaking and a copy of a

Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Gaming Oversight Committee and the Senate Community, Economic and Recreational Development Committee. A copy of this material is available to the public upon request and is available on the Board's web site at www.gamingcontrolboard.pa.gov.

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

WILLIAM H. RYAN, Jr.,
Chairperson

Fiscal Note: 125-168. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 58. RECREATION****PART VII. GAMING CONTROL BOARD****Subpart B. LICENSING, PERMITTING, CERTIFICATION AND REGISTRATION****CHAPTER 421a. GENERAL PROVISIONS**

§ 421a.6. [Advertising] (Reserved).

[(a) Slot machine, gaming junket enterprise and manufacturer licensees will be required to discontinue as expeditiously as possible the use of a particular advertisement upon receipt of written notice from the Board that the Board has determined that the use of the particular advertisement in, or with respect to, this Commonwealth could adversely impact the public or the integrity of gaming.

(b) For purposes of this section, the term "advertisement" means marketing materials including signs, billboards, print, radio and television advertisements, emails and any notice or communication by a slot machine, gaming junket enterprise or manufacturer licensee or its agent to the public through broadcasting, publication, mailing or other means of dissemination.

(c) Advertisements used by slot machine, gaming junket enterprise or manufacturer licensees may not:

(1) Contain false or misleading information.

(2) Use a font, type size, location, lighting, illustration, graphic depiction or color obscuring any material fact or the statement required under subsection (d).

(3) Fail to disclose any material conditions or limiting factors associated with the advertisement.

(d) Advertisements must contain a statement that is similar to the following: "If you or someone you know has a gambling problem, help is available. Call (toll-free telephone number)." The complete text of the statement and type size to be used for the statement, if it has not been previously approved by the Director of the Office of Compulsive and Problem Gambling, shall be submitted to the

Director of the Office of Compulsive and Problem Gambling for approval utilizing the process contained in § 501a.2(g) (relating to compulsive and problem gambling plan).

(e) A slot machine, gaming junket enterprise or manufacturer licensee or an agent thereof may not employ or contract with an individual to persuade or convince a person to engage in gaming or play a specific slot machine at a licensed facility.]

**CHAPTER 421b. [ADVERTISING
GUIDELINES—STATEMENT OF POLICY]
(Reserved)**

(Editor’s Note: As part of this proposed rulemaking, the Board is proposing to rescind Chapter 421b which appears in 58 Pa. Code pages 421b-1, serial page (332677).)

Sec.
421b.1—421b.4. (Reserved).

CHAPTER 439a. JUNKET ENTERPRISES

(Editor’s Note: The following section is new and printed in regular type to enhance readability.)

§ 439a.6b. Conditional licenses.

(a) The Board may grant an applicant for a gaming junket enterprise license a conditional license to conduct junkets in this Commonwealth. To be eligible to obtain a conditional gaming junket enterprise license, the applicant shall:

(1) Submit a completed gaming junket enterprise license and gaming junket representative permit application, including the nonrefundable application fee, as posted on the Board’s web site, and pass a preliminary review.

(2) Submit agreements entered into between the slot machine licensee and the gaming junket enterprise or representative.

(3) Be licensed or credentialed, in good standing, to arrange or negotiate the terms of a gaming junket in a jurisdiction in the United States or Canada that the Board has determined has licensing standards that are as comprehensive and thorough and provide similar adequate safeguards as those required under the act.

(4) Pass a preliminary review of the applicant’s criminal history.

(5) Agree, in writing, that the grant of permission to conduct business with a conditional license does not create a right to continue to conduct business and that the Bureau of Licensing may rescind, at any time, the conditional licensure granted to the applicant, with or without prior notice to the applicant, if the Bureau of Licensing is notified that the suitability of the applicant is at issue or the applicant fails to cooperate in the application process.

(b) If the Office of Enforcement Counsel issues a Notice of Recommendation for Denial to an applicant that has received a conditional gaming junket enterprise license, the Bureau of Licensing may rescind the conditional license. If the conditional license is rescinded, the gaming junket enterprise shall cease conducting business by the date specified in the notice of the rescission sent to the conditional licensee.

(c) If the conditional license is rescinded, the Bureau of Licensing will notify the holder of the conditional license and the slot machine licensee by registered mail that:

(1) Permission for the conditional licensee to conduct business has been rescinded.

(2) A slot machine licensee shall cease conducting business with the gaming junket enterprise by the date specified in the notice.

(d) Pending a hearing on the Notice of Recommendation for Denial, the conditional licensee may not seek or conduct new business in this Commonwealth.

(e) The slot machine licensee shall investigate the background and qualifications of the applicant for a gaming junket enterprise license with whom the slot machine licensee intends to have a relationship or enter into a contractual agreement.

(f) The slot machine licensee has an affirmative duty to avoid agreements or relationships with persons applying for a gaming junket enterprise license whose background or association is injurious to the public health, safety, morals, good order and general welfare of the people of this Commonwealth or who threaten the integrity of gaming in this Commonwealth.

(g) The slot machine licensee has a duty to inform Board staff of an action by an applicant for or holder of a gaming junket enterprise license which the slot machine licensee believes would constitute a violation of the act or this part.

Subpart E. SLOT MACHINES AND ASSOCIATED EQUIPMENT

CHAPTER 465a. ACCOUNTING AND INTERNAL CONTROLS

§ 465a.20. Personal check cashing.

(a) **Checks made payable to an individual, including Social Security, unemployment insurance, disability, public assistance or payroll check, may not be cashed by a slot machine licensee or entity certified or registered with the Board that is operating within the licensed facility. Notwithstanding the prohibition, a slot machine licensee may cash the payroll check of one of its employees or a check issued to a patron by the slot machine licensee. Personal checks accepted by a slot machine licensee [under § 501a.6 (relating to check cashing) to] which enable a patron to take part in gaming must be:**

(1) Drawn on a commercial bank, savings bank, saving and loan association or credit union and payable on demand.

(2) Drawn for a specific amount.

(3) Made payable to the slot machine licensee **or entity certified or registered with the Board that is operating within the licensed facility.**

* * * * *

§ 465a.21. Wire transfers.

(a) **A slot machine licensee may accept a wire transfer on behalf of a patron to enable the patron to take part in gaming. A wire transfer accepted by a slot machine licensee [on behalf of a patron under § 501a.6 (relating to check cashing) to enable a patron to take part in gaming] shall be recorded in the slot machine licensee’s cage accountability no later than the next gaming day.**

* * * * *

§ 465a.22. Cash equivalents.

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(b) Prior to accepting cash equivalents for gaming purposes [as permitted under § 501a.6 (relating to check cashing)], a slot machine licensee shall establish a comprehensive system of internal controls addressing the acceptance and verification of cash equivalents. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

* * * * *

§ 465a.23. Customer deposits.

(a) At the request of a patron, a slot machine licensee may hold cash, value chips, plaques, funds accepted by means of personal check in accordance with § 465a.20 (relating to personal check cashing) or wire transfer in accordance with § 465a.21 (relating to wire transfers) or cash equivalents accepted in accordance with § 465a.22 (relating to cash equivalents) for a patron's subsequent use at the licensed facility. For the purposes of this section, after complying with this chapter for acceptance and verification, noncash items shall be considered converted to cash and deposited as cash for credit to the patron in a customer deposit account maintained in the cage.

(b) Prior to agreeing to hold a patron's cash, value chips, plaques, funds accepted by means of personal check in accordance with § 465a.20 or wire transfer in accordance with § 465a.21 or cash equivalents accepted in accordance with § 465a.22 for a patron's subsequent use at the licensed facility, each slot machine licensee shall establish a comprehensive system of internal controls addressing the receipt and withdrawal of a customer deposit. The internal controls shall be submitted to and approved by the Board under § 465a.2 (relating to internal control systems and audit protocols).

* * * * *

§ 465a.26. Jackpot and credit meter payouts.

* * * * *

(b) The internal control procedures must, at a minimum, include:

* * * * *

(2) A requirement that if the jackpot or credit meter payout on a slot machine is equal to or between \$1,200 and \$9,999.99, a security department member or a slot operations department member other than the preparer, shall sign the jackpot/credit meter payout slip verifying the winning combination of characters or a code corresponding to the winning combination of characters on the slot machine, the amount of the jackpot or credit meter payout and the payment of the jackpot or credit meter payout to the patron. Notwithstanding the forgoing, if the licensee's slot or casino management system can independently verify a jackpot or credit meter payout, only the preparer is required to sign the jackpot/credit meter payout slip for payouts less than or equal to \$4,999.99 provided that the slot machine licensee's internal control reflect the following:

(i) If the slot machine licensee's slot or casino management system or the central control computer system are not fully operational, or when overrides or adjustments are required, two individuals shall verify a jackpot or credit meter payout that is equal to or between \$1,200 and \$9,999.99 as specified in this paragraph.

(ii) **Jackpot payouts that are equal to or greater than \$1,200 shall be accompanied by the issuance of a W-2G Form.**

(3) A requirement that if the jackpot or credit meter payout is equal to or between \$10,000 and \$24,999.99 on a slot machine, or between \$5,000 and \$24,999.99 on a fully automated electronic gaming table, a security department member, a slot supervisor or other employee holding the same or greater level of authority than a slot supervisor shall sign the jackpot/credit meter payout slip verifying the winning wager or winning combination of characters or a code corresponding to the winning combination of characters on the slot machine or fully automated electronic gaming table, the amount of the jackpot or credit meter payout and the payment of the jackpot or credit meter payout to the patron. If the two-part electronically generated jackpot/credit meter payout slip required under paragraph (1) is created by a slot supervisor or higher slot operations department employee, the verification required by this paragraph may be completed by a slot attendant, security department member, a slot supervisor or other employee holding the same or greater level of authority as a slot supervisor.

* * * * *

(5) A requirement that the following information be on all two-part electronically generated jackpot/credit meter payout slips:

* * * * *

(viii) The signature or, if the slot accounting system has appropriate controls for access, the electronic authorization of the witness when the amount is equal to or greater than \$1,200, **except as provided in subsection (b)(2).**

* * * * *

(7) A requirement that whenever a winning patron is paid directly by a slot attendant's imprest fund, a two-part manual jackpot/credit meter payout slip is completed that contains the following information:

* * * * *

(vii) The signature and Board-issued credential number of the witness when the amount is equal to or greater than \$1,200, **except as provided in subsection (b)(2).**

* * * * *

§ 465a.29. Automated teller machines.

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(c) A slot machine licensee may utilize an automated teller machine that also contains an automated gaming voucher redemption machine, an automated coupon redemption machine or bill breaker provided that the machine complies with the requirements in § 465a.34 (relating to automated gaming voucher and coupon redemption machine accounting controls).

(d) **Automated teller machines located within a licensed facility may not accept Pennsylvania Access/Electronic Benefits Transfer Cards.**

Subpart G. MINORITY AND WOMEN'S BUSINESS ENTERPRISES

CHAPTER 481a. DIVERSITY

§ 481a.3. Diversity participation.

(a) The list of the minority and women's business enterprises that are [certified] verified by the Bureau of [Minority and Women's Business Enterprises]

Small Business Opportunities of the Department of General Services under 62 Pa.C.S. Part I (relating to Commonwealth Procurement Code) may be used by a regulated entity to establish the eligibility of an enterprise as a minority or women’s business enterprise for the purpose of promoting and ensuring minority and women’s business participation.

(b) It shall be the responsibility of the regulated entity to verify that a minority or women’s business enterprise that is not [**certified**] **verified** by the Bureau of [**Minority and Women’s Business Enterprises**] **Small Business Opportunities** of the Department of General Services is a minority or women’s business enterprise **as defined in 4 Pa. Code § 58.302 (relating to definitions)**.

§ 481a.6. Diversity [**audits**] **reviews**.

(a) Onsite [**audits**] **diversity reviews** may be performed on an annual basis or at the discretion of [**the**] Board **staff** to ensure compliance with this chapter.

(b) Advanced written notice will be provided to a regulated entity prior to the conduct of an onsite [**audit by the Board**] **diversity review by Board staff**.

Subpart I. COMPULSIVE AND PROBLEM GAMBLING

CHAPTER 501a. COMPULSIVE AND PROBLEM GAMBLING REQUIREMENTS

§ 501a.1. **Definitions.**

The following [**term**] **words and terms**, when used in this chapter, [**has**] **have** the following [**meaning**] **meanings**, unless the context clearly indicates otherwise:

Advertisement—**Gaming related marketing materials including a notice or communication by a licensee, certified or registered entity or its agent to the public through signs, billboards, broadcasts, publications, mail, e-mail, text message, tweet or other means of dissemination.**

OCPG—The Office of Compulsive and Problem Gambling.

§ 501a.2. **Compulsive and problem gambling plan.**

(a) An applicant for a slot machine license shall submit a compulsive and problem gambling plan [**to the Board**] for review at the time of submission of the application. The plan must, at a minimum, contain the elements listed in subsection (d).

(b) The compulsive and problem gambling plan of an applicant for a slot machine license [**who**] **that** has been approved to receive a slot machine license must be approved by the Director of OCPG. An applicant for a slot machine license who has been approved to receive a slot machine license will be notified in writing of any deficiencies in the plan and may submit revisions to the plan to the Director of OCPG. A slot machine licensee may not commence operations until the Director of OCPG approves the plan.

* * * * *

(f) The Board may provide the plan submitted by the slot machine licensee to the Department of Health for [**evaluation**] **its use in administering the act**. The

Department of Health may provide comments and recommendations to the [**Board**] **OCPG and the licensee** relating to the plan.

* * * * *

(i) When amendments have been objected to under subsection (h), the slot machine licensee may submit revised amendments [**within 30 days of receipt of the written notice from the Director of OCPG**] **for review in accordance with subsections (g) and (h)**. [**The slot machine licensee may implement the revised amendments on the 30th calendar day following the filing of the revision unless it receives written notice under subsection (h) objecting to the amendments.**]

§ 501a.3. **Employee training program.**

(a) The employee training program required under § 501a.2(d)(5) (relating to compulsive and problem gaming plan) must include instruction in the following:

* * * * *

(3) The social and economic consequences of compulsive and problem gambling, including debt, treatment costs, suicide, criminal behavior, unemployment and [**family counseling**] **domestic issues**.

* * * * *

(b) **Training and training materials shall be updated annually and include current research and information on responsible and problem gambling.**

(c) Training for employees shall be conducted by a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs as part of the employee’s orientation.

[(c)] (d) Employees who have received training shall be certified by the slot machine licensee under § 501a.2(d)(6) upon completion of the training.

[(d)] (e) Employees are required to receive periodic reinforcement training at least once every calendar year starting with the year following the year in which the employee was hired. The date of the reinforcement training shall be recorded in [**the**] **each** employee’s personnel file.

[(e)] (f) Employees shall report suspected or identified compulsive or problem gamblers to a designated key employee or other supervisory employee.

[(f)] (g) The identity of an individual suspected of known compulsive or problem gambling shall be confidential except as provided under § 503a.3(f) (relating to self-exclusion list) and section 1516(d) of the act (relating to list of persons self-excluded from gaming activities).

[(g)] (h) Slot machine licensees may collaborate with a person with specialized knowledge, skill, training and experience in responsible gaming employee training programs to develop an in-house or Internet-based employee training program to provide the training and reinforcement training required by this chapter.

§ 501a.5. **Signage requirements.**

(a) Under section 1509(c) of the act (relating to compulsive and problem gambling program), each slot machine licensee shall post **at least 20** signs that include a [**statement that is similar to the following: “If you or someone you know has a gambling problem, help**

is available. Call (toll-free telephone number).”] **gambling assistance message that complies with § 501a.7(d) (relating to advertising).** The complete text of the sign shall be submitted for approval to the Director of OCPG utilizing the process contained in § 501a.2(g) (relating to compulsive and problem gambling plan). The signs shall be prominently posted at the following locations:

(1) Within 50 feet of each entrance and exit of the facility.

(2) Above or below the cash dispensing opening on all ATMs, automated gaming voucher and coupon redemption machines and other machines that dispense cash to patrons in the licensed facility.

[(b) Each slot machine licensee and gaming junket enterprise shall print a statement related to obtaining compulsive or problem gambling on all marketing or advertising materials that are offered to the general public by a slot machine licensee or gaming junket enterprise, including signs, billboards, print, radio or television advertisements. The text and font size of the statement shall be submitted for approval to the Director of OCPG utilizing the process in § 501a.2(g).]

§ 501a.6. [**Check cashing**] (Reserved).

[(a) Except as permitted in subsection (b), holders of a license, certification or registration from the Board or persons acting on behalf of a holder of a license, certification or registration from the Board, may not cash a check payable to an individual, including Social Security, unemployment insurance, disability payment, public assistance payment or payroll check for a patron.

(b) A holder of a license, certification or registration from the Board or any employee authorized by a holder of a license, certification or registration from the Board may accept a personal check, wire transfer or cash equivalent, such as a recognized traveler’s check, cashier’s check or money order. A slot machine licensee may accept a check issued to a patron by the slot machine licensee.]

(Editor’s Note: The following section is new and printed in regular type to enhance readability.)

§ 501a.7. Advertising.

(a) A licensee, certified or registered entity or its agent may not employ or contract with an individual or entity to persuade or convince a person to engage in gaming or play a specific slot machine or table game while on the gaming floor of a licensed facility.

(b) A licensee, certified or registered entity or its agent shall discontinue as expeditiously as possible the use of a particular advertisement upon receipt of written notice that the OCPG has determined that the use of the particular advertisement in, or with respect to, this Commonwealth could adversely impact the public or the integrity of gaming.

(c) Advertisements used by a licensee, certified or registered entity or its agent may not:

- (1) Contain false or misleading information.
- (2) Fail to disclose conditions or limiting factors associated with the advertisement.
- (3) Use a font, type size, location, lighting, illustration, graphic depiction or color obscuring conditions or limiting

factors associated with the advertisement or the statement required under subsection (d).

(d) Advertisements must contain a gambling assistance message that is similar to one of the following:

(1) If you or someone you know has a gambling problem, help is available. Call (toll free telephone number).

(2) Gambling Problem? Please call (toll free telephone number).

(3) Gambling Problem? Call (toll free telephone number).

(e) The complete text of the gambling assistance message and the font to be used for the statement, if it has not been previously approved, shall be submitted to the Director of the OCPG for approval utilizing the process in § 501a.2(g) (relating to compulsive and problem gambling plan) and comply with the following:

(1) For signs, direct mail marketing materials, posters and other print advertisements, the height of the font used for the gambling assistance message shall be the greater of:

(i) The same size as the majority of the text used in the sign, direct mail marketing material, poster or other print advertisement.

(ii) Two percent of the height or width, whichever is greater, of the sign, direct mail marketing material, poster or other print advertisement.

(2) For billboards, the height of the font used for the gambling assistance message must be at least 5% of the height or width, whichever is greater, of the face of the billboard.

(3) For video and television:

(i) The height of the font used for the gambling assistance message must be at least 2% of the height or width, whichever is greater, of the image that will be displayed.

(ii) The gambling assistance message shall be visible for the entire time the video or television advertisement is displayed.

(4) For web sites, including social media sites:

(i) The gambling assistance message must be posted on each webpage or profile page and on a gaming related advertisement posted on the webpage or profile page.

(ii) The height of the font used for the gambling assistance message must be at least the same size as the majority of the text used in the webpage or profile page.

(iii) For advertisements posted on the webpage or profile page, the height of the font used for the gaming assistance message must comply with paragraph (1).

CHAPTER 503a. SELF-EXCLUSION

§ 503a.1. Definitions.

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

Fully executed gaming transaction—An activity involving a slot machine, **table game** or associated equipment which occurs on the gaming floor of a licensed facility **[and] or in areas off the gaming floor where contests or tournaments are conducted** which results in an individual obtaining any money or thing of value from, or being owed any money or thing of value by, a slot machine licensee or slot system operator.

Gaming activity—The play of slot machines or table games including play during contests, tournaments or promotional events.

Gaming related activity—An activity [involving or] related to the play of slot machines or table games including applying for player club memberships or [promotional activities] credit, cashing checks, accepting a complimentary gift or service, promotional item or other thing of value at a licensed facility.

* * * * *

Self-exclusion list—A list of names and identifying information of persons who, under this chapter, have voluntarily agreed to be [excluded]:

(i) Excluded from the gaming floor and areas off the gaming floor where gaming activity is conducted.

(ii) Excluded from engaging in all gaming related activities at a licensed facility [and to be prohibited].

(iii) Prohibited from collecting any winnings[,] or recovering any losses [or accepting complimentary gifts or services or any other thing of value at a licensed facility] resulting from gaming activity.

* * * * *

§ 503a.2. Request for self-exclusion.

* * * * *

(c) The information provided in subsection [(c)] (b) shall be updated by the self-excluded person within 30 days of a change. Updated information shall be submitted on a Change of Information Form to the following address. A copy of the form can be obtained by calling the OPCG at (717) 346-8300 or by writing to:

* * * * *

(e) A request for self-exclusion must include a signed release which:

* * * * *

(4) Acknowledges that a person requesting a lifetime exclusion is prohibited from [requesting] petitioning for removal from the self-exclusion list for 10 years and that a person requesting [a 1-year or 5-year] exclusion will remain on the self-exclusion list until a request or petition for removal under § 503a.5 (relating to removal from self-exclusion list) is approved.

(5) Acknowledges that if the individual is discovered on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities at any licensed facility, that the individual will be subject to removal and [will be subject to] arrest for criminal trespass under 18 Pa.C.S. § 3503 (relating to criminal trespass) and the individual's winnings will be subject to confiscation and remittance to support compulsive and problem gambling programs.

(6) Releases, indemnifies, holds harmless and forever discharges the Commonwealth, the Board, and all slot machine licensees from any claims, damages, losses, expenses or liability arising out of, by reason of or

relating to the self-excluded person or to any other party for any harm, monetary or otherwise, which may arise as a result of one or more of the following:

(i) The failure of a slot machine licensee to withhold gaming privileges from or restore gaming privileges to a self-excluded person.

(ii) Otherwise permitting or not permitting a self-excluded person to engage in gaming activity in a licensed facility while on the list of self-excluded persons.

(iii) Confiscation of the individual's winnings.

(f) Self-exclusions for 1 or 5 years remain in effect until the [self-excluded] period of self-exclusion concludes and the person requests removal from the Board's self-exclusion list under § 503a.5. Lifetime exclusions remain in effect unless the Board approves a petition to remove the person from the self-exclusion list in accordance with § 503a.5(d).

(g) A person submitting a self-exclusion request shall [be required to] present a valid government-issued photo identification containing the person's signature and photograph when the person submits the request.

(h) A person requesting self-exclusion under this chapter shall [be required to] have a photograph taken by the Board, or agent thereof, upon [the Board's] acceptance of the request to be on the list.

§ 503a.4. Duties of slot machine licensees.

(a) A slot machine licensee shall train its employees and establish procedures [that are designed] to:

(1) Identify a self-excluded person when present [in a licensed facility] on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities and, upon identification, immediately notify the following persons:

(i) Employees of the slot machine licensee whose duties include the [identification and] removal of self-excluded persons.

(ii) Casino compliance representatives at the licensed facility.

(iii) The Pennsylvania State Police.

(2) [Immediately notify the Pennsylvania State Police when a self-excluded person is discovered on the gaming floor or engaging in gaming activities.

(3)] Refuse wagers from and deny gaming privileges to a self-excluded person.

[(4) Deny check cashing privileges, player club membership, complimentary goods and services]

(3) Deny gaming related activities, gaming junket participation and other similar privileges and benefits to a self-excluded person.

[(5)] (4) Ensure that self-excluded persons do not receive, either from the slot machine licensee or any agent thereof, gaming junket solicitations, targeted mailings, telemarketing promotions, player club materials or other promotional materials relating to gaming activities at its licensed facility as required under § 501a.3(a)(10) (relating to employee training program).

[(6)] (5) Comply with § 503a.3(d) (relating to self-exclusion list).

[(7) Disseminate] (6) Make available to patrons written materials [to patrons] explaining the self-exclusion program.

* * * * *

(e) When the amendments to the procedures and training materials have been objected to under subsection (d), the slot machine licensee may submit revised amendments [within 30 days of receipt of the written notice from the Director of OCPG] in accordance with subsections (c) and (d). [The slot machine licensee may implement the amendments on the 30th calendar day following the filing of the revisions unless it receives written notice under subsection (d) objecting to the amendments.]

(f) A slot machine licensee shall post signs at all entrances to a licensed facility indicating that a person who is on the self-exclusion list will be subject to arrest for trespassing under 18 Pa.C.S. § 3503 (relating to criminal trespass) if the person is on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities in the licensed facility. The text and font size of the signs shall be submitted for approval to the Director of OCPG under the procedures specified in subsection (b).

* * * * *

(i) A slot machine licensee shall report the discovery of a self-excluded person on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities to the Director of OCPG within 24 hours.

§ 503a.5. Removal from self-exclusion list.

(a) [A self-excluded person may] For individuals who are self-excluded for 1 or 5 years, upon the [expiration] conclusion of the period of self-exclusion, the individual may request removal [of the person's name] from the self-exclusion list by [submitting a completed request for removal as required by subsections (b) and (c)] scheduling an appointment with the OCPG at (717) 346-8300. [The submission may be made by scheduling an appointment at the Board's Harrisburg office or one of the Board's other offices. To make an appointment, a person may contact the OCPG at (717) 346-8300.] At the scheduled appointment time, the individual requesting removal shall submit, in person, a completed Request for Removal from Voluntary Self-Exclusion form as required under subsections (b) and (c). With an appointment, removal from the list may be conducted at the Board's Harrisburg office, one of the Board's regional offices or other location approved by the OCPG.

(b) A [request for removal from the self-exclusion list] Request for Removal from Voluntary Self-Exclusion form must include:

(i) The identifying information specified in § 503a.2(b)(1)—[(6)] (5) (relating to request for self-exclusion).

(ii) The signature of the person requesting removal from the self-exclusion list indicating acknowledgment of the following statement:

"I certify that the information that I have provided above is true and accurate. I am aware that my signature below constitutes a revocation of my previous request for self-exclusion, and I authorize the Board to permit all slot machine licensees of the Commonwealth of Pennsylvania to reinstate my gaming privileges at licensed facilities."

(c) A person submitting a [request for removal from the self-exclusion list] Request for Removal from Voluntary Self-Exclusion form shall be required to present a valid government-issued photo identification containing the person's signature when the [request] form is submitted during the person's scheduled appointment. [No sooner than 5 business days after the request is submitted, the person submitting the request shall:

(1) Return to the Board office where the request was filed.

(2) Present a valid government-issued photo identification containing the person's signature.

(3) Sign the request a second time.]

(d) For individuals with lifetime exclusion, the self-excluded person may file a petition with the Clerk in accordance with § 493a.4 (relating to petitions generally) to request a hearing for removal from the self-exclusion list at any time after 10 years from the placement of the person's name on the self-exclusion list. The petition must be signed by the person, contain supporting affidavits and state the specific grounds believed by the petitioner to constitute good cause for removal from the self-exclusion list. The Board may deny the petition, grant the petition or direct that a hearing be held in accordance with Chapter 494a (relating to hearing procedure).

(e) Within [5] 15 business days after the [request is signed for a second time, the Board] Request for Removal from Voluntary Self-Exclusion form is accepted by Board staff or the Board issues an order granting removal from the self-exclusion list in accordance with subsection (d), the OCPG will delete the name of the [person requesting removal] individual from the self-exclusion list and notify each slot machine licensee of the removal. An individual who was removed from the voluntary self-exclusion list may not enter the gaming floor, areas off the gaming floor where contests or tournaments are conducted or engage in gaming related activities for 15 business days from the date Board staff accepts the request to be removed from the voluntary self-exclusion list or may be subject to arrest for trespassing under 18 Pa.C.S. § 3503 (relating to criminal trespass).

§ 503a.6. Exceptions [to the prohibition from being on the gaming floor] for individuals on the self-exclusion list.

The prohibition against allowing self-excluded persons to be on the gaming floor or in areas off the gaming floor where gaming activity is conducted does not apply to an individual who is on the self-exclusion list if all of the following apply:

* * * * *

(3) Access to the gaming floor or areas off the gaming floor where gaming activity is conducted is limited to the time necessary to complete the individual's assigned duties.

* * * * *

(Editor's Note: The following section is new and printed in regular type to enhance readability.)

§ 503a.7. Disclosure of information related to persons on the self-exclusion list.

(a) The Board may periodically release to the public demographics and general information regarding the self-exclusion list such as the total number of individuals on the list, gender breakdown and age range.

(b) The Board may make selected data available, upon request, for the limited purpose of assisting in the proper administration of responsible gaming programs.

(c) The Board will not disclose identifying information or confirm or deny the existence of an individual's name on the Board's voluntary self-exclusion list.

CHAPTER 503b. [DISCLOSURE OF INFORMATION RELATED TO PERSONS ON THE SELF-EXCLUSION LIST—STATEMENT OF POLICY] (Reserved)

§ 503b.1. [Disclosure of information related to persons on the self-exclusion list] (Reserved).

[(a) The Board may periodically release to the public general data and demographics related to individuals on the self-exclusion list (such as the total number of individuals on the list, gender breakdown, age range, types of gambling engaged in, and the like).

(b) The Board may make selected data available, upon request, for the limited purpose of assisting in the proper administration of responsible gaming programs.

(c) The Board will not confirm or deny the existence of an individual's name or identity on the Board self-exclusion list.]

**Subpart J. EXCLUSION OF PERSONS
CHAPTER 513a. UNDERAGE GAMING**

§ 513a.1. Definitions.

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

Fully executed gaming transaction—An activity involving a slot machine, **table game** or associated equipment which occurs on the gaming floor of a licensed facility **or in areas off the gaming floor where contests or tournaments are conducted** and which results in an individual obtaining any money or thing of value from, or being owed any money or thing of value by, a slot machine licensee.

OCPG—The Office of Compulsive and Problem Gambling.

Underage individual—An individual who is less than 21 years of age.

Winnings—Any money or thing of value received from, or owed by, a slot machine licensee as a result of a fully executed gaming transaction.

§ 513a.3. Responsibilities of licensees, permittees, registrants and certification holders.

(a) A person holding a license, permit, certification or registration issued by the Board is prohibited from permitting or enabling an individual to engage in conduct that violates § 513a.2(a), (b), (c) or (d) (relating to exclusion requirements).

(b) **The slot machine licensee shall train its employees and establish procedures to:**

(1) Identify and remove individuals who are less than 21 years of age and not otherwise authorized to be in the licensed facility as provided in § 513a.2(a).

(2) Immediately notify the casino compliance representatives at the licensed facility and the Pennsylvania State Police when an individual less than 21 years of age is discovered on the gaming floor, in areas off the gaming floor where gaming activity is conducted or engaging in gaming related activities.

(3) Refuse wagers from and deny gaming privileges to an individual less than 21 years of age.

(4) Deny check cashing privileges, player club memberships, extensions of credit, complementary goods and services, junket participation and other similar privileges and benefits to an individual less than 21 years of age.

(5) Ensure that individuals less than 21 years of age do not receive, either from the slot machine licensee or an agent thereof, junket solicitations, targeted mailing, telemarketing promotions, player club membership materials or other promotional materials relating to gaming activities.

(c) Slot machine licensees shall establish procedures [that are designed] to prevent violations of this chapter and submit a copy of the procedures to the Director of OCPG 30 days prior to initiation of gaming activities at the licensed facility. A slot machine licensee will be notified in writing of any deficiencies in the plan and may submit revisions to the plan to the Director of OCPG. The slot machine licensee may not commence operations until the Director of OCPG approves its procedures. Amendments to these procedures must be submitted to and approved by the Director of OCPG prior to implementation.

[(c)] (d) A slot machine licensee may be subject to Board imposed administrative sanctions if a person engages in conduct that violates § 513a.2(a), (b), (c) or (d) at its licensed facility. Under § 513a.2(e), winnings obtained by a slot machine licensee from or held on account of a person under 21 years of age shall be remitted to the Board to support compulsive and problem gambling programs of the Board.

[(d)] (e) A person holding a license, permit, registration or certification issued by the Board who violates a provision of this chapter may be held jointly or severally liable for the violation.

§ 513a.4. Signage requirements.

A slot machine licensee shall post signs that include a statement that is similar to the following: "It is unlawful for any [person] individual under 21 years of age to [engage in any gaming activities] enter or remain in any area where slot machines or table games are

operated. It is unlawful for any individual under the age of 21 to wager, play or attempt to play a slot machine or table game. Individuals violating this prohibition will be removed and may be subject to arrest [for criminal trespass under 18 Pa.C.S. § 3503 (relating to criminal trespass)] and criminal prosecution.” The complete text of the sign shall be submitted to and approved by the Director of OCPG as part of the procedures required under § 513a.3(b) (relating to responsibilities of licensees, permittees, registrants and certification holders). The signs shall be prominently posted within 50 feet of each entrance and exit of the gaming floor.

Subpart K. TABLE GAMES

CHAPTER 603a. TABLE GAME EQUIPMENT

§ 603a.12. Dice; physical characteristics.

* * * * *

(c) Dice used in the table game of Sic Bo must comply with subsection (a) except each die [may] used in an

automated Sic Bo shaker must be formed in the shape of a cube 0.625 inch on each side with ball edge corners.

* * * * *

CHAPTER 633a. BLACKJACK

§ 633a.13. Payout odds; payout limitation.

* * * * *

(k) The certificate holder shall pay out winning Three Card Poker Wagers at odds [of 9 to 1.] in one of the following pay tables selected by the certificate holder in its Rules Submission filed in accordance with § 601a.2:

| <i>Hand</i> | <i>Paytable A</i> | <i>Paytable B</i> |
|------------------------|-------------------|-------------------|
| Straight Flush | 9 to 1 | 30 to 1 |
| Three-of-a-kind | 9 to 1 | 20 to 1 |
| Straight | 9 to 1 | 10 to 1 |
| Flush | 9 to 1 | 5 to 1 |

* * * * *

[Pa.B. Doc. No. 13-707. Filed for public inspection April 19, 2013, 9:00 a.m.]

NOTICES

DELAWARE RIVER BASIN COMMISSION

Meeting and Public Hearing

The Delaware River Basin Commission (Commission) will hold a public hearing on Tuesday, May 7, 2013, and a business meeting will be held on Wednesday, May 8, 2013. Both the hearing and business meeting are open to the public and will be held at the Washington Crossing Historic Park Visitor Center, 1112 River Road, Washington Crossing, PA 18977.

Public hearing. The public hearing on May 7, 2013, will run from 12 p.m. until approximately 4 p.m. Hearing items will include draft dockets relating to the projects listed as follows and resolutions to: (a) adopt the Commission's annual Budget for the Fiscal Year (FY) ending June 30, 2014, and apportion among the Signatory Parties the amounts required for the support of the Current Expense and Capital Budgets; (b) approve the FY 2014-2016 Water Resources Program; and (c) amend the Commission's administrative agreements with Delaware and New Jersey by the addition to "Category F" as defined therein of certain electric generation and cogeneration facilities. In particular, the latter resolution would provide for the state agency's review and decision making process to be used in lieu of the Commission's for the category of projects consisting of electric generation and cogeneration facilities that consumptively use in excess of 100,000 gallons per day (gpd) of water during any 30-day period, when no other aspect of the project, such as a withdrawal or discharge, subjects it to Commission review under the Commission's Rules of Practice and Procedure and current administrative agreements.

The public is advised to check the Commission's web site at www.drbc.net periodically prior to the hearing date, as projects may be dropped if additional time is deemed necessary to complete the Commission's review. Written comments on all hearing items will be accepted through the close of the May 7, 2013, hearing.

Draft dockets and resolutions scheduled for hearing will be posted on the Commission's previously listed web site 10 days prior to the meeting date. Additional public records relating to the hearing items may be examined at the Commission's offices. Contact Project Review Section assistant Victoria Lawson at (609) 883-9500, Ext. 216 with any questions concerning these items.

1. *William Henry Apartments, D-1968-092 CP-3.* An application to renew the approval of an existing discharge from the 0.069 million gallons per day (mgd) William Henry Apartments wastewater treatment plant (WWTP). The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) of Ridley Creek at River Mile 84.0—20.75—0.6 (Delaware River—Ridley Creek—UNT), in East Whiteland Township, Chester County, PA.

2. *Bristol Borough Water and Sewer, D-1969-066 CP-3.* An application to renew the approval of an existing discharge from the 2.7 mgd Bristol Borough Water and Sewer WWTP. The WWTP will continue to discharge treated effluent to Otter Creek, a tidal tributary of Water

Quality Zone 2, at River Mile 118.6—0.2 (Delaware River—Otter Creek) by means of Outfall No. 001, in Bristol Borough, Bucks County, PA.

3. *Rockland Town, D-1985-028 CP-2.* An application to renew the approval of an existing discharge from the 0.8 mgd Livingston Manor WWTP. The WWTP will continue to discharge treated effluent to Willowemoc Creek at River Mile 330.7—15.5—15.5—6.94 (Delaware River—East Branch Delaware River—Beaver Kill—Willowemoc Creek) by means of Outfall No. 001, within the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters, in the Town of Rockland, Sullivan County, NY.

4. *Robesonia-Wernersville Municipal Authority, D-1988-023 CP-2.* An application to renew the approval of an existing discharge from the 1.4 mgd Robesonia-Wernersville Municipal Authority WWTP. The WWTP will continue to discharge treated wastewater effluent to the Spring Creek at River Mile 92.47—76.8—10.4—5.4 (Delaware River—Schuylkill River—Tulpehocken Creek—Spring Creek), in Heidelberg Township, Berks County, PA.

5. *United Corrstack, Inc., D-1993-040-3.* An application to renew the approval of an existing groundwater withdrawal (GWD) of up to 17.856 million gallons per month (mgm) to supply the applicant's industrial processes from existing Well No. 1. The project well is completed in Lower Cambrian-age Carbonate Rock in the Schuylkill River Watershed in the City of Reading, Berks County, PA.

6. *Bucks County Water and Sewer Authority, D-1993-076 CP-3.* An application to renew the approval of an existing discharge from the 1.10 mgd Upper Dublin WWTP. The WWTP will continue to discharge treated wastewater effluent to the Pine Run Creek at River Mile 92.47—12.5—10.6—1.1—0.7 (Delaware River—Schuylkill River—Wissahickon Creek—Sandy Run Creek—Pine Run Creek) in Upper Dublin Township, Montgomery County, PA.

7. *Beach Lake Municipal Authority, D-2001-052 CP-2.* An application to renew the approval of an existing discharge from the 0.09 mgd Beach Lake WWTP. Treated effluent will continue to discharge to Beach Lake Creek at River Mile 282.5—6.98—3.1 (Delaware River—Masthope Creek—Beach Lake Creek) by means of Outfall No. 001, within the drainage area of the section of the nontidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters, in Berlin Township, Wayne County, PA.

8. *Wayne Economic Development Corporation, D-2007-018-2.* An application to renew the approval of an existing discharge from the 0.014 mgd Sterling Business Park WWTP. Treated effluent will discharge to the West Branch Wallenpaupack Creek at River Mile 277.7—17.5—11.5—5.0 (Delaware River—Lackawaxen River—Lake Wallenpaupack—West Branch Wallenpaupack Creek) by means of Outfall No. 001, within the section of the nontidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters, in Sterling Township, Wayne County, PA.

9. *East Brandywine Township Municipal Authority, D-2007-043 CP-2*. An application to renew the approval of an existing discharge from the Hillendale WWTP and drip irrigation facility. The WWTP is designed to treat 55,388 gpd, and will continue to discharge treated domestic sanitary effluent to four on-site drip irrigation disposal areas located within the Christina River Watershed in East Brandywine Township, Chester County, PA.

10. *Naval Air Warfare Center—Warminster, D-2010-038 CP-2*. An application to renew the approval of an existing discharge of treated groundwater from the Naval Facilities Engineering Command Mid-Atlantic Warminster groundwater treatment plant (GTP) located at the former Naval Air Warfare Center Warminster facility. The GTP will continue to pump and treat an average annual flow of 187,000 gpd of contaminated groundwater from 29 on-site wells for discharge to a UNT of the Little Neshaminy Creek, a tributary of the Neshaminy Creek, at River Mile 115.6—23.6—3.3—1.4 (Delaware River—Neshaminy Creek—Little Neshaminy Creek—UNT to Little Neshaminy Creek). The GTP is located in Warminster Township, Bucks County, PA and discharges at existing Outfall 001 located approximately 1 mile away in Warwick Township, Bucks County, PA.

11. *Big Boulder Corporation, D-1985-025-3*. An application to renew the approval of an existing discharge from the 0.225 mgd Big Boulder WWTP. The applicant also requested continuance of the approval by Docket No. D-1985-025-2 for expansion to a hydraulic capacity of 0.265 mgd and for utilization of absorption beds to land dispose of the first 0.04 mgd of treated effluent. The WWTP will continue to discharge treated effluent to an unnamed tributary of Tunkhannock Creek at River Mile 183.66—83.5—5.6—2.5—0.64 (Delaware River—Lehigh River—Tobyhanna Creek—Tunkhannock Creek—UNT) by means of Outfall No. 001, within the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters, in Kidder Township, Carbon County, PA.

12. *Brodhead Creek Regional Authority, D-1986-011 CP-3*. An application to approve the expansion of the service area of the existing Brodhead Creek Regional Authority (BCRA) WWTP to include two additional proposed commercial developments to be located in Tobyhanna Township: (1) a three-phased waterpark, hotel and convention center project referred to as the Kalahari Resorts project; and (2) a commercial development by Pocono Manor Investors, LP. The expanded service area will connect to the existing Pocono Township sewer system, which conveys wastewater to the BCRA WWTP by means of existing and proposed infrastructure. This project description reflects modifications made to the application after it was publically noticed on January 25, 2013. BCRA no longer proposes to include in its proposed service area expansion the Pocono Manor Village and Inn. BCRA will also provide public water supply to the proposed developments in Tobyhanna Township. No modifications to the existing treatment facilities at the 4.5 mgd BCRA WWTP are proposed. The BCRA WWTP will continue to discharge to McMichael Creek, a tributary of Brodhead Creek, at River Mile 213.0—4.0—0.2 (Delaware River—Brodhead Creek—McMichael Creek). The BCRA WWTP is located within the drainage area of the section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Wa-

ters, in the Borough of Stroudsburg, Monroe County, PA. The expanded service area is located in Tobyhanna Township, Monroe County, PA.

13. *NGK Metals Corporation, D-1989-053-3*. An application to renew the approval of an existing discharge from the 0.36 mgd NGK GTP and to approve modifications to the plant that will result in a new hydraulic capacity of 0.17 mgd. The applicant has also requested approval to reactivate three on-site groundwater remediation wells (Wells Nos. DW-12, DW-13 and DW-32) with a total withdrawal capacity of up to 6.479 mgm. The GTP has not been in operation since 2007. The United States Environmental Protection Agency has required the facility to reopen and resume operation. The existing project wells are located at NGK's former metal production site in the Allentown Formation. Treated groundwater will be discharged to Laurel Run at River Mile 92.47—80.4—2.3 (Delaware River—Schuylkill River—Laurel Run) by means Outfall No. 002, in Muhlenberg Township, Berks County, PA.

14. *Gloucester County Utilities Authority (GCUA), D-1990-074 CP-4*. An application to renew the approval of an existing discharge from the 27 mgd GCUA WWTP. The applicant has also requested a total dissolved solids (TDS) variance of 1,250 mg/l from the GCUA WWTP (Outfall No. DSN001A) and 1,800 mg/l at the joint outfall of GCUA and West Deptford Energy (Outfall No. DSN004A). Treated effluent will continue to discharge to Water Quality Zone 4 of the tidal Delaware River at River Mile 89.7 by means of Outfall No. DSN004A, in West Deptford Township, Gloucester County, NJ.

15. *Whitemarsh Township, D-1993-037 CP-4*. An application to renew the approval of an existing discharge from the 4.0 mgd Whitemarsh Township WWTP. The applicant has also requested approval to construct modifications at the WWTP without increasing the hydraulic capacity of the facility. The Department of Environmental Protection and the Commission have based effluent limitations from the WWTP on an annual average discharge flow of 2.0 mgd. The WWTP will continue to discharge treated effluent to the Schuylkill River at River Mile 92.47—18.6 (Delaware River—Schuylkill River) by means of Outfall No. 002. The WWTP is located within the Commission's designated Groundwater Protected Area in Whitemarsh Township, Montgomery County, PA.

