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# PENNSYLVANIA BULLETIN

Volume 43

Number 20

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Pages 2695—2800

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Resources

Department of Drug and Alcohol Programs

Department of Environmental Protection

Department of Health

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Independent Regulatory Review Commission

Insurance Department

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Liquor Control Board

Municipal Police Officers' Education and  
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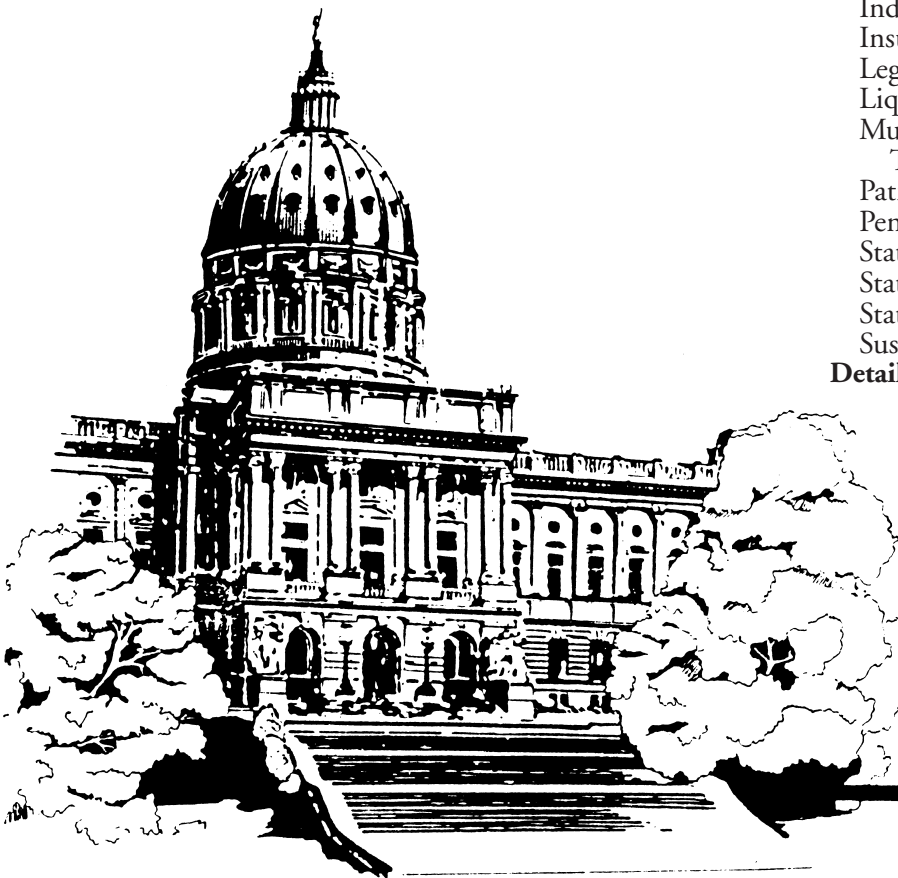
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(Master Transmittal Sheets):**

**No. 462, May 2013**

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

## *Pennsylvania Bulletin*

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

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

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the 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](http://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 [ww.legis.state.pa.us](http://ww.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](http://www.pabulletin.com).

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

### Fiscal Notes

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

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

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2013.

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# THE COURTS

## Title 210—APPELLATE PROCEDURE

### PART I. RULES OF APPELLATE PROCEDURE

[ 210 PA. CODE CH. 21 ]

Order Amending Rule 2112 of the Rules of Appellate Procedure; No. 226 Appellate Procedural Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 1st day of May, 2013, upon the recommendation of the Appellate Court Procedural Rules Committee; the proposal having been published for public comment at 42 Pa.B. 7246 (December 1, 2012):

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that Pennsylvania Rule of Appellate Procedure 2112 is amended in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and the amendments herein shall be effective to appeals and petitions for review filed 30 days after adoption.