16. *Pocono Manor, D-2006-026 CP-3*. An application to approve a modification to the service area of the existing Pocono Manor Investors, LP (Pocono Manor) WWTP by removing a portion of the service area previously approved by the Commission. The area to be removed (affected area), located in Tobyhanna Township, Monroe County, PA, will be served instead by the existing BCRA WWTP located in the Borough of Stroudsburg. The affected area consists of two proposed commercial developments, including: (1) a three-phased waterpark, hotel and convention center project referred to as the Kalahari Resorts project; and (2) a commercial development by Pocono Manor. The affected area will connect to the existing Pocono Township sewer conveyance system, which conveys wastewater to the BCRA WWTP by means of existing and proposed infrastructure. BCRA will also provide public water supply to the affected area. Public water for the balance of the Pocono Manor WWTP service area will continue to be supplied by Pocono Manor. No modifications to the existing treatment facilities at the

0.14 mgd Pocono Manor WWTP are proposed. The Pocono Manor WWTP will continue to discharge to the Sweetwater Creek, which is tributary of Paradise Creek, which is tributary of Brodhead Creek, at River Mile 213.0—11.4—4.4—5.3 (Delaware River—Brodhead Creek—Paradise Creek—Swiftwater Creek) and is located within the drainage area of the section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters, in Pocono Township, Monroe County, PA.

17. *Pocono Manor, D-2006-043 CP-2*. An application to approve a service area modification for the applicant's existing GWD of up to 15.984 million gallons per 30 days (mg/30 days) from existing Wells Nos. 1—3. The modification consists of the removal of a portion of the applicant's the Commission-approved service area for the water withdrawal. The area to be removed (affected area) is located in Tobyhanna Township, Monroe County, PA, and will be served by the existing ground and surface water withdrawal owned and operated by BCRA. The affected area consists of two proposed commercial developments, including: (1) a three-phased waterpark, hotel and convention center project referred to as the Kalahari Resorts project; and (2) a commercial development by Pocono Manor. Sanitary sewer service for the affected area will be provided by BCRA's existing WWTP located in the Borough of Stroudsburg. Sewer service for the balance of the existing Pocono Manor service area will continue to be by means of the existing Pocono Manor WWTP. No modifications to the existing groundwater wells are proposed. The project wells are located in the Brodhead/Swiftwater Creek Watersheds, in the Catskill Formation, in Pocono Township, Monroe County, PA within the drainage area of the section of the nontidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters.

18. *West Deptford Energy, D-2008-027 CP-2*. An application to renew the approval to construct the West Deptford Energy Station (WDES) and to incorporate the WDES into the Comprehensive Plan. The applicant has requested an increase in the proposed withdrawal of treated effluent from 297.92 mgm to up to 374.914 mgm of water from the GCUA effluent pipeline for industrial cooling and process needs at the WDES. The applicant has also requested approval to discharge up to 4.051 mgd of concentrated effluent water back to the GCUA effluent pipeline at Monitoring Point DSN002A, the combined flow from which will discharge to Water Quality Zone 4 of the tidal Delaware River at River Mile 89.7 by means of GCUA's Outfall No. DSN004A in West Deptford Township, Gloucester County, NJ. The applicant also has requested a variance to allow up to 5,000 mg/l of TDS at Monitoring Point No. DSN002A. The withdrawal, discharge and TDS variance represent increases from the values approved in Docket No. D-2008-27-1 and are requested in connection with a projected change to the composition of GCUA's effluent.

19. *Schuylkill Valley Sewer Authority (SVSA), D-2012-029 CP-1*. An application to approve an existing discharge from the 0.55 mgd SVSA WWTP. The WWTP will continue to discharge to the Schuylkill River at River Mile 92.47—121.0 (Delaware River—Schuylkill River) by means of Outfall No. 001, in Blythe Township, Schuylkill County, PA.

20. *Artesian Water Company, Inc., D-2012-030 CP-1*. An application for approval of a GWD of up to 3.0 mg/30 days to supply the Augustine Creek Subdivision's public water supply from existing Wells Nos. 1—3. The wells are

completed in the Potomac and Mount Laurel Aquifers in the Augustine Creek Watershed in New Castle County, DE. The project will be incorporated into the Comprehensive Plan. Future activities for the project will be regulated by DNREC in accordance with Administrative Agreement, Section IV.C.4.

21. *Transcontinental Pipeline Company, LLC, D-2013-004-1*. An application to approve the installation of 3.17 miles of new, 42-inch diameter steel natural gas transmission pipeline (the Northeast Supply Link—Palmerton Loop) parallel to the docket holder's existing Leidy Gas Line to provide additional capacity and to discharge up to 1.418 million gallons (mg) of water used for pipe cleaning and hydrostatic testing at one surface water discharge location and up to two land surface discharge locations. No additives will be added to the wash or fill water and the pipe will be new. The water will be withdrawn from a private pond located adjacent to Buckwha Creek, a tributary of Aquashicola Creek. The project also entails a temporary surface water withdrawal totaling up to 1.774 mg of water (below the Commission's review threshold) for direct pipe operations (0.356 mg), internal pipe cleaning (0.072 mg) and hydrostatic testing (up to 1.346 mg); stream crossings; and the installation of a new 16,000-hp gas turbine compressor unit at existing Compressor Station 515 in Buck Township, Luzerne County, PA. The pipeline loop itself is located in Ross Township, Monroe County, PA, within the drainage area of the section of the nontidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

Public meeting. The business meeting on May 8, 2013, will begin at 12:15 p.m. and will include the following items: adoption of the minutes of the Commission's March 6, 2013, business meeting, announcements of upcoming meetings and events, a report on hydrologic conditions, reports by the Executive Director and the Commission's General Counsel, consideration of items for which a hearing has been completed and a public dialogue session. The Commissioners also may consider action on matters not subject to a public hearing.

There will be no opportunity for additional public comments at the May 8, 2013, business meeting on items for which a hearing was completed on May 7, 2013, or a previous date. Commission consideration on May 8, 2013, of items for which the public hearing is closed may result in either approval of the docket or resolution as proposed, approval with changes, denial or deferral. When the Commissioners defer an action, they may announce an additional period for written comment on the item, with or without an additional hearing date or they may take additional time to consider the input they have already received without requesting further public input. Any deferred items will be considered for action at a public meeting of the Commission on a future date.

Advance sign-up for oral comment. Individuals who wish to comment for the record at the public hearing on May 7, 2013, or to address the Commissioners informally during the public dialogue portion of the meeting on May 8, 2013, are asked to sign up in advance by contacting Paula Schmitt, (609) 883-9500, Ext. 224, paula.schmitt@drbc.state.nj.us.

Attending the hearing or meeting. The Commission's hearing and business meeting are open to the public. Without exception, however, photo identification will be required for admission. Individuals who plan to attend should visit the Commission's previously listed web site in advance of the hearing and meeting to review a complete set of procedures.

Addresses for written comment. Written comment on items scheduled for hearing may be delivered by hand at the public hearing or submitted in advance of the hearing date to Commission Secretary, P. O. Box 7360, 25 State Police Drive, West Trenton, NJ 08628, fax (609) 883-9522, paula.schmitt@drbc.state.nj.us.

Accommodations for special needs. Individuals in need of an accommodation as provided for in the Americans with Disabilities Act who wish to attend the public hearing or business meeting should contact the Commission Secretary directly at (609) 883-9500, Ext. 203 or through the Telecommunications Relay Services (TRS) at 711 to discuss how the Commission can accommodate their needs.

Updates. Items scheduled for hearing are occasionally postponed to allow more time for the Commission to consider them. Other meeting items also are subject to change. Check the Commission's previously listed web site closer to the hearing and meeting dates for changes that may be made after the deadline for filing this notice.

Additional information and contacts. Draft dockets and resolutions for hearing items will be posted on the Commission's web site as hyperlinks from this notice, approximately 10 days prior to the hearing date. Additional public records relating to hearing items may be examined at the Commission's offices by appointment by contacting Carol Adamovic, (609) 883-9500, Ext. 249. For other questions concerning dockets, contact Project Review Section Assistant Victoria Lawson at (609) 883-9500, Ext. 216.

PAMELA M. BUSH,
Secretary

[Pa.B. Doc. No. 13-708. Filed for public inspection April 19, 2013, 9:00 a.m.]

DEPARTMENT OF AGRICULTURE

Referendum on Continuation of the Pennsylvania Vegetable Marketing and Research Program

Under the applicable provisions of 3 Pa.C.S. Chapter 45 (relating to Agricultural Commodities Marketing Act), a review referendum was held from March 4 to March 18, 2013, to determine if the producers affected by the Pennsylvania Vegetable Marketing and Research Program (program) desired to continue the program for an additional 5 years. To pass, a majority of eligible producers voting had to vote in favor of the program's continuation. An impartial Teller Committee met on March 27, 2013, to count the ballots. The following results were submitted by the Teller Committee: a total of 466 eligible votes were cast with 396 producers voting in favor of and 70 voting against the continuation of the program. An additional eight ballots were invalid because five were not signed and three were postmarked and received after the deadline. Votes favoring continuation of the program by number of producers represented 85% of eligible votes and votes against continuation of the program represented 15% of eligible votes. Because a majority of the votes were cast in favor of the program, the program shall continue for 5 years, effective immediately.

GEORGE D. GREIG,
Secretary

[Pa.B. Doc. No. 13-709. Filed for public inspection April 19, 2013, 9:00 a.m.]

DEPARTMENT OF BANKING AND SECURITIES

Actions on Applications

The Department of Banking and Securities (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 and Securities Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending April 9, 2013.

Under section 503.E of the Department of Banking and Securities 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 and Securities, Corporate Applications Division, 17 North Second Street, Suite 1300, Harrisburg, PA 17101-2290. Comments must be received no later than 30 days from the date notice regarding receipt of the application is published in the *Pennsylvania Bulletin*. The nonconfidential portions of the applications are on file at the Department and are available for public inspection, by appointment only, during regular business hours. To schedule an appointment, contact the Corporate Applications Division at (717) 783-2253. Photocopies of the nonconfidential portions of the applications may be requested consistent with the Department's Right-to-Know Law Records Request policy.

BANKING INSTITUTIONS

Section 112 Acquisitions

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Action</i> |
|-------------|---|---------------|
| 4-9-2013 | Thomas M. Saltgiver Application for approval to acquire up to 85.14% of the common stock of First Cornerstone Bank, King of Prussia. | Approved |

Branch Applications**De Novo Branches**

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|--|---|---------------|
| 4-4-2013 | Republic First Bank Philadelphia Philadelphia County | 399 Route 70 East Cherry Hill Camden County, NJ | Filed |

Branch Relocations

| <i>Date</i> | <i>Name and Location of Applicant</i> | <i>Location of Branch</i> | <i>Action</i> |
|-------------|--|--|---------------|
| 4-4-2013 | Republic First Bank Philadelphia Philadelphia County | <i>To:</i> 448 East Baltimore Pike Media Delaware County | |
| | | <i>From:</i> 436-438 East Baltimore Pike Media Delaware County | Filed |
| 4-4-2013 | Republic First Bank Philadelphia Philadelphia County | <i>To:</i> 101 Laurel Oak Road Voorhees Camden County, NJ | |
| | | <i>From:</i> 342 Burntmill Road Voorhees Camden County, NJ | Filed |

Articles of Amendment

| <i>Date</i> | <i>Name and Location of Institution</i> | <i>Action</i> |
|-------------|--|---------------|
| 4-8-2013 | PeoplesBank, A Codorus Valley Company Glen Rock York County Amendment to Article II of the institution's Articles of Incorporation provides for the institution to change their principal place of business from 1 Manchester Street, P. O. Box 127, Glen Rock, PA 17327 to 105-109 Leader Heights Road, P. O. Box 2887, York, PA 17405-2887. | Effective |

SAVINGS INSTITUTIONS

No activity.

CREDIT UNIONS

No activity.

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

GLENN E. MOYER,
Secretary

[Pa.B. Doc. No. 13-710. Filed for public inspection April 19, 2013, 9:00 a.m.]

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

Request for Bids

The Department of Conservation and Natural Resources is soliciting bids for the following projects. Bid documents can be obtained from the Administrative Services Section, Bureau of Facility Design and Construction at (717) 787-5055:

FDC-002-7811.1—Office Repairs, Forest District #2, Buchanan State Forest, Ayr Township, Fulton County. Work included under this contract consists of the demolition of a temporary 2' x 4" wood framed exterior wall, temporary sheathing and insulation; and the reconstruction of 25 linear feet of 2" x 6" wood framed exterior wall including insulation, interior and exterior finishes, instal-

lation of one window and replacement of vinyl flooring in the reception area. Bid documents will be available on or after April 17, 2013. The bid opening will be held on May 16, 2013.

FDC-131-7557.1—Marina Boat Docks and Bulkhead Railing, Shikellamy State Park, Upper Augusta Township, Northumberland County. Work included under this contract consists of furnishing and installation of floating dock structures including main dock walkways, finger piers and gangways; and the removal, replacement and regrouting of the anchor sleeves for the removable aluminum bulkhead railing. Bid documents will be available on or after April 17, 2013. The bid opening will be held on May 16, 2013.

FDC-211-7742.1—GBCH STP Repairs, Ohiopyle State Park, Stewart Township, Fayette County. Work included under this contract consists of rehabilitation of the existing intermittent sand filters with installation of new concrete floors and coating of all concrete surfaces. It also includes replacement of two specific complete control

panels on Train No. 1, two deteriorated blower covers on Train No. 1, two failing motor contactors in the comminutor control panel located on Train No. 1 and one failed cooling fan within the blower control panel for Train No. 2. Bid documents will be available on or after April 17, 2013. The bid opening will be held on May 16, 2013.

RICHARD J. ALLAN,
Secretary

[Pa.B. Doc. No. 13-711. Filed for public inspection April 19, 2013, 9:00 a.m.]

DEPARTMENT OF EDUCATION

Application of Lancaster General College of Nursing and Health Services for Approval to Amend its Articles of Incorporation

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 for approval of a Certificate of Authority for Lancaster General College of Nursing and

Health Sciences to amend its Articles of Incorporation to change its legal name to Pennsylvania College of Health Sciences.

In accordance with 24 Pa.C.S. § 6503(e), the Department will act upon this application without a 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 Dr. Rod Niner, Higher Education Associate, 333 Market Street, Harrisburg, PA 17126-0333 by 4 p.m. on or before the due date prescribed by this notice. Persons wishing to review the application should call (717) 783-8228 or write to the previous address 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 Dr. Rod Niner at (717) 783-8228 to discuss accommodations.

RONALD J. TOMALIS,
Secretary

[Pa.B. Doc. No. 13-712. Filed for public inspection April 19, 2013, 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 regarding 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 (CAFO). This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing The Clean Streams Law (35 P. S. §§ 691.1—691.1001) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

| <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 tentative determinations of proposed effluent limitations and other terms and conditions for the permit applications. In accordance with 25 Pa. Code § 92a.32(d), the proposed

discharge of stormwater associated with construction activities will be managed in accordance with the requirements of 25 Pa. Code Chapter 102. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the United States 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 NPDES applications are invited to submit statements to the contact office noted before the application within 30 days from the date of this public notice. Persons wishing to comment on WQM permit applications are invited to submit statements to the 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. A comment submittal 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 public hearings 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: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed No.)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|--|---|--|----------------------------|
| PAS802206 (Storm Water) | Con-Way Freight-Xan (Allentown) 7649 Penn Drive Allentown, PA 18106 | Lehigh County Upper Macungie Township | Iron Run (2-C) | Y |
| PA0063690 (Sewage) | Melroe's Restaurant 832 Salem Boulevard Berwick, PA 18603 | Luzerne County Salem Township | Unnamed Tributary to Susquehanna River (5-B) | Y |

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|--|---|--------------------------------------|----------------------------|
| PA0246590— (SEW) | Dennis & Janice McClure 3469 McAlevys Fort Road Petersburg, PA 16669 | Huntingdon County / Jackson Township | UNT Standing Stone Creek / 11-B | Y |
| PA0083721— (SEW) | Thomas Rodas Paradise Mobile Home Park 1190 Wyndsong Drive York, PA 17403 | York County / Paradise Township | UNT Beaver Creek / 7-F | Y |
| PA0085871 (IW) | Mount Joy Borough Authority PO Box 25 Mount Joy, PA 17552 | Lancaster County East Donegal Township | UNT Donegal Creek / 7-G | Y |

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

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N</i> |
|-----------------------------|--|--|--------------------------------------|---------------------------|
| PA0219436 Sewage | Clarksburg MHP 12554 Rt 286 HWY W Clarksburg, PA 15725 | Indiana County Young Township | UNT to Blacklegs Creek | Y |
| PA0032069 Sewage | St Francis Univ 428 Metz Rd Loretto, PA 15940 | Cambria County Loretto Boro | UNT to Clearfield Creek | Y |
| PA0219258 Sewage | Mechling Shakley Veterans Center Cowansville, PA 16218 | Armstrong County Sugar creek Township | UNT of Patterson Creek | Y |

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N</i> |
|-----------------------------|---|---|--------------------------------------|---------------------------|
| PA0253430 Sewage | PBS Coals 688 Cook Road Central City, PA 15926 | Somerset County Shade Township | Coal Run | Y |
| PA0032212 Sewage | Camp Silver Lake 144 Silver Lake Lane Fombell, PA 16123 | Beaver County Marion Township | UNT to Connoquenessing Creek | Y |
| PA0216178 Sewage | Cherrybrook STP 542 Cherryhill Dr Bridgeville, PA 15017 | Washington County Cecil Township | UNT to Chartiers Creek | Y |
| PA0028177 Sewage | McCandless Twp Sani Auth 418 Arcadia Dr PGH, PA 15237-5597 | Allegheny County McCandless Township | UNT of Pine Creek | Y |
| PA0094315 Sewage | PGH Spay & Vaccination Clinic 110 Sandy Creek Rd Penn Hills, PA 15235 | Allegheny County Penn Hills Township | Sandy Creek | Y |
| PA0097012 Sewage | Stonebridge Gardens MHP PO Box 117 Friedens, PA 15541-0117 | Somerset County Quemahoning Township | UNT of Higgins Run | Y |
| PA0096598 Sewage | Lower Ten Mile Jt Sew Auth 144 Chartiers Rd Jefferson, PA 15344 | Greene County Morgan Township | S Fork Tenmile Creek | Y |
| PA0217760 Sewage | Rox Coal Inc 9378 Glades Pike Berlin, PA 15530 | Somerset County Stonycreek Township | Reitz Creek | Y |
| PA0205877 Sewage | Redstone Twp Sew Auth PO Box 751 Republic, PA 15475 | Fayette County Redstone Township | Dunlap Creek | Y |
| PA0096628 Sewage | Hamill MFG 500 Pleasant Valley Rd Trafford, PA 15085 | Westmoreland County Penn Township | Lyons Run | Y |
| PA0090786 Sewage | Hempfield Twp Supervisors 220 Forbes Trail Road Greensburg, PA 15601 | Westmoreland County Hempfield Township | UNT to Brush Creek | Y |
| PA0217301 Sewage | Conemaugh Twp Supervisors 869 Penn Ave Jerome, PA 15937 | Somerset County Conemaugh Township | UNT to Quemahoning Creek | Y |
| PA0098965 Sewage | Carolyn S Roberts 1105 Elicker Rd New Kensington, PA 15068 | Allegheny County Plum Boro | UNT to Little Plum Creek | Y |

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed#)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|--|--------------------------------------|--|----------------------------|
| PA0221945 (Sewage) | Eagle Crest Manor MHP 7064 Perry Highway Meadville, PA 16335 | Crawford County Union Township | Unnamed Tributary to Conneaut Outlet (16-D) | Y |

II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Non-Waived Permit Applications

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

PA0026298, Sewage, SIC Code 4952, **Whitemarsh Township Authority**, 616 Germantown Pike, Lafayette Hill, PA 19444. Facility Name: Whitemarsh STP. This existing facility is located in Whitemarsh Township, **Montgomery County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated sewage from Whitemarsh STP.

The receiving stream(s), Schuylkill River, is located in State Water Plan watershed 3-F and is classified for Warm Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 002 are based on an annual average design flow of 2.0 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | <i>Instant. Minimum</i> | <i>Concentration (mg/l)</i> | | <i>Instant. Maximum</i> |
|---|----------------------------|---------------------------|-----------------------------|-----------------------------|---------------------------|-----------------------------|
| | <i>Average Monthly</i> | <i>Weekly Average</i> | | <i>Average Monthly</i> | <i>Weekly Average</i> | |
| Flow (MGD) | Report | Report Daily | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX Max | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.5 | XXX | 1.3 |
| CBOD ₅ | 417 | 667 | XXX | 25 | 40 | 50 |
| Raw Sewage Influent BOD ₅ | Report | XXX | XXX | Report | XXX | XXX |
| Raw Sewage Influent Total Suspended Solids | Report | XXX | XXX | Report | XXX | XXX |
| Raw Sewage Influent Total Suspended Solids | Report | XXX | XXX | Report | XXX | XXX |
| Total Dissolved Solids | 500 | 750 | XXX | 30 | 45 | 60 |
| Total Coliform (No./100 ml) | XXX | XXX | XXX | 1,000 | XXX | 2500 |
| Fecal Coliform (No./100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | Geo Mean 200 | XXX | 1,000* |
| Ammonia-Nitrogen | 333 | XXX | XXX | 20 | XXX | 40 |
| Total Phosphorus | Report | XXX | XXX | Report | XXX | Report |

* Not to exceed 1,000/100 ml in greater than 10% of the samples.

In addition, the permit contains the following major special conditions:

- No stormwater to sanitary sewers
- Necessary property rights
- Proper sludge disposal
- Chlorine minimization
- Notification of designation of responsible operator
- Operations and maintenance plan
- Remedial measures if public nuisance
- Change of ownership
- Operator training
- Instantaneous maximum limitations
- Fecal coliform reporting
- Hauled in waste restrictions
- Whole effluent toxicity testing
- PCB minimization plan and monitoring

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.

PA0024651 A-1, Sewage, SIC Code 4952, **Atglen Borough Sewer Authority**, PO Box 250, Atglen, PA 19310. Facility Name: Atglen Borough STP. This existing facility is located in Atglen Borough, **Chester County**.

Description of Existing Activity: The application is for the amendment of an NPDES permit for an existing discharge of treated sewage. Atglen Borough is expanding their sewage treatment plant from an annual average design flow of 0.09 MGD to 0.155 MGD.

The receiving stream(s), Valley Creek, is located in State Water Plan watershed 7-K and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The nearest downstream public water supply evaluated for this application is for the Chester Water Authority, located on Octoraro Creek.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.155 MGD:

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|----------------------------------|------------------------|-----------------------|------------------------------|-----------------------------|-----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Instantaneous Minimum</i> | <i>Average Monthly</i> | <i>Weekly Average</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | Report Daily Max | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 3.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.5 | XXX | 1.2 |
| CBOD ₅ (Interim) | 19 | 30 | XXX | 25 | 40 | 50 |
| CBOD ₅ (Final) | 32 | 48 | XXX | 25 | 40 | 50 |
| CBOD ₅ Influent | Report | XXX | XXX | Report | XXX | XXX |
| BOD ₅ Influent | Report | XXX | XXX | Report | XXX | XXX |
| Total Suspended Solids Influent | Report | XXX | XXX | Report | XXX | XXX |
| Total Suspended Solids (Interim) | 23 | 34 | XXX | 30 | 45 | 60 |
| (Final) | 39 | 58 | XXX | 30 | 45 | 60 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 Geo Mean | XXX | 1000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2000 Geo Mean | XXX | 10000 |
| Ammonia-Nitrogen (Interim) | XXX | XXX | XXX | Report | XXX | XXX |
| (Final) | 12.9 | XXX | XXX | 10 | XXX | 20 |
| Nitrate as N | XXX | XXX | XXX | Report | XXX | XXX |
| Nitrite as N | XXX | XXX | XXX | Report | XXX | XXX |
| Total Nitrogen (Interim) | Report | 25.5 | XXX | Report | Report | XXX |
| (Final) | 12.9 | Daily Max 25.5 | XXX | 10 | Daily Max 20 | XXX |
| Total Phosphorus | XXX | Daily Max XXX | XXX | Report | Daily Max XXX | XXX |

The proposed monitoring requirements and, where appropriate, effluent limits for implementation of the Chesapeake Bay Tributary Strategy are as follows for Outfall 001.

| <i>Parameters</i> | <i>Mass (lbs)</i> | | <i>Minimum</i> | <i>Concentration (mg/l)</i> | |
|----------------------------|-------------------|---------------|----------------|-----------------------------|----------------|
| | <i>Monthly</i> | <i>Annual</i> | | <i>Monthly Average</i> | <i>Maximum</i> |
| Kjeldahl—N | | | | Report | |
| Total Nitrogen (Interim) | Report | Report | | Report | |
| Total Nitrogen (Final) | Report | 7305 | | Report | |
| Total Phosphorus (Interim) | Report | Report | | Report | |
| Total Phosphorus (Final) | Report | 974 | | Report | |

* This permit contains conditions which authorize the permittee to apply nutrient reduction credits to meet the Net Total Nitrogen and the Net Total Phosphorus effluent mass limits, under the Department's Trading of Nutrients and Sediment Reduction Credits Policy and Guidelines (Document #392-0900-001, December 30, 2006). The condition includes the requirement to report the application of these credits in Supplemental Discharge Monitoring Reports (DMRs) submitted to the Department.

* The compliance date for Net Total Nitrogen and Net Total Phosphorus will begin on October 1, 2014. Since these reporting requirements are annual loads, the reporting on compliance with the annual limitations will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2015. This facility is required to monitor and report for Net Total Nitrogen and Net Total Phosphorus from the effective date of the permit until September 30, 2015.

** Total Annual Ammonia Load will be required to be reported on the Supplemental DMR—Annual Nutrient Summary by November 28, 2014.

In addition, the permit contains the following major special conditions:

- Chesapeake Bay Schedule
- Chesapeake Bay Nutrient Requirements
- No Stormwater Permitted
- Acquire Necessary Property Rights
- Proper Sludge Disposal

- Chlorine Optimization
- Small Stream Discharge
- Notification of Responsible Operator
- O&M Plan Requirements

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is in effect.

PA0025488, Sewage, SIC Code 4952, **Avondale Borough Chester County**, 110 Pomeroy Avenue, Avondale, PA 19311-0247. Facility Name: Avondale Borough STP. This existing facility is located in Avondale Borough, **Chester County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Unnamed Tributary to East Branch White Clay Creek, is located in State Water Plan watershed 3-I and is classified for Cold Water Fishes and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.5 MGD.

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | |
|-----------------------------|-----------------|---------------------|------------------|----------------------|----------------|------------------|
| | Average Monthly | Weekly Average | Instant. Minimum | Average Monthly | Weekly Average | Instant. Maximum |
| Flow (MGD) | Report | Report Daily Max | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 3.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.4 | XXX | 0.8 |
| CBOD ₅ | | | | | | |
| May 1 - Oct 31 | 62.5 | 96.0 | XXX | 15.0 | 23.0 | 30.0 |
| Nov 1 - Apr 30 | 104.0 | 167.0 | XXX | 25.0 | 40.0 | 50 |
| Total Suspended Solids | 125.0 | 188.0 | XXX | 30.0 | 45.0 | 60 |
| Fecal Coliform (CFU/100 ml) | XXX | XXX | XXX | 200 Geo Mean | XXX | 1,000.0 |
| Total Nitrogen | 83.4 | XXX | XXX | 20.0 | XXX | 40.0 |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | 5.0 | XXX | XXX | 1.2 | XXX | 2.4 |
| Nov 1 - Apr 30 | 15.0 | XXX | XXX | 3.6 | XXX | 7.2 |
| Total Phosphorus | 8.0 | XXX | XXX | 2.0 | XXX | 4.0 |

In addition, the permit contains the following major special conditions:

Proposed Part C Conditions:

- A. No Stormwater
- B. Necessary Property Rights
- C. Sludge Disposal Requirement
- D. Total Residual Chlorine Requirement
- E. Operator Notification
- F. Average Weekly Definition
- G. Remedial Measures if Unsatisfactory Effluent
- H. Change of Ownership
- I. TMDL/WLA Analysis
- J. Certified Operator

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 484-250-5910.

The EPA Waiver is not in effect.

Southcentral Region: Clean Water Program Manager; 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

PA0088960, SIC Code 4941, **West St Clair Township Pleasantville Borough Municipal Authority**, PO Box 43, Alum Bank, PA 15521-0043. Facility Name: West St Clair Pleasantville Water System. This existing facility is located in West Saint Clair Township, **Bedford County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated water softener backwash.

The receiving stream(s), Dunning Creek, is located in State Water Plan watershed 11-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0032 MGD.

| Parameters | Mass (lb/day) | | Minimum | Concentration (mg/l) | | Instant. Maximum |
|------------------|-----------------|--------------|---------|----------------------|-----|------------------|
| | Average Monthly | Total Annual | | Annual Average | | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| | | Daily Max | | | | |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Total Nitrogen | XXX | Report | XXX | Report | XXX | XXX |
| Total Phosphorus | XXX | Report | XXX | Report | XXX | XXX |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0260762, Sewage, SIC Code 4952, **New Buffalo Borough Perry County**, PO Box 245, New Buffalo, PA 17069. Facility Name: New Buffalo Borough STP. This existing facility is located in New Buffalo Borough, **Perry County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream(s), Buffalo Creek, is located in State Water Plan watershed 6-C and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.02 MGD.

| Parameters | Mass (lb/day) | | Minimum | Concentration (mg/l) | | Instant. Maximum |
|-----------------------------|-----------------|---------------|---------|----------------------|----------------|------------------|
| | Average Monthly | Daily Maximum | | Average Monthly | Weekly Average | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| Total Residual Chlorine | XXX | XXX | XXX | 0.5 | XXX | 1.6 |
| CBOD ₅ | 4 | 6.5 | XXX | 25 | 40 | 50 |
| | | Wkly Avg | | | | |
| BOD ₅ | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids | 5 | 7.5 | XXX | 30 | 45 | 60 |
| | | Wkly Avg | | | | |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| | | | | Geo Mean | | |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| | | | | Geo Mean | | |
| Total Nitrogen | XXX | Report | XXX | Report | XXX | XXX |
| | | Total Annual | | Annl Avg | | |
| Ammonia-Nitrogen | Report | XXX | XXX | Report | XXX | XXX |
| Total Phosphorus | XXX | Report | XXX | Report | XXX | XXX |
| | | Total Annual | | Annl Avg | | |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0262005, SIC Code 6514, **John J. Leffel & Linda M. Leffel**, 391 Franklin Road, Bechtelsville, PA 19505. Facility Name: John & Linda Leffel Residence. This proposed facility is located in Colebrookdale Township, **Berks County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated Sewage.

The receiving stream, Unnamed Tributary to Ironstone Creek, is located in State Water Plan watershed 3-D and is classified for Trout Stocking and Migratory Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | Instant. Maximum |
|-----------------------------|-----------------|---------|---------|----------------------|----------|------------------|
| | Average Monthly | Minimum | Minimum | Average Monthly | Geo Mean | |
| Flow (MGD) | Report | XXX | XXX | XXX | XXX | XXX |
| CBOD ₅ | XXX | XXX | XXX | 10 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | XXX | 10 | XXX | 20 |
| Fecal Coliform (CFU/100 ml) | XXX | XXX | XXX | 200 | XXX | XXX |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

PA0262005, Sewage, SIC Code 4952, **East Prospect Borough Authority**, PO Box 334, East Prospect, PA 17317. Facility Name: East Prospect STP. This existing facility is located in East Prospect Borough, **York County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Sewage.

The receiving stream, Cabin Creek, is located in State Water Plan watershed 7-I and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0875 MGD.

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | Instant. Maximum |
|-----------------------------|-----------------|---------------|---------|----------------------|----------------|------------------|
| | Average Monthly | Daily Maximum | Minimum | Average Monthly | Weekly Average | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 5.0 | XXX | XXX | XXX |
| CBOD ₅ | 18 | 29 | XXX | 25 | 40 | 50 |
| BOD ₅ | | Wkly Avg | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids | | | | | | |
| Raw Sewage Influent | Report | Report | XXX | Report | XXX | XXX |
| Total Suspended Solids | 22 | 33 | XXX | 30 | 45 | 60 |
| Fecal Coliform (CFU/100 ml) | | Wkly Avg | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | 2,000 | XXX | 10,000 |
| Nitrate-Nitrite as N | Report | XXX | XXX | Geo Mean | XXX | XXX |
| Total Nitrogen | Report | Report | XXX | Report | XXX | XXX |
| Ammonia-Nitrogen | | Total Annual | | | | |
| May 1 - Oct 31 | 6.9 | Report | XXX | 9.5 | XXX | 19 |
| Nov 1 - Apr 30 | Report | Report | XXX | Report | XXX | Report |
| Total Kjeldahl Nitrogen | Report | Total Mo | XXX | Report | XXX | XXX |
| Total Phosphorus | Report | Total Annual | XXX | Report | XXX | XXX |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 717-705-4732.

The EPA Waiver is in effect.

Southwest Regional Office: Regional Manager, Clean Water, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; 412-442-4000

PA0002054 A-2, SIC Code 4911, **Genon Wholesale Generation LP**, 595 Plant Road, New Florence, PA 15944-8927. Facility Name: Seward Power Plant. This existing facility is located in East Wheatfield Township, **Indiana County**.

Description of Existing Activity: The amendment application is for the addition of a new Outfall (Outfall 006) to the existing NPDES permit. Outfall 006 will be comprised of treated effluent from the Groundwater Collection and Treatment System.

The receiving stream(s), Conemaugh River, is located in State Water Plan watershed 18-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 006 are based on a design flow of 0.216 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Total Suspended Solids | XXX | XXX | XXX | 35 | 70 | XXX |
| Total Dissolved Solids | XXX | XXX | XXX | Report | Report | XXX |
| Oil and Grease | XXX | XXX | XXX | Report | Report | XXX |
| Total Aluminum | XXX | XXX | XXX | 0.48 | 0.75 | XXX |
| Total Iron | XXX | XXX | XXX | 1.5 | 2.3 | XXX |
| Total Manganese | XXX | XXX | XXX | 0.64 | 1.0 | XXX |
| Total Thallium | XXX | XXX | XXX | Report | Report | XXX |
| Total Zinc | XXX | XXX | XXX | Report | Report | XXX |

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not in effect.

PA0217778, SIC Code 1389, **Keyrock Energy LLC**, 106 Ferrell Avenue Suite 5, Kingsport, TN 37663-2371. Facility Name: Dawson Treatment Plant. This existing facility is located in Dunbar Township, **Fayette County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated coalbed methane production water.

The receiving stream(s), Unnamed Tributary to Youghiogheny River, is located in State Water Plan watershed 19-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.06 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|---|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | 0.06 | XXX | XXX | XXX | XXX |
| pH | XXX | XXX | 6 | XXX | XXX | 9 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | XXX | 60 |
| Total Dissolved Solids | Report | Report | XXX | Report | Report | XXX |
| Oil and Grease | XXX | XXX | XXX | 15 | XXX | 30 |
| Acidity, Total (as CaCO ₃) | XXX | XXX | XXX | Report | Report | XXX |
| Alkalinity, Total (as CaCO ₃) | XXX | XXX | XXX | Report | Report | XXX |
| Alkalinity, Total (as CaCO ₃) Effluent Net | XXX | XXX | XXX | Report | Report | XXX |
| Dissolved Iron | XXX | XXX | XXX | Report | Report | XXX |
| Total Iron | XXX | XXX | XXX | 3.5 | XXX | 7.0 |
| Chloride | Report | Report | XXX | Report | Report | XXX |

In addition, the permit contains the following major special conditions:

- Chemical Additives, Total Dissolved Solids—Chapter 95.10 Discharge Loadings

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not in effect.

PA0219339, SIC Code 1311, **Keyrock Energy LLC**, 106 Ferrell Avenue, Kingsport, TN 37663-2371. Facility Name: Jones Treatment Plant. This existing facility is located in Black Lick Township, **Indiana County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated coalbed methane production water.

The receiving stream, Blacklick Creek, is located in State Water Plan watershed 18-D and is classified for Trout Stocked Fishery, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.6 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | 0.6 | XXX | XXX | XXX | XXX |
| pH | XXX | XXX | 6 | XXX | XXX | 9 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | 60 | XXX |
| Total Dissolved Solids | Report | Report | XXX | Report | Report | XXX |

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|---|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Osmotic Pressure | XXX | XXX | XXX | 204 | 319 | XXX |
| Oil and Grease | XXX | XXX | XXX | 15 | 30 | XXX |
| Acidity, Total (as CaCO ₃) | XXX | XXX | XXX | Report | Report | XXX |
| Alkalinity, Total (as CaCO ₃) | | | | | | |
| Effluent Net | XXX | XXX | XXX | 0 | 0 | XXX |
| Alkalinity, Total (as CaCO ₃) | XXX | XXX | XXX | Report | Report | XXX |
| Total Aluminum | XXX | XXX | XXX | 0.48 | 0.75 | XXX |
| Dissolved Iron | XXX | XXX | XXX | Report | Report | XXX |
| Total Iron | XXX | XXX | XXX | 1.5 | 2.94 | XXX |
| Total Manganese | XXX | XXX | XXX | 0.64 | 1.0 | XXX |
| Chloride | Report | Report | XXX | Report | Report | XXX |

In addition, the permit contains the following major special conditions:

- Chemical Additives, Total Dissolved Solids—Chapter 95.10 Discharge Loadings

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is not in effect.

PA0218073, SIC Code 1389, **Keyrock Energy LLC**, 417 Oxford Court, Kingsport, TN 37663-4214. Facility Name: Scottdale Treatment Facility. This existing facility is located in East Huntingdon Township, **Westmoreland County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated coalbed methane production water.

The receiving stream(s), Jacobs Creek, is located in State Water Plan watershed 19-D and is classified for Warm Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.6 MGD.

| <i>Parameters</i> | <i>Mass (lb/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|---|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Flow (MGD) | Report | 0.6 | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6 | XXX | XXX | 9 |
| Total Suspended Solids | XXX | XXX | XXX | 30 | XXX | 60 |
| Total Dissolved Solids | XXX | XXX | XXX | Report | Report | XXX |
| Osmotic Pressure (mOs/kg) | | | | | | |
| (Interim) | XXX | XXX | XXX | Report | Report | XXX |
| (Final) | XXX | XXX | XXX | 70.24 | 109.6 | XXX |
| Oil and Grease | XXX | XXX | XXX | 15 | XXX | 30 |
| Acidity, Total (as CaCO ₃) | XXX | XXX | XXX | Report | Report | XXX |
| Alkalinity, Total (as CaCO ₃) | | | | | | |
| Effluent Net | XXX | XXX | 0 | XXX | XXX | XXX |
| Alkalinity, Total (as CaCO ₃) | XXX | XXX | XXX | Report | Report | XXX |
| Dissolved Iron | XXX | XXX | XXX | Report | Report | XXX |
| Total Iron | XXX | XXX | XXX | 3.5 | XXX | 7.0 |
| Total Mercury (µg/L) (Interim) | XXX | XXX | XXX | Report | Report | XXX |
| Total Mercury (µg/L) (Final) | XXX | XXX | XXX | 0.109 | 0.171 | XXX |
| Chloride | XXX | XXX | XXX | Report | Report | XXX |

In addition, the permit contains the following major special conditions:

- Toxics Reduction Evaluation (TRE), Chemical Additives and Total Dissolved Solids—Chapter 95.10 Discharge Loadings

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 412-442-4000.

The EPA Waiver is in effect.

PA0254631, **Jesse Patterson**, 258 Kimmel School Road, Shelocta, PA 15774. Facility Name: Jesse Patterson SR SFTF. This proposed facility is located in Plumcreek Township, **Armstrong County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new treated discharge.

The receiving stream(s), Dutch Run, is located in State Water Plan watershed 17-E and is classified for Cold Water Fishes. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.0004 MGD.

| Parameters | Mass (lb/day) | | | Concentration (mg/l) | | Instant. Maximum |
|-----------------------------|-----------------|---------|---------|-------------------------------|------------------|------------------|
| | Average Monthly | Minimum | Maximum | Average Monthly | Instant. Maximum | |
| Flow (MGD) | 0.0004 | XXX | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6.0 | XXX | XXX | 9.0 |
| Dissolved Oxygen | XXX | XXX | 3 | XXX | XXX | XXX |
| CBOD ₅ | XXX | XXX | XXX | 10 | XXX | 20 |
| Total Suspended Solids | XXX | XXX | XXX | 10 | XXX | 20 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | Geo Mean 2,000 Geo Mean | XXX | 10,000 |

The EPA Waiver is in effect.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

PA0103446, Industrial Waste, SIC Code 4953, **Advanced Disposal Services Greentree Landfill, LLC**, 635 Toby Road, Kersey, PA 15846-1033. Facility Name: Advanced Disposal Services Greentree Landfill. This existing facility is located in Fox Township, **Elk County**.

Description of Existing Activity: This application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Waste. This is the third draft due to changes to the proposed effluent limitations from the second draft.

The receiving streams, Sawmill Run, Little Toby Creek, an Unnamed Tributary to Bear Run, an Unnamed Tributary to Little Toby Creek, and an Unnamed Tributary to Sawmill Run, are located in State Water Plan watershed 17-A and are classified for Cold Water Fishes, aquatic life, water supply and recreation. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 0.25 MGD.

| Parameters | Mass (lbs/day) | | | Concentration (mg/l) | | Instant. Maximum |
|-----------------------------|-----------------|---------------|---------|-------------------------------|---------------|------------------|
| | Average Monthly | Daily Maximum | Minimum | Average Monthly | Daily Maximum | |
| Flow (MGD) | Report | Report | XXX | XXX | XXX | XXX |
| pH (S.U.) | XXX | XXX | 6 | XXX | XXX | 10 |
| BOD ₅ | Report | Report | XXX | 53 | 163 | 163 |
| Total Suspended Solids | Report | Report | XXX | 31 | 60 | 77 |
| Total Dissolved Solids | 28,456 | 56,912 | XXX | Report | Report | Report |
| Osmotic Pressure | XXX | XXX | XXX | 1,058 | 2,116 | 2,645 |
| Oil and Grease | XXX | XXX | XXX | 50.2 | 205 | 205 |
| Fecal Coliform (CFU/100 ml) | | | | | | |
| May 1 - Sep 30 | XXX | XXX | XXX | 200 | XXX | 1,000 |
| Oct 1 - Apr 30 | XXX | XXX | XXX | Geo Mean 2,000 Geo Mean | XXX | 10,000 |
| Ammonia-Nitrogen | | | | | | |
| May 1 - Oct 31 | 52 | 104 | XXX | 25 | 50 | 62 |
| Nov 1 - Apr 30 | 156 | 312 | XXX | 75 | 150 | 186 |
| Color (Pt-Co Units) | | | | | | |
| Interim | Report | Report | XXX | Report | Report | Report |
| Final | Report | Report | XXX | 1,001 | 2,002 | 2,502 |
| Free Available Cyanide | | | | | | |
| Interim | Report | Report | XXX | Report | Report | Report |
| Final | 0.252 | 0.504 | XXX | 0.121 | 0.242 | 0.302 |
| Total Aluminum | | | | | | |
| Interim | XXX | Report | XXX | XXX | Report | XXX |
| Final | XXX | 2.55 | XXX | XXX | Report | XXX |
| Total Iron | | | | | | |
| Interim | XXX | Report | XXX | XXX | Report | XXX |
| Final | XXX | 5.91 | XXX | XXX | Report | XXX |
| Total Manganese | | | | | | |
| Interim | XXX | Report | XXX | XXX | Report | XXX |
| Final | XXX | 0.62 | XXX | XXX | Report | XXX |
| Total Selenium | 0.241 | 0.483 | XXX | 0.116 | 0.232 | 0.290 |
| Total Arsenic | Report | Report | XXX | 0.104 | 0.162 | 0.260 |
| Total Antimony | 0.075 | 0.150 | XXX | 0.036 | 0.072 | 0.090 |
| Total Cadmium | 0.037 | 0.075 | XXX | 0.018 | 0.036 | 0.045 |
| Total Chromium | Report | Report | XXX | 3.07 | 15.5 | 15.5 |

| <i>Parameters</i> | <i>Mass (lbs/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|-----------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| Total Cobalt | Report | Report | XXX | 0.124 | 0.192 | 0.310 |
| Total Copper | 1.555 | 3.110 | XXX | 0.746 | 1.492 | 1.865 |
| Total Lead | Report | Report | XXX | 0.283 | 1.32 | 1.32 |
| Total Mercury | 0.0012 | 0.0024 | XXX | 0.0006 | 0.0012 | 0.0015 |
| Total Nickel | Report | Report | XXX | 1.45 | 3.95 | 3.95 |
| Total Silver | Report | Report | XXX | 0.0351 | 0.120 | 0.120 |
| Total Tin | Report | Report | XXX | 0.12 | 0.409 | 0.409 |
| Total Titanium | Report | Report | XXX | 0.0618 | 0.0947 | 0.1545 |
| Total Vanadium | Report | Report | XXX | 0.0662 | 0.218 | 0.218 |
| Total Zinc | Report | Report | XXX | 0.42 | 0.497 | 1.05 |
| Phenol | Report | Report | XXX | 1.08 | 3.65 | 3.65 |
| 2,4,6-Trichlorophenol | Report | Report | XXX | 0.106 | 0.155 | 0.265 |
| Acetone | Report | Report | XXX | 7.97 | 30.2 | 30.2 |
| Acetophenone | Report | Report | XXX | 0.0562 | 0.114 | 0.140 |
| o-Cresol | Report | Report | XXX | 0.561 | 1.92 | 1.92 |
| p-Cresol | Report | Report | XXX | 0.205 | 0.698 | 0.698 |
| Pyridine | Report | Report | XXX | 0.182 | 0.370 | 0.455 |
| 2-Butanone | Report | Report | XXX | 1.85 | 4.81 | 4.81 |

The proposed effluent limits for Outfalls 002 through 017 are based on a design flow of N/A MGD.

| <i>Parameters</i> | <i>Mass (lbs/day)</i> | | | <i>Concentration (mg/l)</i> | | |
|------------------------|------------------------|----------------------|----------------|-----------------------------|----------------------|-------------------------|
| | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Minimum</i> | <i>Average Monthly</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
| pH (S.U.) | XXX | XXX | XXX | XXX | Report | XXX |
| BOD ₅ | XXX | XXX | XXX | XXX | Report | XXX |
| Chemical Oxygen Demand | XXX | XXX | XXX | XXX | Report | XXX |
| Total Suspended Solids | XXX | XXX | XXX | XXX | Report | XXX |
| Total Iron | XXX | XXX | XXX | XXX | Report | XXX |

In addition, the permit contains the following major special conditions:

- Requirement to Use eDMR System
- Equivalent Treatment Determination
- Requirements Applicable to Stormwater Outfalls
- Receipt of Residual Waste
- Future Acceptance of Natural Gas-Related Wastewaters
- Requirement to Amend NPDES Permit if a WLA would be exceeded

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 814-332-6340.