#### Annex A

### TITLE 210. APPELLATE PROCEDURE

#### PART I. RULES OF APPELLATE PROCEDURE

#### ARTICLE II. APPELLATE PROCEDURE

#### CHAPTER 21. BRIEFS AND REPRODUCED RECORD

#### CONTENT OF BRIEFS

#### Rule 2112. Brief of the Appellee.

The brief of the appellee, except as otherwise prescribed by these rules, need contain only a summary of argument and the complete argument for appellee **and may also include counter-statements of any of the matters required in the appellant's brief as stated in Pa.R.A.P. 2111(a). [ However, the appellee may add a counter-statement of the questions involved and a counter-statement of the case. ]** Unless the appellee does so, or the brief of the appellee otherwise challenges the [ **questions involved or the statement of the case as stated by appellant** ] matters set forth in the **appellant's brief**, it will be assumed the appellee is satisfied with them, or with such parts of them as remain unchallenged.

**Official Note:** [ Based on former Supreme Court Rule 48, former Superior Court Rule 40 and former Commonwealth Court Rule 91. See also *Cubitt v. New York Cent. R. Co.*, 278 Pa. 366, 370, 123 Atl. 308, 309 (1924). ] See Pa.R.A.P. 2111 and 2114—2119.

[Pa.B. Doc. No. 13-901. Filed for public inspection May 17, 2013, 9:00 a.m.]

## Title 234—RULES OF CRIMINAL PROCEDURE

[ 234 PA. CODE CHS. 5, 6 AND 10 ]

Order Amending Rules 510, 540, 543, 571, 602 and 1003 of the Rules of Criminal Procedure; No. 430 Criminal Procedural Rules Doc.

#### Order

*Per Curiam*

*And Now*, this 2nd day of May, 2013, upon the recommendation of the Criminal Procedural Rules Committee; the proposal having been published before adoption at 42 Pa.B. 5732 (September 8, 2012), and in the *Atlantic Reporter* (Second Series Advance Sheets, Vol. 967), and a Final Report to be published with this *Order*:

*It Is Ordered* pursuant to Article V, Section 10 of the Constitution of Pennsylvania that the amendments to Pennsylvania Rules of Criminal Procedure 510, 540, 543, 571, 602, and 1003 are adopted in the following form.

This *Order* shall be processed in accordance with Pa.R.J.A. No. 103(b), and shall be effective June 1, 2013.

#### Annex A

### TITLE 234. RULES OF CRIMINAL PROCEDURE CHAPTER 5. PRETRIAL PROCEDURES IN COURT CASES

#### PART B(2). Summons Procedures

#### Rule 510. Contents of Summons; Notice of Preliminary Hearing.

(A) Every summons in a court case shall command the defendant to appear before the issuing authority for a preliminary hearing at the place and on the date and at the time stated on the summons. The date set for the preliminary hearing shall be not less than 20 days from the date of mailing the summons unless the issuing authority fixes an earlier date upon the request of the defendant or the defendant's attorney with the consent of the affiant.

(B) The summons shall give notice to the defendant:

(1) of the right to secure counsel of the defendant's choice and, for those who are without financial resources, of the right to assigned counsel in accordance with Rule 122;

(2) that bail will be set at the preliminary hearing; [ and ]

(3) that if the defendant fails to appear on the date, and at the time and place specified on the summons, the case will proceed in the defendant's absence, and a bench warrant will be issued for the defendant's arrest[. ] ; and

(4) if the case is held for court and if the defendant fails to appear without cause at any proceeding for which the defendant's presence is required, including the trial, that the defendant's absence may be deemed a waiver of the right to be present, and the proceeding, including the trial, may be conducted in the defendant's absence.

(C) The following items shall be attached to the summons:

- (1) a copy of the complaint; and
- (2) an order directing the defendant to submit to fingerprinting in all cases in which the defendant has not been fingerprinted, except cases initiated by private complaint.

**Comment**

For the summons procedures in non-summary cases in the Municipal Court of Philadelphia, see Rule 1003(C).

When a case proceeds by summons, the issuing authority also must issue an order requiring the defendant to submit to the administrative processing and identification procedures as authorized by law (such as fingerprinting) that ordinarily occur following an arrest.

**Paragraph (B)(4) requires that the defendant be advised of the consequences of failing to appear for any court proceeding. See Rule 602 concerning a defendant's failure to appear for trial; see also Commonwealth v. Bond, 693 A.2d 220, 223 (Pa. Super. 1997) (“[ A ] defendant who is unaware of the charges against him, unaware of the establishment of his trial date or is absent involuntarily is not absent ‘without cause.’”).**

Paragraph (C)(2), added in 2008, requires that the fingerprint order be sent to the defendant with the summons. The purpose of this change is to ensure that the fingerprinting process in summons cases is completed. See the Criminal History Record Information Act, 18 Pa.C.S. § 9112.