The EPA Waiver is not in effect.

The Little Toby Creek TMDL was originally approved by the US EPA in February 2009. With this NPDES Permit, future Waste Load Allocations (WLAs) available from the TMDL for Aluminum, Iron, and Manganese are being allocated to the Advanced Disposal Services Greentree Landfill discharge. The future WLAs are being allocated from mines KR10, LT91, and SP1 and will consist of 2.55 lbs/day for Aluminum, 5.91 lbs/day for Iron, and 0.62 lbs/day for Manganese.

The Little Toby Creek TMDL can be accessed through the website: <http://www.ahs.dep.pa.gov/TMDL>—please note that attachments and appendices must be requested through paper mail. Persons with a disability may use the AT&T Relay Service by calling 1-800-654-5984 (TDD users) or 1-800-654-5988 (voice users) and requesting that the call be relayed.

Written and emailed comments will be accepted at the above address and must be received within 30 days of the printing of this notice.

III. WQM Industrial Waste and Sewerage Applications under The Clean Streams Law

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

WQM Permit No. 3513403, Industrial Waste, **American Rock Salt Co. LLC**, Po Box 190, Mt Morris, NY 14510.

This proposed facility is located in Scranton City, **Lackawanna County**.

Description of Proposed Action/Activity: construction of a dual membrane stormwater impoundment to capture runoff from a rock salt storage pile. The impoundment will capture stormwater runoff from the covered storage pile, asphalt paved perimeter and rail car unloading area. The impoundment will have a controlled discharge.

WQM Permit No. 4813402, Sewage, **Bethlehem City Northampton County**, 10 East Church Street, Bethlehem, PA 18018.

This proposed facility is located in Bethlehem City, **Northampton County**.

Description of Proposed Action/Activity: Biosolids Dewatering Improvements.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. 0613402, Sewerage, **Ethan Michael, Inc.**, 2034 East Main Street, Douglassville, PA 19518.

This proposed facility is located in Union Township, **Berks County**.

Description of Proposed Action/Activity: New sewage treatment plant consisting of a septic tank, equalization basin, sequencing batch reactor and a drip irrigation system.

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

WQM Permit No. 6513403, Sewerage, **E Vandergrift Boro**, 254 Kennedy Ave, E Vandergrift, PA 15629

This proposed facility is located in E Vandergrift Boro, **Westmoreland County**

Description of Proposed Action/Activity: Application for the construction and operation of a sewer system.

WQM Permit No. 6374406-A8, Sewerage, **Canonsburg Houston Jt Auth**, 68 E Pike St, Canonsburg, PA 15317

This existing facility is located in Cecil Twp, **Washington County**

Description of Proposed Action/Activity: Application for permit amendment.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

WQM Permit No. WQG01251305, Sewerage, **Paul Szustak**, 323 Private Road 2698, Alvord, TX 76225.

This proposed facility is located in Greenfield Township, **Erie County**.

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

WQM Permit No. WQG018671, Sewage, **Timothy T. Hoppe**, 8359 Pondview Road, McKean, PA 16426.

This existing facility is located in McKean Township, **Erie County**.

Description of Proposed Action/Activity: Transfer of permit from Wilhelm J. Andrae, II.

IV. NPDES Applications for Stormwater Discharges from MS4

V. Applications for NPDES Waiver Stormwater Discharges from MS4

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

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802

| Permit # | Applicant Name & Address | County | Municipality | Receiving Water/Use |
|--------------|--|-----------|--------------------|--------------------------------|
| PAI033613004 | Forino Company, LP 555 Mountain Home Road Sinking Spring, PA 19608 | Lancaster | Mount Joy Township | UNT to the Donegal Creek (CWF) |

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. (412) 442.4315

| Permit No. | Applicant & Address | County | Municipality | Stream Name |
|--------------|---|------------|-------------------------|--|
| PAI056313001 | Bove Development Corporation 5851 Brian Drive Bethel Park, PA 15102 | Washington | North Strabane Township | UNT to Little Chartiers Creek (HQ-WWF) |

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

PAG-12 CAFOs

PUBLIC WATER SUPPLY (PWS) PERMITS

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

Persons wishing to comment on permit applications are invited to submit statements to the office listed before the

application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding an application. A comment 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. 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 related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability that 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 may 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

Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Permit No. 2013503, Public Water Supply

| | |
|---------------------------|---|
| Applicant | Forest Green Estates |
| Township or Borough | West Mead Township |
| County | Crawford |
| Responsible Official | Mary Lou Jacobs |
| Type of Facility | Public Water Supply |
| Consulting Engineer | Mark J. Corey, P.E. Mark J. Corey & Associates P. O. Box 268 Harborcreek, PA 16421 |
| Application Received Date | March 27, 2013 |
| Description of Action | Replacement of existing water softeners with new equipment. |

MINOR AMENDMENT

Applications Received Under the Pennsylvania Safe Drinking Water Act

Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Application No. 3713501, Minor Amendment.

| | |
|---------------------------|--|
| Applicant | Pennsylvania American Water |
| Township or Borough | Jackson Township |
| Responsible Official | Paul A. Zielinski |
| Type of Facility | Public Water Supply |
| Consulting Engineer | Jerry Hankey, P.E. Pennsylvania American Water Co. 1909 Oakland Avenue Indiana, PA 15701 |
| Application Received Date | April 3, 2013 |
| Description of Action | Removal of the Jackson Township well and treatment from the existing consolidated Ellwood City permit. |

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—6026.907)

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.302—6026.305) require the 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. A person intending to use the background standard, Statewide health standard, the site-specific standard or intend to remediate a site as a special industrial area shall 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 or a combination of cleanup standards or 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 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 following site, 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 as follows. 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 listed before the notice. 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:

Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Cespedes Residence, 1440 West Linden Street, Allentown City, **Lehigh County**, Dana Boyadjian, ECC Horizon, Inc., has submitted a Notice of Intent to Remediate on behalf of his client, Angel Cespedes, 1440 West Linden Street, Allentown, PA 18102, concerning the remediation of soil found to have been impacted by #2 fuel oil which was delivered to the wrong address and discharged through a disconnected supply pipe onto a concrete floor. The applicant proposes to remediate the site to meet the Residential Statewide Health Standards for soil. The intended future use of the site is residential. A summary of the Notice of Intent to remediate was published in *The Morning Call* on March 11, 2013.

Colavito Residence, 92 Fairview Avenue, Mount Pocono Borough, **Monroe County**, John Lydzinski, Cardno MM & A, has submitted a Notice of Intent to Remediate on behalf of his client, Paul Colavito, 92 Fairview Avenue, Mt. Pocono, PA 18344, concerning the remediation of soil found to have been impacted by #2 fuel oil from an overflow resulting in the release of approximately 5 to 10 gallons to the interior and exterior of the property. The applicant proposes to remediate the site to meet the Residential Statewide Health Standards for soil. The intended future use of the site is residential. A summary of the Notice of Intent to remediate was published in *The Pocono Record*, on March 26, 2013.

Bethlehem Greenway, Rail line south of the Lehigh River, City of Bethlehem, **Northampton County**, Elizabeth Schamberger, Moonstone Environmental, LLC., has submitted a Notice of Intent to Remediate on behalf of her client, Darlene Heller, Director of Planning, City of Bethlehem, 10 E Church St, Bethlehem, PA 18018, concerning the remediation of soil found to have been impacted by semi-volatile organic compounds (SVOCs), and lead as a result of a historical release. The applicant proposes to remediate the site to meet the Residential Statewide Health Standards for soil and the Site Specific Standard for soil. The intended future of the site is to be used as a public trail. A summary of the Notice of Intent to remediate is expected to be published in two local newspapers serving the general area sometime in the near future.

Poole Property, 2825 Rockway Road, Lake Township, **Wayne County**, Robert Byer, Sovereign Consulting Inc., has submitted a Notice of Intent to Remediate on behalf of his clients, Mr. Charles and Mrs. Robin Poole, 427 Long Mountain Road, New Milford, CT 06776, concerning the remediation of soil found to have been impacted by an unknown amount of #2 fuel oil from a aboveground storage tank being dropped as it was removed. The applicant proposes to remediate the site to meet the Residential Statewide Health Standards for soil. The intended future of the site is residential. A summary of the Notice of Intent to remediate is expected to be published in a local newspaper serving the general area sometime in the near future.

Southwest Region: Environmental Cleanup Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Banner Parklet, William Penn Highway, Murrysville, **Westmoreland County**. CP Environmental Group, Inc., 1092 5th Avenue, New Kensington, PA 15068, on behalf of Herky Pollock, Regional Development Partners-Blue Spruce LP, 600 Grant Street, Suite 4800, Pittsburgh, PA

15219 submitted a Notice of Intent to Remediate site soil and groundwater contaminated with VOCs and SVOCs attributed to the historical use of the site as a gasoline station. The anticipated future use of the site is retail/commercial.

Kaukonen Residence, 653 Greenhills Road, Sewickley Township, **Westmoreland County**. Brickhouse Environmental, 515 South Franklin Street, West Chester, PA 19382 on behalf of Dale Kaukonen, 653 Greenhills Road, Irwin, PA 15642, has submitted a Notice of Intent to Remediate site soil and groundwater contaminated with No. 2 heating oil from a tank release. The future use of the site to remain residential.

REGISTRATION FOR GENERAL PERMIT—MUNICIPAL WASTE

Application for Registration Received Under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

Southeast Region: Regional Solid Waste Manager, 2 East Main Street, Norristown, PA 19401

General Permit Application No. WMGM037SE002. L&S Demo Recycling, 884 Brook Road, Conshohocken PA 19428. This registration application is to operate under General Permit Number WMGM037 to transport alternative fuel product generated at L&S as a commodity in trade for beneficial use as alternative fuel material with an energy content of at least 5000 BTU's/lb. The new facility will be operating within the L&S Demo Recycling Transfer Facility, an existing construction and demolition (C&D) waste transfer and processing facility, located at 884 Brook Road in Plymouth Township, **Montgomery County**. The application for registration was considered administratively complete by the Southeast Regional Office on March 29, 2013.

MUNICIPAL WASTE GENERAL PERMITS

Application(s) Received Under the Solid Waste Management Act; the Municipal Waste Planning, Recycling and Waste Reduction Act; and Municipal Waste Regulations for a General Permit to Operate Municipal Waste Processing Facilities and the Beneficial Use of Municipal Waste.

Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17106-9170.

General Permit Application No. WMGM048. Pioneer Aggregates, Inc., 202 Main Street, Laflin, PA 18702; Site: Simpson Quarry, Clinton Strip, Route 107, Fells Township, PA, **Lackawanna County**. The application for a general permit is for the beneficial use of a mixture of Re-crete™ and coal fly ash in coal mine reclamation. The Re-crete™ product is produced using a pug mill to mix coal fly ash, Portland cement, and construction/demolition waste fines. The application was deemed administratively complete on March 28, 2013.

Comments concerning the application should be directed to Scott E. Walters, Chief, Permits Section, Division of Municipal and Residual Waste, Bureau of Waste Management, P.O. Box 69170, Harrisburg, PA 17106-9170, 717-787-7381. Persons interested in obtaining more

information about the general permit application may contact the Central Office, 717-787-7381. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application.

AIR QUALITY

PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

The 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 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 received applications for Plan Approvals or Operating Permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the regional office listed before the applications. Persons interested in reviewing the application files should contact the appropriate regional office to schedule appointments.

Persons wishing to receive a copy of a proposed Plan Approval or Operating Permit shall indicate interests to the Department regional office within 30 days of the date of this notice and shall file protests or comments on a proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed documents to persons or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that hearings be held concerning a proposed Plan Approval or Operating Permit. A comment or protest filed with the Department regional office shall 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 listed before the application. TDD users may 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 (42 U.S.C.A. §§ 7401—7671q) and regulations adopted under the Federal Clean Air 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

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

43-270H: CCL Container (1 Llodio Drive, Hermitage, PA 16148) for installation of a new regenerative thermal oxidizer (RTO) to control VOC emissions for sources 106 through 109 in Hermitage City, **Mercer County**. The existing RTO (control device C05) will be used to control VOC emissions for sources 101 through 105. The facility manufactures aluminum cans used for packaging various consumer products and is permitted under synthetic minor operating permit #43-00270.

Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

46-0044B: Glasgow, Inc. (Church & Flint Hill Roads, King of Prussia, PA 19406) for installation of two (2) replacement secondary crushers for the existing secondary stone crushing plant at their McCoy Quarry facility in Upper Merion Township, **Montgomery County** and is a non-Title V facility.

Particulate matter ("PM") emissions from the replacement secondary crushers will be controlled by the existing water spray dust suppression system and enclosure associated with the secondary stone crushing plant. As the rated capacities of the proposed replacement secondary crushers are less than those of the current secondary crushers, no increase in the potential to emit PM is expected from the project.

The plan approval will include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

36-03172B: Trinity Alloys, Inc. (950 Square Street, Mount Joy, PA 17552) for installation of a sweat furnace at the Trinity Alloys, Inc. facility in Mount Joy Borough, **Lancaster County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval # 36-03172B authorizes the installation and operation of a Lindberg/MPH, Model No. 62-ARP3500-SP, sweat furnace. The sweat furnace meets the minimum afterburner temperature of 1600°F and the minimum residence time of 0.8 second. The company shall be subject to and comply with 40 CFR 63, Subpart RRR—National Emission Standards for Hazardous Air

Pollutants for Secondary Aluminum Production. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The potential air emissions from the proposed project are 3.3 tpy of NO_x, 2.8 tpy of CO, 0.2 tpy of SO_x, 2.8 tpy of PM and 0.2 tpy of VOCs.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Mr. Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)—(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

06-05077B: Can Corporation of America (326 June Ave., P. O. Box 170, Blandon, PA 19510) for installing a new oven for a metal sheet coater controlled by a new oxidizer at the Blandon Plant in Maidencreek Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This plan approval may be incorporated into the company's facility-wide permit via an administrative amendment at a later date.

Plan Approval 06-05077B is for installing a new oven for a metal sheet coater controlled by a new oxidizer. The company shall be subject to and comply with Best Available Technology (BAT) requirements of 25 Pa. Code § 127.12(a)(5). The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements. The expected air emissions from the proposed project are a maximum of 6.6 tons per year of VOC.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written

comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Mr. Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)—(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

28-05009B: Borough of Chambersburg (100 South Second Street, Chambersburg, PA 17201) for installation of a dedicated oxidation catalyst on three existing natural gas/No. 2 fuel oil-fired reciprocating internal combustion engines (Source IDs 105, 106 and 107) at its Falling Spring Generating Station in Chambersburg Borough, **Franklin County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received an application and intends to issue a Plan Approval to the abovementioned company for the abovementioned project. This Plan Approval will be incorporated into the company's State-Only Operating Permit via an administrative amendment at a later date.

Plan Approval No. 28-05009B authorizes the installation of the abovementioned oxidation catalysts. The three reciprocating internal combustion engines are subject to 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The Plan Approval and State-Only Operating Permit will contain emission restrictions, work practice standards, and testing, monitoring, record keeping, and reporting requirements to ensure the facility complies with the applicable air quality requirements. There will be no air emission increases associated with this project.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

William R. Weaver, Air Quality Program Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality

Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Plan approvals issued to sources identified in 25 Pa. Code § 127.44(b)(1)–(4) or plan approvals issued to sources with limitations on the potential to emit may become part of the SIP, and will be submitted to EPA for review and approval.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

16-161A: Kelly IMG Energy, LLC (301 Oxford Valley Road, Yardley, PA 19067) for construction of a 6.2 MW natural gas-fired electric generating station at their proposed facility on Zanot Road, Toby Township, **Clarion County**.

Notice is hereby given pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), that the Department of Environmental Protection (DEP) intends to issue Plan Approval 16-161A to Kelly IMG Energy, LLC for the construction of a 6.2 MW natural gas-fired electric generating station at their proposed facility on Zanot Road, Toby Township, Clarion County. The Plan Approval will subsequently be incorporated into the facility's Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450. This notice is a revision to a notice previously published in the *Pennsylvania Bulletin* on March 16, 2013.

Plan Approval No. 16-161A is for the construction of a natural gas-fired electric generating station, to consist of two (2) 4350 bhp natural gas fired generator engines and associated oxidation catalyst control devices. Based on the information provided by the applicant and DEP's own analysis, the proposed sources will emit a maximum of 42.02 tons of nitrogen oxides (NO_x), 6.72 tons of carbon monoxide, 14.56 tons of volatile organic compounds (VOC), 2.44 tons of particulate matter less than 10 microns (PM-10), 0.14 ton of sulfur oxides (SO_x), 3.48 tons of formaldehyde, and 3.56 tons of total hazardous air pollutants (HAP) per year.

The proposed sources will be subject to 40 CFR 60, Subpart JJJJ (Standards of Performance for Stationary Spark Ignition Internal Combustion Engines), the applicable requirements of which will be contained in the Plan Approval. The Plan Approval will contain additional testing, monitoring, recordkeeping, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis, and other documents used in the evaluation are available for public inspection between the hours of 8 a.m. and 4 p.m. weekdays at the address shown below. To make an appointment, contact Records Management at 814-332-6340.

Anyone wishing to provide DEP with additional information they believe should be considered may submit the information to the address shown below. Comments must be received by the Department within 30 days of the last day of publication. Written comments should include the name, address, and telephone number of the person submitting comments, identification of the proposed Plan Approval; No. 16-161A and a 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 of Environmental Protection, in its discretion, decides that such a hearing is warranted on the comments received during the public comment period. All 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 such 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 St., Meadville, PA 16335, 814-332-6940.

37-327A: R. Cunningham Funeral Home Inc. (2429 Wilmington Road, New Castle, PA 15195) to issue a plan approval for authorization to continue operation of two existing crematories (one human and one animal) at their existing facility in the City of New Castle, **Lawrence County**. Public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44.

The facility consists of one human and one pet crematory each installed January 18, 2008 under authorization from GP14-37-327. This plan approval application was submitted per the Department's instruction that those crematories which open their primary chamber's door during operation could no longer use the GP-14 for authorization and must be authorized by a plan approval or discontinue the opening of the door during the cremation cycle and continue to maintain their GP-14. Cunningham has elected to apply for a plan approval rather than discontinue the opening of their door which they feel is necessary for efficient and complete cremation cycles.

Emissions are estimated to be: less than 1.5 tons per year (tpy) of particulate matter, less than 1.0 tpy (each) of SO_x, NO_x, CO, VOC, and HAP.

This plan approval will be subject to special conditions [25 Pa. Code § 127.12(b)]:

WORK PRACTICE

1) The crematories' burners shall be operated and maintained as prescribed by the manufacturer. A copy of the burner's operational and maintenance literature shall be maintained onsite with the units at all times.

2) The owner/operator may only cremate human or animal remains and the container used to transport the remains. The head of an animal carcass infected with rabies must be removed before the remainder of the carcass is burned. Rabies infected tissue may not be incinerated at this facility.

3) The owner/operator of the crematory must ensure that all medical devices (e.g. pacemakers, defibrillators, etc.) and potentially hazardous remedial devices (e.g. radioactive implants, etc.) have been removed from bodies and properly disposed of prior to cremation. Documentation certifying compliance with this requirement shall be maintained for each cremation.

4) The crematory shall be:

a. Operated in such a manner as not to cause air pollution, as defined in 25 Pa. Code § 121.1.

b. Operated and maintained in a manner consistent with good operating and maintenance practices.

c. Attended by a trained operator at all times when the unit is in operation.

d. Operated and maintained in accordance with the manufacturer's specifications and the applicable terms and conditions of this Permit.

e. Operated such that the temperature at the exit of the secondary chamber shall be maintained at or above 1800° F throughout the cremation cycle.

f. Observed by a trained operator for stack emissions. The permittee shall verify compliance with visible, fugitive, and odor emission limitations through the following procedures:

(1) The permittee shall observe the exhaust stack and the premise of the crematory at least once during each cremation cycle for the presence of any visible, fugitive, or odor emissions;

(2) If any visible, fugitive, or odor emissions are apparent, the permittee shall take immediate action to eliminate them and record/describe the event in a log. The log entry shall at a minimum include the items described in Monitoring Condition 2)c.(1)—(6); and

(3) If any visible emissions are apparent after the corrective action, the crematory shall not start another cremation cycle until the permittee can verify compliance with the visible emission limitations specified in this plan approval through methods prescribed in 25 Pa. Code § 123.43 (relating to measuring techniques), such as Method 9 readings taken by a certified visible emissions reader.

g. Lit with adequate artificial lighting of the plume at the stack outlet to enable observations of stack emissions at night, if nighttime operation of the crematory is to occur.

5)

a. The crematory will be required to have an interlock system that meets specific requirements identified by the Department.

b. The operator may open the loading door to the crematory during the cremation cycle to inspect and, if deemed necessary, reposition the charge. However, the operator is still required to ensure that the crematory is operated in compliance with all terms and conditions specified in this operating permit, and that the emission of air contaminants from the crematory does not exceed any of the restrictions specified in this operating permit or established pursuant to any applicable rule or regulation contained in 25 Pa. Code Article III.

c. The operator shall monitor the crematory for visible air contaminant emissions, via the opacity sensor of the crematory or via direct observation of the crematory's stack, whenever the loading door is opened for inspection and repositioning of the charge.

d. The permittee shall ensure that the opacity sensor of this crematory is set to activate at 10% opacity.

6) The operator shall be familiar with and follow the manufacturer's recommend procedure for the cremation of an obese individual. A physical copy of the procedure shall be maintained with the unit at all times.

7) The manufacturer's representative or another qualified technician shall adjust the burners after the unit is constructed and before a new unit is first operated and at other appropriate times such as when the use of an approved fuel is initiated and when visible emissions are observed.

8) The manufacturer's representative or another qualified training source shall provide adequate instruction to

all operators of each new crematory and to new operators of existing crematories including hands-on control of the unit for at least two operating cycles. The training will need to include specific elements identified by the Department at a minimum.

MONITORING

1) The owner/operator shall install, maintain, and operate continuous temperature monitors to measure the temperatures at the exit from the primary combustion chamber and at the exit from the secondary (or last) chamber of the crematory. Sensors shall be located such that flames from the burners do not impinge on the sensors. These temperatures shall be recorded in either analog or digital read-only format.

2) All detectable objectionable odors that originate on-site and cross the property line, as well as visible and/or fugitive air contaminant emissions that originate on-site, shall:

a. Be investigated.

b. Be reported to the facility management, or individual(s) designated by the permittee.

c. Be recorded in a permanent written log which, at a minimum, shall include items specifically identified by the Department.

3) The Department reserves the right to change the above monitoring requirements at any time, based on, but not limited to, the review of complaints, monitoring results, and/or Department findings.

RECORDKEEPING

1) The owner/operator will be required to maintain records identified by the Department which demonstrate compliance with the requirements of this plan approval and demonstrate proper operation and maintenance of the crematory.

2) The permittee shall maintain all logs on-site for a minimum period of five years and shall furnish these records to the Department upon request.

EMISSION RESTRICTIONS

1) No person may permit the emission to the outdoor atmosphere of particulate matter from any incinerator, at any time, in such a manner that the particulate matter concentration in the effluent gas exceeds 0.08 gr/dscf, corrected to 7% oxygen. (Filterable Only)

2) Visible emissions shall not exceed either of the following limitations:

a. Equal to or greater than 10% for a period or periods aggregating more than three minutes in any 1 hour;

b. Equal to or greater than 30% at any time.

3) A person 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 person on whose land the source is being operated.

REPORTING

The owner/operator will be required to report malfunctions to the Department per specific conditions.

Other

1) The operator shall not use the crematory to dispose of any animals used for commercial or medical experimentation purposes.

2) The owner or operator of any crematory authorized to use this General Permit may not cremate human or

animal bodies whose weight exceeds 500 pounds, including the weight of the container.

In accordance with 25 Pa. Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [25-197E] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Jacob G. Chemsak, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6638.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region.

42-004H: American Refining Group, Inc. (77 Kendall Avenue, Bradford, PA 16701-1726) for modification of the methodology to calculate waste gas flow to the refinery flare (FL301) from the use of a previously established waste gas generation factor to the use of actual measured waste gas data from a flow meter in City of Bradford, **McKean County**. This is a Title V 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 or § 127.505, be incorporated into the Title V operating permit at a later date.

This project will result in projected actual emissions of 6.58 tpy for NO_x, 1.65 tpy for CO, 0.26 tpy for VOC, 0.16 tpy for PM/PM₁₀/PM_{2.5}, 23.47 tpy for SO_x, and 9163 tpy for CO₂(e). This Plan Approval will contain 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 including, but are not limited to, the following:

- Emissions from the flare shall not exceed:
- PM/PM₁₀/PM_{2.5}—0.16 tpy based on a 12-month rolling total [This condition replaces the following condition from Plan Approval 42-004F: 0.01 tpy]
- CO—1.65 based on a 12-month rolling total [This condition replaces the following condition from Plan Approval 42-004F: 0.18 tpy]
- SO_x—23.47 based on a 12-month rolling total [This condition replaces the following condition from Plan Approval 42-004F: 8.27 tpy]

- NO_x—6.58 based on a 12-month rolling total [This condition replaces the following condition from Plan Approval 42-004F: 0.70 tpy]

- VOC—0.26 based on a 12-month rolling total [This condition replaces the following condition from Plan Approval 42-004F: 0.03 tpy]

- The pilot system for the Refinery Flare (Control Device ID #FL301) shall use natural gas as a fuel source. [This corrects typo from 42-004F: The pilot system for the Refinery Flare (Control Device ID #FL103) shall use natural gas as a fuel source.]

- The maximum sulfur content in the refinery fuel gas (RFG) shall not exceed 2% by weight. [Compliance with this condition assures compliance with 25 Pa. Code § 123.21—Sulfur Compound Emissions.]

- The maximum volume of waste gas shall not exceed 92.7 MMCF/yr based on a 12 month rolling total as calculated from the flow meter data. [This condition replaces the following condition from Plan Approval 42-004F: The maximum volume of refinery fuel gas flared calculated, as a 12 month rolling total, shall not exceed 8.7 MMCF/yr.]

- The maximum volume of natural gas combusted in the pilot system, as a 12 month rolling total, shall not exceed 1.31 MMCF/yr.

- The permittee shall maintain and operate a meter or other approved method to monitor and record the volume of waste gas flared via electronic file, hard copy, or other method approved by the Department. [This condition replaces the following condition from Plan Approval 42-004F: The permittee shall install, maintain, and operate a meter or other approved method to record the volume of refinery fuel gas flared.]

- The permittee shall use actual measured flow data from the waste gas flow meter to calculate emissions from waste gas combustion and to demonstrate compliance with the waste gas throughput limit. [This condition replaces the following condition from Operating Permit 42-00004: An emission factor of 150 lbs of Refinery Fuel Gas (RFG) flared per 1000 gallons of crude oil shall be established for the consumed fuel rate.]

- The permittee shall calculate the volume of natural gas combusted in the pilot system based on the manufacturer's pilot gas consumption rating.

- The source shall be maintained and operated in accordance with the manufacturer's specifications and in accordance with good air pollution control practices. The facility shall follow the recommended manufacturer's maintenance schedule. A copy of the manufacturer's specifications and manufacturer's recommended preventative maintenance schedule shall be kept on site and made available to the Department upon request. [Compliance with this condition assures compliance with 25 Pa. Code § 123.13—Particulate Matter Emissions—Processes.]

- Flares shall be operated with a flame present at all times. The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame. Within 180 days of the new flare tip system, the permittee shall submit to the Department in writing the temperature range of the thermocouples on both pilots, that will indicate the presence of a flare pilot flame.

- Subject to 25 Pa. Code § 129.55

- Subject to 40 CFR 60.11

In accordance with 25 Pa. Code § 127.44(e)(1), all the pertinent documents regarding this application (applications, review memos, and draft approvals) are also available for review from 8:00 a.m. to 4:00 p.m. at the Meadville Regional DEP office (Air Quality). Appointments for scheduling a review must be made by calling the DEP at (814) 332-6340.

In accordance with 25 Pa. Code § 127.44(e)(2), a 30-day comment period, from the date of publication, will exist for the submission of comments. Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to Regional Air Quality Program Manager, Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335-3494 and must contain the name, address and telephone number of the person submitting the comments, identification of the proposed plan approval [42-004H] and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Regional Air Quality Program Manager, 230 Chestnut St., Meadville, PA 16335; Phone (814) 332-6940.

In accordance with 25 Pa. Code § 127.45, a person may oppose the proposed plan approval by filing a written protest with the Department's Northwest Region Air Quality Program Manager.

If a plan approval has not undergone the above public notice process, the change to an operating permit must be treated as a significant modification. In these situations the Department should follow the procedures described in 25 Pa. Code §§ 127.421 to 127.431 for state only operating permits or 25 Pa. Code §§ 127.521—127.524 for Title V operating permits.

43-364A: Combined Systems, Inc. (388 Kinsman Road, Jamestown, PA 16134) for operation of an existing mixing operation, granulation and sieving operation and pelletizing operation in Greene Township, **Mercer County**. This facility uses activated carbon filtration to reduce VOC emissions and has two (2) dust collectors used to reduce PM emissions.

Pursuant to 25 Pa. Code § 127.44(a), the Department of Environmental Protection (DEP) intends to issue Plan Approval 43-364A to Combined Systems Incorporated for the operation of a mixing operation, granulation and sieving operation and pelletizing operation. This facility is located in Greene Township, Mercer County. The Plan Approval will subsequently be incorporated into a facility Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 43-364A is for the operation of a mixing operation, granulation and sieving operation and pelletizing operation. Based on the information provided by the applicant and DEP's own analysis, the combined subject sources will have the projected actual emissions of approximately 1.0 ton per year (tpy) of volatile organic compounds and 0.50 tpy of particulate matter.

The Plan Approval will contain emission restrictions, along with testing, monitoring, recordkeeping, work prac-

tice and additional requirements designed to keep the facility operating within all applicable air quality requirements.

OPERATING PERMITS

Intent to Issue Title V Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

15-00060: Southeastern Chester County Refuse Authority—SECCRA (PO Box 221, Kennett Square, PA 19348) for the initial Title V Operating Permit for an existing municipal solid waste landfill and its landfill gas collection and control system, in London Grove Township, **Chester County**. The facility has become a Title V facility, since its potential to emit carbon monoxide (CO) has increased to over 100 tons/year. The initial Title V Operating Permit includes conditions from the State Only Operating Permit SOOP 15-00060, for an Emergency Generator (102 hp), 2 Leachate Evaporators (1.5 MMBtu/hr each), and an IC Engine/Generator (1148 hp) in addition to the landfill and its landfill gas collection and control system. The Title V Operating Permit also incorporates Plan Approval 15-0060D for an Enclosed Flare (Source ID C07). Sources of minor significance at the facility include a parts washer (40 gallon non-HAP solvent capacity), a #2 distillate fuel fired space heater (118,000 Btu/hr), and fuel, water and leachate storage tanks. No increases in facility-wide emissions in tons/year per 12-month rolling period for volatile organic compounds (VOC), nitrogen oxides (NO_x), carbon monoxide (CO), sulfur oxides (SO_x), particulate matter less than 10 microns (PM₁₀), particulate matter less than 2.5 microns (PM_{2.5}), and hazardous air pollutants (HAPs) beyond that previously approved are allowed. The emergency generator and IC Engine/Generator are subject to the requirements of National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE), 40 CFR Part 63, Subpart ZZZZ. The initial Title V Operating Permit contains all applicable requirements including monitoring, recordkeeping and reporting.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

48-00071: Green Knight Economic Development Corp. (2147 Pen Argyl Road, Pen Argyl, PA 18702) for an electric generating plant in Plainfield Township, **Northampton County**. This is a renewal of the Title V Operating Permit. As a major source, the facility is subject to the Title V permitting requirements of the Clean Air Act Amendments as adopted by the Commonwealth under 25 Pa. Code Chapter 127, Subchapter G.

The main sources at this facility are three (3) combustion turbines that are fueled by LFG from the Grand Central Sanitary Landfill and which produce electricity to a local grid. These sources have the potential to emit major quantities of regulated pollutants above Title V emission thresholds. The proposed Title V Operating Permit shall include emission restrictions, work practice standards and testing, monitoring, recordkeeping, and

reporting requirements to ensure compliance with all applicable Federal and State air quality regulations.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: *Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.*

67-05029: Wire Company Holdings, Inc. (500 East Middle Street, Hanover, PA 17331) for their wire cloth manufacturing plant in Hanover Borough, **York County**. This is a renewal of the facility's Title V operating permit.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to renew an Air Quality Operating Permit for the abovementioned facility.

The plant is a major facility subject to the operating permit requirements of Title V of the Federal Clean Air Act and 25 Pa. Code Chapter 127, Subchapters F and G (relating to operating permit requirements; and Title V operating permit requirements). Actual facility emissions for 2012 included 0.68 ton of particulate matter, 33.6 tons of volatile organic compounds, 1.02 tons of carbon monoxide and 0.19 ton of hazardous air pollutants.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

William R. Weaver, Regional Air Quality Manager, may be contacted at 717-705-4702, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

AR-06-05024: GenOn REMA, LLC (121 Champion Way, Suite 200, Canonsburg, PA 15317) for their electric generating plant in Cumru Township, **Berks County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to renew the Air Quality Acid Rain Operating Permit for the abovementioned facility.

In 2011 the subject facility had actual emissions of 683 tons of nitrogen oxides and 4,087 tons of sulfur oxides. The Title IV Operating Permit renewal will include sulfur dioxide and nitrogen oxides emission limits to ensure the facility complies with the applicable air quality acid rain regulations. Among other items, the conditions include provisions derived from 40 CFR 76, Acid Rain Nitrogen Oxides Emission Reduction Program.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours

at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Thomas Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104

Contact: *Edward Wiener, Chief—Telephone: 215-685-9426*

V10-015: SunChemical (3301 Hunting Park Avenue, Philadelphia, PA 19132) for operation of a printing ink manufacturing facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions' sources include Blending and Dispersion process with twenty-five (25) mixers, five (5) bench-top mixers, two (2) tanks, five (5) horizontal mill mixers, two (2) horizontal mills, one (1) ball mill, four (4) kady mills, two (2) BEP paste ink mills, one (1) BEP paste ink mixer, one (1) paste ink tub washer, and one transfer operation; one (1) 2.5 MMBTU/hr natural gas-fired boiler; one (1) 1.49 MMBTU/hr natural gas-fired air handling unit; and one (1) 1.44 MMBTU/hr natural gas-fired air handling unit. The facility's air emission control devices include three (3) dust collectors.

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

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

Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

Contact: *Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

23-00073: Alan McIlvain Co. (501 Market St., Marcus Hook, PA 19061) for renewal of State Only Operating

Permit ("SOOP") No. 23-00073 in Marcus Hook Borough, **Delaware County**. The facility's air emissions sources consist of various types of woodworking machinery (with associated dust collectors) and a wood waste- (primary fuel) and No. 2 fuel oil-fired boiler (with an associated multi-cyclone). (Six dry kilns and eleven space heaters are also operated at the facility, but these are powered by steam from the boiler.) While the potential to emit nitrogen oxides ("NO_x") from the facility exceeds 25 tons per year, the major facility threshold for the Philadelphia Consolidated Metropolitan Statistical Area, Alan McIlvain Co. has elected to restrict the NO_x emissions from the facility to less than 25 tons per year. As such, the facility is categorized as Synthetic Minor.

No changes have occurred at the facility since the SOOP was amended in December 2009. However, since this time, the boiler has become subject to the requirements of 40 C.F.R. Part 63, Subpart JJJJJJ. All applicable requirements of this regulation will be included in the renewal SOOP.

The renewal SOOP will continue to include monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

35-00016: Sandvik, Inc. (P. O. Box 1220, Scranton, PA 18501-1220) for operation of an iron and steel pipe and tube manufacturing facility in Scott Township, **Lackawanna County**. The operation of the facility consists of two (2) boilers with sawing and treating. The emissions from the sources are controlled by baghouse/cyclones and scrubbers. This is a renewal of a state-only operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

40-00050: Pioneer Aggregates, Inc. (202 Main Street, Laffin, PA 18702) for operation of a stone crushing and screening operation in Dennison Township, **Luzerne County**. The operation consists of a one (1) jaw crusher and three (3) cone crushers with water sprays for control of particulate emissions. This is a renewal of a State-Only operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Southcentral Region: Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

38-03035: V & S Lebanon Galvanizing, LLC (153 Micro Drive, Jonestown, PA 17038) for their hot dip galvanizing facility in Union Township, **Lebanon County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has potential emissions of 6.8 tpy of NO_x, 5.7 tpy of CO, 4.8 tpy of PM, 0.4 tpy of VOCs and

1.5 tpy of HAPs. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart ZZZZ—National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed plan approval, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Mr. Thomas Hanlon, Facility Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

06-05001: Adelphi Kitchens, Inc. (P. O. Box 10, Robeson, PA 19551) for operation of their wood kitchen cabinet manufacturing facility in Heidelberg Township, **Berks County**. This is a renewal of their State-only Operating Permit issued in 2007.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the abovementioned facility.

The subject facility has actual emissions around 0.1 tpy CO, 0.4 tpy NO_x, 0.1 tpy PM₁₀, 1.25 tpy SO_x, 12.8 tpy VOC, 2.0 tpy of combined HAPs & 0.9 tpy of a single HAP. The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations. Among other items, the conditions include provisions derived from 40 CFR 63, Subpart JJJJJJ—National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise

statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests.

Tom Hanlon, Facilities Permitting Chief, may be contacted at 717-705-4862, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

38-03003: Bayer Healthcare, LLC (400 W Stoeber Ave, Myerstown, PA 17067) for operation of their pharmaceuticals manufacturing facility in Myerstown Borough, **Lebanon County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit renewal for the abovementioned facility.

The estimated potential emissions were: 3 tons of PM per year; 25 tons of CO per year; 31 tons of NO_x per year; 0.3 ton of SO_x per year; 2 tons of VOCs per year; and 3.5 ton of HAPs per year. The four boilers are subject to 40 CFR Part 63 Subpart JJJJJJ—National Emission Standard for Area Sources of Hazardous Air Pollutants (HAPs) for Industrial, Commercial, and Institutional Boilers. Among other items, the conditions include provisions derived from 40 CFR Part 63, Subpart ZZZZ—National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines. The standby generators are subject to 40 CFR Part 60, Subpart IIII—Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

The Operating Permit will include emission limits and work practice standards along with monitoring, recordkeeping and reporting requirements to ensure the facility complies with the applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Southcentral Regional Office, at 909 Elmerton Avenue, Harrisburg, PA 17110.

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period, from the date of publication of this notice in the *Pennsylvania Bulletin*, will exist for the submission of comments or protests. A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received.

Gary Helsel, Acting New Source Review Chief, may be contacted at 814-949-7935, or at PA DEP Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110, for additional information or for the submission of comments or protests.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

60-00021: Iddings Quarry, Inc. (900 Chestnut Street, Mifflinburg, PA 17844) to issue a renewal state only (synthetic minor) operating permit for their facility in Limestone Township, **Union County**. The facility is currently operating under State Only Operating Permit 60-00021. The facility's sources consist of a stone crushing and screening operation and four diesel engines. The facility has potential emissions of 1.4 tons per year of carbon monoxide, 6.2 tons per year of nitrogen oxides, 0.4 ton per year of sulfur oxides, 3.8 tons per year of particulate matter, 0.5 ton per year of volatile organic compounds, 0.01 ton per year of total HAPs, and 233 tons per year of carbon dioxide equivalents (greenhouse gases). No emission or equipment changes are being proposed by this action. The proposed state only (synthetic minor) operating permit contains all applicable Federal and State regulatory requirements including monitoring, recordkeeping, and reporting conditions. The emission restriction, testing, monitoring, recordkeeping, reporting and work practice conditions of the SMOP have been derived from the applicable requirements of 40 CFR Parts 52, 60, 63, 64, 68, 72, 73, 74, 75, 76, 96, 97, 98 and 25 Pa. Code Chapters 121—145.

All pertinent documents used in the evaluation of the application are available for public review during normal business hours at the Department's Northcentral Regional office, 208 West Third Street, Suite 101, Williamsport, PA 17701. Appointments for scheduling a review must be made by calling 570 327 3693.

Any person(s) wishing to provide the Department with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the Department of Environmental Protection at the address shown in the preceding paragraph. A 30-day comment period from the date of this publication will exist for the submission of comments. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit (specify Permit No. 60-00021) and concise statements regarding the relevancy of the information or objections to issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department of Environmental Protection determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Muhammad Q. Zaman, Environmental Program Manager, Department of Environmental Protection, Air Quality Program, Northcentral Regional Office, 208 West Third Street, Suite 101, Williamsport, PA 17701, 570 327 3648.

47-00010: Kurt Weiss Danville, LLC (233 PPL Road, Danville, Pa 17821) to issue a renewal of an Air Quality Operating Permit for the above for their facility in Anthony Township, **Montour County**.

In accordance with 25 Pa. Code §§ 127.424 and 127.425, the Department of Environmental Protection (DEP) has received an application and intends to issue a renewal of an Air Quality Operating Permit for the abovementioned facility. The subject facility has the fol-

lowing potential emissions: 3.75 TPY of CO; 15.00 TPY of NO_x; 21.60 TPY of SO_x; 4.65 TPY of PM/PM₁₀; 0.15 TPY of VOC; 0.05 TPY of VHAPs and 16,726 TPY of CO₂e. The Department has determined that the sources at the facility satisfy best available technology (BAT) requirements, pursuant to 25 Pa. Code §§ 127.1 and 127.12, as well as the National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial and Institutional Boiler Area Sources, 40 CFR Part 63 Subpart JJJJJ Sections 63.11193 through 63.11237. The operating permit will include emission limits and work practice standards along with testing, monitoring, record keeping and reporting requirements to ensure the facility complies with all applicable air quality regulations.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at the PA DEP Northcentral Regional Office at 208 West Third Street, Suite 101, Williamsport, Pa 17701

A person may oppose the proposed operating permit, or may provide the Department with additional information to consider in its review, or may request a public hearing, by filing a written protest with the Department at the address listed above. Each written comment must contain the name, address and telephone number of the person submitting the comments, identification of the proposed permit by the permit number listed above and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A 30-day comment period from the date of publication of this notice in the *Pennsylvania Bulletin* will exist for the submission of comments or protests. Muhammad Q. Zaman, Environmental Program Manager, may be contacted at 570-327-3648, or at PA DEP Air Quality Program, 208 West Third Street, Suite 101, Williamsport, Pa 17701, for additional information or for the submission of comments or protests.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

30-00195: Equitrans, LP (EQT Plaza, 625 Liberty Avenue, Suite 1700, Pittsburgh, PA 15222) for crude petroleum and natural gas extraction at the Jefferson Compressor Station in Jefferson Township, **Greene County**. This is a State Only Operating Permit application submittal.

26-00002: Henwil Corporation / Newell Works (899 Third Street, Newell, PA 15466) for the manufacturing of aluminum sulfate, calcium nitrate, and poly DADMAC chemicals located in Newell Township, **Fayette County**. In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) has received an application and intends to issue an Air Quality Operating Permit for the above mentioned facility.

The subject facility consists of a 10,000 gallon DADMAC storage tank, 12,700 gallon Nitric Acid storage tank, 14,000 gallon Sulfuric Acid storage tank, 62 ton lime silo, a 9.96 MMBtu/hr natural gas boiler, a 504 bhp diesel emergency generator, Aluminum Trihydrate storage pad, cooling tower and a 0.56 MMBtu/hr oil fired boiler. The facility has the potential to emit 8.85 tpy NO_x, 4.59 tpy CO, 1.30 tpy SO_x, 3.26 tpy PM, 2.28 tpy PM₁₀, and 4.59 tpy VOC. The facility is required to conduct a weekly survey of the facility during daylight hours while the facility is operating to ensure compliance with the visible

emission, fugitive emission and malodor restrictions. Records of the weekly survey performed must be recorded. Monthly preventative maintenance inspections are to be performed on the control devices and recorded in an on-site log. Particulate matter emissions are not to exceed 0.04 gr/dscf. The emergency generator is limited to 500 hours per year. The proposed authorization is subject to State and Federal Regulations (ZZZZ). The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

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 Sheila Shaffer, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Written comments must contain the name, address and telephone number of the person submitting the comments, identification of the proposed Operating Permit (26-00002) and concise statements regarding the relevancy of the information or objections to issuance of the Operating Permit.

A public hearing may be held, if the Department, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the Department determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Mr. Mark Wayner, Regional Air Quality Program Manager, Department of Environmental Protection, Southwest Region, 400 Waterfront Drive, Pittsburgh, PA 15222. For additional information concerning the permit or the issuance procedure, contact Ms. Sheila Shaffer, Air Quality Engineering Specialist, at the same address or phone at (412) 442-5227.

All comments must be received prior to the close of business 30 days after the date of this publication.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew M. Williams—Telephone: 814-332-6131

10-00331: Butler Memorial Hospital (911 East Brady Street, Butler, PA 16001) for a Natural Minor Operating Permit to operate a General Medical and Surgical Hospital in the City of Butler, **Butler County**. The significant sources at this facility are six (6) dual-fuel fired boilers and six (6) emergency power generators. The two newer emergency power generators are subject to 40 CFR 60, Subpart IIII. Potential emissions of criteria pollutants from this facility are below the major source thresholds.

24-00124: PIHT LLC (118 Access Road, Saint Marys, PA 15857-3370) for a Natural Minor Permit to operate a metal heat-treating facility in St. Marys, **Elk County**. Emissions sources associated with this facility included, 1) Ten Tempering Furnaces (Source 101), 2) Tempering Furnace #3 (Source 102), 3) Tempering Furnace #10 (Source 103) and, 4) Eight continuous heat treating furnaces (Source 104). The emissions from the facility are less than Title V threshold limits. Thus, the facility is natural minor. The actual emissions from the facility are, PM-10 (particulate matter less than 10 micron): 31.05 Tons per year (TPY), NO_x (Oxides of Nitrogen): 5.3 TPY and, SO_x (Oxides of Sulfur): 0.9 TPY.

PLAN APPROVALS

Receipt of Plan Approval Applications and Intent to Issue Plan Approvals, and Intent to Issue Amended Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter B And Subchapter F. These actions may include the administrative amendments of an associated operating permit.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

66-00008A: Oxbow Creek Energy LLC (301 Oxford Valley Road, Suite 1603A, Yardley, PA 19067) for the construction of a 19MW electric generating plant for their facility in Nicholson Township, **Wyoming County**.

In accordance with 25 Pa. Code §§ 127.44(a) and 127.45(a), the Department of Environmental Protection (DEP) has received and intends to issue a Plan Approval to Oxbow Creek Energy LLC (301 Oxford Valley Road, Suite 1603A, Yardley, PA 19067) for their facility to be located in Nicholson Township, Wyoming County. This Plan Approval No. 66-00008A will be incorporated into a Natural Minor Permit through an administrative amendment at a later date.

Plan Approval No. 66-00008A is for the construction of 19MW electric generating plant. The plant will include two (2) Wartsila lean burn natural gas fired engines with oxidation catalysts and SCR technology. The VOC emissions from the facility will not equal or exceed 50 TPY, based on a 12-month rolling sum. The NO_x emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. Total PM, SO_x, and CO emissions from the facility will not equal or exceed 100 TPY, based on a 12-month rolling sum. The HAPs from the facility must never equal or exceed 10 TPY of any single HAP and must never equal or exceed 25 TPY of all aggregated HAPs, based on a 12-month rolling sum. The Plan approval and Operating Permit will include testing, monitoring, record keeping and reporting requirements designed to keep the sources operating within all applicable air quality requirements.

The facility is subject to NSPS Subpart JJJJ, MACT Subpart ZZZZ and 25 Pa. Code § 127.12(a)(5) Best Available Technology (BAT) requirements. The visible emission opacity shall not be equal to or greater than 20% at any time. The company shall be subject to and comply with 25 Pa. Code § 123.31 for malodorous emissions.

Emissions from the engines will meet BAT, MACT ZZZZ & NSPS Subpart JJJJ requirements. The Plan Approval and Operating permit will contain additional recordkeeping and operating restrictions designed to keep the facility operating within all applicable air quality requirements.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public review during normal business hours at Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Any person(s) wishing to provide DEP with additional information, which they believe should be considered prior to the issuance of this permit, may submit the information to the address shown in the preceding paragraph. Each written comment must contain the name, address and telephone number of the person submitting

the comments, identification of the proposed permit No.: 66-00008A and a concise statement regarding the relevancy of the information or objections to the issuance of the permit.

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the comments received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or the *Pennsylvania Bulletin* or by telephone, where DEP determines such notification is sufficient. Written comments or requests for a public hearing should be directed to Ray Kempa, Chief, New Source Review Section, Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18701-1915, Phone # 570-826-2511 within 30 days after publication date.

COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); and The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.20a). 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. A copy of the application is available for inspection at the district mining office indicated before each application. Notices of requests for 401 Water Quality Certifications are included in individual application notices, as noted.

Written comments or objections, or requests for an informal conference, or a public hearing, as applicable, on a mining permit application and request for Section 401 water quality certification 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 before each application within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34.

Written comments or objections regarding 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.

A request for an informal conference or a public hearing, as applicable, on a mining permit application, as provided by 25 Pa. Code § 77.123 or § 86.34, must contain the name, address and telephone number of the requestor; the application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

When an NPDES number is listed, the mining activity permit application was accompanied by an application for

an individual NPDES permit. A separate notice will be provided after the draft NPDES permit is prepared.

Coal Applications Received

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

30841317. Consol Pennsylvania Coal Company, LLC, (PO Box J, 1525 Pleasant Grove Road, Claysville, PA 15323). To revise the permit for the Enlow Fork Mine in East Finley Township, **Washington County** to install six injection boreholes and associated pipelines for the existing Overland Conveyor Facility. Includes an additional 2.8 adjacent surface acres. Application also includes a request for a Section 401 Water Quality Certification. Surface Acres Proposed 2.8. No additional discharges. The application was considered administratively complete on April 2, 2013. Application received February 22, 2013.

56061301. RoxCOAL, Inc., (PO Box 149 Friedens, PA 15541). To revise the permit for the Kimberly Run Mine in Somerset Township, **Somerset County** to add underground permit and subsidence control plan area acres. Underground Acres Proposed 357.6, Subsidence Control Plan Acres Proposed 185.1. No additional discharges. The application was considered administratively complete on April 3, 2013. Application received November 9, 2012.

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

Permit No. 32120103. NPDES No. PA0269093, Beth Contracting, Inc., 815 Rock Run Road, Glen Campbell, PA 15742, commencement, operation and restoration of a bituminous surface mine to obtain a variance to conduct surface mining activities within 100 feet of Unnamed Tributary #1 to Horton Run. The stream encroachment activity consists of the relocation of the stream in its original drainage path which was previously affected by mining. Also, mining will affect 0.078 acre of wetland, which will be replaced with Sediment/Wetland Pond SP-1 at 0.86 acre of wetlands after mining has been completed and prior to bond release. SMP No. 32120103 also authorizes a Chapter encroachment permit to conduct the activities described in this condition. The mining activities are in Banks Township, **Indiana County**, affecting 36.0 acres. In addition, 2650 feet of abandoned highwall is proposed to be reclaimed during the mining activity. Receiving stream(s): Unnamed Tributary #1 to/and Cush Creek and Unnamed Tributary #1 to/and Horton Run classified for the following use(s): cold water fishery (CWF). There are no potable water supply intakes within 10 miles downstream. Application received July 6, 2012.

32080101 and NPDES No. PA0262561. P & N Coal Company, Inc., P. O. Box 332, Punxsutawney, PA 15767, permit renewal for reclamation only of a bituminous surface mine in Banks Township, **Indiana County**, affecting 25.4 acres. Receiving stream(s): unnamed tributaries to Cush Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received March 27, 2013.

56070201 and NPDES No. PA0262501. Robindale Energy Services, Inc., 224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920, permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 23.0 acres. Receiving stream(s): unnamed tributaries to Buffalo Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received March 26, 2013.

56823008 and NPDES No. PA0608637. Croner, Inc., P. O. Box 260, Friedens, PA 15541, permit renewal for reclamation only of a bituminous surface mine in Brothersvalley Township, **Somerset County**, affecting 176.0 acres. Receiving stream(s): unnamed tributaries to Buffalo Creek and to Tubs Run classified for the following use(s): cold water fishery; warm water fishery. There are no potable water supply intakes within 10 miles downstream. Application received April 2, 2013.

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

03020112 and NPDES Permit No. PA0250325. Rosebud Mining Company (301 Market Street, Kittanning, PA 16201). Revision application for land use change 3.5 acres from forestland to unmanaged natural habitat and 3.8 acres from unmanaged natural habitat to industrial/commercial use to an existing bituminous surface mine, located in South Bend Township, **Armstrong County**, affecting 49.5 acres. Receiving streams: Craig Run and Crooked Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received: April 2, 2013.

03030104 and NPDES Permit No. PA0250392. Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201). Renewal application for continued operation to an existing bituminous surface mine, located in Manor Township, **Armstrong County**, affecting 100.3 acres. Receiving streams: unnamed tributaries to Garrets Run & Rupp Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: April 1, 2013.

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

17100102 and NPDES No. PA0257273. King Coal Sales, Inc. (P. O. Box 712, Philipsburg, PA 16866) Revision to an existing bituminous surface mine for an incidental boundary correction located in Cooper Township, **Clearfield County** affecting 61.0 acres. Receiving streams: Unnamed Tributary to Sulphur Run and Sulphur Run classified for the following use: Cold Water Fishes and Moshannon Creek classified for the following use: Trout Stocked Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: April 1, 2013.

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

49920101R4. Blaschak Coal Corp., (PO Box 12, Mahanoy City, PA 17948), renewal of an existing anthracite coal refuse mine operation in Coal Township, **Northumberland County** affecting 1,016.0 acres, receiving stream: unnamed tributaries to Shamokin Creek, classified for the following uses: cold water fishes and migratory fishes. Application received: March 21, 2013.

22070201R. Meadowbrook Coal Co., Inc., (PO Box 1, Wiconisco, PA 17097), renewal of an existing anthracite coal refuse reprocessing operation for reclamation activities only in Williams Township, **Dauphin County** affecting 23.5 acres, receiving stream: Wiconisco Creek, classified for the following use: cold water fishes. Application received: March 28, 2013.

54851336R5. EmberClear Reserves, Inc., (72 Glenmaura National Boulevard, Suite 105, Moosic, PA 18507), renewal of an existing anthracite underground

mine operation in Frailey and Porter Townships, **Schuylkill County** affecting 199.643 acres, receiving stream: Good Spring Creek, classified for the following use: cold water fishes. Application received: March 27, 2013.

54-305-027GP12R. EmberClear Reserves, Inc., (72 Glenmaura National Boulevard, Suite 105, Moosic, PA

18507), application to renew a coal preparation plant whose pollution control equipment is required to meet all applicable limitations, terms and conditions of General Permit, BAQ-GPA/GP-12 on Underground Mining Permit No. 54851336 in Frailey and Porter Townships, **Schuylkill County**. Application received: March 27, 2013.

Noncoal Applications Received

Effluent Limits—The following effluent limits will apply to NPDES permits issued in conjunction with a noncoal mining permit:

| Parameter | Table 2 | | |
|--------------------------------------|----------------|---------------------------------|-----------------------|
| | 30-day Average | Daily Maximum | Instantaneous Maximum |
| Suspended solids | 10 to 35 mg/l | 20 to 70 mg/l | 25 to 90 mg/l |
| Alkalinity exceeding acidity* pH* | | greater than 6.0; less than 9.0 | |

* The parameter is applicable at all times.

A settleable solids instantaneous maximum limit of 0.5 ml/l applied to surface runoff resulting from a precipitation event of less than or equal to a 10-year 24-hour event. If coal will be extracted incidental to the extraction of noncoal minerals, at a minimum, the technology-based effluent limitations identified under coal applications will apply to discharges of wastewater to streams.

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

26060601 and NPDES Permit No. PA0250872. T & B Excavating, Inc. (3336 Old McClellandtown Road, P. O. Box 337, McClellandtown, PA 15458). Renewal application to include a GP104 to an existing large noncoal surface mine, located in Nicholson Township, **Fayette County**, affecting 17.9 acres. Receiving streams: unnamed tributaries to York Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Renewal application received: March 29, 2013.

MINING ACTIVITY NPDES DRAFT PERMITS

This notice provides information about applications for a new, amended or renewed NPDES permits associated with mining activity (coal or noncoal) permits. The applications concern industrial waste (mining) discharges to surface water and discharges of stormwater associated with mining activities. This notice is provided in accordance with 25 Pa. Code Chapters 91 and 92a 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 (33 U.S.C.A. §§ 1251—1376).

The Department of Environmental Protection (Department) has prepared a draft NPDES permit and made a tentative determination to issue the NPDES permit in conjunction with the associated mining activity permit.

Effluent Limits for Coal Mining Activities

For coal mining activities, NPDES permits, when issued, will contain effluent limits that are the more stringent of technology-based (BAT) effluent limitations or Water Quality Based Effluent Limits (WQBEL).

The BAT limits for coal mining activities, as provided in 40 CFR Part 434 and 25 Pa. Code Chapters 87—90 are as follows:

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

* The parameter is applicable at all times.

In addition, the Department imposes a technology-based aluminum limit of 2.0 mg/l (30 day average) to protect stream uses.

A settleable solids instantaneous maximum limit of 0.5 ml/l applies 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; mined areas backfilled and revegetated; and all other discharges and drainage (resulting from a precipitation event of greater than 1-year 24-hour to less than or equal to a 10-year 24-hour event) from coal refuse disposal piles. Similarly, modified BAT limits apply to iron, manganese and suspended solids in surface runoff, discharges and drainage resulting from these precipitation events and those of greater magnitude in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Exceptions to BAT effluent limits may be applicable in accordance with 25 Pa. Code §§ 87.102, 88.92, 88.187, 88.292, 89.52 and 90.102.

Effluent Limits for Noncoal Mining Activities

The BAT limits for noncoal mining activities as provided in 40 CFR Part 436 and 25 Pa. Code Chapter 77 are as follows:

| <i>Parameter</i> | <i>30-day Average</i> | <i>Daily Maximum</i> | <i>Instantaneous Maximum</i> |
|--------------------------------------|---------------------------|---------------------------------|----------------------------------|
| Suspended solids | 35 mg/l | 70 mg/l | 90 mg/l |
| Alkalinity exceeding acidity* pH* | | greater than 6.0; less than 9.0 | |

* The parameter is applicable at all times.

Discharges from noncoal mines located in some geologic settings (for example, in the coal fields) may require additional water quality based effluent limits. If additional effluent limits are needed for an NPDES permit associated with a noncoal mining permit, then the permit description specifies the parameters.

In addition to BAT or WQBEL limits, coal and noncoal NPDES permits establish effluent limitations in the form of implemented Best Management Practices (BMPs) identified in the associated Erosion and Sedimentation Plan, the Reclamation Plan and the NPDES permit application. These BMPs restrict the rates and quantities of associated pollutants from being discharged into surface waters in this Commonwealth.

More restrictive effluent limitations, restrictions on discharge volume or restrictions on the extent of mining that may occur are 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 (MOU) Concerning Water Quality Management, NPDES Program Implementation, and Related Matters. Other specific factors to be considered include public comments and Total Maximum Daily Load(s). Additional discharge limitations may apply in the event that unexpected discharges occur.

Discharge rates for surface mining activities are precipitation driven. Discharge rates for proposed discharges associated with underground mining are noted in the permit description.

Persons wishing to comment on an NPDES draft permit should submit a written statement to the Department at the address of the district mining office indicated before each draft permit 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 § 92a.82(d). The request or petition for a public hearing shall be filed within 30 days of this public notice and contain the name, address, telephone number and the interest of the party filing the request, and 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. When a public hearing is held, the Department will consider comments from the public hearing in the final determination on the NPDES permit application.

Coal NPDES Draft Permits

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

NPDES No. PA0235580 (Mining Permit No. 32031301), Rosebud Mining Company, (301 Market Street, Kittanning, PA 16201). A Notice for revision to the NPDES and mining activity permit for the Lowry Deep Mine in White Township, **Indiana County** to re-evaluate the water quality effluent limits was published in the *Pennsylvania Bulletin* on March 16, 2013. The Department of Environmental Protection hereby withdraws the Notice of March 16, 2013. Any permit action proposing revised, new or renewed effluent limits will be addressed in a future *Pennsylvania Bulletin* notice. Surface Acres Affected 50.5, Underground Acres Affected 615.6. Receiving stream: Yellow Creek, classified for the following use: TSF and Unnamed Tributary to Yellow Creek, classified for the following use: CWF. Kiskiminetas-Conemaugh River Watersheds TMDL.

NPDES No. PA0215031 (Mining Permit No. 33971301), AMFIRE Mining Company, LLC, (One Energy Place, Latrobe, PA 15650). A renewal to the NPDES and mining activity permit for the Dora No. 8 Mine in Perry Township, **Jefferson County** and North Mahoning Township, and **Indiana County**. This notice is a correction to the mining activity NPDES draft permit previously published in the *Pennsylvania Bulletin* on March 9, 2013. Surface Acres Affected 23.7, Underground Acres Affected 2848.6. Receiving stream: Mahoning Creek, classified for the following use: WWF. The application was considered administratively complete on February 6, 2013. Application received July 30, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

Outfall 001 discharges to: Mahoning Creek

The proposed effluent limits for *Outfall 001* (Lat: 40° 55' 08" Long: 79° 04' 36") are:

| <i>Parameter</i> | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|-------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| Flow (mgd) | | - | 2.1 | - |
| Iron (mg/l) | | 1.6 | 3.1 | 3.9 |
| Manganese (mg/l) | | 0.7 | 1.4 | 1.8 |
| Aluminum (mg/l) | | 0.7 | 1.4 | 1.8 |
| Osmotic Pressure (mos/kg) | | 50 | 50 | 50 |
| Total Suspended Solids (mg/l) | | 35 | 70 | 90 |
| Sulfates (mg/l) | | - | - | REPORT |
| Total Dissolved Solids (mg/l) | | - | - | REPORT |
| Chlorides (mg/l) | | - | - | REPORT |

Outfall 002 discharges to: Mahoning Creek

The proposed effluent limits for *Outfall 002* (Lat: 40° 55' 13" Long: 79° 04' 47") are:

| <i>Parameter</i> | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|-------------------------------|----------------|---------------------------|--------------------------|-----------------------------|
| Flow (mgd) | | - | 0.95 | - |
| Iron (mg/l) | | 3.0 | 6.0 | 7.0 |
| Manganese (mg/l) | | 2.0 | 4.0 | 5.0 |
| Aluminum (mg/l) | | 2.0 | 4.0 | 5.0 |
| Total Suspended Solids (mg/l) | | 35 | 70 | 90 |
| Sulfates (mg/l) | | - | - | REPORT |
| Osmotic Pressure (mos/kg) | | - | - | REPORT |
| Total Dissolved Solids (mg/l) | | - | - | REPORT |

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

NPDES No. PA0269093 (Mining permit no. 32120103), Beth Contracting, Inc., 815 Rock Run Road, Glen Campbell, PA 15742, new NPDES permit for a surface coal mine operation in Banks Township, **Indiana County**, affecting 36.0 acres. Receiving stream(s): Horton Run; unnamed tributary to Horton Run; and unnamed tributary to Cush Creek, classified for the following use(s): cold water fishery (CWF). This receiving stream is included in the West Branch Susquehanna River TMDL. Application received: July 6, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to Horton Run; unnamed tributary to Horton Run; and unnamed tributary to Cush Creek.

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> |
|----------------------|--------------------------|
| 001—Sediment Pond 1 | Y |
| 002—Sediment Pond 2 | Y |
| 003—Treatment Pond 1 | Y |
| 004—Sediment Pond 3 | Y |

The proposed effluent limits for the above listed 003 outfall (Treatment Pond) are as follows:

| <i>Outfalls: Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|--------------------------------|---------------------------|--------------------------|-----------------------------|
| Iron (mg/l) | 3.0 | 6.0 | 7.0 |
| Manganese (mg/l) | 2.0 | 4.0 | 5.0 |
| Aluminum (mg/l) | 0.75 | 1.5 | 1.8 |
| Total Suspended Solids (mg/l) | 35.0 | 70.0 | 90.0 |

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times
Alkalinity must exceed acidity at all times

NPDES No. PA0249238 (Mining permit no. 56020103), AMFIRE Mining Company, LLC, One Energy Place, Latrobe, PA 15650, renewal of an NPDES permit for surface mine in Jenner Township, **Somerset County**, affecting 172.7 acres. Receiving stream(s): unnamed tributaries to/and Beam Run, classified for the following use(s): cold water fisheries. This receiving stream is included in the Kiskiminetas-Conemaugh TMDL. Application received: July 2, 2012.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to unnamed tributaries to/and Beam Run.

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> |
|---------------------|--------------------------|
| 001 | N |

The proposed effluent limits for the above listed outfall(s) are as follows:

| <i>Outfalls: 001</i> <i>Parameter</i> | <i>30-Day</i> <i>Average</i> | <i>Daily</i> <i>Maximum</i> | <i>Instant.</i> <i>Maximum</i> |
|--|---------------------------------|--------------------------------|-----------------------------------|
| Iron (mg/l) | 3.0 | 6.0 | 7.0 |
| Manganese (mg/l) | 2.0 | 4.0 | 5.0 |
| Aluminum (mg/l) | 1.7 | 3.4 | 4.2 |
| Total Suspended Solids (mg/l) | 35.0 | 70.0 | 90.0 |
| Osmotic Pressure (milliosmoles/kg) | 50.0 | 50.0 | 50.0 |

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times
Alkalinity must exceed acidity at all times

NPDES No. PA0597601 (Mining permit no. 56860104), Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, renewal of an NPDES permit for bituminous surface mine: water treatment in Brothersvalley and Summit Townships, **Somerset County**, affecting 507 acres. Receiving stream(s): UNTS to/and Bluelick Creek, classified for the following use(s): cold water fishery. This receiving stream is included in the Casselman River TMDL. Application received: November 16, 2011.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The treated wastewater outfall(s) listed below discharge to unnamed tributary to/and Bear Run.

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> |
|---------------------|--------------------------|
| 005 | N |
| 005A | Y |

The proposed effluent limits for the above listed outfall(s) are as follows:

| <i>Outfalls: 005, 005A</i> <i>Parameter</i> | <i>30-Day</i> <i>Average</i> | <i>Daily</i> <i>Maximum</i> | <i>Instant.</i> <i>Maximum</i> |
|--|---------------------------------|--------------------------------|-----------------------------------|
| Iron (mg/l) | 3.0 | 6.0 | 7.0 |
| Manganese (mg/l) | 2.0 | 4.0 | 5.0 |
| Aluminum (mg/l) | 1.2 | 2.4 | 3.0 |
| Total Suspended Solids (mg/l) | 35.0 | 70.0 | 90.0 |
| Osmotic Pressure (milliosmoles/kg) | | | 50.0 |

pH (S.U.): Must be between 6.0 and 9.0 standard units at all times
Alkalinity must exceed acidity at all times

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

NPDES No. PA0204852 (Permit No. 10820122), Allegheny Mineral Corporation (P. O. Box 1022, Kittanning, PA 16201) Revision and Renewal of an existing NPDES permit for a bituminous surface and auger mine in Marion & Mercer Townships, **Butler County**, affecting 598.6 acres. Receiving streams: Unnamed tributary to North Branch Slippery Rock Creek and North Branch Slippery Rock Creek, classified for the following uses: CWF. TMDL: None. Application received: February 15, 2013.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for coal mining activities.

The outfall(s) listed below discharge to unnamed tributary to North Branch Slippery Rock Creek and North Branch Slippery Rock Creek:

| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
|--------------------|--------------------------|
| J | N |
| O | N |
| R | N |
| T | N |
| V | N |
| X | N |
| GB | N |
| FB | N |

The proposed effluent limits for the above listed outfall(s) are as follows:

| <i>Parameter</i> | <i>Minimum</i> | <i>30-Day</i> <i>Average</i> | <i>Daily</i> <i>Maximum</i> | <i>Instant.</i> <i>Maximum</i> |
|--|----------------|---------------------------------|--------------------------------|-----------------------------------|
| pH ¹ (S.U.) | 6.0 | | | 9.0 |
| Iron (mg/l) | | 3 | 6 | 7 |
| Manganese (mg/l) | | 2 | 4 | 5 |
| Aluminum (mg/l) | | 2 | 4 | 5 |
| Alkalinity greater than acidity ¹ | | | | |
| Total Suspended Solids (mg/l) | | 35 | 70 | 90 |

¹ The parameter is applicable at all times.

The outfall(s) listed below discharge to unnamed tributary to North Branch Slippery Rock Creek and North Branch Slippery Rock Creek:

| <i>Outfall No.</i> | <i>New Outfall (Y/N)</i> |
|--------------------|--------------------------|
| A | N |
| B | N |
| C | N |
| D | N |
| E | N |
| F | N |
| G | N |
| H | N |
| Y | N |
| Z | N |
| GH | N |
| BB | Y |

The proposed effluent limits for the above listed outfall(s) are as follows:

| <i>Parameter</i> | <i>Minimum</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|--|----------------|-----------------------|----------------------|-------------------------|
| pH ¹ (S.U.) | 6.0 | | | 9.0 |
| Iron (mg/l) | | | | 7.0 |
| Alkalinity greater than acidity ¹ | | | | |
| Total Settleable Solids (ml/l) | | | | 0.5 |

Noncoal NPDES Draft Permits

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

NPDES No. PA0212580 (Mining permit no. 4077SM7), New Enterprise Stone & Lime Company, Inc., P. O. Box 77, New Enterprise, PA 16664, revised/renewal of an NPDES permit for sandstone quarry in Jenner Township, **Somerset County**, affecting 145.76 acres. Receiving stream(s): Quemahoning Creek, classified for the following use(s): cold water fishery. This receiving stream is included in the Kiski-Conemaugh TMDL. Application received: February 12, 2013.

Unless otherwise noted for a specific outfall, the proposed effluent limits for all outfalls in this permit are the BAT limits described above for noncoal mining activities.

The outfall(s) listed below discharge to Quemahoning Creek.

| <i>Outfall Nos.</i> | <i>New Outfall (Y/N)</i> |
|---------------------|--------------------------|
| 003 | Y |

The proposed effluent limits for the above listed outfall(s) are as follows:

| <i>Outfalls: Parameter</i> | <i>30-Day Average</i> | <i>Daily Maximum</i> | <i>Instant. Maximum</i> |
|--|-----------------------|----------------------|-------------------------|
| Iron (mg/l) | 3.0 | 6.0 | 7.0 |
| Manganese (mg/l) | 2.0 | 4.0 | 5.0 |
| Aluminum (mg/l) | 2.0 | 4.0 | 5.0 |
| Total Suspended Solids (mg/l) | 35.0 | 70.0 | 90.0 |
| 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

Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.

E40-742. CH Harveys Lake Realty, LP, 45 Flicks Lane, Dallas, PA 18612, in Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To fill a de minimus area of wetlands equal to 0.02 acre for the purpose of constructing a residential dwelling. The project is located at Pole 208.5 along Harveys Lake (Harveys Lake, PA Quadrangle, Latitude: 41°21'2"; Longitude: -76°2'51").

E48-422. Palmerview Acquisition Limited Partnership, 770 Township Line Road, Suite 150, Yardley, PA 19067, in Palmer Township, **Northampton County**, U.S. Army Corps of Engineers, Philadelphia District.

To authorize the following water obstruction and encroachments associated with Madison at Palmerview Residential Development Project:

1. To construct and maintain an 80-foot wide road crossing of an UNT to Shoeneck Creek (CWF, MF) consisting of twin arch culverts, each having a span of 45 feet and an approximate underclearance of 10.5 feet.

2. To remove portions of the existing sanitary sewer line and to construct and maintain approximately 185 feet of concrete encased 18-inch diameter ductile iron sanitary sewer line; 60 feet of 18-inch diameter PVC sanitary sewer line; and 25 feet of 8-inch diameter PVC sanitary sewer line in the floodway of and across an UNT to Shoeneck Creek.

3. To construct and maintain approximately 100 feet of a 12-inch diameter ductile iron water main in the floodway of and across an UNT to Shoeneck Creek.

4. To construct and maintain approximately 100 feet of gas main in the floodway of and across an UNT to Shoeneck Creek.

5. To construct and maintain drip irrigation fields in the floodway of an UNT to Shoeneck Creek and the floodway of Shoeneck Creek.

The project is located on the east side of SR 248 approximately 0.50 mile south of its intersection with SR 0033 (Nazareth, PA Quadrangle; Latitude: 40° 43' 9"; Longitude: -75° 16' 27") in Palmer Township, Northampton County.

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.

E22-594: Dauphin County Commissioners, PO Box 1295, Harrisburg, Pennsylvania 17108, in Middle Paxton Township and Susquehanna Township, **Dauphin County**, ACOE Baltimore District

The applicant proposes to 1) construct and maintain a 17' x 15' non-motorized boat ramp, permanently impacting 0.01 acre of palustrine emergent wetlands and 17.0 lineal feet of the Susquehanna River (WWF, MF); 2.) place and maintain 24 cubic yards of fill in the floodway of the Susquehanna River (WWF, MF) and 54 cubic yards of fill in the floodplain of the Susquehanna River (WWF, MF) (Latitude: 40°20'26", Longitude: -76°54'35"); 3) construct and maintain a stormwater outfall in palustrine emergent wetlands, permanently impacting 0.01 acre of wetlands (Latitude: 40°20'24", Longitude: -76°54'34"); 4) construct and maintain a parking area that is approximately 420' x 30', including placing and maintaining 357 cubic yards of fill in the floodway of the Susquehanna River (WWF, MF) and 1,427 cubic yards of fill in the floodplain of the Susquehanna River (WWF, MF) (Latitude: 40°20'27", Longitude: -76°54'32"); 5) construct and maintain a 15' x 12' non-motorized boat ramp, permanently impacting 12.0 lineal feet of Fishing Creek (WWF, MF) (Latitude: 40°20'38", Longitude: -76°54'34"); and 6) construct and maintain a parking area that is approximately 230' x 190', including placing and maintaining 2,495 cubic yards in the floodway of Fishing Creek (WWF, MF) and 350 cubic yards of fill in the floodplain of Fishing Creek (WWF, MF) (Latitude: 40°20'38", Longitude: -76°54'34"). The project is located near the intersection of Fishing Creek Valley Road and North Front Street (Latitude: 40°20'27", Longitude: -76°54'32") in Middle Paxton Township and Susquehanna Township, Dauphin County.

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

E41-644. Roger D. Jarrett, 5680 State Route 405, Muncy, PA 17756-6356. Jarrett Fresh Water Withdrawal System in Muncy Creek Township, **Lycoming County**, ACOE Baltimore District (Muncy, PA Quadrangle Lat: 41° 12' 17"; Long: -77° 03' 51").

To construct and maintain a surface water withdrawal in Muncy Creek Township—Lycoming County, which is located within the floodway/floodplain of West Branch of the Susquehanna River. The proposed fresh water withdrawal system will be designed to accommodate a withdrawal volume of 3.0 million gallons per day (MGD) to be made available for bulk sale to the natural gas industry. The proposed system includes three (3) 8-inch intake pipes located a maximum of 40 feet into bottom of the river bed. The end of each intake pipe will include a screen structure that is 20 inches in diameter and 24 inches long. It will be installed so that it is approximately 6-inches above the bottom of the river bed utilizing custom made stainless steel pipe supports.

The proposed improvements will not have any effect on the floodway, which is located on West Branch, Susquehanna River and is classified as Warm Water Fishery (WWF) waterway. The construction of the proposed site and withdrawal system will result in approximately 6,800 cubic yards of exported soil volume and 2,800 cubic yards of relocated/imported fill volume. These result in a site volume reduction of approximately 4,000 cubic yards of soil for the proposed construction activities located within the floodway of the West Branch of the Susquehanna River. The proposed project will not result in the construction of any permanent structures within the floodway. The pumping system and all controls are located in a trailer with quick disconnects for control wiring and electric to allow the owner to remove the

entire pumping system in the event of a storm that may cause potential flooding in the project area.

F19-008. South Center Township, 6260 4th Street, Bloomsburg, PA 17815. Floodplain encroachment demolitions in South Center Township, **Columbia County**, ACOE Baltimore District (Bloomsburg, PA Quadrangle Latitude: 41° 01' 5.29"; Longitude: -76° 22' 11.01").

South Center Township is seeking authorization to demolish two existing floodplain encroachments (flood-damaged structures) located at the following addresses: 4508 Old Berwick Road, Bloomsburg, PA 17815 and 4516 Old Berwick Road, Bloomsburg, PA 17815. The structures are located within the right floodplain of the Susquehanna River.

ACTIONS

THE PENNSYLVANIA CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT

FINAL ACTIONS TAKEN FOR NPDES PERMITS AND WQM PERMITS

The Department has taken the following actions on previously received applications for new, amended and renewed NPDES and WQM permits, applications for permit waivers and NOIs for coverage under General Permits. This notice of final action is provided in accordance with 25 Pa. Code Chapters 91 and 92a and 40 CFR Part 122, implementing provisions of The Clean Streams Law (35 P.S. §§ 691.1—691.101) and the Federal Clean Water Act (33 U.S.C.A. §§ 1251—1376).

| <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 regarding industrial, animal or sewage wastes discharges, discharges to groundwater, and discharges associated with MS4, stormwater associated with construction activities and CAFOs. Section VII contains notices for parties who have submitted NOIs for Coverage under General NPDES Permits. The approval for coverage under these General NPDES Permits is subject to applicable effluent limitations, monitoring, reporting requirements and other conditions 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 in the respective permit. The 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 that action to the Environmental Hearing Board (Board) 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 Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO 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 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 a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal 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 contact a lawyer at once. Persons who cannot afford a lawyer may qualify for pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

I. NPDES Renewal Permit Actions

Northeast Regional Office: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570.826.2511.

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed No.)</i> | <i>EPA Waived Y/N?</i> |
|-----------------------------|---|--------------------------------------|---|----------------------------|
| PA0064190 (Sewage) | Bennocos Beef & Brew Inc. Sr 590 & T-342 Hamlin, PA 18427 | Wayne County Salem Township | Unnamed Tributary to West Branch Wallenpaupack Creek (1-C) | Y |
| PA0033740 (Sewage) | Whispering Hollow South MHP WWTP 139 Country Club Road Northampton, PA 18067 | Northampton County Allen Township | Unnamed Tributary to Hokendauqua Creek (02C) | Y |

| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed No.)</i> | <i>EPA Waived Y/N?</i> |
|--|---|--------------------------------------|---|----------------------------|
| PA0034070 (Sewage) | Glencrest MHP WWTP 6000 Glencrest Road Slatington, PA 18080 | Lehigh County Washington Township | Unnamed Tributary to Coplay Creek (02C) | Y |
| <i>Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745</i> | | | | |
| <i>NPDES No. (Type)</i> | <i>Facility Name & Address</i> | <i>County & Municipality</i> | <i>Stream Name (Watershed #)</i> | <i>EPA Waived Y/N</i> |
| PA0218197 Sewage | Stevens Trail STP 131 Cardinal Dr New Brighton, PA 15066 | Beaver Cnty Daugherty Twp | Drainage Swale Trib to UNT of Blockhouse Run | Y |
| PA0090344 Sewage | Ohio Twp Sani Auth 1719 Roosevelt Rd PGH, PA 15237 | Allegheny Cnty Ohio Twp | Drainage Swale to Toms Run | Y |
| PA0204340 Sewage | New Alexandria MHP 181 Newhouse Rd New Alexandria, PA 15670 | Westmoreland Cnty Derry Twp | Loyalhanna Creek | Y |

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

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

NPDES Permit No. PA0030023, Sewage, **Bryn Athyn Borough**, P. O. Box 683 Bryn Athyn, PA 19009.

This proposed facility is located in Bryn Athyn Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge 65,000 GPD of treated sewage from a facility known as Academy of the New Church STP to Huntingdon Valley Creek in Watershed 3-J.

NPDES Permit No. PA0053899, Industrial, **Wheelabrator Falls, Inc.**, 1201 New Ford Mill Road, Morrisville, PA 19067.

This proposed facility is located in Falls Township, **Bucks County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge Stormwater from a facility known as Wheelabrator Falls Recycling and Energy Recovery Facility to Delaware River in Watershed 2-E.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

PA0272574, Sewage, NAICS Code 814000, **Barbara Laidlaw & Patty Myers**, 197 Headland Road, Butler, PA 16002. Facility Name: Barbara Laidlaw & Patty Myers SRSTP.

This proposed facility is located in Jefferson Township, **Butler County**.

Description of Proposed Activity: The application is for a new NPDES permit for a new discharge of treated domestic sewage.

III. WQM Industrial Waste and Sewerage Actions under The Clean Streams Law

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915. Phone: 570-826-2511.

WQM Permit No. 4091402 T-1, Sewerage, **Greater Hazleton Joint Sewer Authority**, P. O. Box 651, Hazleton, PA 18201-0651.

This existing facility is located in Hazleton City, **Luzerne County**.

Description of Proposed Action/Activity: Transfer of permit from the City of Hazleton to the Greater Hazleton Joint Sewer Authority for the operation of the existing South Church Street Wastewater Pumping Station.

WQM Permit No. 4094403 T-1, Sewerage, **Greater Hazleton Joint Sewer Authority**, P. O. Box 651, Hazleton, PA 18201-0651.

This existing facility is located in Hazleton City, **Luzerne County**.

Description of Proposed Action/Activity: Transfer of permit from the City of Hazleton to the Greater Hazleton Joint Sewer Authority for the operation of the existing Stacie Manor Wastewater Pumping Station.

Southcentral Region: Clean Water Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Phone: 717-705-4707.

WQM Permit No. 0692403 Amendment 12-1, Sewerage, **Donald Wasson**, 381 Garey Road, Douglasville, PA 19518.

This proposed facility is located in Union Township, **Berks County**.

Description of Proposed Action/Activity: Permit amendment approving the construction / modification / operation of sewage facilities consisting of the addition of UV disinfection until to replace chlorine disinfection and an audible alarm in the event of lamp burn out.

WQM Permit No. WG02361301, Sewerage, **Earl Township Sewer Authority Lancaster County**, 517 North Railroad Avenue, New Holland, PA 17557-9372.

This proposed facility is located in Earl Township, **Lancaster County**.

Description of Proposed Action/Activity: Approval for the construction / operation of a Pump Station.

WQM Permit No. 0696410 Amendment 12-1, Sewerage, **Karen Kuhns**, 1685 Route 143, Lenhartsville, PA 19534.

This proposed facility is located in Greenwich Township, **Berks County**.

Description of Proposed Action/Activity: Permit amendment approving the construction / modification / operation of sewage facilities consisting of one 1500-gallon 2-compartment concrete septic tank with Orenco biofilter; one 800-gallon Orenco fiberglass recirculating tank and textile filter media, Advantex AX20RTUV, with float and alarm; UV disinfection with Orenco UV lamp and sensor and alarm with inactivates effluent pump in event of lamp failure; 4" Submersible pump; Discharge to existing 4" effluent pipeline and outfall. The new treatment system will replace an existing failing sand filter system.

WQM Permit No. 2113401, Sewerage, **Rock Solid Dairy, LLC**, 200 Ott Road, Shippensburg, PA 17257.

This proposed facility is located in Southampton Township, **Cumberland County**.

Description of Proposed Action/Activity: Permit approval for the construction / operation of sewage facilities consisting of an individual Residential Spray Irrigation System with septic tank, peat filter, tablet chlorinator, combination chlorine contact tank and dosing tank, spray pump, and spray field with seven spray nozzles providing denitrification.

WQM Permit No. 3878202 A-2, Industrial Waste, **BC Natural Chicken LLC**, PO Box 80, Fredericksburg, PA 17026.

This proposed facility is located in Bethel Township, **Lebanon County**.

Description of Proposed Action/Activity: Permit amendment approving the construction, modification and operation of industrial wastewater facilities consisting of construction of a new 1 MGD flow equalization basin and conversion of the existing oxidation ditch and two existing clarifiers to provide a 4-stage Bardenpho biological nutrient removal process; construction of a new UV, a new rapid sand filter and a new aerobic digester; installation of chemical storage and feed systems; construction of effluent pump station, waste activate sludge pump station and nitrate recycle pump station.

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

WQM Permit No. 0209201, Industrial Waste, **PGH Water Sew Auth**, 1200 Penn Ave, PGH, PA 15222

This proposed facility is located in the City of PGH, **Allegheny Cnty**

Description of proposed Action/Activity: Permit issuance for the construction and operation of a wastewater recycle system.

WQM Permit No. 6570401-A5, Industrial Waste, **Alcoa, Inc.**, 100 Tech Dr, Alcoa Ctr, PA 15069-0001

This existing facility is located in Upper Burrell Twp, **Westmoreland Cnty**

Description of Proposed Action/Activity: Permit amendment issuance.

WQM Permit No. 0275217-A5, Industrial Waste, **Shenango, Inc.**, 200 Neville Rd, PGH, PA 15225-1620

This existing facility is located in Neville Twp, **Allegheny Cnty**

Description of Proposed Action/Activity: Permit amendment issuance.

WQM Permit No. 6312405, Sewerage, **Peters Twp Sani Auth.**, 111 Bell Dr., McMurray, PA 15317-3415

This proposed facility is located in Peters Twp., **Washington Cnty**.

Description of Proposed Action/Activity: Permit issuance for the construction and operation of sanitary sewers.

WQM Permit No. WQG026141, Sewerage, **Springdale Twp**, PO Box 177, Harwick, PA 15049

This proposed facility is located in Springdale Twp., **Allegheny Cnty**

Description of Proposed Action/Activity: Permit issuance for the construction and operation of a sewer system.

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

WQM Permit No. 2596406, Sewerage **Amendment No. 1**, **Millcreek Township Sewer Authority**, 3608 West 26th Street, Erie, PA 16506.

This existing facility is located in Millcreek Township, **Erie County**.

Description of Proposed Action/Activity: Application to replace one of three pumps at Glenwood Pump Station with a larger capacity pump.

WQM Permit No. 1012404, Sewage, **Barbara Laidlaw & Patty Myers**, 197 Headland Road, Butler, PA 16002.

This proposed facility is located in Jefferson Township, **Butler County**.

Description of Proposed Activity: Single Residence Sewage Treatment Plant.

IV. NPDES Stormwater Discharges from MS4 Permit Actions**V. NPDES Waiver Stormwater Discharges from MS4 Actions**

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

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> | <i>DEP Protocol (Y/N)</i> |
|-------------------------|---|---------------|-----------------------|---|---------------------------|
| PAG133582 | East Prospect Borough Authority 28 West Maple Street PO Box 334 East Prospect, PA 17317-0334 | York | East Prospect Borough | UNT to Canadochly Creek and Cabin Creek | Y |

Southwest Region: Clean Water Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> | <i>DEP Protocol (Y/N)</i> |
|-------------------------------------|---|---------------|---------------------|----------------------------|---------------------------|
| PAG136169 Recommended for Waiver | Falston Boro 158 Beaver St New Brighton, PA 15066 | Beaver | Falston Boro | Bradys Run | N |

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 & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|--|----------------------------|
| PAI01 461202 | Montgomery County Commissioners Montgomery County Courthouse P. O. Box 311 Norristown, PA 19401 | Montgomery | Norristown Municipality and Plymouth Townships | Schuylkill River WWF-MF |
| PAI01 5113001 | Tenet Healthsystem St. Christopher's Hospital for Children, LLC 1445 Ross Avenue, Suite 1400 Dallas, TX 75202 | Philadelphia | City of Philadelphia | Delaware River WWF-MF |
| PAI01 511003 | Philadelphia Regional Port Authority 3460 North Delaware Avenue Philadelphia, PA 19134 And PA Department of General Services Room 603, North Office Bldg. Harrisburg, PA 17125 | Philadelphia | City of Philadelphia | Delaware River WWF-MF |

Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|--|---------------|---------------------|--|
| PAI024010006 | PPL Bell Bend, LLC 38 Bombay Lane Suite 2 Berwick, PA 18603 | Luzerne | Salem Twp. | Walker Run, CWF, MF; Susquehanna River, WWF, MF |
| PAI023911015 | Robyn Realty 3906 Mountain View Drive Danielsville, PA 18038 | Lehigh | Lowhill Twp. | UNT to Jordan Creek, HQ-CWF, MF |

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

| <i>NPDES Permit No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|-------------------------|---|---------------|---------------------------|---------------------------------|
| PAI056312006 | Bove Development Corporation 5851 Brian Drive Bethel Park, PA 15102 | Washington | North Strabane Township | Little Chartiers Creek (HQ-WWF) |
| PAI056511004 | Johnston the Florist 14179 Lincoln Way North Huntingdon, PA 15642 | Westmoreland | North Huntingdon Township | UNT to Long Run (HQ-TSF) |

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 |
| PAG-3 | General Permit for Discharges of Stormwater From Industrial Activities |
| PAG-4 | General Permit for Discharges From Small Flow Treatment Facilities |
| PAG-5 | General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems |
| PAG-6 | General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO) |
| PAG-7 | General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application |
| PAG-8 | General Permit for Beneficial Use of Non-Exceptional 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) |
| PAG-14 | (To Be Announced) |
| PAG-15 | General Permit for Discharges From the Application of Pesticides |

General Permit Type—PAG-02
Facility Location:

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|--|----------------------|---|--------------------------------------|---|
| London Britain Township Chester County | PAG0200 1511008-R | Kenneth A. Bershaw 1050 Industrial Drive, Suite 200 Middletown, DE 19709 | Christina River WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Kennett Township Chester County | PAG0200 1511001-R | David C. Shepherd 1045 Kaolin Road Kennett Square, PA 19348 | East Branch Red Clay Creek TSF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| London Grove Township Chester County | PAG0200 1510039-R | Gourmet's Delight Mushroom P. O. Box 160 Avondale, PA 19311 | Indian Run TSF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Whitpain Township Montgomery County | PAG0200 4613005 | Second Alarmers Rescue Squad 307 Davisville Road PO Box 90 Willow Grove, PA 19090 | Stony Creek CWF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Lower Moreland Township Montgomery County | PAG0200 4610090 | Johnstone LP Huntingdon Valley, PA 19006 | Huntingdon Valley Creek WWF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |
| Whitemarsh Township Montgomery County | PAG0200 4612078 | The Hill School 717 East High Street Pottstown, PA 19464 | Schuylkill River WWF-MF | Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900 |

Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802

Facility Location:

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|--|---|
| York Township, York County | PAG020067060851R | TTMT, LLC 3065 Honey Valley Road Dallastown, Pennsylvania 17313 | Mill Creek/WWF | York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430 |
| York Township, York County | PAG02006706082R | Old Dutch Lane, LLC PO Box 525 Mountville, Pennsylvania 17554 | Mill Creek (WWF) | York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430 |
| Carroll Township, York County | PAG02006709019 | Hershey Command Center Associates, LLC | Fishers Run (CWF) | York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430 |
| Lower Heidelberg Township, Berks County | PAG02000607084R | Larry Bortz Wilson School District 4 Cloister Court Sinking Spring, Pennsylvania 19608 | Little Cacoosing Creek | Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142 |
| Tulpehocken Township, Berks County | PAG02000610048R | Brian Wahlberg Camp Cavalry 48 New Schaefferstown Road Bernville, Pennsylvania 19506 | Mill Creek & UNT to Little Northkill Creek (CWF) | Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142 |
| Colebrookdale Township, Berks County | PAG02000612049 | Michael Andre PDM Property Management 315 East Second Street Boyertown, Pennsylvania 19512 | Swamp Creek (TSF-MF) | Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142 |
| Spring Township, Berks County | PAG02000613004 | Francis Hager La-Z-Boy Furniture Galleries 651 Westminster Road Wilkes-Barre, Pennsylvania 18702 | Tulpehocken Creek (WWF-MF) | Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142 |
| Spring Township, Berks County | PAG02000613002 | Edward Conner 98 Redstone Circle Reinholds, Pennsylvania 17569 | UNT to Cacoosing Creek (CWF) | Berks County Conservation Dist. 1238 County Welfare Rd, Ste 200 Leesport, PA 19533-9710 610.372.4657, Ext. 142 |

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701
570.327.3636*

Facility Location:

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office and Phone No.</i> |
|----------------------------------|-------------------|--|------------------------------|---|
| Tioga Township Tioga County | PAG02005913004 | Michael Bender 715 Jordan Ave Montoursville PA 17754 | Tioga River CWF | Tioga County Conservation District 50 Plaza Ln Wellsboro PA 16901 (570) 724-1801 ext. 5 |

Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

Facility Location:

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name and Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office and Phone No.</i> |
|--|-------------------|---|--|--|
| Manor Township Armstrong County | PAG02000313001 | Daniel Lyle 737 Eljer Way Ford City, PA 16226 | UNT to Allegheny River (WWF) | Armstrong County CD Armsdale Administration Building 124 Armsdale Road Kittanning, PA 16201 (724) 548-3435 |
| Center Township Beaver County | PAG02000413004 | Carol Mastrofrancesco 2026 McMinn Street Aliquippa, PA 15001 | Elkhorn Run (WWF) | Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701 |
| Croyle Township South Fork Borough | PAG02001112017 | Norfolk Southern Railway Company | South Fork of the Little Conemaugh River (CWF) | Cambria County CD 401 Candlelight Drive, Suite 221 Ebensburg, PA 15931 (814) 472-2120 |
| White Township Indiana County | PAG02003212011-1 | Campus Crest Development, LLC 2100 Rexford Rd Suite 414 Charlotte, NC 28211 | UNT to McCarthy Run (CWF) | Indiana County CD 625 Kolter Drive Suite 8 Indiana, PA 15701 (724) 471-4751 |
| Peters Township Washington County | PAG02006306003R | Bayard Crossings Corporation Terry Corbett Franklin Park Corporate Center 2000 Corporate Drive Suite 520 Wexford, PA 15090 | UNT to Chartiers Creek (WWF) | Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 |
| Unity Township Westmoreland County | PAG02006513004 | Modal, Inc. PO Box 472 757 Lloyd Avenue Latrobe, PA 15650 | Ninemile Run (WWF) | Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271 |
| North Huntingdon Township Westmoreland County | PAG02006513009 | North Huntingdon Township Municipal Authority 11275 Center Highway North Huntingdon, PA 15642 | Turtle Creek (WWF) | Westmoreland County CD 218 Donohoe Road Greensburg, PA 15601 (724) 837-5271 |

Northwest Regional Office—Waterways and Wetlands, 230 Chestnut Street, Meadville PA 16335

Facility Location:

| <i>Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|------------------------------|---|
| Slippery Rock Township Butler County | PAG02001008020(1) | Slippery Rock University 1 Morrow Way Slippery Rock PA 16057 | Slippery Rock Creek CWF | Butler County Conservation District 724-284-5270 |
| Toby Township Clarion County | PAG02001611004R | Rimersburg Borough Municipal Authority PO Box 156, 104 Acme Street Rimersburg PA 16248 | Unt Cherry Crk CWF | Clarion County Conservation District 814-297-7813 |

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|---|---|
| Sykesville Borough Jefferson County | PAG02003313001 | Midwest XV LLC Attn: Peter Oleszczuk 403 Oak Street Spring Lake MI 49456 and Westwind Construction Development Inc Attn: Greg Oleszczuk 403 Oak Street Spring Lake MI 49456 | Buck Run CWF | Jefferson County Conservation District 814-849-7463 |
| Shenango Township Mercer County | PAG02004313001 | PA DOT District 1-0 255 Elm Street Oil City PA 16301 | Hogback Run WWF, Unt Shenango River WWF | Mercer County Conservation District 724-662-2242 |

General Permit Type—PAG-3

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|--|---|
| Lebanon County Sough Lebanon Township | PAR143525 | Bemis Performance Packaging Inc. 5 Keystone Drive Lebanon, PA 17042-9791 | UNT to Quittapahilla Creek / TSF | DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707 |

General Permit Type—PAG-4

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|----------------------------------|---|
| Buckingham Township Bucks County | PAG040006 | Bird Michael 2835 Mill Road Doylestown, PA 18902 | Watson Creek—2-F | DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970 |

General Permit Type—PAG-5

Northwest Region: Clean Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|---|--|
| Linesville Borough Crawford County | PAG058390 | United Refining Company of Pennsylvania PO Box 866 Warren, PA 16365 | Stormwater Culvert to Linesville Creek | DEP NWRO Clean Water Program 230 Chestnut Street Meadville, PA 16335-3481 814/332-6942 |

General Permit Type—PAG-6

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|----------------------------------|---|
| Wilmerding Boro Allegheny County | PAG066104 | Wilmerding Boro 301 Station St Wilmerding, PA 15148 | Turtle Creek | Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000 |
| Braddock Boro Allegheny Cnty | PAG066102 | Braddock Boro 415 6th St Braddock, PA 15104-1635 | Monongahela River | Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000 |

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|----------------------------------|---|
| Carnegie Boro Allegheny Cnty | PAG066126 | Carnegie Boro Carnegie, PA 15106 | Chartiers Creek | Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000 |

General Permit Type—PAG-10

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|--|--|---|
| Lyon Pipeline Gibson Township Susquehanna County | PAG102276 | Williams Field Service Co. LLC 1605 Corapolis Heights Road Moon Township, PA 15108-4310 | Tunkhannock Creek CWF, MF and Unnamed Tributary to Idlewild Creek CWF, MF, Wild Trout Reproduction—4-F | DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511 |

*General Permit Type—PAG-13 & MS4 Waivers**Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

| <i>Facility Location: Municipality & County</i> | <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> |
|---|-------------------|---|--|---|
| North Catasauqua Borough Northampton County | PAG132240 | North Catasauqua Borough Northampton County 1066 4th Street PO Box 150 North Catasauqua, PA 18032 | Lehigh River— TSF, MF Catasauqua Creek— CWF, MF | DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511 |
| Pen Argyl Borough Northampton County | PAG132263 | Pen Argyl Borough Northampton County 11 North Robinson Avenue Pen Argyl, PA 18106 | Waltz Creek— CWF, MF | DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511 |
| Weissport Borough Carbon County | PAG132204 | Weissport Borough Carbon County 440 Allen Street Weissport, PA 18235-2238 | Lehigh River— TSF, MF | DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511 |
| Sugarloaf Township Luzerne County | PAG132286 | Sugarloaf Township Luzerne County P O Box 61 Sybertsville, PA 18251 | Nescopeck Creek— TSF | DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511 |
| Bear Creek Township Luzerne County | PAG132269 | Bear Creek Township Luzerne County 3333 Bear Creek Boulevard Bear Creek Township, PA 18702-9760 | Unnamed Tributary to Bear Creek—CWF | DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511 |

*Facility Location:
Municipality &
County*

| <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> | |
|--|---|--|--|---|
| Courtdale Borough Luzerne County | PAG132293 | Courtdale Borough Luzerne County 48 Charles Street Box 197 Courtdale, PA 18704 | Toby Creek— TSF. MF | DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511 |
| Mahoning Township Carbon County | PAG132289 | Mahoning Township Carbon County 2685 Mahoning Drive East Leighton, PA 18235 | Unnamed Tributary of Mahoning Creek— CWF | DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511 |
| Moosic Borough Lackawanna County | PAG132264 | Moosic Borough Lackawanna County 715 Main Street Moosic, PA 18507 | Spring Brook—CWF, Covey Swamp Creek—CWF Lackawanna River— CWF, Mill Creek—CWF, Stafford Meadow Brook—CWF, Unnamed Tributary to Covey Swamp Creek—CWF | DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511 |

General Permit Type—PAG-13

*Facility Location:
Municipality &
County*

| <i>Permit No.</i> | <i>Applicant Name & Address</i> | <i>Receiving Water / Use</i> | <i>Contact Office & Phone No.</i> | |
|----------------------------------|---|---|--|--|
| Ohio Twp Allegheny Cnty | PAG136208 | Ohio Twp 1719 Roosevelt Rd PGH, PA 15237-1050 | Bear Run, Kilbuck Run, Lowries Run & Toms Run | Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000 |
| E Conemaugh Boro Cambria Cnty | PAG136361 | E Conemaugh Boro 355 First St E Conemaugh, PA 15909 | Little Conemaugh River | Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000 |
| Penn Twp Westmoreland Cnty | PAG136116 | Penn Twp 2001 Municipal Court Harrison City, PA 15636 | Lyons Run | Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000 |
| Daugherty Twp Beaver Cnty | PAG136158 | Daugherty Twp 2182 Mercer Rd New Brighton, PA 15066 | UNT to Beaver River & UNT to Blockhouse Run | Southwest Regional Office: Clean Water Program Manager 400 Waterfront Drive Pittsburgh PA 15222-4745 (412) 442-4000 |

STATE CONSERVATION COMMISSION

**NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS FOR NPDES
PERMITS FOR CAFOs**

The State Conservation Commission has taken the following actions on previously received applications for nutrient management plans under 3 Pa.C.S. Chapter 5, for agricultural operations that have or anticipate submitting applications for new, amended or renewed NPDES permits or NOIs for coverage under a general permit for CAFOs under 25 Pa. Code Chapter 92a. This notice is provided in accordance with 25 Pa. Code Chapter 92a and 40 CFR Part 122, implementing The Clean Streams Law and the Federal Clean Water Act.

Persons aggrieved by an action may appeal under 3 Pa.C.S. § 517, section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704 to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users should contact the Environmental Hearing Board (Board) through the Pennsylvania AT&T Relay Service at (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary of the Board at (717) 787-3483. This paragraph does not, in and of itself, create a right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge actions, 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> |
|---|---------------|------------------------|--|---------------------------|---|------------------------------------|
| Derrick Weaver 204 Farmers Lane Myerstown, PA 17067 | Lebanon | 0 | 308.96 | Poultry— Layers | NA | Approved |
| Jacob Light 568 Shirksville Road Jonestown, PA 17038 | Lebanon | 0 | 268.44 | Poultry— Pullets | NA | Approved |
| Harold Shellenberger 580 Colebrook Road Mount Joy, PA 17552 | Lancaster | 208.5 | 479.78 | Heifer / Swine | NA | Approved |
| Jay Hess 151 Pequea Creek Road Conestoga, PA 17516 | Lancaster | 164.6 | 521.15 | Swine / Beef / Poultry | NA | Approved |
| Arlin Benner 880 Pinkerton Road Mount Joy, PA 17552 | Lancaster | 734.2 | 1910.65 | Dairy | NA | Approved |
| Steve Good 1415 Lime Valley Road Lancaster, PA 17602 | Lancaster | 140 | 514.08 | Broiler / Dairy | NA | Approved |
| Dale Frank 3167 Bossler Road Elizabethtown, PA 17022 | Lancaster | 500 | 864.64 | Swine / Beef / Pullet | NA | Approved |
| Joshua T. Akers 562 Church Road Quarryville, PA 17566 | Lancaster | 158 | 138.64 | Ducks | HQ | Approved |
| Jay Deiter 2040 River Road Bainbridge, PA 17502 | Lancaster | 361.3 | 585.71 | Swine / Beef | NA | Approved |

PUBLIC WATER SUPPLY PERMITS

The Department 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 that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO 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 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 a right of appeal beyond that permitted by applicable statutes and decisional law.

For individuals who wish to challenge an action, the appeal 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 document to a lawyer at once. Persons who cannot afford a lawyer may qualify for pro

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

SAFE DRINKING WATER

Actions taken under the Pennsylvania Safe Drinking Water Act

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

Operations Permit issued to: **Newport Borough Water Authority**, 7500022, Newport Borough, **Perry County** on 3/28/2013 for the operation of facilities approved under Construction Permit No. 5009502.

Operations Permit issued to: **Newport Borough Water Authority**, 7500022, Newport Borough, **Perry County** on 3/28/2013 for the operation of facilities submitted under Application No. 5011505.

Operations Permit issued to: **Knightscove Properties**, 7360108, Fulton Township, **Lancaster County** on 4/9/2013 for the operation of facilities approved under Construction Permit No. 3612533.

Operations Permit issued to: **Shover Investment Group, LLC**, 7670022, Fairview Township, **York County** on 4/9/2013 for the operation of facilities submitted under Application No. 7670022.

Operations Permit issued to: **Shover Investment Group, LLC**, 7670112, Warrington Township, **York County** on 4/9/2013 for the operation of facilities submitted under Application No. 7670112.

Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448

Permit No. MA-GWR-T1—Transfer Public Water Supply.

| | |
|-----------------------|--|
| Applicant | Treasure Lake Water System |
| [Township or Borough] | Sandy Township |
| County | Clearfield |
| Responsible Official | Mr. Michael Pickel Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010 |
| Type of Facility | Public Water Supply |
| Consulting Engineer | N/A |
| Permit Issued | April 5, 2013 |
| Description of Action | 4-log inactivation of viruses at Entry Point 101 (Well N-12), Entry Point 102 (Well N-4), Entry Point 103 (Well N-14), Entry Point 105 (Well N-23), Entry Point 106 (Well N-32). |

Permit No. MA-1795501-T1—Transfer Public Water Supply.

| | |
|-----------------------|---|
| Applicant | Treasure Lake Water System |
| [Township or Borough] | Sandy Township |
| County | Clearfield |
| Responsible Official | Mr. Michael Pickel Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010 |
| Type of Facility | Public Water Supply |

| | |
|-----------------------|---|
| Consulting Engineer | N/A |
| Permit Issued | April 5, 2013 |
| Description of Action | Modifications to the Well N-23 treatment plant, including an increase in detention time between potassium permanganate injection and greensand filtration, and Well N-23 raw water blow-off piping. |

Permit No. 1795507-T2—Transfer Public Water Supply.

| | |
|-----------------------|--|
| Applicant | Treasure Lake Water System |
| [Township or Borough] | Sandy Township |
| County | Clearfield |
| Responsible Official | Mr. Michael Pickel Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010 |
| Type of Facility | Public Water Supply |
| Consulting Engineer | N/A |
| Permit Issued | April 5, 2013 |
| Description of Action | Well N-32 as a source of supply, with phosphate sequestration, gas chlorination, and 370 LF of 14-inch detention piping. |

Permit No. 1795501-T2—Transfer Public Water Supply.

| | |
|-----------------------|---|
| Applicant | Treasure Lake Water System |
| [Township or Borough] | Sandy Township |
| County | Clearfield |
| Responsible Official | Mr. Michael Pickel Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010 |
| Type of Facility | Public Water Supply |
| Consulting Engineer | N/A |
| Permit Issued | April 5, 2013 |
| Description of Action | Well N-23 as a source of supply, with caustic soda pH adjustment, potassium permanganate oxidation, greensand filtration, phosphate sequestration, post-gas chlorination, 2,500 gallon storage tank, booster pumps, and detention piping (500 feet of 4-inch and 1,032 LF of 12-inch piping). |

Permit No. 1789503-T2—Transfer Public Water Supply.

| | |
|-----------------------|---|
| Applicant | Treasure Lake Water System |
| [Township or Borough] | Sandy Township |
| County | Clearfield |
| Responsible Official | Mr. Michael Pickel Aqua Pennsylvania, Inc. 762 West Lancaster Avenue Bryn Mawr, PA 19010 |
| Type of Facility | Public Water Supply |

Consulting Engineer N/A
 Permit Issued April 5, 2013
 Description of Action Modifications to Well N-4 treatment, including a chlorine contact tank (12' x 8' x 5'), high service pumps, and 469 LF of 8-inch detention piping.

Permit No. 1786503-T2—Transfer Public Water Supply.

Applicant **Treasure Lake Water System**
 [Township or Borough] Sandy Township
 County **Clearfield**
 Responsible Official Mr. Michael Pickel
 Aqua Pennsylvania, Inc.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010

Type of Facility Public Water Supply
 Consulting Engineer N/A
 Permit Issued April 5, 2013
 Description of Action Well N-14 as a source of supply, with phosphate sequestration, gas chlorination, and 1825 LF of 8-inch detention piping.

Permit No. MA-T2—Transfer Public Water Supply.

Applicant **Treasure Lake Water System**
 [Township or Borough] Sandy Township
 County **Clearfield**
 Responsible Official Mr. Michael Pickel
 Aqua Pennsylvania, Inc.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010

Type of Facility Public Water Supply
 Consulting Engineer N/A
 Permit Issued April 5, 2013
 Description of Action Cayman booster pump station, including duplicate pumps, 2,500 gallon tank, and air compressor.

Permit No. 1785501-T2—Transfer Public Water Supply.

Applicant **Treasure Lake Water System**
 [Township or Borough] Sandy Township
 County **Clearfield**
 Responsible Official Mr. Michael Pickel
 Aqua Pennsylvania, Inc.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010

Type of Facility Public Water Supply
 Consulting Engineer N/A
 Permit Issued April 5, 2013
 Description of Action Modifications to Well N-4 treatment, including relocation of the gas chlorination and phosphate sequestration equipment to a building next to the degasification tank.

Permit No. 1780501-T3—Transfer Public Water Supply.

Applicant **Treasure Lake Water System**
 [Township or Borough] Sandy Township
 County **Clearfield**
 Responsible Official Mr. Michael Pickel
 Aqua Pennsylvania, Inc.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010

Type of Facility Public Water Supply
 Consulting Engineer N/A
 Permit Issued April 5, 2013
 Description of Action Well N-12 as a source of supply, with phosphate sequestration, gas chlorination, and detention piping (784 LF of 4-inch and 815 LF of 12-inch piping).

Permit No. 1777501-T3—Transfer Public Water Supply.

Applicant **Treasure Lake Water System**
 [Township or Borough] Sandy Township
 County **Clearfield**
 Responsible Official Mr. Michael Pickel
 Aqua Pennsylvania, Inc.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010

Type of Facility Public Water Supply
 Consulting Engineer N/A
 Permit Issued April 5, 2013
 Description of Action Degasification unit to remove methane gas from Well N-4.

Permit No. 1772502-T4—Transfer Public Water Supply.

Applicant **Treasure Lake Water System**
 [Township or Borough] Sandy Township
 County **Clearfield**
 Responsible Official Mr. Michael Pickel
 Aqua Pennsylvania, Inc.
 762 West Lancaster Avenue
 Bryn Mawr, PA 19010

Type of Facility Public Water Supply
 Consulting Engineer N/A
 Permit Issued April 5, 2013
 Description of Action Well N-4 as a source of supply, distribution system, and 500,000 gallon finished water storage tank.

Permit No. MA-GWR—Operation Public Water Supply.

Applicant **Kipp's Run Mobile Home Park**
 [Township or Borough] Riverside Borough
 County **Northumberland**
 Responsible Official Mr. Karl Drescher
 46 Stacey Drive
 Barto, PA 19504

Type of Facility Public Water Supply
 Consulting Engineer N/A
 Permit Issued April 9, 2013
 Description of Action 4-log inactivation of viruses at Entry Point 100 (Well No. 1).

Permit No. MA-GWR—Operation Public Water Supply.

Applicant **Eagle Creek Development**
 [Township or Borough] Union Township
 County **Centre**
 Responsible Official Mr. Brennan Glantz
 Type of Facility Public Water Supply
 Consulting Engineer N/A
 Permit Issued April 9, 2013
 Description of Action 4-log inactivation of viruses at Entry Point 101 (Well No. 1).

Permit No. 4496557—Permit-By-Rule Public Water Supply.

Applicant **Glacier Water**
 County **Northcentral Region**
 Responsible Official Mr. Thomas Conti
 GW Services, Inc.
 d/b/a Glacier Water
 1385 Park Center Drive
 Vista, CA 92081
 Type of Facility Public Water Supply
 Consulting Engineer N/A
 Permit Issued April 9, 2013
 Description of Action Operate 7 water vending machines within the Northcentral Region. Boyer Food Market, Northumberland County; County Market and Snappys 3, Centre County; Shop A Lot, Shop N Save, Snappys 5 and Snappys 8, Clearfield County.

Northwest Region: Safe Drinking Water Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481

Interim Operation Permit issued to **Erie City Water Authority**, PWSID #6250028, Millcreek Township, **Erie County**. Permit Number 2510505 Interim Operation 3 issued April 8, 2013 for the interim operation of the Richard S. Wasielewski Water Treatment Plant. This permit replaces Permit No. 2510505 Interim Operation No. 2, issued August 20, 2012, which is hereby revoked.

Operation Permit issued to **Mark D. Roberts d/b/a Green Meadows Mobile Home Park**, PWSID #6370022, New Beaver Borough, **Lawrence County**. Permit Number 3787503-T1-MA1 issued April 9, 2013 for the operation of 4-Log treatment of viruses for Entry Point 101. This action is taken under the requirements of the Groundwater Rule.

Operation Permit issued to **Steve A. Hurley d/b/a Majestic Heights Mobile Home Park**, PWSID #6250020, Washington Township, **Erie County**. Permit Number 2512502 issued April 8, 2013 for the operation of updated Majestic Heights Mobile Home Park water treatment facility. This permit is issued in response to an

operation inspection conducted by the Department of Environmental Protection staff and Erie County Department of Health staff on March 21, 2013.

SEWAGE FACILITIES ACT PLAN APPROVAL

Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

Northcentral Region: Clean Water Program Manager, 208 West Third Street, Williamsport, PA 17701

Plan Location:

| Borough or Township | Borough or Township Address | County |
|-----------------------------------|---|----------------|
| Milton Borough Turbot Township | Borough: 2 Filbert Street, Milton, PA 17847 Township: 323 North Ridge Road, Milton, PA 17847 | Northumberland |

Plan Description: The approved plan provides the Milton Regional Sewer Authority the ability to completely replace and realign existing sewer pipe sections identified to be limiting hydraulic conveyance capacity, as well as the replacement of structurally deficient manholes, and the installation of additional manholes for the purpose of providing better sewer alignment, for the portion of the sewer shed tributary to King Street and its connection to the Front Street Interceptor. The work to be completed should eliminate inflow and infiltration issues, sewer back-ups, and sanitary sewer overflows in the respective portion or the sewer shed, while also accommodating the projected increase in sewage flows from future development within both Milton Borough and Turbot Township. The total project cost is estimated to be \$2,713,800. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from the proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the authority.

Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915

Plan Location:

| Borough or Township | Borough or Township Address | County |
|---------------------|---|--------|
| Pocono Township | P. O. Box 197 Tannersville, PA 18372 | Monroe |
| Hamilton Township | P. O. Box 285 Sciota, PA 18354 | Monroe |

Plan Description: The approved Plan Revision, dated December 26, 2012 and revised February 26, 2013, provides for: (1) removal of the following condition from Pocono Special Study & the BCRA Regional Plan: In order to promote water reuse & to encourage the use of on-lot wastewater disposal, the Plan requires that any developed lot in the service area may connect to the system for its existing flow. If a developed lot proposes a change in flow of more than 800 gpd, sewage planning is required. Any undeveloped lot within the service area may connect to the system if its proposed flow is 800 gpd or less. If its proposed flow is more than 800 gpd, individual sewage planning will be required. (2) Deletion of potential 10 Year Service Area (future) flow projections for specific undeveloped properties. (3) Clean-up of map discrepancies between original Pocono Township Regional Act 537 Special Study Plan Base Map, latest revision April 25, 2006, & the Regional WWTP Service Area Map,

dated April 28, 2009, in the BCRA Regional Plan. (4) The addition of 4 properties to the sewer service area.

SEWAGE FACILITIES ACT PLAN DISAPPROVAL

Plan Disapprovals Granted Under the Pennsylvania Sewage Facilities Act

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

Plan Location:

| Borough or Township | Borough or Township Address | County |
|---------------------|--|--------|
| Fairview Township | 599 Lewisberry Rd, New Cumberland PA 17070 | York |

Plan Description: The planning module for the Harold Deardorff Jr Subdivision, DEP Code No. A3-67919-437-2, APS Id 804388, consisting of a four lot residential subdivision to be served by individual on lot sewage disposal systems is disapproved. The proposed development is located on the south side of Pinetown Road, approximately 2300 feet east of Moore's Mountain Road in Fairview Township. This plan is disapproved because the minimum lot size as determined by the preliminary hydrologic study is 2.01 acres. Proposed Lots 3 and 4 do not meet this required minimum lot size and therefore do not have the area required to infiltrate the amount of groundwater recharge necessary to successfully dilute the nitrate-nitrogen from each lot's sewage discharge. The average nitrate-nitrogen levels in the groundwater leaving these lots will exceed 10 mg/l.

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—6026.907).

Provisions of Sections 301—308 of the Land Recycling and Environmental Remediation Standards Act (act) (35 P. S. §§ 6026.301—6026.308) require the 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, will 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 reuse 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 under 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:

Northeast Region: Eric Supey, Environmental Cleanup and Brownfields Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.

Sherman Hills Apartment Complex, 300 Parkview Circle, Wilkes-Barre City, **Luzerne County**, Daniel Nealon, Quad Three Group, Inc., has submitted a Final Report on behalf of his client, Sherman Hills Realty, 300 Parkview Circle, Wilkes-Barre, PA 18702, concerning the remediation of soil from Lead, Chromium, Antimony and Arsenic due to former operations of an incinerator on the property. The report was submitted to document attainment of the Site Specific Standards for soil. A public notice regarding the submission of the Final report was published in *The Times Leader* on March 13, 2013.

Donald Young Residence, 288 Bear Creek Road, Wayne Township, **Schuylkill County**, Richard Trimpi, Trimpi Associates, Inc., has submitted a Final Report on behalf of this client, Donald Young, 288 Bear Creek Road, Schuylkill Haven, PA 17972, concerning the remediation of soil and groundwater from kerosene due to a release from a broken fuel line on a 275-gallon aboveground storage tank. The report was submitted to document attainment of the Residential Statewide Health Standard for soil and groundwater under Act 2. A public notice regarding the Final Report was published in *The Morning Call* on March 14, 2013.

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

Geraldine Ronan Rental Property, 729 Petersburg Road, Carlisle, PA 17015, South Middleton Township, **Cumberland County**. Reliance Environmental, Inc., 130 East Chestnut Street, Lancaster, PA 17602, on behalf of Geraldine Ronan, 759 Petersburg Road, Carlisle, PA 17015, submitted a Remedial Investigation Report and Cleanup Plan concerning remediation of soils contaminated with No. 2 fuel oil released from an aboveground storage tank. The report is intended to document remediation of the site to meet the Site-Specific Standard.

Kaufman Hall (Dickinson College), 400 West North Street, Carlisle, PA 17013, Borough of Carlisle, **Cumberland County**. Herbert, Rowland & Grubic, Inc., 369 East Park Drive, Harrisburg, PA 17111, on behalf of Dickinson College, PO Box 1773, Carlisle, PA 17013, submitted a combined Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with chlorinated solvents, PAHs, PCBs and VOCs. The report is intended to document remediation of the site to meet the Residential Statewide Health and Site Specific standards.

Southwest Region: Environmental Cleanup & Brownfield Development Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745

Former Packaging Specialists, LLC Facility, 1728 Route 30, Findley Township, **Allegheny County**. Civil & Environmental Consultants, Inc., 333 Baldwin Road, Pittsburgh, PA 15205 on behalf of ACF Properties, LP, 499 Nixon Road, Cheswick, PA 15204 has submitted a Remedial Investigation Report and Cleanup Plan regarding site soil and groundwater contaminated with chlorinated compounds. The report is intended to document remediation of the site to meet the Site-specific Standard.

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

Extreme Transportation, Inc. Liberty Township, **Montour County**. Northridge Group, Inc on behalf of Extreme Transportation Inc has submitted a Final Report concerning remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, and Methyl Tertiary Butyl Ether located in the median at mile marker 218.5 along the westbound lane of Interstate 80. The report is intended to document remediation of the site to meet the Statewide Health Standard.

Robert C. Young, Inc., Jordan Township, **Lycoming County**. Northridge Group, Inc. on behalf of Robert C. Young Inc. has submitted a Final Report concerning remediation of site soils located along State Route 118. Soils were contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1, 3, 5-Trimethylbenzene, 1, 2, 4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The report is intended to document remediation of the site to meet the Statewide Health Standards.

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—6026.907).

Section 250.8 of 25 Pa. Code and administration of the Land Recycling and Environmental Remediation Standards Act (act) require the Department to publish in the *Pennsylvania Bulletin* a notice of its 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 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 reuse 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 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 under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the community relations coordinator at the appropriate regional office. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following plans and reports:

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

General Dynamics—OTS (Pennsylvania) Inc., 200 East High Street, Red Lion, PA 17356, Red Lion Borough and Windsor Township, **York County**. Buchart Horn, Inc., 445 West Philadelphia Street, York, PA 17401, on behalf of General Dynamics—OTS, 11399 16th Court North, Suite 200, St. Petersburg, FL 33716, submitted a Cleanup Plan concerning remediation of groundwater contaminated with VOCs, chlorinated solvents and PAHs. The Plan was approved by the Department on April 5, 2013.

Market Street Parking Lot, 405-421 North Market Street, Lancaster, PA 17603, City of Lancaster, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Prince Street Associates, LP, PO Box 1806, Lancaster, PA 17601, and Redevelopment Authority of the City of Lancaster, 120 North Duke Street, Lancaster, PA 17602, submitted a Final Report for site soils and groundwater contaminated with leaded gasoline released from non-regulated underground storage tanks. The Final Report demonstrated attainment of the Nonresidential Statewide Health standard for soils and Residential Statewide Health standard for groundwater, and was approved by the Department on April 8, 2013.

Former Sunoco York Terminal, 280 North East Street, City of York, **York County**. Envirotrac, 176 Thorn Hill Road, Warrendale, PA 15086, on behalf of Sunoco, Inc., 5733 Butler Street, Pittsburgh, PA 15201, submitted a Remedial Investigation and Final Report concerning remediation of site soils and groundwater contaminated with No. 2 fuel oil and unleaded gas. The combined report did not demonstrate attainment of the Statewide Health and Site-Specific standards, and was disapproved by the Department on April 8, 2013.

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

Erie County Convention Center Authority Bayfront Site, City of Erie, **Erie County**. AMEC Environmental & Infrastructure, Inc., 800 N. Bell Avenue, Suite 200, Pittsburgh, PA 15106 on behalf of the Erie County Convention Center Authority 809 French Street, Erie, PA 16501 has submitted a Risk Assessment Report concerning the remediation of site soil contaminated with arsenic, chromium, methylcyclohexane, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[k]fluoranthene, chrysene, dibenzo(a,h)anthracene, dibenzofuran, naphthalene, phenanthrene and site groundwater contaminated with iron, aluminum, antimony, arsenic, barium, beryllium, cadmium, calcium, chromium, cobalt, copper, lead, magnesium, manganese, nickel, potassium, selenium, silver, sodium, thallium, vanadium, zinc, mercury, 1,1-biphenyl, 2,4-dimethylphenol, 4-methylphenol, 4-nitroaniline, acenaphthene, acenaphthylene, acetophenone, anthracene, 2-methylnaphthalene, benzo[a]anthracene, benzo[a]pyrene, benzo[b]fluoranthene, benzo[g,h,i]perylene, benzo[k]fluoranthene, bis[2-ethylhexyl] phthalate, butyl benzyl phthalate, caprolactam, carbazole, chrysene, dibenzo(a,h)anthracene, dibenzofuran, diethyl phthalate, di-n-butyl phthalate, di-n-octyl phthalate, fluoranthene, fluorene, indeno[1,2,3-cd]pyrene, phenanthrene, phenol, pyrene, benzaldehyde, naphthalene, benzene, 1,1-dichloroethane, 1,2,4-trimethylbenzene, 1,3,5-trimethylbenzene, acetone, carbon disulfide, chlorobenzene, chloroethane, chloroform, chloromethane, cis-1,2-dichloroethene, cyclohexane, ethylbenzene, isopropylbenzene, methylcyclohexane, methylene chloride, toluene, trans-1,2-dichloroethene, vinyl chloride, xylenes (total), 2-butanone, and trichloroethene. The Risk Assessment Report was approved by the Department on April 2, 2013.

Former McInnes Steel Facility, City of Corry, **Erie County**. Urban Engineers, Inc., 1319 Sassafras Street, Erie, PA 16501 on behalf of The Redevelopment Authority in the City of Corry, 1524 Enterprise Road, Corry, PA 16407 has submitted a Final Report concerning the remediation of site soils contaminated with Arsenic, Iron, Lead, and Manganese. The Final Report demonstrated attainment of the Site-Specific Standard and was approved by the Department on April 4, 2013.

OPERATION WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES

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

Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717-705-4706.

Permit No. 100345, Major Permit Modification, Form R Revision. **Delaware County Solid Waste Authority**, 583 Longview Road, Boyertown, PA 19512-7955. The Department has determined that the application package contains sufficient detail to enable DEP to conduct the technical review, and has been accepted for that purpose.

This is not a final action by the Department on this application. The completeness review is the first in a

series of reviews conducted by DEP. The application will now move to the technical review stage of the permit review process.

RESIDUAL WASTE GENERAL PERMITS

Registration for General Permit issued under the Solid Waste Management Act; and Residual Waste Regulations for a General Permit To Operate Residual Waste Processing Facilities (25 Pa. Code § 287.611 relating to authorization for general permit).

Southcentral Regional Office: Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17011.

General Permit Application No. WMGR028SC01B. York Materials Group LLC, 950 Smile Way, York, PA 17404

This general permit was originally issued to Kinsley Construction for the beneficial use of baghouse fines and scrubber pond precipitates for use as an aggregate in roadway construction, a soil additive, a soil conditioner, or a component or ingredient in the manufacturing of construction products, generated at 2305 Lemon Street, York, PA in West Manchester Township, **York County**.

On January 15, 2013, Kinsley Construction notified the Department of the sale of their assets to York Materials Group LLC which took place on January 15, 2013. Based on the information provided in these notifications, the beneficial use activity performed by these facilities is now under the ownership and management of York Materials Group LLC.

Notice is hereby given of the re-issuance of the General Permit Number WMGR028SC01B granting York Materials Group LLC the beneficial use of baghouse fines and scrubber pond precipitates, generated at 2035 Lemon Street, York, PA in West Manchester Township, York County, as specified in the general permit. The Southcentral Regional Office approved the re-issuance of this general permit on April 9, 2013.

Persons interested in reviewing the general permit may contact John Oren, Facilities Manager, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17011, (717) 705-4905. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

Permit Issued Under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act 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 No. 301356. AK Steel Corporation, 210 Pittsburgh Road, Butler, PA 16001. This is a new captive residual waste landfill permit for the disposal of residual waste generated by AK Steel. The landfill is located at AK Steel Butler Works in Butler Township, **Butler County**. The application was received August 11, 2009. The permit was issued by the Northwest Regional Office on April 4, 2013.

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

Contact: Sachin Shankar, New Source Review Chief—Telephone: 484-250-5920

GP3-09-0110: Siri Sand & Stone, LLC. (852 Swamp Road, Penns Park, PA 18943) on April 2, 2013, was authorized to operate a portable nonmetallic mineral processing plant in Newtown Township, **Bucks County**.

GP9-09-0039: Siri Sand & Stone, LLC. (852 Swamp Road, Penns Park, PA 18943) on April 2, 2013, was authorized to operate two (2) diesel fuel-fired internal combustion engines in Newtown Township, **Bucks County**.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

GP3-52-001: E.R. Linde Corp. (9 Collan Park, Honesdale, PA 18431) on April 1, 2013, to operate a portable stone crushing plant at Lackawaxen Township, **Pike County**.

GP2-35-001: Lopera Oil Co., Inc (41 River Street, Carbondale, PA 18407) on March 27, 2013, to re-issue and operate a VOC storage tank at the site in Mayfield Borough, **Lackawanna County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

GP3-08-337C: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on April 4, 2013, to relocate and operate a 250 TPH McCloskey model R155 portable screening plant under the General Plan Approval and/or General Operating Permit for Portable Nonmetallic Mineral Processing Plants (BAQ-GPA/GP-3) at a Green's Landing site in Athens Township, **Bradford County**.

GP11-08-337C: Glenn O. Hawbaker, Inc. (711 East College Avenue, Bellefonte, PA 16823) on April 4, 2013, to relocate and operate a 130 bhp CAT model 3054C diesel-fired engine under the General Plan Approval and General Operating Permit for Nonroad Engines (BAQ-GPA/GP-11) at a Green's Landing site in Athens Township, **Bradford County**.

GP5-17-16: EXCO Resources (PA), Inc. (3000 Ericson Drive, Suite 200, Warrendale, PA 15086) on April 3, 2013, to construct and operate a 375 brake horsepower Caterpillar model G398 (serial 73B01688) natural gas-fired compressor engine under the General Plan Approval and/or General Operating Permit for Natural Gas Compression and/or Processing Facilities (BAQ-GPA/GP-5) at their Woytek Compressor Station in Bell Township, **Clearfield County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

GP5-20-253B: Range Resources—Appalachia, LLC,—Miller Station (41640 Buells Corners Road, Centerville, PA 16404) on April 1, 2013, to operate one (1) lean burn, 4 stroke natural gas compressor engine, Caterpillar Model No. G3508 LE rated 630 bhp at 1,400 rpm, one (1) natural gas dehydrator, four (4) 2,100 gallon produced water storage tanks, and three (3) miscellaneous used/new motor oil storage tanks (BAQ-GPA/GP-5) in Rome Township, **Crawford County**.

GP5-20-273B: Range Resources—Appalachia, LLC, Izbicki Station (38784 Church Road, Union City, PA 16438) on April 1, 2013, to operate one (1) lean burn, 4 stroke natural gas compressor engine, Caterpillar Model No. G3306 NA rated 145 bhp at 1,800 rpm, three (3) 2,100 gallon produced water storage tanks, one (1) miscellaneous used/new motor oil storage tank (BAQ-GPA/GP-5) in Bloomfield Township, **Crawford County**.

GP5-43-271B: Range Resources—Appalachia, LLC—Wallace Station (1369 Cochran Road, Carlton, PA 16311) on April 1, 2013, to operate two (2) lean burn, 4 stroke natural gas compressor engines, Caterpillar Model Nos. G3516 LE rated 1150 bhp at 1,200 rpm, one (1) ken wind natural gas dehydrator, one (1) 8,400 gallon produced water storage tank, one (1) 4,200 gallon produced water storage tank, and four (4) 2,100 gallon produced water storage tanks (BAQ-GPA/GP-5) in French Creek Township, **Mercer County**.

GP5-61-194B: Range Resources—Appalachia, LLC—Toonerville Station (135 Tunetown Lane, Titusville, PA 16354) on April 1, 2013, to operate one (1) lean burn, 4 stroke natural gas compressor engine, Waukesha Model No. VGF-H24GL LCR rated 530 bhp at 1,800 rpm, one (1) natural gas dehydrator, five (5) 2,100 gallon produced water storage tanks, two (2) 300 gallon produced water storage tanks, and one (1) miscellaneous used/new motor oil storage tank (BAQ-GPA/GP-5) in Cherrytree Township, **Venango County**.

GP5-61-195B: Range Resources—Appalachia, LLC—Haslett Station (160 Bethel Road, Franklin, PA 16323) on April 1, 2013, to operate two (2) lean burn, 4 stroke natural gas compressor engines, Caterpillar Model Nos. G3512 LE rated 1005 bhp at 1,400 rpm, one (1) natco natural gas dehydrator, three (3) 4,200 gallon produced water storage tanks, seven (7) 2,100 gallon produced water storage tanks, and three (3) miscellaneous used/new motor oil storage tanks (BAQ-GPA/GP-5) in Jackson Township, **Venango County**.

GP5-61-202B: Range Resources—Appalachia, LLC—Cook Station (3420 Goodwin Road, Titusville, PA 16358) on April 1, 2013, to operate one (1) lean burn, 4 stroke natural gas compressor engine, Caterpillar Model No. G3516 LE rated 1340 bhp at 1,400 rpm, one (1) natco natural gas dehydrator, two (2) 2,100 gallon produced water storage tanks, One (1) 8,400 gallon produced water storage tank, and one (1) miscellaneous used/new motor oil storage tanks (BAQ-GPA/GP-5) in Plum Township, **Venango County**.

Plan Approvals Issued under the Air Pollution Control Act 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.

Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110

Contact: Thomas J. Hanlon, Facility Permitting Chief—Telephone: 717-705-4862 or William Weaver, Program Manager—Telephone: 717-705-4702.

67-05042A: Hanover Foods Corp. (P. O. Box 334, Hanover, PA 17331) on April 2, 2013, to construct a 63.9 mmBTU/hr natural gas/#2 fuel oil-fired boiler at their Hanover Cannery in Penn Township, **York County**.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

41-00086B: LBV Professional Services LLC (350 Spruce Street, PA 17754-1706) on April 2, 2013, to construct a human crematorium at their Montoursville Borough, **Lycoming County** facility.

Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.13, 127.13a and 127.32.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: M. Gorog & B. Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226

63-00549A: Arden Landfill, Inc. (200 Rangos Lane, Washington, PA 15301) on April 3, 2013, to extend the temporary operation period for the landfill gas renewable energy facility at their Arden Landfill in Chartiers Township, **Washington County**. The new expiration date shall be October 5, 2013. The Plan Approval has been extended.

32-00055F: NRG Homer City Services, LLC (1750 Power Plant Rd., Homer City, PA 15748) on April 4, 2013, to extend the period of temporary operation of the 313 MMBtu/hr distillate oil-fired auxiliary boiler authorized under plan approval PA-32-00055F, until October 4, 2013, at Homer City Generating Station in Black Lick and Center Townships, **Indiana County**. The plan approval has been extended.

30-00208A: Border Energy, LLC (308 Dents Run Road Morgantown, WV 26501) on April 4, 2013, to extend the temporary operation to facilitate the shake-down of sources and air cleaning devices at their Robena Pond #6 Coal Briquette Manufacturing Plant in Monongahela Township, **Greene County**. The plan approval has been extended.

63-00969A: MarkWest Liberty Midstream and Resources, LLC (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) on April 4, 2013, as a result of equipment startup at the Three Brothers Compressor Station in Smith Township, **Washington County**. Plan approval expiration date has been changed to May 2, 2013; a period of 180 days from startup of Unit 3 on November 3, 2012. The plan approval has been extended.

03-00253A: Western Allegheny, LLC (301 Market Street, Kittanning, PA 16201-9642) on April 5, 2012, to extend the period of temporary operation 180 days of the 800,000 tons per year Parkwood Mine Coal Preparation Plant in Plumcreek Township, **Armstrong County**. The new expiration date shall be October 10, 2013. The plan approval has been extended.

03-00183B: EQT Gathering, LLC, (Suite 1700, 625 Liberty Ave, Pittsburgh, PA, 15222) On April 5, 2013, DEP issued a plan approval extension with an expiration date of October 7, 2013. This action authorizes EQT

Gathering to continue to temporarily operate a natural gas compressor station, known as the Jupiter Compressor Station, located in Morgan Township, **Greene County**. The plan approval has been extended.

65-00661C: Derry Construction Co., Inc. (527 Route 217, Latrobe, PA 15650) on April 8, 2013, to extend the temporary operation period for the counter flow drum mix asphalt plant at the Delmont Asphalt Facility, located in Salem Township, **Westmoreland County**. The new expiration date shall be October 14, 2013. The plan approval has been extended.

30-00072E: Consol Pennsylvania Coal Company, LLC (1000 Consol Energy Dr., Canonsburg, PA 15317) plan approval extension is effective April 10, 2013, with an expiration date of October 10, 2013, for continued temporary operation of the Crabapple Overland Conveyor which is part of the Bailey Prep Plant located in Richhill Township, **Greene County**. The Bailey Prep Plant is a Title V facility. The plan approval has been extended.

11-00356C: Peoples Natural Gas Company, LLC, 1201 Pitt Street, Pittsburgh, PA 15221) on April 8, 2013, to allow additional time for the construction of two natural gas compressor engines rated at 1,480 bhp each, to be known as Rager Engines #4 & #5, until October 26, 2013 at Laurel Ridge / Rager Mountain located in Jackson Township, **Cambria County**. Temporary operation of a natural gas compressor engine rated at 1,340 bhp known as Laurel Ridge Engine #3 and a thermal oxidizer controlling emissions from Dehydrator #1 and #2 has also been extended.

Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

09-00015: Rohm and Haas Co. (200 Route 413, Bristol, PA 19007) on April 2, 2013, for renewal of the Title V Operating Permit issued on July 12, 2007, and amended on March 22, 2012 in Bristol Township, **Bucks County**. This proposed renewal of the Title V Operating permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The Rohm and Haas Company is a diverse chemical manufacturing facility. The area source boiler MACT of 40 CFR 63 Subpart JJJJJJ, and NESHAP of 40 CFR 63 Subpart VVVVVV, are not applicable. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131

24-00131: SGL Carbon Corp. (900 Theresia Street, PO Box 1030, Saint Marys, PA 15857) on April 5, 2013, issued an administrative amendment to the Title V Operating Permit to incorporate the conditions of plan approval 24-1310 into the permit for the facility located in Saint Marys City, **Elk County**.

*Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104*

Contact: Thomas Huynh, Chief—Telephone: 215-685-9476

V05-011A: Philadelphia Energy Solutions Refining and Marketing LLC.—Schuylkill River Tank Farm (70th and Essington Avenue, Philadelphia, PA 19145) on April 9, 2013, to operate a petroleum products storage tank facility in the City of Philadelphia, **Philadelphia County**. The facility's air emissions sources include twenty one (21) internal floater storage tanks with capacities between 2.6—4.9 million gallons; two (2) open floater tanks, each with a capacity of 4.8144 million gallons; one (1) oil-water separator; one (1) propane loading rack with flare (60,000 lbs/hr) firing propane/butane; fugitive emissions; and two (2) diesel firepumps (one 290 hp and the other 255 hp). The permit was amended to reflect the change ownership from Sunoco Inc. to Philadelphia Energy Solutions Refining and Marketing LLC.

Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

46-00098: Edon Corp. (1160 Easton Road, Horsham, PA 19044) on March 29, 2013, for renewal of the State Only Operating Permit for their manufacturing facility in Horsham Township, **Montgomery County**.

The facility comprises 10 spray booths in which liquid polyester resin and fiberglass rope segments are either hand applied or sprayed from chopper guns into or on molds and subsequently cured to form architectural products. Three additional booths are used for finishing operations. Emissions are primarily of styrene, classified as both a volatile organic compound (VOC) and a hazardous air pollutant (HAP). The facility is a synthetic minor facility for VOC and HAP, having taken restrictions to limit emissions to 24.9 and 8.0 tons/year respectively. Emissions are controlled by booth filters with manufacturer estimated control of paint overspray 98.8%, use of low HAP containing resins, low pressure, low emissions spray guns and use of additives to maintain styrene in the product structure.

The renewal does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The renewal contains all applicable requirements including monitoring, recordkeeping, and reporting.

46-00161: Reading Materials, Inc. (394 South Sanatoga Road, Pottstown, PA 19464-3148) on April 2, 2013, for renewal of a State Only, Synthetic Minor Operating Permit in Lower Pottsgrove Township, **Montgomery County**. Reading Materials operates an Asphalt Plant at this site. The proposed renewal of the Operating Permit will authorize natural gas as an additional fuel. With the use of natural gas as a fuel the emissions of NO_x will decrease and the emissions of CO will increase. The facility maintains a synthetic minor operating status by maintaining total NO_x emissions to less than 24.90 tons per year. The renewed permit includes testing, monitoring, recordkeeping and reporting requirements

designed to keep the facility operating within all applicable local, state, and federal air quality requirements.

46-00121: Main Line Hospitals, Inc.—dba Lankenau Hospital (100 East Lancaster Avenue, Wynnewood, PA 19096) on April 4, 2013, for renewal of a State Only, Synthetic Minor Operating Permit in Lower Merion Township, **Montgomery County**. The facility currently operates four dual-fired (natural gas and no. 2 oil fired) boilers and eight diesel-fired emergency electric generators. The boilers are currently permitted under General Permit GP1-46-0243 and Plan Approval 46-0121. The boilers will be incorporated into the Operating Permit at a future date through an administrative amendment in accordance with 25 Pa. Code § 127.450(a)(5). Three (3) boilers that were operated under the Operating Permit were replaced by the new boilers and therefore; have been removed from the renewed Operating Permit. Three (3) of the eight (8) emergency engines are larger than 1000 HP and are subject to 25 Pa. Code §§ 129.203 and 129.204. These engines are also subject to 40 CFR Part 60 Subpart III. Lankenau Hospital is categorized as a synthetic minor facility. The permit includes monitoring, record keeping and reporting requirements designed to address all applicable air quality requirements.

Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790

Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507

39-00084: Allen Organ Co. LLC—Macungie (150 Locust Street, Macungie, PA 18062-0036) on March 31, 2013, for musical instrument manufacturing in Macungie Borough, **Lehigh County**. The primary sources consist of boilers, degreaser, and wave solders. The sources are considered minor emission sources of nitrogen oxide (NO_x), sulfur oxides (SO_x), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. This is a renewal State-Only Natural Minor operating permit. The State-Only operating permit includes emissions, work practice standards and testing, monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174

04-00730: Lindy Paving, Inc.—Koppel Plant (1811 Shenango Road, New Galilee, PA 16141) on April 8, 2013, to issue a State Only Operating Permit for the operation of a hot mix batch asphalt facility in Big Beaver Borough, **Beaver County**. The subject facility consists of one hot mix batch asphalt plants rated at 400 tons per hour. The batch plant is limited to 1,300,000 tons production in any consecutive 12-month period. The site is equipped with (3) asphalt cement tanks and (4) hot mix asphalt storage silos. The facility has the potential to emit: 87 tpy CO; 36 tpy NO_x; 38 tpy SO_x; 49 tpy VOC; 5.5 tpy PM and 11 tpy PM₁₀. The facility is required to conduct annual burner tune up tests and stack testing for all criteria pollutants every five years. The facility must perform daily survey of the facility to ensure compliance with the operating permit limitations. The proposed authorization is subject to State and Federal Regulations. The permit includes operation requirements, monitoring requirements, and recordkeeping requirements.

Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

S11-015: Drexel University (at 3330 Market Street, Philadelphia, PA 19104) on April 3, 2013, to operate a school in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include sixty-seven (67) combustion unit each less than or equal to 5.23 MMBTU/hr that can burn No 2 fuel oil, or natural gas, two (2) natural gas emergency generators, seventeen (17) diesel emergency generators, and one (1) fire pump. The facility also has several tanks, boilers, heaters, emergency generators, and fire pumps that are insignificant.

Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.

Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19401

Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920

09-00006: U.S. Steel Corporation—Fairless Works (Fairless Hills, PA 19030) on April 2, 2013, is a Title V facility in Falls Township, **Bucks County**. The Title V Operating Permit was amended for a change in Responsible Official Contact, a correction to address information for the facility and owner, and a change to generalize the type of solvent used in a parts washer located at this facility. The changes were performed in accordance with 25 Pa. Code § 127.450(a)(2). The changes made do not affect any monitoring and recordkeeping requirements for the facility or the sources located at this facility, and these changes do not result in an increase in emissions from the facility.

15-00051: Allan A. Myers—d/b/a/ Independence Construction Materials—Devault Asphalt Plant (Route 29, (Devault) Charlestown Township, PA 19432) on April 2, 2013, for their batch asphalt plant in Charlestown Township, **Chester County**. The State Only Synthetic Minor Operating Permit was modified to remove the operating pressure drop condition for the cyclone collector (Source ID: C01). The modified SOOP includes monitoring, recordkeeping, reporting, and work practice requirements designed to keep the facility operating within all applicable air quality requirements.

Minor modification of SOOP No. 15-00051 is issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code § 127.462.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

08-00016: Dalrymple Gravel & Contracting Co., Inc. (2105 South Broadway, Pine City, NY 14871) on April 3, 2013, issued a revised operating permit, for their facility in Athens Township, **Bradford County**. This revision is to incorporate the plan approval 08-00016A conditions for the floating dredge operation under Source ID P201 in accordance with the provision of 25 Pa. Code Section 127.450 The State Only operating permit contains monitoring, recordkeeping and reporting conditions to ensure compliance with applicable regulatory requirements.

Department of Public Health, Air Management Services:
321 University Avenue, Philadelphia, PA 19104

Contact: Edward Wiener, Chief—Telephone: 215-685-9426

S11-005: Commander Navy Region Mid-Atlantic. (700 Robbins Avenue, Philadelphia, PA 19111) on April 9, 2013, to operate an office building in the City of Philadelphia, **Philadelphia County**. The facility's air emission sources include one (1) 29.3 MMBTU/hr boiler burning natural gas or No. 4 or No. 6 oil, two (2) 1.3 MMBTU/hr boilers burning natural gas, one (1) 0.75 MMBTU/hr boiler burning natural gas, three (3) boiler and water heaters less than 0.25 MMBTU/hr burning natural gas, seven (6) emergency generators, a fire pump, a carpentry shop, a paint booth, and a gasoline storage and dispensing tank. The permit was administratively amended to reflect the change in permit contact and responsible official.

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

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

Contact: Edward Orris, New Source Review Chief—Telephone: 814-332-6636

20-00040: Advanced Cast Products, Inc. (18771 Mill Street Meadville, PA 16335) for its facility located in City of Meadville, **Crawford County**. The De minimis emission increase is for the construction of 2 shell core machines. In addition, this source is exempt from plan approval as they comply with 25 Pa. Code § 127.14(a)(8). The Department hereby approves the De minimis emission increase. The following table is a list of the De minimis emission increases as required by 25 Pa. Code 127.449(i). This list includes the De minimis emission increases since the facility Operating Permit issuance on March 2, 2010.

| Date | Source | PM ₁₀ (tons) | SO _x (tons) | NO _x (tons) | VOC (tons) | CO (tons) |
|--------------------------|-----------------------|-----------------------------------|------------------------------------|---------------------------------|---------------------------------|-----------------------------------|
| 4-3-13 | 2 shell core machines | | 0.127 | 0.198 | | |
| Total Reported Increases | | | 0.127 | 0.198 | | |
| 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; 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—1406.20a). The final action on each application also constitutes action on the NPDES permit application and, if noted, the request for a Section 401 Water Quality Certification. Mining activity permits issued in response to applications will also address the application permitting requirements of the following statutes: the Air Quality Pollution Act (35 P. S. §§ 4001—4014); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1002).

Coal Permits Actions

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

Permit No. 11070203 and NPDES Permit No. PA0262463, Ridge Energy Company, 265 Swamp Road, Clymer, PA 15728, permit renewal for reclamation only of a bituminous surface mine in Barr Township, Cambria County, affecting 35.0 acres. Receiving stream(s): unnamed tributaries to/and Moss Creek classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received: January 31, 2013. Permit issued: March 27, 2013.

Permit No. 32010105 and NPDES No. PA0248975, Amerikohl Mining, Inc., 202 Sunset Drive, Butler, PA 16001, permit renewal for reclamation only of a bituminous surface and auger mine in Center and Blacklick Townships, Indiana County, affecting 171.4 acres. Receiving stream(s): unnamed tributaries to/and Aultmans Run classified for the following use(s): trout stocked fishery. There are no potable water supply intakes within 10 miles downstream. Application received February 6, 2013. Permit issued March 27, 2013.

56960107 and NPDES No. PA0234231, PBS Coals, Inc., P. O. Box 260, Friedens, PA 15541, permit renewal for the continued operation and restoration of a bituminous surface mine in Jenner Township, Somerset County, affecting 125.4 acres. Receiving stream(s): unnamed tributaries to/and Quemahoning Creek classified for the following use(s): cold water fishery. The first downstream potable water supply intake from the point of discharge is Cambria Somerset Authority Quemahoning SWI. Application received September 22, 2011. Permit issued March 26, 2013.

32020104 and NPDES No. PA0249033, Rosebud Mining Company, 301 Market Street, Kittanning, PA 16201, permit renewal for reclamation only of a bituminous surface and auger mine in South Mahoning Township, Indiana County, affecting 78.5 acres. Receiving stream(s): unnamed tributary to/and Ross Run; UT to Little Mahoning Creek classified for the following use(s): high quality. There are no potable water supply intakes within 10 miles downstream. Application received January 22, 2013. Permit issued April 3, 2013.

56120109 and NPDES no. PA0269034, Mountaineer Mining Corporation, 1010 Garrett Shortcut Road, Berlin, PA 15530 commencement, operation and restoration of a bituminous surface and auger mine in Stonycreek Township, Somerset County, affecting 127.1 acres. Receiving stream(s): unnamed tributary to/and Schrock Run classified for the following use(s): cold water fishery. There are no potable water supply intakes within 10 miles downstream. Application received May 30, 2012. Permit issued April 2, 2013.

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

33120104 and NPDES Permit No. PA0259314, Twin Brook Coal, Inc. (P. O. Box 225, Clymer, PA 15728) Commencement, operation and restoration of a bituminous surface and auger mine in Knox Township, Jefferson County affecting 29.0 acres. Receiving streams: Unnamed tributary to Indiancamp Run and Indiancamp Run. Application received: August 6, 2012. Permit Issued: April 2, 2013.

33110105 and NPDES Permit No. PA0259195, Strishock, LLC (220 Hillcrest Drive, DuBois, PA 15801) Commencement, operation and restoration of a bituminous surface mine in Pine Creek Township, Jefferson County affecting 85.0 acres. Receiving streams: Unnamed tributary to Mill Creek. Application received: October 13, 2011. Permit Issued: April 2, 2013.

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

17060107 and NPDES No. PA0256391, RES Coal LLC (224 Grange Hall Road, P. O. Box 228, Armagh, PA 15920). Renewal of an existing bituminous surface/auger mine in Girard Township, Clearfield County, affecting 294.8 acres. Receiving streams: Unnamed Tributary to Deer Creek; Deer Creek classified for the following use: Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: November 5, 2012. Permit issued: March 27, 2013.

17940107 and NPDES No. PA0219801, River Hill Coal Co., Inc. (P. O. Box 141, Kylertown, PA 16847). Revision to an existing bituminous surface mine/coal refuse disposal to revise the coal refuse disposal plan located in Karthaus Township, Clearfield County affecting 449.8 acres. Receiving streams: Unnamed Tributaries to Saltlick Run, Unnamed Tributaries to Upper Three Runs, classified for the following use: High Quality Waters-Cold Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: June 26, 2012. Permit issued: March 27, 2013.

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

40940101C, Pioneer Aggregates, Inc., (215 East Saylor Avenue, Wilkes-Barre, PA 18702), correction to an existing anthracite surface mine operation to update the post-mining land use and decrease the permitted acres in Laffin Borough and Plains Township, Luzerne County affecting 64.2 acres, receiving stream: Gardner Creek. Application received: September 28, 2012. Correction issued: April 8, 2013.

40940101GP104, Pioneer Aggregates, Inc., (215 East Saylor Avenue, Wilkes-Barre, PA 18702), NPDES General Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 40940101 in Laffin Borough and Plains Township, Luzerne County, receiving stream: Gardner Creek. Application received: September 28, 2012. Permit issued: April 8, 2013.

Noncoal Permits Actions

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

58120301. Joseph Zawisky, LLC, (729 Walkers Road, Susquehanna, PA 18847), commencement, operation and restoration of a bluestone quarry operation in Oakland and Jackson Townships, **Susquehanna County** affecting 70.0 acres, receiving streams: unnamed tributary to Drinker Creek and unnamed tributary to Lewis Creek. Application received: March 26, 2012. Permit issued: April 4, 2013.

58120301GP104. Joseph Zawisky, LLC, (729 Walkers Road, Susquehanna, PA 18847), NPDES General Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 58120301 in Oakland and Jackson Townships, **Susquehanna County**, receiving streams: unnamed tributary to Drinker Creek and unnamed tributary to Lewis Creek. Application received: March 26, 2012. Permit issued: April 4, 2013.

64120802 and NPDES Permit No. PA0225321. Robert Mackrell, (710 Justus Boulevard, Clarks Summit, PA 18411), commencement, operation and restoration of a bluestone quarry operation in Buckingham Township, **Wayne County** affecting 5.0 acres, receiving stream: Equinunk Creek Watershed (no discharge). Application received: September 10, 2012. Permit issued: April 8, 2013.

ACTIONS ON BLASTING ACTIVITY APPLICATIONS

Actions on applications under the Explosives Acts of 1937 and 1957 and 25 Pa. Code § 211.124. 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

32134001. Discovery Acquisition Services, Inc., 4141 Katy Hockley Road, Katy, TX 77493, blasting activity permit issued for seismic testing development in Washington Township, **Indiana County**. Blasting activity permit end date is April 1, 2014. Permit issued April 1, 2013.

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

41134103. Midstream Explosives LLC (289 Southside Drive, Newville, PA 17241-8951). Blasting for construction of a pipeline located in Cogan House Township, **Lycoming County**. Permit issued April 5, 2013. Permit expires April 8, 2014.

08134109. Meshoppen Blasting Inc. (Frantz Rd, P. O. Box 127, Meshoppen, PA 18630). Blasting for construction of a well site entrance roadway located in Monroe Township, **Bradford County**. Permit issued April 5, 2013. Permit expires July 31, 2013.

08134110. Meshoppen Blasting Inc. (Frantz Rd, P. O. Box 127, Meshoppen, PA 18630). Blasting for construction of a well pad located in Monroe Township, **Bradford County**. Permit issued April 5, 2013. Permit expires July 31, 2013.

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

36134112. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Elite Services Storage Units in East Earl Township, **Lancaster County** with an expiration date of August 31, 2013. Permit issued: April 2, 2013.

38134108. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for James Brubaker manure pit in Richland Borough, **Lebanon County** with an expiration date of September 30, 2013. Permit issued: April 2, 2013.

38134109. Keystone Blasting Service, (15 Hopeland Road, Lititz, PA 17543), construction blasting for Greystone Crossings in North Cornwall Township, **Lebanon County** with an expiration date of April 30, 2014. Permit issued: April 4, 2013.

58134120. MD Drilling & Blasting, Inc., (88 Goldledge Avenue, Suite 2, Auburn, NH 03032), construction blasting for Teddick 8 inch gas pipeline in Brooklyn Township, **Susquehanna County** with an expiration date of March 29, 2014. Permit issued: April 4, 2013.

36134113. Maine Drilling & Blasting, Inc., (P. O. Box 1140, Gardiner, ME 04345), construction blasting for Hess Residence in East Donegal Township, **Lancaster County** with an expiration date of April 3, 2014. Permit issued: April 5, 2013.

58134121. Meshoppen Blasting, Inc., (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Meshoppen Stone Wright Quarry in Auburn Township, **Susquehanna County** with an expiration date of July 8, 2013. Permit issued: April 5, 2013.

FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The 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 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 that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO 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 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 a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

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

Permits, Environmental Assessments and 401 Water Quality Certifications Issued:

WATER OBSTRUCTIONS AND ENCROACHMENTS

Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.

E21-422: Gary Graham, Pennsylvania Turnpike Commission, PO Box 67676, Harrisburg, Pennsylvania 17106-7676, in Upper Mifflin Township, Cumberland County, ACOE Baltimore District

to: 1) extend and maintain an existing 155.0-foot long by 8.0-foot wide concrete arch culvert with an average underclearance of 7.1 feet with a 6.0-inch uniformly depressed 7.5-foot diameter corrugated metal pipe (CMP) 50.0 linear feet on the upstream side and 55.0 linear feet on the down-stream side, for a total length of 260.0 feet, in an unnamed tributary to Three Square Hollow Run (WWF), temporarily impacting 0.01 acre of wetland and permanently impacting 0.01 acre of wetland at Milepost 206.6 (Latitude: 40°10'42", Longitude: -77°31'14"); 2) extend and maintain an existing 166.0-foot long by 12.0-foot wide concrete arch culvert with an average underclearance of 5.4 feet with a 1.0-foot uniformly depressed 12.0-foot by 6.5-foot concrete box culvert 26.0 linear feet on the upstream side and 25.0-linear feet on the downstream side, for a total length of 217.0 feet, in an unnamed tributary to Three Square Hollow Run (WWF), permanently impacting 0.03 acre of wetland at Milepost 207.33 (Latitude: 40°10'49", Longitude: -77°30'25"); 3) extend and maintain an existing 121.0-foot long by 24.0-inch Reinforced Concrete Pipe (RCP) culvert with a 24.0-inch RCP 26.0 linear feet on the upstream side and 32.0-linear feet on the downstream side, for a total length of 179.0 feet, in an unnamed tributary to Three Square Hollow Run (WWF) at Milepost 207.47 (Latitude: 40°10'43", Longitude: -77°31'05"); 4) relocate 965.0 linear feet of an unnamed tributary to Three Square Hollow Run (WWF) at Milepost 207.5 (Latitude: 40°10'53", Longitude: -77°30'00"); 5) extend and maintain an existing 121.0-foot long by 24.0-inch Reinforced Concrete Pipe (RCP) culvert with a 24.0-inch RCP 15.0 linear feet on the upstream side and 30.0 linear feet on the downstream side, for a total length of 166.0 feet, in an unnamed tributary to Three Square Hollow Run (WWF) at Milepost 207.55 (Latitude: 40°10'52", Longitude: -77°30'08"); 6) extend and maintain an existing 119.0-foot long by 36.0-inch RCP culvert with a 36.0-inch RCP 17.0 linear feet on the upstream side with a 109.0-foot stream relocation and 19.0 linear feet on the downstream side, for a total culverted length of 155.0 feet, in an unnamed tributary to Three Square Hollow Run (WWF), temporarily impacting

0.01 acre of wetland at Milepost 207.67 (Latitude: 40°10'53", Longitude: -77°30'03"); 7) extend and maintain an existing 152.0-foot long by 24.0-inch RCP culvert with a 24.0-inch RCP 17.0 linear feet on the downstream side with a 31.0-foot stream relocation in an unnamed tributary to Three Square Hollow Run (WWF), permanently impacting 0.01 acre of wetland at Milepost 208.1 (Latitude: 40°10'59", Longitude: -77°29'34"); 8) extend and maintain an existing 178.0-foot long by 54.0-inch Asphalt Coated Corrugated Metal Pipe (ACCMP) culvert with a 42.0-inch HDPE liner, a 42.0-inch HDPE culvert extension 4.0 linear feet on the upstream side and 35.0 linear feet on the downstream side, with a stream relocation of 400.0 linear feet, for a total culverted length of 217.0 feet, in an unnamed tributary to Three Square Hollow Run (WWF), temporarily impacting 0.01 acre of wetland and permanently impacting 0.08 acre of wetland at Milepost 208.26 (Latitude: 40°11'00", Longitude: -77°29'24"); 9) extend and maintain an existing 96.0-foot long by 30.0-inch RCP culvert with a 30.0-inch RCP 35.0 linear feet on the downstream side with a 30.0-foot stream relocation, for a total culverted length of 131.0 feet, in an unnamed tributary to Brandy Run (CWF) at Milepost 208.52 (Latitude: 40°11'05", Longitude: -77°28'59"); 10) extend and maintain an existing 125.0-foot long open bottomed concrete arch culvert with a span of 26.0 feet and an average underclearance of 13.75 feet with an open bottomed concrete arch culvert with a span of 26.0 feet and an underclearance of 13.75 feet 31.0 linear feet on the upstream side and 31.0 linear feet on the downstream side, for a total length of 187.0 feet, in Brandy Run (CWF) temporarily impacting 0.16 acre of wetland and permanently impacting 0.36 acre of wetland at Milepost 208.7 (Latitude: 40°11'04", Longitude: -77°28'54"); 11) maintain an existing 161.0-foot long by 30.0-inch RCP culvert in an unnamed tributary to Brandy Run (CWF) at Milepost 208.91 (Latitude: 40°11'07", Longitude: -77°28'42"); 12) extend and maintain an existing 139.0-foot long by 48.0-inch RCP culvert with a 48.0-inch RCP, 23.0 linear feet on the upstream side and 44.0-linear feet on the downstream side, for a total culverted length of 206.0 feet, in an unnamed tributary to Brandy Run (CWF) at Milepost 209.23 (Latitude: 40°11'11", Longitude: -77°28'19"); 13) extend and maintain an existing 141.0-foot long by 30.0-inch RCP culvert with a 30.0-inch RCP, 25.0 linear feet on the upstream side with a 50.0-foot stream relocation and 42.0 linear feet on the downstream side, for a total culverted length of 208.0 feet, in an unnamed tributary to Brandy Run (CWF), temporarily impacting 0.01 acre of wetland at Milepost 209.29 (Latitude: 40°11'11", Longitude: -77°28'14"); 14) relocate, extend, and maintain an existing 150.0-foot long by 42.0-inch CMP culvert with a 6.0-inch uniformly depressed 42.0-inch CMP, 28.0 linear feet on the upstream side with a 40.0-foot stream relocation and 25.0-linear feet on the downstream side, for a total culverted length of 203.0 feet, in an unnamed tributary to Brandy Run (CWF), temporarily impacting 0.02 acre of wetland and permanently impacting 0.01 acre of wetland at Milepost 209.61 (Latitude: 40°11'16", Longitude: -77°27'53"); 15) extend and maintain an existing 159.0-foot long open bottomed concrete arch culvert with a span of 22.0 feet and an average underclearance of 11.5 feet with an open bottomed concrete arch culvert with a span of 22.0 feet and an underclearance of 11.5 feet, 40.0 linear feet on the upstream side and 40.0-linear feet on the downstream side, for a total length of 239.0 feet in Whisky Run (TWF), temporarily impacting 0.27 acre of wetland and permanently impacting 0.20 acre of wetland at Milepost 209.92 (Latitude: 40°11'19", Longitude: -77° 27' 33"); 16)

extend and maintain an existing 151.0-foot long by 36.0-inch RCP culvert with a 36.0-inch RCP, 43.0-linear feet on the downstream side, for a total culverted length of 194.0 feet, in an unnamed tributary to Whiskey Run (TSF) at Milepost 210.12 (Latitude: 40°11'20", Longitude: -77°27'20"); and 17) extend and maintain an existing 144.0-foot long by 54.0-inch CMP culvert with a 42.0-inch HDPE liner, a 42.0-inch HDPE culvert extension 22.0 linear feet on the upstream side with an 80.0 foot relocation and 29.0 linear feet on the downstream side, for a total culverted length of 195.0 feet, in an unnamed tributary to Whiskey Run (TSF), temporarily impacting 0.05 acre of wetland and permanently impacting 0.11 acre of wetland at Milepost 210.48 (Latitude: 40°11'25", Longitude: -77°26'56").

The project purpose is to improve transportation safety and roadway standards. The project is located between Mile Markers 206 and 210 along the Pennsylvania Turnpike in Upper Mifflin Township, Cumberland County. The permittee is required to provide compensation for 802.0 linear feet of stream impacts and has proposed 2,050.0 linear feet of enhancement in and along Big Spring (HQ-CWF) located in North Newton and West Pennsboro Townships, Cumberland County. Compensation for 0.78 acre of wetland impact will be offset by the wetland mitigation site created as part of Pennsylvania Turnpike Commission Permit No. E21-389 in Middlesex Township, Cumberland County.

E36-908: Lancaster County Solid Waste Management Authority, 1299 Harrisburg Pike, PO Box 4425, Lancaster, Pennsylvania 17604, in Conoy Township, Lancaster County, ACOE Baltimore District

To construct and maintain: 1) a single span prefabricated pedestrian bridge having a normal clear span of 95.0 feet, a width of 10.0 feet, and a minimum under-clearance of 7.9 feet across Conoy Creek (TSF, MF) (York Haven, PA Quadrangle; Latitude: 40°04'44.9", Longitude: -76°39'41.3"), 2) a pedestrian minor road crossing consisting of a 48.0-inch SLCPP culvert, having a length of 30.0 feet with 10.0 feet long end sections and 45.0 linear feet of rock aprons in an unnamed tributary to the Susquehanna River (WWF, MF) (York Haven, PA Quadrangle; Latitude: 40°04'13.3", Longitude: -76°38'50.8"), 3) a concrete walkway having a length of 320.0 feet, a width of 12.0 feet, and a height of 5.0 feet within the Susquehanna River (WWF, MF), 4) a temporary causeway having a length of 420.0 feet, a width of 30.0 feet, and maximum height of 2.0 feet in the Susquehanna River (WWF, MF) at the Shock's Mill Bridge location (York Haven, PA Quadrangle; Latitude: 40°03'49", Longitude: -76°38'7.8"), and 5) to place and maintain 21,168.0 cubic feet of fill in the left floodplain of the Susquehanna River at the Shock's Mill Bridge location (York Haven, PA Quadrangle; Latitude: 40°03'49", Longitude: -76°38'7.8"),

all for the purpose of constructing a 2.9-mile extension of an existing pedestrian trail on the east shore of the Susquehanna River in Conoy Township, Lancaster County. The permittee has met the compensatory mitigation requirement by participating in the Pennsylvania Wetland Replacement Project. Northcentral Region: Waterways & Wetlands Program Manager, 208 West Third Street, Williamsport, PA 17701, 570-327-3636 E17-479. Osceola Mills DPP VII, LLC, 9010 Overlook Boulevard, Brentwood, TN 37027. Commercial Retail Building Construction in Decatur Township, Clearfield County, ACOE Baltimore District (Houtzdale, PA Quadrangle Latitude: 40° 51' 34"; Longitude: -78° 15' 45").

The applicant proposes to construct a commercial retail building with associated parking, site utilities, and stormwater infrastructure all totaling 9,100 square feet. This project will permanently impact 0.57 acre of wetland through site construction activities. Mitigation for wetland impacts will be achieved through construction of 0.61 acre of replacement wetlands. This permit also includes 401 Water Quality Certification.

E41-632. Texas Blockhouse Fish & Game Club, 31 Grammer Road, Williamsport PA 17701-8884. Texas Creek Channel Realignment and Fish Habitat Project, Pine Township, **Lycoming County**, ACOE Baltimore District (English Center, PA Quadrangle Latitude: 41° 28' 38.3"; Longitude: 77° 15' 09.8").

The applicant is seeking authorization to realign stream channel to a pre-flood alignment, construct, operate and maintain a channel block, log deflectors and log cross vanes in Texas Creek to restore flood damaged stream reach. Channel realignment and habitat structure installation authorized by this permit shall be limited to a maximum stream length of 200-feet. All activities authorized by this permit shall be reviewed, approved and field verified by the Pennsylvania Fish and Boat Commission—Division of Habitat Management. Excavation for stream flow diversion into the pre-flood channel shall be accomplished in dry work condition dam and pumping, fluming or diverting stream flow around the pre-flood channel excavation area. The project is located along the northern right-of-way of SR 0284 approximately 1930-feet north of Texas Creek Road and SR 0284 intersection. This permit was issued under Section 105.13(e) "Small Projects."

E59-516. Dominion Transmission, Inc., 445 West Main Street, Clarksburg, WV 26301. TL- 610 Extension 1 Tioga Area Expansion Pipeline Project in Clymer, Elk and Gaines Townships, **Tioga County**, ACOE Baltimore District (Sabinsville, PA Quadrangle Latitude: 41° 49' 37.75"; Longitude: -77° 31' 12.45" and Lee Fire Tower, PA Quadrangle Latitude: 41° 37' 13.40"; Longitude -77° 33' 05.42").

Dominion Transmission, Inc. is seeking authorization to abandon or remove existing LN-280 pipeline and construct, operate and maintain 15-miles of 24-inch diameter natural gas pipeline for their TL-610 Extension 1 Tioga Area Expansion Project. Construction of the new natural gas pipeline within an existing 50-foot gas pipeline right-of-way will require the following twenty-two (22) streams and thirty-three (33) wetland encroachments:

| <i>Activity ID</i> | <i>Activity</i> | <i>Latitude</i> | <i>Longitude</i> | <i>Resource</i> | <i>Impact</i> |
|--------------------|-----------------|-----------------|------------------|---------------------------|---------------|
| S-1 | Pipeline | 41° 49' 22.62" | 77° 31' 09.16" | Tributary Baker Branch | 50.0-feet |
| S-2 | Pipeline | 41° 49' 01.13" | 77° 31' 70.70" | Tributary Baker Branch | 50.0-feet |
| S-4 | Pipeline | 41° 48' 45.06" | 77° 31' 05.52" | Baker Branch | 50.0-feet |

NOTICES

| <i>Activity ID</i> | <i>Activity</i> | <i>Latitude</i> | <i>Longitude</i> | <i>Resource</i> | <i>Impact</i> |
|--------------------|-----------------|-----------------|------------------|--------------------------|---------------|
| S-5 | Pipeline | 41° 48' 45.06" | 77° 31' 10.70" | Tributary Bend Gully | 50.0-feet |
| S-6 | Pipeline | 41° 48' 27.10" | 77° 31' 14.02" | Tributary Bend Gully | 50.0-feet |
| S-7 | Pipeline | 41° 48' 13.70" | 77° 31' 15.01" | Tributary Bend Gully | 50.0-feet |
| S-8 | Pipeline | 41° 48' 06.75" | 77° 31' 19.00" | Tributary Baker Branch | 50.0-feet |
| S-10 | Pipeline | 41° 44' 56.84" | 77° 32' 14.22" | Shinn Hollow | 50.0-feet |
| S-11 | Pipeline | 41° 44' 40.61" | 77° 32' 12.20" | Pine Creek | 50.0-feet |
| 6AS1 | Access Road | 41° 48' 24.5" | 77° 32' 16.30" | Whitney Hollow | 20.0-feet |
| S-12 | Pipeline | 41° 44' 23.70" | 77° 32' 12.01" | Whitney Hollow | 50.0-feet |
| S-12 | Access Road | 41° 44' 19.00" | 77° 32' 17.30" | Whitney Hollow | 30.0-feet |
| S-14 | Pipeline | 41° 43' 58.95" | 77° 32' 15.50" | Tributary Lick Run | 50.0-feet |
| S-15 | Pipeline | 41° 43' 33.99" | 77° 32' 13.50" | Lick Run | 50.0-feet |
| S-15 | Access Road | 41° 43' 33.99" | 77° 32' 13.50" | Lick Run | 30.0-feet |
| S-16A | Pipeline | 41° 43' 33.99" | 77° 32' 13.9" | Tributary Lick Run | 50.0-feet |
| S-18 | Pipeline | 41° 42' 00.94" | 77° 32' 29.30" | Lewis Run | 50.0-feet |
| S-19 | Pipeline | 41° 41' 25.99" | 77° 32' 29.48" | Dewey Run | 50.0-feet |
| S-20 | Pipeline | 41° 41' 25.59" | 77° 32' 29.62" | Tributary Dewey run | 50.0-feet |
| S-21 | Pipeline | 41° 41' 01.28" | 77° 32' 38.23" | Elk Run | 50.0-feet |
| S-22 | Pipeline | 41° 39' 12.90" | 77° 32' 52.92" | Tributary Billings Creek | 50.0-feet |
| S-23 | Pipeline | 41° 48' 16.12" | 77° 31' 14.02" | Billing Branch | 50.0-feet |
| W-1A | Pipeline | 41° 49' 33.7" | 77° 31' 11.4" | Wetland | 0.00-acre |
| W-1 | Pipeline | 41° 49' 22.62" | 77° 31' 09.16" | Wetland Baker Branch | 0.170-acre |
| W-1.5 | Pipeline | 41° 49' 21.05" | 77° 31' 09.08" | Wetland Baker Branch | 0.00-acre |
| W-2 | Pipeline | 41° 49' 09.06" | 77° 31' 07.70" | Wetland Baker Branch | 0.001-acre |
| W-3 | Pipeline | 41° 49' 03.80" | 77° 31' 08.80" | Wetland | 0.00-acre |
| W-6 | Pipeline | 41° 48' 45.06" | 77° 31' 05.52" | Wetland Baker Branch | 0.001-acre |
| W-7 | Pipeline | 41° 48' 28.74" | 77° 31' 09.98" | Wetland | 0.073-acre |
| W-8 | Pipeline | 41° 48' 20.43" | 77° 31' 12.85" | Wetland | 0.008-acre |
| W-9 | Pipeline | 41° 48' 16.12" | 77° 31' 14.02" | Wetland Bend Gully | 0.001-acre |
| W-10 | Pipeline | 41° 48' 12.80" | 77° 31' 16.00" | Wetland | 0.00-acre |
| W-11 | Pipeline | 41° 47' 23.30" | 77° 31' 41.40" | Wetland | 0.00-acre |
| W-12 | Pipeline | 41° 44' 56.84" | 77° 32' 14.22" | Wetland Sinn Hollow | 0.022-acre |
| W-13 | Pipeline | 41° 44' 43.23" | 77° 32' 12.93" | Wetland Pine Creek | 0.018-acre |
| W-14 | Pipeline | 41° 44' 40.61" | 77° 32' 12.20" | Wetland Pine Creek | 0.019-acre |
| W-15 | Pipeline | 41° 44' 33.25" | 77° 32' 11.32" | Wetland | 0.013-acre |
| W-16 | Pipeline | 41° 44' 23.07" | 77° 32' 12.01" | Wetland Whitney Hollow | 0.008-acre |
| W-17 | Pipeline | 41° 44' 17.38" | 77° 32' 13.01" | Wetland | 0.00-acre |

| <i>Activity ID</i> | <i>Activity</i> | <i>Latitude</i> | <i>Longitude</i> | <i>Resource</i> | <i>Impact</i> |
|--------------------|-----------------|-----------------|------------------|---------------------------|---------------|
| W-18.1 | Pipeline | 41° 44' 11.14" | 77° 32' 14.36" | Wetland | 0.007-acre |
| W-18.2 | Pipeline | 41° 44' 04.60" | 77° 32' 16.20" | Wetland | 0.00-acre |
| W-18.3 | Pipeline | 41° 43' 58.94" | 77° 32' 15.49" | Wetland Lick Run | 0.014-acre |
| W-18.4 | Pipeline | 41° 43' 45.86" | 77° 32' 13.70" | Wetland | 0.00-acre |
| W-18.5 | Pipeline | 41° 43' 38.10" | 77° 32' 14.40" | Wetland | 0.00-acre |
| W-18.6 | Pipeline | 41° 43' 33.48" | 77° 32' 14.00" | Wetland Lick Run | 0.018-acre |
| W-19 | Pipeline | 41° 43' 31.68" | 77° 32' 14.59" | Wetland Lick Run | 0.00-acre |
| W-20 | Pipeline | 41° 43' 27.79" | 77° 32' 16.12" | Wetland | 0.00-acre |
| W-21 | Pipeline | 41° 42' 00.94" | 77° 32' 29.30" | Wetland Lewis Run | 0.016-acre |
| W-22 | Pipeline | 41° 41' 56.59" | 77° 32' 27.74" | Wetland | 0.001-acre |
| W-23 | Pipeline | 41° 41' 25.59" | 77° 32' 29.62" | Wetland Dewey Hollow | 0.014-acre |
| W-24 | Pipeline | 41° 41' 01.28" | 77° 32' 38.23" | Wetland Elk Run | 0.012-acre |
| W-25 | Pipeline | 41° 39' 49.63" | 77° 32' 56.22" | Wetland | 0.00-acre |
| W-26 | Pipeline | 41° 39' 26.05" | 77° 32' 59.40" | Wetland | 0.00-acre |
| W-27 | Pipeline | 41° 39' 12.90" | 77° 32' 52.92" | Wetland | 0.00-acre |
| W-28 | Pipeline | 41° 38' 41.20" | 77° 32' 40.42" | Wetland Billings Creek | 0.00-acre |

All in-stream pipeline construction activities shall be performed in dry work conditions by directional drilling, dam and pumping, fluming or diverting stream flow around the work areas. Construction of the TL-610 Extension 1 Tioga Area Expansion Project outside of maintained right-of-way will result in 7.48-acres of temporary wetland impact with 0.38-acre of permanent wetland loss. Complete restoration of temporary wetland impacts shall be required. The 0.38-acres of permanent wetland loss shall be mitigated by the permittee. The project northern terminus is located along the southern right-of-way of Clymer Township Road 559 and the southern terminus is located in along the western right-of-way of Tioga State Forest Wilson Point Road.

Concurrent with this permit, the Department also issues approval of a 401 water quality certification under Section 401 of the Federal Water Pollution Control Act [33 U.S.C.A. 1341(a)]. The 401 water quality certification is approved with conditions. The conditions include the applicant receiving all necessary permits under 25 Pa. Code Chapters 92a, 102 and 105.

Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.

E65-938. Denied. Hempfield Township Supervisors, 1132 Woodward Drive, Greensburg, PA 15601, Hempfield Township, **Westmoreland County;** ACOE Pittsburgh District

Applicant has been denied the following: To reconstruct and maintain two (2) unnamed tributaries to Township Line Run (WWF), which will cumulatively impact approximately 2,828' of watercourses; to construct and maintain storm sewer pipes underneath these reconstructed swales, including multiple stormwater inlets; to construct and maintain a stormwater management pond within the 100-yr floodplain of Township Line Run, and to place and maintain fill in two (2) small wetland areas (approximately 0.02 acre), for the purpose of managing stormwater in the West Point area, and of stabilizing

stream banks. The project is located in Hempfield Township, near Stamford Drive and Newport Drive, in Westmoreland County. (Pittsburgh ACOE District, Greensburg, Pa Quadrangle, N 3.9", W 1.5" Latitude 40° 15' 58"; Longitude 79° 30' 40")

E26-365. Pennsylvania Department of Transportation, District 12-0, P O Box 459, 825 North Gallatin Avenue, Uniontown, PA 15401, North Union Township, **Fayette County;** ACOE Pittsburgh District

Applicant has been given consent to remove the existing SR 2021, two lane, 22.5 ft total width, single span bridge having a total span length of 20 ft, and having a 3.6 ft underclearance; and to construct and maintain on the same alignment a 62 ft long, 17 ft wide, 3.75 ft underclearance box culvert with invert depressed 1 ft over Shutes Run (WWF) with a drainage area of 5.92 square miles. In addition the project includes temporary encroachments for construction and demolition, and encroachments associated with modification or replacement of road and bridge stormwater facilities. The PennDOT improvement project in North Union Township (Uniontown Quadrangle, N: 5.8"; W: 9.0"; Latitude 39° 54' 28" and Longitude 79° 41' 23"), Fayette County.

E30-239. Dominion Transmission, Inc., 445 West Main Street, Clarksburg, WV 26301, Morgan Township, **Greene County;** ACOE Pittsburgh District

Applicant has been given consent to:

1. To restore and maintain 110 linear feet of an unnamed tributary to Pennsylvania Fork Dunkard Creek (WWF) to cover the exposed 24-inch natural gas pipeline (TL342). Restoration consists of construction of a 95-ft long channel, having a bottom width of 3 feet, and a depth of 1 foot, and 3 horizontal to 1 vertical side slopes; six riffle sections with 1.5' x 2' x 2' Quarry Stone; and natural stream bed aggregate. The project is located in Freeport Township, Greene County (Hundred WV, PA Quadrangle N: 19.2 inches; W: 5.2 inches; Latitude: 39° 43' 51"; Longitude: 80° 24' 43").

2. To restore and maintain 60 linear feet of an unnamed tributary to Tenmile Creek (TSF) to cover the exposed 24-inch natural gas pipeline (TL342). Restoration consists of construction of a 60-ft long channel, having a bottom width of 4 feet, and a depth of 1 foot, and 3 horizontal to 1 vertical side slopes; four riffle sections with 1.5' x 2' x 2' Quarry Stone; a rock vane and natural stream bed aggregate. The project is located in Morgan Township, Greene County (Mather, PA Quadrangle N: 21.6 inches; W: 9.3 inches; Latitude: 39° 59'38"; Longitude: 80°03'59").

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

E10-481, National Fuel Gas Supply Corporation, 110 State Street, Erie, PA 16501-1912 in Slippery Rock Township, **Butler County**, ACOE Pittsburgh District

giving its consent to install approximately 2.86 miles of 20-inch natural gas transmission pipeline to replace an abandoned section of pipeline. Project impacts include 4 pipeline and temporary equipment crossings of 2 wetlands totaling 0.95 acre and 4 pipeline and temporary equipment crossings of 4 UNTs Wolf Run (CWF) totaling 371 LF of temporary impacts. All wetland and stream crossings will be installed by open trench method with timber mats placed for equipment crossings. Disturbed stream banks and wetlands will be restored to original contours and stabilized upon completion of construction. (Slippery Rock, PA Quadrangle N: 41°, 05', 04.6"; W: 80°, 03', 05.9")

Southwest Regional Office, Oil and Gas Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745

(E65-07-004) CNX Gas Company LLC, 280 Indian Spring Road, Suite 333, Indiana, PA 15701. To construct a proposed 12 inch gas line and 12 inch water line, crossing Beaver Run and Tributaries to Beaver Run, a Trout Stocked Fisheries, in Bell and Washington Townships, **Westmoreland County**, Pittsburgh ACOE District, (Vandergrift Quadrangle, Latitude N 40°31'18", Longitude W -79°33'20"). This project will impact .12 acre of wetland and 165 linear feet of stream. Project name is the Marco Gas Line and Waterline.

| <i>Stream Name</i> | <i>Coordinates</i> | <i>Proposed Linear Impact</i> |
|----------------------------|-----------------------------|-------------------------------|
| Beaver Run and Tributaries | N 40°31'18" W -79°33'20" | 165 ft. (temporary) |

EROSION AND SEDIMENT CONTROL

The following Erosion and Sediment Control permits have been issued.

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) under section 4 of the Environmental Hearing Board Act and 2 Pa.C.S. §§ 501—508 and 701—704. The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO 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 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 a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701

ESCGP-1 # ESX11-015-0307 (02)
Applicant Name Talisman Energy USA, Inc.
Contact Person Tracy Gregory
Address 337 Daniel Zenker Drive
City, State, Zip Horseheads, NY 14845
County Bradford County
Township(s) Orwell and Warren Townships
Receiving Stream(s) and Classification(s) Trout Stream (CWF/MF) Pendleton Creek (CWF/MF), Wappasening Creek (CWF/MF) and their Tributaries;
Secondary: Susquehanna River

ESCGP-1 # ESX13-115-0009
Applicant Name Williams Field Services Company, LLC
Contact Person Sandra Lojek
Address 1605 Coraopolis Heights Road
City, State, Zip Moon Township, PA 15108
County Susquehanna County
Township(s) Brooklyn Township
Receiving Stream(s) and Classification(s) Dry Creek, UNT's to Dry Creek, UNT's to Hop Bottom Creek (CWF/MF), UNT to Martins Creek (CWF/MF);
Secondary: Martin's Creek (CWF/MF)

ESCGP-1 # ESX13-015-0011
Applicant Name Appalachia Midstream Services, LLC
Contact Person Greg Floerke
Address 100 1st Center
City, State, Zip Horseheads, NY 14845
County Susquehanna and Bradford Counties
Township(s) Auburn and Tuscarora Townships
Receiving Stream(s) and Classification(s) Tuscarora Creek Watershed (CWF/MF), Transue Creek Watershed (CWF/MF), Tuscarora Creek (CWF/MF), Transue Creek (CWF/MF), Trib. 29470 and 29471 to Transue Creek (CWF/MF);
Secondary: To Streams Listed Above

ESCGP-1 # ESX12-081-0087 (01)
Applicant Name Inflection Energy, LLC
Contact Person Thomas Gillespie
Address 1200 17th Street, Suite 1350
City, State, Zip Denver, CO 80202
County Lycoming County
Township(s) Upper Fairfield Township
Receiving Stream(s) and Classification(s) East Branch Mill Creek (HQ)

ESCGP-1 # ESX12-015-0184 (01)
Applicant Name Angelina Gathering Company, LLC
Contact Person Danny Spaulding
Address 2350 N. Sam Houston Parkway E., Suite 125
City, State, Zip Houston, TX 77032
County Bradford County
Township(s) Stevens Township
Receiving Stream(s) and Classification(s) Wyalusing Creek, Bennet Creek (Both WWF/MF)

ESCGP-1 # ESX13-015-0023
 Applicant Name PVR NEPA Gas Gathering, LLC
 Contact Person Nicholas Bryan
 Address 101 West Third Street
 City, State, Zip Williamsport, PA 17701
 County Bradford County
 Township(s) Franklin, Monroe, Burlington and Towanda Townships
 Receiving Stream(s) and Classification(s) UNT's to French Run/French Run (CWF/MF)
 ESCGP-1 # ESX13-115-0017
 Applicant Name Southwester Energy Production Company
 Contact Person Dave Sweeley
 Address 917 State Route 92 North
 City, State, Zip Tunkhannock, PA 18657
 County Susquehanna County

Township(s) Great Bend Township
 Receiving Stream(s) and Classification(s) UNT to Dubois Creek (CWF), Dubois Creek (CWF), UNT to Salk Lick Creek (HQ/CWF), Salt Lick Creek (HQ/CWF);
 Secondary: Dubois Creek (CWF), Susquehanna River (WWF), Salt Lick Creek (HQ/CWF), Susquehanna River (WWF)
 ESCGP-1 # ESX13-115-0039
 Applicant Name PVR NEPA Gas Gathering, LLC
 Contact Person Nicholas Bryan
 Address 101 West Third Street
 City, State, Zip Williamsport, PA 17701
 County Susquehanna County
 Township(s) Lathrop Township
 Receiving Stream(s) and Classification(s) Horton Creek (CWF/MF);
 Secondary: Tunkhannock Creek (TSF/MF)

Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745.

| <i>ESCGP-1 No.</i> | <i>Applicant Name & Address</i> | <i>County</i> | <i>Municipality</i> | <i>Receiving Water/Use</i> |
|--------------------|--|---------------|---|--|
| 63138005 | Columbia Gas Transmission, LLC. Jerry Castillo 5151 San Felipe Street Suite 2500 Houston, TX 77056 | Washington | Cross Creek, Donegal, Hanover, Jefferson, and West Finley Townships | UNT to Haynan Creek (HQ-WWF), UNT to Cross Creek (HQ-WWF), UNT to Hanen Run (HQ-WWF), Turkey Run (WWF), UNT to Turkey Run (WWF), Little Wheeling Creek (WWF), UNT to Castleman Run (HQ-WWF), Middle Fork Cross Creek (WWF), UNT to North Fork Cross Creek (WWF), Castleman Run (HQ-WWF), Kings Creek (CWF), UNT to Kings Creek (CWF) |

Northwest Region: Oil and Gas Program Manager, 230 Chestnut St., Meadville, PA 16335

ESCGP-1 #ESX13-019-0018—AK Steel Well Pad C
 Applicant XTO Energy
 Contact Melissa Breitenbach
 Address 502 Keystone Drive
 City Warrendale State PA Zip Code 15086
 County Butler Township(s) Butler(s)
 Receiving Stream(s) and Classification(s) Rocklick Run & Sawmill Run / Connoquenessing Creek
 ESCGP-1 #ESX13-085-0002—Snyder Pad
 Applicant Swepi LP
 Contact H. James Sewell
 Address 190 Thorn Hill Road
 City Warrendale State PA Zip Code 16335
 County Mercer Township(s) Otter Creek and Perry(s)
 Receiving Stream(s) and Classification(s) UNT's to Little Shenango River (TSF)
 ESCGP-1 #ESX12-019-0174—EPS North Pipeline Project
 Applicant Swepi LP
 Contact H. James Sewell
 Address 190 Thorn Hill Road
 City Warrendale State PA Zip Code 15086
 County Butler Township(s) Slippery Rock and Mercer(s)
 Receiving Stream(s) and Classification(s) Tribs to Wolf Creek (CWF, MF), Wolf Creek (CWF, MF)

ESCGP-1 # ESX13-083-0003—Warrant 3087 Well Unit 1411
 Applicant SWEPI LP
 Contact H. James Sewell
 Address 190 Thorn Hill Road
 City Warrendale State PA Zip Code 15086
 County McKean Township(s) Wetmore and Hamlin(s)
 Receiving Stream(s) and Classification(s) Blacksnake Run / Allegheny River Basin / UNT to Meade Run / Allegheny River Basin
 ESCGP-1 #ESX12-123-0016A—Youngsville Project Major Modification
 Applicant Catalyst Energy Inc
 Contact John Cass
 Address 424 South 27th Street, Suite 304
 City Pittsburgh State PA Zip Code 15203
 County Warren Township(s) Brokenstraw(s)
 Receiving Stream(s) and Classification(s) Matthews Run/ Lansing Run
 ESCGP-1 #ESX13-053-0002—WT 2980 Phase 8 and WT 2878 Phase 5
 Applicant SLT Production LLC
 Contact R. Chris Cochran
 Address P. O. Box 547
 City Sheffield State PA Zip Code 16347
 County Forest Township(s) Howe(s)
 Receiving Stream(s) and Classification(s) Blue Jay Creek / Rock Spring Run

OIL AND GAS MANAGEMENT

The following Well Permits have been issued with a waiver under 58 Pa.C.S. § 3215(b)(4) (relating to well location restrictions).

Persons aggrieved by an action may appeal that action to the Environmental Hearing Board (Board) 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 Administrative Agency Law). The appeal should be sent to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, PO 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 which 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 a right of appeal beyond that permitted by applicable statutes and decisional law.

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

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

Northwest Region District Oil and Gas Operations, Program Manager, 230 Chestnut St., Meadville, PA 16335

Well Permit #: 019-22050-00-01
Well Farm Name Ceaser Unit 2H
Applicant Name: R.E. Gas Development, LLC.
Contact Person: Suzanne Reynolds
Address: 476 Rolling Ridge Drive, Suite 300, State College, PA 16801-7639

County: Butler
Municipality Muddy Creek Township:
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the section 3215(b)(4) waiver: Prospect, Yellow Creek

Well Permit #: 123-46686-00-00-Renewal
Well Farm Name Bialczak Lease 1935
Applicant Name: Catalyst Energy, Inc.
Contact Person: R. John Cass
Address: 424 S. 27th Street, Suite 304, Pittsburgh, PA 15203

County: Warren
Municipality Brokenstraw Township:
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Sugar Grove, Matthew's Run

Well Permit #: 123-46685-00-00-Renewal
Well Farm Name Bialczak Lease 1934
Applicant Name: Catalyst Energy, Inc.
Contact Person: R. John Cass
Address: 424 S. 27th Street, Suite 304, Pittsburgh, PA 15203

County: Warren
Municipality Brokenstraw Township:
Name of Stream, Spring, Body of Water as identified on

the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Sugar Grove, Matthew's Run

Well Permit #: 115-21230-00-00
Well Farm Name Lasher S Sus 4H
Applicant Name: Chesapeake Appalachia, LLC.
Contact Person: Eric Haskins
Address: 101 North Main Street, Athens, PA 18810
County: Susquehanna
Municipality Auburn Township:
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Auburn Center, Meshoppen Creek.

Well Permit #: 115-21229-00-00
Well Farm Name Lasher N Sus 5H
Applicant Name: Chesapeake Appalachia, LLC.
Contact Person: Eric Haskins
Address: 101 North Main Street, Athens, PA 18810
County: Susquehanna
Municipality Auburn Township:
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Auburn Center, Meshoppen Creek

Well Permit #: 131-20277-00-00
Well Farm Name Franclaire E Wyo 4H
Applicant Name: Chesapeake Appalachia, LLC.
Contact Person: Eric Haskins
Address: 101 North Main Street, Athens, PA 18810
County: Wyoming
Municipality Meshoppen Township:
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Auburn Center, Wyalusing Creek

Well Permit #: 015-22596-00-00
Well Farm Name Lightcap N Bra 5H
Applicant Name: Chesapeake Appalachia, LLC.
Contact Person: Eric Haskins
Address: 101 North Main Street, Athens, PA 18810
County: Bradford
Municipality Overton Township:
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Overton, Unnamed Tributary to Mill Creek.

Well Permit #: 015-22595-00-00
Well Farm Name Lightcap N Bra 3H
Applicant Name: Chesapeake Appalachia, LLC.
Contact Person: Eric Haskins
Address: 101 North Main Street, Athens, PA 18810
County: Bradford
Municipality Overton Township:
Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Overton, Unnamed Tributary to Mill Creek.

Well Permit #: 131-20287-00-00
Well Farm Name Sharpe WYO 5H
Applicant Name: Chesapeake Appalachia, LLC.
Contact Person: Eric Haskins

Address: 101 North Main Street, Athens, PA 18810
 County: Wyoming
 Municipality Windham Township
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Jenningsville, Unnamed Tributary of the Sugar Run Creek.

Well Permit #: 081-20921-00-00
 Well Farm Name Nature Boy East (Yoder) 2H
 Applicant Name: Inflection Energy LLC.
 Contact Person: Thomas D. Gillespie, P.G.
 Address: 1200 17th Street, Suite 1350, Denver, CO 80202
 County: Lycoming
 Municipality Upper Fairfield Township
 Name of Stream, Spring, Body of Water as identified on the most current 7 1/2 minute topographic quadrangle map of the United States Geologic Survey subject to the Section 3215(b)(4) waiver: Montoursville North PA

SPECIAL NOTICES

DRINKING WATER STATE REVOLVING FUND SPECIAL NOTICE

Special Notice Under the Federal Safe Drinking Water Act (SDWA); 42 U.S.C. 300f, et. seq.

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

Project Location:

| <i>Applicant</i> | <i>Applicant Address</i> | <i>Mun./County</i> |
|-------------------|--|------------------------------------|
| City of Allentown | 1242 Martin Luther King Jr. Drive Allentown, PA 18102-4606 | City of Allentown Lehigh County |

Project Description: The Pennsylvania Infrastructure Investment Authority, which administers the Commonwealth's State Revolving Fund, is intended to be the funding source for this project. The City of Allentown proposes a project to repair the 30-in. diameter by 25,900 linear feet long conveyance line, commonly referred to as the Schantz Spring transmission line. The project also includes replacement of 9570 linear feet of spun cast and pit cast iron pipe. The Department's review of the project and the information received in the Environmental Report for the project has not identified any significant, adverse environmental impact resulting from this proposal. The Department hereby approves the project for Categorical Exclusion.

[Pa.B. Doc. No. 13-713. Filed for public inspection April 19, 2013, 9:00 a.m.]

DEPARTMENT OF HEALTH

Application of Bucks County Access Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Bucks County Access Center, LLC 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 Construc-*

tion of Hospitals and Healthcare Facilities. The facility specifically requests exemption from the following standards contained in this publication: 3.7-3.8.1.1 (relating to separate changing area).

This 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, ra-paexcept@pa.gov.

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 at the 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 Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-714. Filed for public inspection April 19, 2013, 9:00 a.m.]

Application of The Chester County Hospital and Health System for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that The Chester County Hospital and Health System has requested an exception to the requirements of 28 Pa. Code § 51.6 (relating to identification of personnel).

This 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, ra-paexcept@pa.gov.

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 at the 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 number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-715. Filed for public inspection April 19, 2013, 9:00 a.m.]

Application of Children's Surgery Center of Malvern, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Children's Surgery Center of Malvern, LLC has requested an exception to the requirements of 28 Pa. Code §§ 551.22(3)(ii) and 555.32(a) (relating to criteria for performance of ambulatory surgery on pediatric patients; and administration of anesthesia).

This 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, ra-paexcept@pa.gov.

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 at the 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 number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-716. Filed for public inspection April 19, 2013, 9:00 a.m.]

Application of Delaware County Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Delaware County Memorial Hospital has requested an exception to the requirements of 28 Pa. Code §§ 555.3, 557.3, 567.2 and 567.3.

This 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, ra-paexcept@pa.gov.

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 at the 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 number, or for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-717. Filed for public inspection April 19, 2013, 9:00 a.m.]

Application of Divine Providence Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Divine Providence Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.10.2.8 (relating to nurses' station).

This 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, ra-paexcept@pa.gov.

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 at the 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 Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-718. Filed for public inspection April 19, 2013, 9:00 a.m.]

Application of EastGate Ambulatory Care Center, LLC for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that EastGate Ambulatory Care Center, LLC 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 Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.7-3.8.1 and 3.7-3.4.2.2 (relating to outpatient surgery change area; and post-anesthesia recovery positions).

This 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, ra-paexcept@pa.gov.

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 at the 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 Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-719. Filed for public inspection April 19, 2013, 9:00 a.m.]

Application of Elk Regional Health Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Elk Regional Health Center has requested an exception to the requirements of 28 Pa. Code § 51.6 (relating to identification of personnel).

This 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, ra-paexcept@pa.gov.

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 at the 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 number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-720. Filed for public inspection April 19, 2013, 9:00 a.m.]

Application of Geisinger Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives

notice that Geisinger Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.6.6.1 (relating to medication preparation room).

This facility is also requesting an exception to 28 Pa. Code § 51.34 (relating to revocation of exceptions).

This 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, ra-paexcept@pa.gov.

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 at the 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 Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-721. Filed for public inspection April 19, 2013, 9:00 a.m.]

Application of Grove City Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Grove City Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 3.12-3.8.5 (relating to toilet room).

This 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, ra-paexcept@pa.gov.

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 at the 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 Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-722. Filed for public inspection April 19, 2013, 9:00 a.m.]

Application of Holy Spirit Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Holy Spirit Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.1-2.4.3.1(2) (relating to seclusion treatment room).

This 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, ra-paexcept@pa.gov.

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 at the 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 Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-723. Filed for public inspection April 19, 2013, 9:00 a.m.]

Application of Millcreek Community Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Millcreek Community Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.6-2.2.2.1, 2.6-2.2.2.5, 2.6-2.2.2.8, 2.6-2.2.6.5 and 2.6-2.2.6.12.

This 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, ra-paexcept@pa.gov.

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 at the 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 Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-724. Filed for public inspection April 19, 2013, 9:00 a.m.]

Application of Mount Nittany Surgical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Mount Nittany Surgical Center has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

This 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, ra-paexcept@pa.gov.

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 at the 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 number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-725. Filed for public inspection April 19, 2013, 9:00 a.m.]

Application of Oxford Valley Pain and Surgical Center, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Oxford Valley Pain and Surgical Center, Inc. has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

This 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, ra-paexcept@pa.gov.

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 at the 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 number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-726. Filed for public inspection April 19, 2013, 9:00 a.m.]

Application of Plastic Surgical Associates of Johnstown, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Plastic Surgical Associates of Johnstown, Inc. has requested an exception to the requirements of 28 Pa. Code §§ 551.31, 553.4 and 557.4 (relating to licensure; other functions; and Quality Assurance and Improvement Committee).

This 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, ra-paexcept@pa.gov.

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 at the 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 number, or for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-727. Filed for public inspection April 19, 2013, 9:00 a.m.]

Application of Plaza Surgical Center, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Plaza Surgical Center, Inc. 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 Hospitals and Healthcare Facilities*. The facility specifically requests exemption from the following standards contained in this publication: 3.7-5.1.2.1(2), 3.7-5.1.2.2 and 3.7-5.1.2.3 (relating to soiled work room; clean assembly work room; and size of sterile supply storage area).

This 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, ra-paexcept@pa.gov.

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 at the 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 Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-728. Filed for public inspection April 19, 2013, 9:00 a.m.]

Application of Reading Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Reading Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.4.5.3 (relating to ultrasound bathroom).

This request is on file with the Department. Persons may receive a copy of a request for exception by request-

ing 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, ra-paexcept@pa.gov.

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 at the 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 Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-729. Filed for public inspection April 19, 2013, 9:00 a.m.]

Application of Riddle Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Riddle Memorial Hospital has requested an exception to the requirements of 28 Pa. Code § 103.4(3) (relating to functions).

This 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, ra-paexcept@pa.gov.

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 at the 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 number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-730. Filed for public inspection April 19, 2013, 9:00 a.m.]

Application of SAM Surgery Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives

notice that SAM Surgery Center has requested an exception to the requirements of 28 Pa. Code § 551.3 (relating to definitions).

This 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, ra-paexcept@pa.gov.

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 at the 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 number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-731. Filed for public inspection April 19, 2013, 9:00 a.m.]

Application of St. Mary Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that St. Mary Medical Center has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-2.10.6.12 and 2.2-2.10.8.2 (relating to environmental services room; and parent/infant room).

This 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, ra-paexcept@pa.gov.

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 at the 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 Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or

hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-732. Filed for public inspection April 19, 2013, 9:00 a.m.]

Application of Surgical Specialty Center of Northeastern Pennsylvania for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Surgical Specialty Center of Northeastern Pennsylvania has requested an exception to the requirements of 28 Pa. Code § 569.35 (relating to general safety precautions).

This 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, ra-paexcept@pa.gov.

This 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 number, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-733. Filed for public inspection April 19, 2013, 9:00 a.m.]

Application of Uniontown Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Uniontown Hospital has requested an exception to the requirements of 28 Pa. Code § 153.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospitals and Healthcare Facilities*. The facility specifically requests exception from the following standards contained in this publication: 2.2-3.1.4.4 (relating to secure holding room).

This 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, ra-paexcept@pa.gov.

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 at the 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 Director, Division of Acute and Ambulatory Care at (717) 783-8980, for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-734. Filed for public inspection April 19, 2013, 9:00 a.m.]

Long-Term Care Nursing Facilities; Request for Exception

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

Manchester Commons
6351 West Lake Road
Erie, PA 16505
FAC ID 075602

The following long-term care nursing facility is seeking exceptions to 28 Pa. Code § 205.20(d) and (f) (relating to resident bedrooms):

Butler Valley Manor
463 North Hunter Highway
Drums, PA 18222
FAC ID 283802

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 Department of Health, Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax (717) 772-2163, ra-paexcept@pa.gov.

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 at the 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 the 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 address or phone number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6154, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-735. Filed for public inspection April 19, 2013, 9:00 a.m.]

Newborn Screening and Follow-Up Program Technical Advisory Board and Infant Hearing Screening Advisory Committee Joint Meeting

The Newborn Screening and Follow-Up Program Technical Advisory Board, established under the Newborn Child Testing Act (35 P. S. §§ 621—625), and the Infant Hearing Screening Advisory Committee, established under the Infant Hearing Education, Assessment, Reporting and Referral (IHEARR) Act (11 P. S. §§ 876-1—876-9), will hold a joint public meeting on Friday, May 10, 2013, from 10 a.m. until 3 p.m. The meeting will be held at the Department of Transportation, Bureau of Construction and Materials, Materials Testing Laboratory, DGS Annex Complex, 81 Lab Lane, Harrisburg, PA 17110.

For additional information or for persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so contact Suzanne Bellotti or Arthur Florio, Public Health Program Administrators, Division of Newborn Screening and Genetics at (717) 783-8143, speech and/or hearing impaired persons may use V/TT (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

MICHAEL WOLF,
Secretary

[Pa.B. Doc. No. 13-736. Filed for public inspection April 19, 2013, 9:00 a.m.]

Patient Safety Trust Fund Surcharge for Fiscal Year 2012-2013 as Provided for under the Medical Care Availability and Reduction of Error (MCARE) Act

Because of an inadvertent error in the notice published at 43 Pa.B. 1934 (April 6, 2013), the Department of Health (Department) is reprinting the document in its entirety to ensure accuracy of the information contained in this document.

On March 20, 2002, the Medical Care Availability and Reduction of Error (MCARE) Act (MCARE Act) (40 P. S. §§ 1303.101—1303.910) was enacted. Among other provisions, the MCARE Act established the Patient Safety Authority (Authority) to collect, analyze and evaluate data regarding reports of serious events and incidents occurring in certain medical facilities and to make recommendations to those facilities regarding changes, trends and improvements in health care practices and procedures for the purpose of reducing the number and severity of serious events and incidents.

Section 305(a) of the MCARE Act (40 P. S. § 1303.305(a)) authorizes the establishment of a Patient Safety Trust Fund (Fund) for the operations of the Authority. Section 305(c) of the MCARE Act states that beginning July 1, 2002, and for every fiscal year thereafter, each medical facility covered by the MCARE Act shall pay the Department a surcharge on its licensing fee as necessary to provide sufficient revenues for the Authority to operate. Section 305(c) of the MCARE Act also states that the total assessment amount for Fiscal Year (FY)

2002-2003 shall not exceed \$5 million and that the Department shall transfer the total assessment amount to the Fund within 30 days of receipt. Section 305(d) of the MCARE Act provides that for each succeeding calendar year, the Department shall determine and assess each medical facility a proportionate share of the Authority's budget. The base amount of \$5 million provided for in FY 2002-2003 shall be increased no more than the Consumer Price Index in each succeeding fiscal year.

Initially, the surcharge was assessed on ambulatory surgical facilities (ASF), birth centers and hospitals. Subsequently, the MCARE Act was amended and certain abortion facilities were also required to pay the surcharge.

With the cooperation of hospitals, birthing centers, abortion facilities and ambulatory surgery facilities in this Commonwealth, the surcharge has been implemented and has provided resources for the implementation of the web-based Pennsylvania Patient Safety Reporting System and the operation of the Authority.

This notice sets forth the procedure that the Department will follow in assessing and collecting the surcharge for FY 2012-2013. The Authority FY 2012-2013 surcharge assessment is \$5.5 million. The MCARE Act states that the surcharge shall be collected from medical facilities, which are defined as ASFs, birth centers and hospitals licensed under either the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b) or Article X of the Public Welfare Code (62 P. S. §§ 1001—1088). Also included, as of May 1, 2006, are abortion facilities which are defined in 18 Pa.C.S. § 3203 (relating to definitions) and which perform 100 or more abortions during a calendar year. Nursing homes, which are assessed under sections 401—411 of the MCARE Act (40 P. S. §§ 1303.401—1303.411), receive a separate assessment notification.

To assess the surcharge in an equitable manner, the Department continues to use a common denominator in these facilities. For ASFs, birth centers and abortion facilities, the Department has chosen the number of operating and procedure rooms. For hospitals, the Department has chosen the number of beds contained on the license of each hospital, whether by the Department (general and special acute care hospitals) or the Department of Public Welfare (privately owned psychiatric hospitals). It was also necessary to pick a point in time to make this assessment; the Department has chosen December 31, 2012.

The number of operating/procedure rooms (for ASFs, birth centers and abortion facilities) and the number of licensed beds (for hospitals) was totaled and that number was divided into \$5.5 million to arrive at a charge per unit for the assessment. The total number of units (operating rooms, procedure rooms and licensed beds) is 43,041. Dividing this number into \$5.5 million results in a per unit assessment for each installment of approximately \$127.78.

To obtain a copy of the assessment for all facilities, send an e-mail to paexcept@pa.gov, and request the 2012-2013 MCARE surcharge assessment list.

Each facility will receive notification from the Department setting forth the amount due, date due and the name and address to which the payment should be sent. Payment will be due within 60 days. The MCARE Act authorized the Department to assess an administrative penalty of \$1,000 per day on facilities who fail to pay the surcharge by the due date.

If a medical facility has any questions concerning this notice, a representative from that facility should contact Joanne Salsgiver, Director, Department of Health, Division of Acute and Ambulatory Care, 625 Forster Street, Health and Welfare Building, Room 532, Harrisburg, PA 17120, (717) 783-8980.

Persons with a disability who require an alternative format of this document (for example, large print, audiotape or Braille) should contact the Division of Acute and Ambulatory Care at the previously listed address or telephone number, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

MICHAEL WOLF,
Acting Secretary

[Pa.B. Doc. No. 13-737. Filed for public inspection April 19, 2013, 9:00 a.m.]

DEPARTMENT OF LABOR AND INDUSTRY

Uniform Construction Code Review and Advisory Council Meeting

The Uniform Construction Code Review and Advisory Council will hold a meeting on Wednesday, May 29, 2013, at 10 a.m. at the Department of Labor and Industry, 651 Boas Street, Room E-100, Harrisburg, PA 17121.

Additional information concerning the meeting may be found on the Department of Labor and Industry web site at www.dli.state.pa.us. Scroll down and click on the link for "Uniform Construction Code" then "UCC Review and Advisory Council."

Questions concerning this may be directed to Edward Leister at (717) 783-6304.

JULIA K. HEARTHWAY,
Secretary

[Pa.B. Doc. No. 13-738. Filed for public inspection April 19, 2013, 9:00 a.m.]

DEPARTMENT OF REVENUE

Pennsylvania \$1,000 A Week For Life '13 Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania \$1,000 A Week For Life '13.

2. *Price:* The price of a Pennsylvania \$1,000 A Week For Life '13 instant lottery game ticket is \$2.

3. *Play Symbols:* Each Pennsylvania \$1,000 A Week For Life '13 instant lottery game ticket will contain one play area featuring a "WINNING NUMBERS" area and a "YOUR NUMBERS" area. The play symbols and their

captions located in the "WINNING NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN) and 30 (THIRTY). The play symbols and their captions located in the "YOUR NUMBERS" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN), 16 (SIXTN), 17 (SVNTN), 18 (EGHTN), 19 (NINTN), 20 (TWENT), 21 (TWYONE), 22 (TWYTWO), 23 (TWYTHR), 24 (TWYFOR), 25 (TWYFIV), 26 (TWYSIX), 27 (TWYSVN), 28 (TWYEGT), 29 (TWYNIN), 30 (THIRTY) and a LIFE (LIFE) symbol.

4. *Prize Symbols:* The prize symbols and their captions located in the "YOUR NUMBERS" area are: \$1.⁰⁰ (ONE DOL), \$2.⁰⁰ (TWO DOL), \$4.⁰⁰ (FOR DOL), \$5.⁰⁰ (FIV DOL), \$10.⁰⁰ (TEN DOL), \$20.⁰⁰ (TWENTY), \$25.⁰⁰ (TWY FIV), \$40.⁰⁰ (FORTY), \$50.⁰⁰ (FIFTY), \$100 (ONE HUN), \$250 (TWOHUNFTY), \$500 (FIV HUN), \$750 (SVNHUNFTY) and \$1000WK (\$1000/WK/LF).

5. *Prizes:* The prizes that can be won in this game are: \$1, \$2, \$4, \$5, \$10, \$20, \$25, \$40, \$50, \$100, \$250, \$500, \$750 and \$1,000 A Week For Life. A player can win up to 10 times on a ticket.

6. *Approximate Number of Tickets Printed For the Game:* Approximately 21,000,000 tickets will be printed for the Pennsylvania \$1,000 A Week For Life '13 instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders, who are under 18 years of age at the time they submit a claim for a prize under this section, of tickets with a LIFE (LIFE) symbol in the play area and a prize symbol of \$1000WK (\$1000/WK/LF) appears in the "Prize" area under the LIFE (LIFE) symbol, on a single ticket, shall be entitled to a prize of \$1,000 a week (\$1,040,000 minimum) commencing in the year in which the prize winner attains 18 years of age on or prior to the anniversary of the date the prize was claimed, which will be paid thereafter in equal annual payments of \$52,000 over the balance of the prize winner's lifetime. If the prize winner dies before the \$1,040,000 minimum has been paid, prize payments will continue under the provisions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1,040,000 minimum has been paid to the designated beneficiary(s) or the estate of the deceased. Only one claimant per ticket allowed.

(b) Holders, who are 18 years of age or older at the time they submit a claim for a prize, of tickets with a LIFE (LIFE) symbol in the play area and a prize symbol of \$1000WK (\$1000/WK/LF) appears in the "Prize" area under the LIFE (LIFE) symbol, on a single ticket, shall be entitled to a prize of \$1,000 a week for life (\$1,040,000 lifetime minimum) which will be paid by an initial cash payment of \$52,000 plus equal annual payments of \$52,000 over the lifetime of the winner. If the prize winner dies before the \$1,040,000 lifetime minimum has been paid, prize payments will continue under the provi-

sions of 61 Pa. Code § 811.16 (relating to prizes payable after death of prize winner) until the \$1,040,000 minimum has been paid to the designated beneficiary(s) or the estate of the deceased. Only one claimant per ticket allowed.

(c) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$750 (SVNHUNFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$750.

(d) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$500 (FIV HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$500.

(e) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$250 (TWOHUNFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$250.

(f) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$100 (ONE HUN) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$100.

(g) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$50.00 (FIFTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$40.00 (FORTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$40.

(i) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING

NUMBERS” play symbols and a prize symbol of \$25.00 (TWY FIV) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$25.

(j) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$20.00 (TWENTY) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$20.

(k) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$10.00 (TEN DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$10.

(l) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$5.00 (FIV DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$4.00 (FOR DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$2.00 (TWO DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$2.

(o) Holders of tickets upon which any one of the “YOUR NUMBERS” play symbols matches any of the “WINNING NUMBERS” play symbols and a prize symbol of \$1.00 (ONE DOL) appears in the “Prize” area under the matching “YOUR NUMBERS” play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes, and approximate odds of winning:

When Any Of Your Numbers Match Any Winning Number, Win Prize Shown Under The Matching Number. Win With:

| <i>Win:</i> | <i>Approximate Odds Are 1 In:</i> | <i>Approximate No. Of Winners Per 21,000,000 Tickets</i> |
|-----------------|-----------------------------------|--|
| \$1 × 2 | 2 | 1,260,000 |
| \$2 | 2 | 1,120,000 |
| \$1 × 4 | 4 | 280,000 |
| \$2 × 2 | 4 | 420,000 |
| \$4 | 4 | 280,000 |
| (\$2 × 2) + \$1 | 5 | 280,000 |
| \$4 + \$1 | 5 | 140,000 |
| \$5 | 5 | 126,000 |
| \$1 × 10 | 10 | 56,000 |
| (\$4 × 2) + \$2 | 10 | 56,000 |
| \$5 × 2 | 10 | 70,000 |
| \$10 | 10 | 42,000 |
| \$2 × 10 | 20 | 28,000 |
| \$5 × 4 | 20 | 14,000 |

When Any Of Your Numbers Match
Any Winning Number, Win Prize
Shown Under The Matching
Number. Win With:

| Win: | Approximate Odds Are 1 In: | Approximate No. Of Winners Per 21,000,000 Tickets |
|--------------------|-------------------------------|---|
| \$10 × 2 | \$20 | 1,500 |
| \$20 | \$20 | 1,500 |
| \$5 × 5 | \$25 | 750 |
| (\$10 × 2) + \$5 | \$25 | 1,500 |
| \$20 + \$5 | \$25 | 1,500 |
| \$25 | \$25 | 1,500 |
| \$4 × 10 | \$40 | 2,400 |
| \$5 × 8 | \$40 | 2,400 |
| \$10 × 4 | \$40 | 2,400 |
| \$20 × 2 | \$40 | 2,400 |
| \$25 + \$10 + \$5 | \$40 | 2,400 |
| \$40 | \$40 | 2,400 |
| \$5 × 10 | \$50 | 2,400 |
| \$10 × 5 | \$50 | 3,000 |
| \$25 × 2 | \$50 | 1,714 |
| \$50 | \$50 | 3,000 |
| \$10 × 10 | \$100 | 8,571 |
| \$20 × 5 | \$100 | 8,571 |
| \$25 × 4 | \$100 | 8,571 |
| \$50 × 2 | \$100 | 5,000 |
| \$100 | \$100 | 8,571 |
| \$25 × 10 | \$250 | 40,000 |
| \$50 × 5 | \$250 | 40,000 |
| (\$100 × 2) + \$50 | \$250 | 40,000 |
| \$250 | \$250 | 40,000 |
| \$50 × 10 | \$500 | 60,000 |
| \$100 × 5 | \$500 | 40,000 |
| \$500 | \$500 | 120,000 |
| \$750 | \$750 | 40,000 |
| LIFE | \$1000/WK/LIFE | 4,200,000 |

Reveal a "LIFE" (LIFE) symbol, win \$1,000 A Week For Life!

Prizes, including the top prizes, are subject to availability at the time of purchase.

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania \$1,000 A Week For Life '13 instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentive).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania \$1,000 A Week For Life '13, prize money from winning Pennsylvania \$1,000 A Week For Life '13 instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania \$1,000 A Week For Life '13 instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be

disseminated through media used to advertise or promote Pennsylvania \$1,000 A Week For Life '13 or through normal communications methods.

DANIEL MEUSER,
Secretary

[Pa.B. Doc. No. 13-739. Filed for public inspection April 19, 2013, 9:00 a.m.]

DEPARTMENT OF TRANSPORTATION

Contemplated Sale of Land No Longer Needed for Transportation Purposes

The Department of Transportation (Department), under the Sale of Transportation Lands Act (71 P. S. §§ 1381.1—1381.3), intends to sell certain land owned by the Department.

The following is available for sale by the Department:

Bethlehem Township, Northampton County. The parcel contains 61.293 acres (2,669,923 square feet) of unimproved land situated at the northwest quadrant of SR 0033 and William Penn Highway adjacent to the Park and Ride. The estimated fair market value is \$4,903,200.

Interested public entities are invited to express their interest in purchasing the site within 30 calendar days

from the date of publication of this notice to Department of Transportation, Engineering District 5-0, Attn: Right-of-Way, 1002 Hamilton Street, Allentown, PA 18101.

BARRY J. SCHOCH, P.E.,
Secretary

[Pa.B. Doc. No. 13-740. Filed for public inspection April 19, 2013, 9:00 a.m.]

INDEPENDENT REGULATORY REVIEW COMMISSION

Action Taken by the Commission

The Independent Regulatory Review Commission met publicly at 10 a.m., Thursday, April 4, 2013, and announced the following:

Action Taken—Regulations Approved:

Department of Public Welfare #14-521: Psychiatric Rehabilitation Services (adds 55 Pa. Code Chapter 5230)

Philadelphia Parking Authority #126-2: Electronic Testimony at Administrative Hearings (amends 52 Pa. Code (§ 1005.114))

Environmental Quality Board #7-479: Emergency Response Planning at Unconventional Well Sites (amends 25 Pa. Code Chapter 78)

State Board of Medicine #16A-4936: Athletic Trainers (amends 49 Pa. Code Chapters 16 and 18)

State Board of Osteopathic Medicine #16A-5325: Athletic Trainers (amends 49 Pa. Code Chapter 25)

State Board of Medicine #16A-4938: Conform CRNP Provisions to Statute (amends 49 Pa. Code (§§ 18.21—18.111))

Pennsylvania Public Utility Commission #57-286: Railroad Transportation (amends 52 Pa. Code Chapter 33)

State Athletic Commission #16-53: Amateur Mixed Martial Arts Waiver (adds § 29.30 to 58 Pa. Code Chapter 29)

Action Taken—Regulation Disapproved: Order Not Yet Issued

* State Board of Chiropractic #16A-4320: Licensure by Reciprocity

* Will advise when order is issued.

Approval Order

Public Meeting Held
April 4, 2013

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*Department of Public Welfare—
Psychiatric Rehabilitation Services;
Regulation No. 14-521 (#2879)*

On October 7, 2010, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Public Welfare (Department). This rulemaking adds 55 Pa. Code Chapter

5230. The proposed regulation was published in the October 23, 2010 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 22, 2013.

This chapter sets minimum standards for the licensure of psychiatric rehabilitative service facilities.

We have determined this regulation is consistent with the statutory authority of the Department (62 P. S. § 1021) 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
April 4, 2013

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq., abstained; Dennis A. Watson, Esq.

*Philadelphia Parking Authority—
Electronic Testimony at Administrative Hearings;
Regulation No. 126-2 (#2943)*

On May 7, 2012, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Philadelphia Parking Authority (PPA). This rulemaking amends 52 Pa. Code (§ 1005.114). The proposed regulation was published in the May 19, 2012 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 19, 2013.

The rulemaking amends existing regulations to permit certain witnesses to testify at administrative hearings by telephone or other audio-visual means, under certain terms and conditions.

We have determined this regulation is consistent with the statutory authority of PPA (53 Pa.C.S. §§ 5722, 5742) 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
April 4, 2013

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*Environmental Quality Board—
Emergency Response Planning at
Unconventional Well Sites;
Regulation No. 7-479 (#2986)*

On February 22, 2013, the Independent Regulatory Review Commission (Commission) received this regulation from the Environmental Quality Board (Board). This rulemaking amends 25 Pa. Code Chapter 78. Notice of proposed rulemaking was omitted for this regulation.

Governor Tom Corbett certified the regulation as necessary to meet an emergency on December 27, 2013. The regulation was published in the January 26, 2013, *Pennsylvania Bulletin* and became effective on the same date, with the following exceptions: § 78.55(f)(3) became effective on February 25, 2013; § 78.55(f)(4) will be effective on July 25, 2013; and § 758.55(f)(5) will be effective on April 26, 2013.

The regulation implements Act 9 of 2012, which established emergency response requirements for unconventional well operations in Pennsylvania.

We have determined this regulation is consistent with the statutory authority of the Board (35 Pa.C.S.A. § 7321) 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
April 4, 2013

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*State Board of Medicine—
Athletic Trainers;
Regulation No. 16A-4936 (#2987)*

On March 4, 2013, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Medicine (Board). This rulemaking amends 49 Pa. Code Chapters 16 and 18. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation implements Act 124 of 2011, which changed the qualification of “certified athletic trainers” to “licensed athletic trainers.”

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 422.8) 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
April 4, 2013

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*State Board of Osteopathic Medicine—
Athletic Trainers;
Regulation No. 16A-5325 (#2988)*

On March 4, 2012, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Osteopathic Medicine (Board). This

rulemaking amends 49 Pa. Code Chapter 25. Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This regulation implements Act 123 of 2011, which changed the qualification of “certified athletic trainers” to “licensed athletic trainers.”

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 271.16) 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
April 4, 2013

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*State Board of Medicine—
Conform CRNP Provisions to Statute;
Regulation No. 16A-4938 (#2989)*

On March 4, 2013, the Independent Regulatory Review Commission (Commission) received this regulation from the State Board of Medicine (Board). This rulemaking amends 49 Pa. Code (§§ 18.21—18.111). Notice of proposed rulemaking was omitted for this regulation; it will become effective upon publication in the *Pennsylvania Bulletin*.

This rulemaking deletes regulations which were jointly promulgated by the Board and the State Board of Nursing, and have been superseded by Act 206 of 2002 and the State Board of Nursing’s adoption of regulations for certified registered nurse practitioners.

We have determined this regulation is consistent with the statutory authority of the Board (63 P. S. § 422.8, 63 P. S. §§ 212.1(k) and (l) and 218.1—218.3) 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
April 4, 2013

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*Pennsylvania Public Utility Commission—
Railroad Transportation;
Regulation No. 57-286 (#2916)*

On October 11, 2011, the Independent Regulatory Review Commission (Commission) received this proposed

regulation from the Pennsylvania Public Utility Commission (PUC). This rulemaking amends 52 Pa. Code Chapter 33. The proposed regulation was published in the October 22, 2011 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 22, 2013.

This final-form rulemaking updates existing regulations governing the railroad industry reflecting technological and operational changes and federal law.

We have determined this regulation is consistent with the statutory authority of the PUC (66 Pa.C.S. §§ 501, 1501, 2701—2704) 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
April 4, 2013

Commissioners Voting: Silvan B. Lutkewitte, III, Chairperson; George D. Bedwick, Vice Chairperson; John F. Mizner, Esq.; Lawrence J. Tabas, Esq.; Dennis A. Watson, Esq.

*State Athletic Commission—
Amateur Mixed Martial Arts Waiver;
Regulation No. 16-53 (#2958)*

On July 17, 2012, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the State Athletic Commission (SAC). This rulemaking adds § 29.30 to 58 Pa. Code Chapter 29. The proposed regulation was published in the July 28, 2012 *Pennsylvania Bulletin* with a 30-day public comment period. The final-form regulation was submitted to the Commission on February 14, 2013.

This final-form rulemaking would permit SAC to waive the “striking to the head” while on the ground rule and the “shin/instep pad” rule for certain amateur contests.

We have determined this regulation is consistent with the statutory authority of SAC (5 Pa.C.S.A. § 103(b)(1)) 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.

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 13-741. Filed for public inspection April 19, 2013, 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. § 745.5b).

The Commission has issued comments on the following proposed regulation. 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> |
|-----------------|---|---|---------------------------------|
| 125-166 | Pennsylvania Gaming Control Board Slot Machines and Table Game Controls, Equipment, Credit and Rules 43 Pa.B. 834 (February 9, 2013) | 3/11/13 | 4/10/13 |

**Pennsylvania Gaming Control Board
Regulation #125-166 (IRRC #2981)
Slot Machines and Table Game Controls,
Equipment, Credit and Rules
April 10, 2013**

We submit for your consideration the following comments on the proposed rulemaking published in the February 9, 2013 *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 Pennsylvania Gaming Control Board (Board) to respond to all comments received from us or any other source.

1. § 627a.7. Wagers.—Miscellaneous clarity.

House Money Wager

In paragraph (a)(7), we have clarity concerns related to subparagraphs (i) and (ii), which appear to be inconsistent. According to subparagraph (i), a House Money

Wager shall “win if the first two cards of either the Player’s Hand or Banker’s Hand, or both, are a pair.” In this situation, a player wins if the first two cards of either the player’s hand or banker’s hand is a pair. However, under subparagraph (ii), a House Money Wager shall “lose if the first two cards of *either* the Player’s Hand or Banker’s Hand do not contain a pair.” (Emphasis added.) We ask the Board to clarify the circumstances when a House Money Wager would win and when a House Money Wager would lose.

We ask the Board to address similar issues in § 629a.7(a)(7)(i) and (ii) (relating to wagers in Midibaccarat), as well as § 631a.8(a)(7)(i) and (ii) (relating to wagers in Baccarat).

2. § 659a.6. Asia Poker rankings.—Miscellaneous clarity.

Joker

Subsection (a) describes how the joker shall be used and ranked for completion of a straight, flush, straight

flush or royal flush. Subsection (b) ranks the permissible Poker hands at the game of Asia Poker. In ranking the hands, paragraph (b)(1) includes the use of a joker, whereas paragraphs (b)(2), (b)(3), (b)(5) and (b)(6) do not include the use of the joker. We ask that the Board clarify these provisions to ensure consistency in the use of the joker.

Similarly, we ask the Board to review and clarify subsection (d) regarding the use of the joker.

3. § 659a.10. Procedures for dealing the cards from an automated dealing shoe.—Miscellaneous clarity.

Determining the starting position

Paragraph (a)(2) states that the dealer shall use the procedures authorized under § 659a.5(g) to determine the starting position for dealing the cards; however, paragraph (a)(1) already requires that the procedures under § 659a.5 (relating to shuffle and cut of the cards; procedures for determining the starting position for dealing cards) have been completed. We ask the Board to review and clarify these two provisions.

4. § 663a.11. Procedures for completion of each round of play.—Miscellaneous clarity.

Losing Tie Wagers

Paragraph (j)(1) provides for a player to place a Tie Wager. Subparagraph (j)(1)(i) requires a dealer to pay

winning Tie Wagers if the high hand or low hand, or both, of the player is identical in point value with the high hand, low hand, or both, of the dealer. However, subparagraph (j)(1)(ii) requires a dealer to collect losing Tie Wagers if the high hand or low hand of the player is not identical in point value with the high hand or low hand of the dealer. Subparagraph (j)(1)(ii) seems to contradict (j)(1)(i). It is unclear whether the Board intends for a player who places a Tie Wager to win or lose if the high hand is identical in point value to the dealer but the low hand is not identical in point value to the dealer, or vice versa (i.e., high hand is not identical in point value but low hand is identical in point value). We ask the Board to review subparagraph (j)(1)(ii) and clarify the circumstances when the dealer shall collect all losing Tie Wagers.

5. Miscellaneous clarity.

In § 663a.6(a), the Board should correct the second sentence to read, "The point value of all non-face cards is their denomination."

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 13-742. Filed for public inspection April 19, 2013, 9:00 a.m.]

Notice of Filing of Final Rulemakings

The Independent Regulatory Review Commission (Commission) received the following regulations. They are scheduled to be considered on the date noted. The Commission's public meetings are held at 333 Market Street, 14th Floor, Harrisburg, PA at 10 a.m. To obtain a copy of the regulation, interested parties should first contact the promulgating agency. If a copy cannot be obtained from the promulgating agency, the Commission will provide a copy or a copy can be obtained from www.irrc.state.pa.us.

Final-Omit

| <i>Reg. No.</i> | <i>Agency/Title</i> | <i>Received</i> | <i>Public Meeting</i> |
|-----------------|--|-----------------|-----------------------|
| 16A-678 | State Board of Occupational Therapy Education and Licensure Referrals by CRNPS and PAS | 4/8/13 | 5/16/13 |

Final-Form

| <i>Reg. No.</i> | <i>Agency/Title</i> | <i>Received</i> | <i>Public Meeting</i> |
|-----------------|---|-----------------|-----------------------|
| 16A-5423 | State Board of Pharmacy Cancer Drug Repository Program | 4/8/13 | 5/16/13 |
| 16A-677 | State Board of Occupational Therapy Education and Licensure Continuing Competency | 4/8/13 | 5/16/13 |

SILVAN B. LUTKEWITTE, III,
Chairperson

[Pa.B. Doc. No. 13-743. Filed for public inspection April 19, 2013, 9:00 a.m.]

INSURANCE DEPARTMENT

Affordable Care Act; Guidance for Compliance Submissions; Notice 2013-03

The Affordable Care Act (ACA)—that is, Patient Protection and Affordable Care Act (Pub. L. No. 111-148) and the Health Care and Education Reconciliation Act of 2010 (Pub. L. No. 111-152), collectively and as amended—sets forth market reform requirements for plan years beginning on or after January 1, 2014, for, individual and small group health insurance policies that provide "major medical" coverage, which is comprehensive health coverage, including PPO and HMO coverage. The ACA also

sets forth requirements for a plan to be a qualified health plan (QHP), so that the plan may be certified for offering on an exchange. Finally, the ACA contains several provisions that will impact rate development.

The Insurance Department (Department) provides the following guidance to insurance entities seeking to demonstrate compliance with the ACA relative to new or modified policy forms offered, issued or renewed in this Commonwealth. This guidance applies to new policy forms, as well as to policy forms for which an insurance entity (insurer) is not seeking to make any changes other than as necessary to make the policy form comply with the ACA. Further, it applies to any plan an insurer anticipates may be certified as a QHP.

If an insurer is required under the act of December 22, 2011 (P. L. 614, No. 134) to file a policy form or policy form modification with the Department for prior approval, or if an insurer is intending to use after January 1, 2014, a form not required to be filed, that is, a “product” as contemplated by the ACA, the Commonwealth will accept as evidence of satisfying the ACA market reform requirements a “Compliance Checklist and Certification,” with the Market Reform portion of the Compliance Checklist filled out and the Certification executed by an authorized representative of the insurer, when the Compliance Checklist and Certification is substantially identical to the “Compliance Checklist and Certification” as Attachment A. Attachment A is also available on the Department’s web site at www.insurance.pa.gov. File a form with each policy form or policy form modification being submitted.

If an insurer is anticipating that any form/product along with its associated plans may be certified as a QHP and offered on an exchange, the Commonwealth will accept as evidence of satisfying the ACA QHP requirements a Compliance Checklist and Certification, with both the Market Reform and the QHP portions of the Compliance Checklist filled out and the Certification executed by an authorized representative of the insurer, when the Compliance Checklist and Certification is substantially identical to the “Compliance Checklist and Certification” as Attachment A. Attachment A is also available on the Department’s web site. File a Compliance Checklist and Certification with each form/product and its associated plans being submitted. In addition to any Federally-facilitated exchange filing requirement (that is, HIOS), also include the QHP Application Templates in the SERFF filing, as instructed in SERFF.

Further, with respect to the ACA rating requirements, including those amending the Public Health Service Act (PHSA) (42 U.S.C.A. §§ 201–300mm-61) and as further explained in Federal regulations, the Department requests that an actuarial memorandum be submitted as part of a rate filing for a product or plan subject to the ACA. In that actuarial memorandum, submitters are requested to:

- State the anticipated loss ratio (see ACA § 1001, PHSA § 2718, noting also compliance with 31 Pa. Code § 89.83(b) (relating to rates)).
- Specify compliance with the rating requirements in the ACA, that is, use of no rating factors other than: (i) age (premium band ratio not exceeding 3:1 and Federally approved standard age curve); (ii) tobacco use (premium band ratio not exceeding 1.5:1); (iii) family size (as specified in Federal regulation); and (iv) geography (State rating regions as Federally approved, listed in Attachment B, and also shown in map form on the Department’s web site) (see ACA § 1201, PHSA § 2701).
- Specify compliance with the single risk pool per market (individual or small group) requirement (see ACA § 1312).

Additional information may be found in the general instructions in SERFF.

Finally, while certain forms and rates referenced in this notice are subject to review and approval by the Department prior to use, the Department reminds filing entities that those forms and rates (and all forms and rates used in this Commonwealth) remain subject to, and must comply in all respects with, the Commonwealth’s insurance laws and regulations, and the Department retains its ability to take after-use enforcement action and seek

any available remedy for noncompliant forms or rates. An insurer will be responsible for assuring that all of its insureds are provided the full benefits provided by the ACA.

Questions regarding this notice may be directed to Peter Camacci, Director, Bureau of Life, Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, (717) 787-0762 or pcamacci@state.pa.us.

MICHAEL F. CONSEDINE,
Insurance Commissioner

Attachment A

Pennsylvania Compliance Checklist and Certification (relating to market reform requirements and QHP certification requirements of the ACA)

Attachment B

Geographic Rating Areas for Individual and Small Group Markets) (relating to market reform requirements of the ACA)

Attachment A

Compliance Checklist and Certification

If an entity (the “Company”) submits a form filing to the Commonwealth, or intends to use after January 1, 2014 a form not required to be filed, that is, a “product” as contemplated by the ACA, where that form/product is intended to comply with the market reform requirements or the market reform and qualified health plan requirements of the Affordable Care Act (ACA), the Commonwealth will accept as demonstrating compliance with those requirements a compliance checklist and certification submitted with your contract/ endorsement via SERFF as a Form Schedule document, substantially identical to this Compliance Checklist and Certification. These ACA requirements apply only to policies for health insurance coverage referred to as “major medical” in the statute, which is comprehensive health coverage, including PPO and HMO coverage. This checklist identifies the requirements for small group and individual plans, and, where specified, for grandfathered plans (coverage in effect prior to March 23, 2010). Refer to the relevant statute and any applicable regulations to ensure compliance. Complete each item applicable to your product category to confirm that diligent consideration has been given to each statutory requirement as to each plan encompassed by the identified form/product. Additionally, complete the QHP Requirements portion of this checklist for any policy form/product intended to be offered as a qualified health plan. (*When submitting your filings electronically, bookmark the provision(s) in the form(s) that satisfy the requirement and identify the page/paragraph on this form.*)

Company Name:

NAIC Number:

SERFF Tracking Number(s):

Type of Insurance (TOI):

Product Category:

Individual

Grandfathered Individual

Small Group

Grandfathered Small Group

Form Number(s) of Policy Being Submitted/Endorsed:

Certification

I hereby certify that the above-referenced policy form submission and related rate filing, required to be in compliance with the requirements of the Patient Protection and Affordable Care Act, P.L. 111-148, 124 Stat. 119, and the Health Care and Education Reconciliation Act of 2010, P.L. 111-152, 124 Stat. 1051, together and as modified referred to as the ACA, has been drafted or modified to be in compliance with the ACA and the regulations promulgated thereunder.

I am aware that accident and health rates and forms may be disapproved, or otherwise give rise to remedies or sanctions, if they fail to comply with applicable law or regulations. *See, e.g.,* 40 P.S. § 3801.304(b); 40 P.S. § 1171.5(a)(5) (prohibiting knowingly filing a false statement of material fact with a supervisory or public official).

I hereby warrant that I have full, complete and final authority to attest to the representations of the Company as set forth herein, and do hereby attest that the representations set forth in this Compliance Checklist and Certification Form are true, correct and complete.

 Date

 Name and Title of Authorized Representative of the Company

Compliance Checklist

Please confirm, by checking the appropriate box, the compliance status of the above referenced form(s) with each specified ACA requirement.

| <i>Statutory Requirement</i> | <i>ACA/PHSA Section</i> | <i>Product Applicability</i> | <i>Certification of Compliance</i> |
|---|-------------------------|--|---|
| <i>Market Reforms</i> | | | |
| Elimination of Annual Limits | ACA § 1001/PHSA § 2711 | ✓ Group ✓ Individual ✓ Grandfathered Group | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Elimination of Lifetime Limits | ACA § 1001/PHSA § 2711 | ✓ Group ✓ Individual ✓ Grandfathered Group ✓ Grandfathered Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Prohibition of Rescission | ACA § 1001/PHSA § 2712 | ✓ Group ✓ Individual ✓ Grandfathered Group ✓ Grandfathered Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Preventive Health Services | ACA § 1001/PHSA § 2713 | ✓ Group ✓ Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Extension of Dependent Coverage | ACA § 1001/PHSA § 2714 | ✓ Group ✓ Individual ✓ Grandfathered Group ✓ Grandfathered Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Uniform Explanations of Coverage and Standardized Definitions | ACA § 1001/PHSA § 2715 | ✓ Group ✓ Individual ✓ Grandfathered Group ✓ Grandfathered Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |

| <i>Statutory Requirement</i> | <i>ACA/PHSA Section</i> | <i>Product Applicability</i> | <i>Certification of Compliance</i> |
|--|-------------------------|--|---|
| Prohibition on Discrimination in Favor of Highly Compensated Individuals | ACA § 1001/PHSA § 2716 | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Appeals Process | ACA § 1001/PHSA § 2719 | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Patient Protections | ACA § 1001/PHSA § 2719A | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Prohibition of Pre-Existing Condition Exclusions | ACA § 1201/PHSA § 2704 | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual <input checked="" type="checkbox"/> Grandfathered Group | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Fair Premiums (limited rating factors) | ACA § 1201/PHSA § 2701 | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Guaranteed Availability | ACA § 1201/PHSA § 2702 | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Guaranteed Renewability | ACA § 1201/PHSA § 2703 | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Prohibition on Discrimination Based on Health Status | ACA § 1201/PHSA § 2705 | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Non-Discrimination in Health Care | ACA § 1201/PHSA § 2706 | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Comprehensive Coverage | ACA § 1201/PHSA § 2707 | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Prohibition on Excessive Waiting Periods | ACA § 1201/PHSA § 2708 | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual <input checked="" type="checkbox"/> Grandfathered Group <input checked="" type="checkbox"/> Grandfathered Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Coverage for Participating in Approved Clinical Trials | ACA § 1201/PHSA § 2709 | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Essential Health Benefits Package | ACA § 1302 | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| EHB Package—Pediatric | ACA § 1302 | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| EHB Package—Habilitative Services | ACA § 1302 | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| EHB Package—Prescription Drug Coverage | ACA § 1302 | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Requirements Related to Cost-Sharing | ACA § 1302 | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |

| <i>Statutory Requirement</i> | <i>ACA/PHSA Section</i> | <i>Product Applicability</i> | <i>Certification of Compliance</i> |
|---|--|--|--|
| Actuarial Value/Metal Level | ACA § 1302 | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes (included in binder) <input type="checkbox"/> No |
| Child-Only Plan | ACA § 1302(f) | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Special Rules Relating to Coverage of Abortion Services | ACA § 1303 | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Mental Health Parity | ACA § 1563/PHSA § 2726 | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Health Insurance Reform Regulatory Requirements for the Group Health Insurance Market | 45 C.F.R. Subtitle A Subchapter B Part 146 | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Grandfathered Group (as applicable) | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Health Insurance Reform Regulatory Requirements for the Group and Individual Health Insurance Markets | 45 C.F.R. Subtitle A Subchapter B Part 147 | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual <input checked="" type="checkbox"/> Grandfathered Group (as applicable) <input checked="" type="checkbox"/> Grandfathered Individual (as applicable) | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Health Insurance Reform Regulatory Requirements for the Individual Health Insurance Market | 45 C.F.R. Subtitle A Subchapter B Part 148 | <input checked="" type="checkbox"/> Individual <input checked="" type="checkbox"/> Grandfathered Individual (as applicable) | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Health Insurance Reform Regulatory Requirements—Essential Health Benefits | 45 C.F.R. Subtitle A Subchapter B Part 156 Subpart B | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <i>QHP Requirements</i> | | | |
| Definition of Qualified Health Plan | ACA § 1301 | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Marketing Requirements | ACA § 1311(c)(1) | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Network Adequacy Requirements | ACA § 1311(c)(1) | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes—Submitted to Dept. of Health directly or via Excel upload to SERFF on: _____ <input type="checkbox"/> No |
| Essential Community Providers Requirement | ACA § 1311(c)(1) | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Accreditation Requirement | ACA § 1311(c)(1) | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes—Accred. Body: NCQA/URAC Date of Accred.: _____ <input type="checkbox"/> No |
| Quality Improvement Strategy | ACA § 1311(c)(1) | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |

| <i>Statutory Requirement</i> | <i>ACA/PHSA Section</i> | <i>Product Applicability</i> | <i>Certification of Compliance</i> |
|--|--|---|---|
| Uniform Enrollment Form | ACA § 1311(c)(1) | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Standard Format for Health Benefit Options | ACA § 1311(c)(1) | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Quality Measures for Performance Information | ACA § 1311(c)(1) | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Pediatric Quality Reporting measures | ACA § 1311(c)(1) | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Mental Health Parity | ACA § 1311(j) | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Exchange Functions: Certification of Qualified Health Plan Regulations | 45 C.F.R. Subtitle A Subchapter B Part 155 Subpart K | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Exchange Health Insurance Issuers Standards Regulations | 45 C.F.R. Subtitle A Subchapter B Part 156 | <input checked="" type="checkbox"/> Group <input checked="" type="checkbox"/> Individual | <input type="checkbox"/> Yes <input type="checkbox"/> No |

Attachment B

Pennsylvania Geographic Rating Areas (Individual and Small Group Markets)

(listing counties alphabetically in each "Federal System" Rating Area ID)

Rating Area 1—Clarion, Crawford, Erie, Forest, McKean, Mercer, Venango, Warren

Rating Area 2—Cameron, Elk, Potter

Rating Area 3—Bradford, Carbon, Clinton, Lackawanna, Luzerne, Lycoming, Monroe, Pike, Sullivan, Susquehanna, Tioga, Wayne, Wyoming

Rating Area 4—Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Washington, Westmoreland

Rating Area 5—Bedford, Blair, Cambria, Clearfield, Huntingdon, Jefferson, Somerset

Rating Area 6—Centre, Columbia, Lehigh, Mifflin, Montour, Northampton, Northumberland, Schuylkill, Snyder, Union

Rating Area 7—Adams, Berks, Lancaster, York

Rating Area 8—Bucks, Chester, Delaware, Montgomery, Philadelphia

Rating Area 9—Cumberland, Dauphin, Franklin, Fulton, Juniata, Lebanon, Perry

[Pa.B. Doc. No. 13-744. Filed for public inspection April 19, 2013, 9:00 a.m.]

Application for Approval to Redomesticate to the Commonwealth of Pennsylvania by the Employers' Fire Insurance Company

The Employers' Fire Insurance Company, a Massachusetts stock casualty insurance company, has submitted a Plan of Redomestication whereby it proposes to redomesticate from the Commonwealth of Massachusetts to the Commonwealth of Pennsylvania. The filing was made under 15 Pa.C.S. Part II, Subpart B (relating to Business Corporation Law of 1988).

Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written

statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or to syerger@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 13-745. Filed for public inspection April 19, 2013, 9:00 a.m.]

Application for Approval to Redomesticate to the Commonwealth of Pennsylvania by OneBeacon America Insurance Company

OneBeacon America Insurance Company, a Massachusetts stock casualty insurance company, has submitted a Plan of Redomestication whereby it proposes to redomesticate from the Commonwealth of Massachusetts to the Commonwealth of Pennsylvania. The filing was made under 15 Pa.C.S. Part II, Subpart B (relating to Business Corporation Law of 1988).

Persons wishing to comment on the redomestication are invited to submit a written statement to the Insurance Department (Department) within 30 days from the date of this issue of the *Pennsylvania Bulletin*. Each written statement must include the name, address and telephone number of the interested party; identification of the application to which the statement is addressed; and a concise statement with sufficient detail and relevant facts to inform the Department of the exact basis of the statement. Written statements should be directed to Steven L. Yerger, Company Licensing Division, Insurance Department, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or to syerger@pa.gov.

MICHAEL F. CONSEDINE,
Insurance Commissioner

[Pa.B. Doc. No. 13-746. Filed for public inspection April 19, 2013, 9:00 a.m.]

LEGISLATIVE REFERENCE BUREAU

Documents Filed But Not Published

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of *Bulletin*). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

Governor's Office

Management Directive No. 205.37—Role Assignment, Security, and Internal Control Maintenance, Amended March 25, 2013.

Management Directive No. 220.11—Preservation of Commonwealth Deeds, Amended March 7, 2013.

Management Directive No. 515.18—Supplementary Employment, Amended March 7, 2013.

Management Directive No. 520.5—Centralized Job Control System, Amended March 25, 2013.

Management Directive No. 615.1—Commonwealth Temporary Transportation Vehicles, Amended February 27, 2013.

MARY JANE PHELPS,
Director
Pennsylvania Code and Bulletin

[Pa.B. Doc. No. 13-747. Filed for public inspection April 19, 2013, 9:00 a.m.]

LIQUOR CONTROL BOARD

Expiration of Leases

The Liquor Control Board seeks the following new site:

Allegheny County, Wine & Spirits Store #0204 (Relocation), Homestead, PA

Lease entered 90-day status since: February 1, 2012

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 10,000 to 12,000 net useable square feet of new or existing retail commercial space in a shopping center serving the Homestead, PA area. Store-room should have access to free parking and be able to accommodate tractor trailer deliveries.

Proposals due: May 3, 2013, at 12 p.m.

Department: Liquor Control Board
Location: Bureau of Real Estate
Real Estate Region #3
158 Purity Road, Suite B
Pittsburgh, PA 15235-4441

Contact: George D. Danis
(412) 723-0124
gdanis@pa.gov

JOSEPH E. BRION,
Chairperson

[Pa.B. Doc. No. 13-748. Filed for public inspection April 19, 2013, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Extension of the Fuel Cost Recovery Surcharge Special Permission 28207

Public Meeting held
April 4, 2013

Commissioners Present: Robert F. Powelson, Chairperson; John F. Coleman, Jr., Vice Chairperson; Wayne E. Gardner; James H. Cawley; Pamela A. Witmer

*Extension of the Fuel Cost Recovery
Surcharge Special Permission 28207; R-2009-2094616*

Order

By the Commission:

Tristate Household Goods Conference, Inc. (Tristate), a tariff publishing agency, represents approximately 215 PUC household good carriers. Substantially large increases in the cost of diesel fuel, which were unanticipated, motivated Tristate to request the implementation of the Fuel Cost Recovery Surcharge. The Fuel Cost Recovery Surcharge Special Permission 28207 was approved in Public Meeting held April 17, 2003, and extended in subsequent Public Meetings. The extension was approved for a duration of one year unless changed, cancelled or extended. The current surcharge grants approval to temporarily increase the Tristate tariff to recover temporarily increased fuel costs when transporting household goods for moves more than 40 miles (weight and distance) and moves that are 40 miles or less (hourly) by the use of a Fuel Cost Recovery Surcharge.

Tristate filed a request on January 8, 2013 to permit members of its conference to continue assessing a fuel cost recovery surcharge to defray the continuing rise in costs of diesel fuel.

The surcharge is determined by a formula which attempts to approximate the amount of fuel used on a particular trip and multiplies that amount by the increased cost of fuel, allowing the carrier to recover only the additional fuel charges incurred. The formula includes the following constant factors: (1) base price per gallon of fuel¹; (2) average vehicle fuel consumption of 5 miles per gallon; and (3) a terminal factor which allows the carrier to recover the additional cost of fuel used in traveling to and from the carrier's terminal to the origin point of the move. The formula also includes one variable factor, the current month's diesel fuel price.²

Moves of 40 miles or less will be divided into 4 categories according to average mileage: 5 mile average for trips ranging from 1 to 10 miles, 15 mile average for trips ranging from 10 to 20 miles, 25 mile average for trips ranging from 20 to 30 miles, and 35 mile average for trips ranging from 30 to 40 miles. An example calculation for an 8 mile move is as follows³:

| | |
|---------------------------------|----------------------|
| Origin of move to destination | |
| 8 miles | = 5 miles average |
| Terminal factor | = 40 miles |
| Total miles | = 45 miles |
| Average miles per gallon | = 5 |
| Fuel used | = 9 gallons |
| DOE current Fuel Price as of | |
| 1/07/13 | = \$4.11 |
| Base fuel Price | = \$1.27 |
| Fuel price difference | = \$2.84 |
| Gallons X Fuel price difference | = 9 x 2.84 = \$25.56 |

Moves of more than 40 miles will be calculated using actual mileage from the move's origin to destination and return. An example calculation for a 100 mile move is as follows:

| | |
|---------------------------------|------------------------|
| Origin of move to destination | = 100 miles |
| Empty Return (dest. to origin) | = 100 miles |
| Terminal factor | = 40 miles |
| Total miles | = 240 miles |
| Average miles per gallon | = 5 |
| Fuel used | = 48 gallons |
| DOE current Fuel Price as of | |
| 1/07/13 | = \$4.11 |
| Base fuel Price | = \$1.27 |
| Fuel price difference | = \$2.84 |
| Gallons X Fuel price difference | = 48 x 2.84 = \$136.32 |

On January 8, 2013, Tristate filed a request to again extend the Fuel Cost Recovery Surcharge. The request was filed in response to the volatile nature of the petroleum market, which continues to produce unanticipated increases in diesel fuel prices.

In support of the request for extension, Tristate has submitted data from the Department of Energy for the Central Atlantic Region. The average price of diesel fuel for the period of January 2012 to December 2012 was \$4.10 per gallon, which is a 3% increase over the previous 12-month period.

¹ The proposed base price is \$1.267, which was the price of a gallon of diesel fuel according to the Department of Energy report of Retail On-Highway Diesel Prices for the Central Atlantic Region as of February 15, 2002. Tristate proposes this as a base price since fuel prices have steadily increased from that date.

² This figure is determined by the Department of Energy's report of Retail On-Highway Diesel Prices for the Central Atlantic Region. The current month's diesel fuel price will be effective beginning the 15th day of each month through the 14th day of the subsequent month.

³ All fuel surcharges shall be calculated and provided to the customer as part of the Estimate of Charges.

The Federal Department of Transportation has responded to the escalating fuel costs for interstate transportation by approving a fuel surcharge on a similar sliding scale. The Federal Fuel Surcharge became effective May 15, 2000 and continues in effect.

Pursuant to 66 Pa.C.S. § 1301, the Commission is required to ensure that all rates charged by a public utility are just and reasonable. Additionally, the Commission is obligated to address industry-wide problems "without creating a chaotic rate structure impossible to manage or police." Emergency Fuel Surcharge, 47 Pa. P.U.C. 389, 391 (1974). The current surcharge addresses the problem of rising fuel costs, while being just and reasonable in that carriers are compensated only for the additional cost of the fuel used.

Based on our review, it appears that the extension of the Fuel Cost Recovery Surcharge for transportation of household goods is necessary, is an appropriate means to address this regulatory problem and will result in just and reasonable rates. In order to prevent financial hardship, it is imperative that Pennsylvania household goods carriers be afforded an opportunity to temporarily adjust rates to offset escalating fuel costs using the proposed extended Fuel Cost Recovery Surcharge and, accordingly, we shall allow the proposed extended surcharge to become effective for a period of one year unless changed, cancelled or further extended.

Therefore,

It Is Ordered That:

1. Tristate members rendering service under authority of this Commission shall charge a Fuel Cost Recovery Surcharge on transportation provided for over 40 mile charges and for 40 miles or less hourly charges in accordance with all other tariff rules of this Commission. The Fuel Cost Recovery Surcharge is to be extended effective April 18, 2013.

2. The Extended Fuel Cost Recovery Surcharge shall be in effect for one year to April 18, 2014 unless changed, cancelled or further extended by the Commission.

3. Copies of this order shall be served by the Secretary to the Office of Consumer Advocate and Office of Small Business Advocate. The Secretary shall forward this Order to the *Pennsylvania Bulletin* for publication.

4. Each carrier shall post a copy of this Extended Fuel Cost Recovery Surcharge along with the original Fuel Cost Recovery Surcharge dated April 17, 2003 in a conspicuous place in the office and vehicles. In addition, each carrier shall include the surcharge as a separate line item of the Estimate of Charges provided to prospective shippers and on the Bill of Lading.

5. The rates collected to the Extended Fuel Cost Recovery Surcharge are subject to refund in the event that any formal complaints are filed, within 30 days of the date of publication of this order, and are successful in challenging the surcharge.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-749. Filed for public inspection April 19, 2013, 9:00 a.m.]

Natural Gas Service

A-2013-2356912. Leatherstocking Gas Company, LLC. Application Leatherstocking Gas Company, LLC to supply natural gas service to the public in Wyalusing Township and Wyalusing Borough, Bradford County.

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 May 6, 2013. 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, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: Leatherstocking Gas Company, LLC

Through and By Counsel: Thomas J. Sniscak, Esquire, Todd S. Stewart, Esquire, William E. Lehman, Esquire, Hawke McKeon and Sniscak, LLP, 100 North Tenth Street, P. O. Box 1778, Harrisburg, PA 17105-1778

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-750. Filed for public inspection April 19, 2013, 9:00 a.m.]

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (relating to public utilities). A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Filings must be made with the Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the applicant by May 6, 2013. 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-2012-2309939. Legends PA, Inc. (7405 Vantor Drive, Tobyhanna, PA 18466)—persons in limousine service, from points in Monroe, Pike and Luzerne Counties, to points in Pennsylvania, and return.

A-2013-2343429. Transcend Motor Service, LLC (2741 Connecticut Avenue, Suite 2, Pittsburgh, PA 15216)—persons in paratransit service, between points in Allegheny County.

A-2013-2344250. Kenneth Gill Heimbuch (310 Jonquil Place, Mt. Lebanon, PA 15228)—persons in limousine service, between points in the Boroughs of Bethel Park,

Dormont, Castle Shannon, the Municipality of Mount Lebanon and the Township of Upper St. Clair, all in Allegheny County.

A-2013-2344298. Liam's Van, LLC (622 Grandview Drive, New Holland, PA 17557)—persons, whose personal convictions prevent them from owning and/or operating motor vehicles, in paratransit service, from points in Lancaster County to points in Pennsylvania, and return.

A-2013-2344316. Penn Stat, Inc. (465 Pike Road Unit 17, Huntingdon Valley, PA 19006)—a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, from points in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, to points in Pennsylvania, and return. *Attorney:* David Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

A-2013-2345189. A Vital Response, Inc. (P. O. Box 1547, Mechanicsburg, PA 17055)—a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, from points in the Counties of Cumberland, Dauphin, Lebanon, Perry and York, to points in Pennsylvania, and return. *Attorney:* Ryan Siney, 2 Lemoyne Drive, Suite 200, Lemoyne PA 17043.

A-2013-2345724. Ascot Transportation Group, LLC (209 Bradley Court, Holland, PA 18966)—a limited liability company of the Commonwealth of Pennsylvania—persons in limousine service, from points in the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia, to points in Pennsylvania, and return, excluding service that is under the jurisdiction of the Philadelphia Parking Authority. *Attorney:* David Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

A-2013-2346369. Safety 1st Paratransit, Inc. (45 Aldine Street, Philadelphia, PA 19136)—a corporation of the Commonwealth of Pennsylvania—persons in paratransit service, from points in the City and County of Philadelphia and the County of Delaware, to points in Pennsylvania, and return. *Attorney:* David Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

A-2013-2349272. Carol Ann Frazier (111 Pheasant Run, Spring Mills, PA 16875)—persons, whose personal convictions prevent them from owning and/or operating motor vehicles, in paratransit service, from points in Centre County to points in Pennsylvania, and return.

A-2013-2351274. Lee Star (112 Old Mill Drive, Camp Hill, PA 17011)—persons upon call or demand, between points in the Counties of Dauphin and Cumberland.

Applications of the following for approval of the additional right and privilege of operating motor vehicles as common carriers for transportation of persons as described under each application.

A-2013-2346854. Yourway Transport, Inc. (6681 Snowdrift Road, Allentown, PA 18106)—persons in airport transfer service, from points in Lehigh and Northampton Counties, to the Lehigh Valley International Airport. *Attorney:* Steven K. Haas, Hawke McKeon & Sniscak, LLP, 100 North 10th Street, Harrisburg, PA 17101.

A-2013-2346866. Yourway Transport, Inc. (6681 Snowdrift Road, Allentown, PA 18106)—persons in limousine service, from points in Lehigh and Northampton Counties, to points in Pennsylvania, and return. *Attorney:* Steven K. Haas, Hawke McKeon & Sniscak, LLP, 100 North 10th Street, Harrisburg, PA 17101.

A-2013-2351334. Atlas Transportation, Inc. (480 Woodland Drive, Radnor, PA 19087)—a corporation of the Commonwealth of Pennsylvania—persons upon call or demand, in Chester, Delaware and Montgomery Counties. *Attorney:* Jennifer L. Weidler, 300 Conshohocken SR, Suite 570, West Conshohocken, PA 19428.

A-2013-2351364. AAA Alpine Taxicab Company, LLC (P. O. Box 1524, Harrisburg, PA 17105)—a limited liability company of the Commonwealth of Pennsylvania—persons upon call or demand, in the Borough of Carlisle, Cumberland County.

Application of the following for approval to begin operating as contract carriers for transportation of persons as described under the application.

A-2013-2347531. Peditria Healthcare, LLC, t/a Peditria Healthcare For Kids (5185 Peachtree Parkway NW, Suite 350, Norcross, GA 30092)—a limited liability company of the State of Delaware—contract carrier of persons, for Logisticare Solutions, LLC, from points in the City and County of Philadelphia, to points in Pennsylvania, and return. *Attorney:* David Temple, 1760 Market Street, Suite 1100, Philadelphia, PA 19103.

Application of the following for approval to begin operating as a broker for transportation of persons as described under the application.

A-2013-2343248. American Eagle Bus & Limo, Inc. (1000 Remington Avenue, Scranton, PA 18505)—for a brokerage license evidencing the Commission's approval of the beginning of the right and privilege to operate as a broker, to arrange for the transportation of persons, between points in Pennsylvania. *Attorney:* Christina M. Mellott, Page, Wolfberg & Wirth, LLC, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

Applications of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under each application.

A-2013-2351484. Angie C. Moshier (11 South First Street, Bradford, PA 16701) for the discontinuance of service and cancellation of her Certificate of Public Convenience as a broker of passengers, at A-00115255 evidencing the Commission's approval of the right and privilege to operate as a broker, to arrange for the transportation of persons, between points in Pennsylvania.

A-2013-2352243. Travel Time Travel Agency, Inc. (1044 New Holland Avenue, Lancaster, Lancaster County, PA 17601) for the discontinuance of service and cancellation of its certificate, as a common carrier, by motor vehicle, authorizing the transportation of persons, in limousine service, from points in the Counties of Adams, Berks, Dauphin, Lancaster, Lebanon and York to points in Pennsylvania, and return, excluding service which is under the jurisdiction of the Philadelphia Parking Authority.

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-751. Filed for public inspection April 19, 2013, 9:00 a.m.]

Water Service

A-2013-2356801 and A-2013-2356881. Pennsylvania-American Water Company and Berry Hollow Water Company. Joint application of Pennsylvania-American Water Company and Berry Hollow Water Company for approval of: 1) the transfer, by sale, of the water works property and rights of Berry Hollow Water Company to Pennsylvania-American Water Company; 2) the beginning of water service by Pennsylvania American Water Company to the public in portions of Lower Mount Bethel Township, Northampton County; and 3) the abandonment by Berry Hollow Water Company of all water service in this Commonwealth.

Formal protests and petitions to intervene must be filed in accordance with 52 Pa. Code (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 May 6, 2013. 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, on the Pennsylvania Public Utility Commission's web site at www.puc.state.pa.us, and at the applicant's business address.

Applicant: Pennsylvania American Water Company

Through and By Counsel: Velma A. Redmond, Esquire, Susan Simms Marsh, Esquire, Seth A. Mendelsohn, Esquire, 800 West Hersheypark Drive, Hershey, PA 17033

ROSEMARY CHIAVETTA,
Secretary

[Pa.B. Doc. No. 13-752. Filed for public inspection April 19, 2013, 9:00 a.m.]

PHILADELPHIA PARKING AUTHORITY

Motor Carrier Medallion Transfer Application for Service in the City of Philadelphia

Permanent or temporary authority to render services as a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority (PPA) Taxicab and Limousine Division (TLD) at Docket A-13-03-12 by the following named applicant. The company has applied to transfer the rights held by Micky Cab Corp. (CPC No. 1000566-01, Medallion P-1190 and P-1306), to transport persons in taxicab service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.

Vietnam Taxi, LLC, 2351 South Swanson Street, Philadelphia, PA 19148 registered with the Department of State on January 28, 2013.

Formal protests must be filed in accordance with 52 Pa. Code Part II (relating to Philadelphia Parking Authority). Filings must be made at the offices of the TLD with the Clerk, 2415 South Swanson Street, Philadelphia, PA 19148, with a copy served on the applicant by May 6, 2013. Documents filed in support of the application are available for inspection at the TLD office (contact Charles Milstein) between 9 a.m. and 4:30 p.m. Monday to Friday

or may be inspected at the business address of the applicant. The protest fee is \$2,500 (certified check or money order payable to PPA).

VINCENT J. FENERTY, Jr.,
Executive Director

[Pa.B. Doc. No. 13-753. Filed for public inspection April 19, 2013, 9:00 a.m.]

PHILADELPHIA REGIONAL PORT AUTHORITY

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 13-033.D, Disposal of Surplus Used Electrical Wire, until 2 p.m. Thursday, May 16, 2013. Information can be obtained from the web site www.philaport.com under Procurement or call (215) 426-2600. (*Note:* There will be a mandatory prebid meeting on May 7, 2013)

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 13-754. Filed for public inspection April 19, 2013, 9:00 a.m.]

Request for Bids

The Philadelphia Regional Port Authority will accept sealed bids for Project No. 13-028.2, HVAC Maintenance & Repairs Tioga Administration Building, until 2 p.m. on Thursday, May 16, 2013. Information (including manda-

tory prebid information) can be obtained from the web site www.philaport.com under Procurement or call (215) 426-2600.

JAMES T. McDERMOTT, Jr.,
Executive Director

[Pa.B. Doc. No. 13-755. Filed for public inspection April 19, 2013, 9:00 a.m.]

STATE BOARD OF MEDICINE

Bureau of Professional and Occupational Affairs v. Larry Godfrey, MD; Doc. No. 1369-49-12

On December 5, 2013, Larry Godfrey, MD, license no. MD440565, of Valrico, FL, had his Pennsylvania license revoked based on his license being disciplined by the proper licensing authority of another state.

Individuals may obtain a copy of the final order by writing to Wesley J. Rish, Board Counsel, State Board of Medicine, P. O. Box 2649, Harrisburg, PA 17105-2649.

This final order represents the State Board of Medicine's (Board) final 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.

ANDREW J. BEHNKE, MD,
Chairperson

[Pa.B. Doc. No. 13-756. Filed for public inspection April 19, 2013, 9:00 a.m.]