\* \* \* \* \*

**Official Note:** Original Rule 109 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 109 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 110 and amended September 18, 1973, effective January 1, 1974; amended October 22, 1981, effective January 1, 1982; amended November 9, 1984, effective January 2, 1985; amended August 9, 1994, effective January 1, 1995; renumbered Rule 510 and amended March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; amended July 10, 2008, effective February 1, 2009; **amended May 2, 2013, effective June 1, 2013.**

*Committee Explanatory Reports:*

\* \* \* \* \*

Final Report explaining the May 1, 2007 amendments to paragraph (B)(3) published with the Court's Order at 37 Pa.B. 2503 (June 2, 2007).

Final Report explaining the July 10, 2008 amendments to paragraph (C) concerning the fingerprint order published with the Court's Order at 38 Pa.B. 3975 (July 26, 2008).

**Final Report explaining the May 2, 2013 amendments concerning notice of consequences of failing to appear published the Court's Order at 43 Pa.B. 2710 (May 18, 2013).**

**PART D. Proceedings in Court Cases Before Issuing Authorities**

**Rule 540. Preliminary Arraignment.**

\* \* \* \* \*

(G) Unless the preliminary hearing is waived by a defendant who is represented by counsel, or the attorney for the Commonwealth is presenting the case to an indicting grand jury pursuant to Rule 556.2, the issuing authority shall:

\* \* \* \* \*

(2) give the defendant notice, orally and in writing,

(a) of the date, time, and place of the preliminary hearing, **[ and ]**

(b) that failure to appear without **[ good ]** cause for the preliminary hearing will be deemed a waiver by the defendant of the right to be present at any further proceedings before the issuing authority, and will result in the case proceeding in the defendant's absence and in the issuance of a warrant of arrest[ . ] , **and**

**(c) if the case is held for court at the time of the preliminary hearing that if the defendant fails to appear without cause at any proceeding for which the defendant's presence is required, including the trial, the defendant's absence may be deemed a waiver of the right to be present, and the proceeding may be conducted in the defendant's absence.**

(H) After the preliminary arraignment, if the defendant is detained, the defendant shall be given an immediate and reasonable opportunity to post bail, secure counsel, and notify others of the arrest. Thereafter, if the defendant does not post bail, he or she shall be committed to jail as provided by law.

(I) If a monetary condition of bail is set, the issuing authority shall accept payment of the monetary condition, as provided in Rule 528, at any time prior to the return of the docket transcript to the court of common pleas.

**Comment**

\* \* \* \* \*

Pursuant to the 2004 amendment to paragraph (G)(2), at the time of the preliminary arraignment, the defendant must be given notice, both orally and in writing, of the date, time, and place of the preliminary hearing. The notice must also explain that, if the defendant fails to appear without **[ good ]** cause for the preliminary hearing, the defendant's absence will constitute a waiver of the right to be present, the case will proceed in the defendant's absence, and a warrant for the defendant's arrest will be issued.

The 2012 amendment to paragraph **[ (F) ]** (G) conforms this rule with the new procedures set forth in Chapter 5, Part E, permitting the attorney for the Commonwealth to proceed to an indicting grand jury without a preliminary hearing in cases in which witness intimidation has occurred, is occurring, or is likely to occur.

**Paragraph (G)(2)(b) was amended in 2013 changing the phrase “without good cause” to “without cause” in reference to whether the defendant's absence at the time of the preliminary hearing permits the preliminary hearing to proceed in the defendant's absence. This amendment is not intended as a change in the standard for making this determination. The change makes the language consistent with the language in Rule 602 describing the standard by which a defendant's absence is judged for the trial to proceed in the defendant's absence. In both situations, the standard is the same.**

Paragraph (G)(2)(c) requires that the defendant be advised of the consequences of failing to appear for any court proceeding. See Rule 602 concerning a defendant's failure to appear for trial; see also *Commonwealth v. Bond*, 693 A.2d 220, 223 (Pa. Super. 1997) (“[ A ] defendant who is unaware of the charges against him, unaware of the establishment of his trial date or is absent involuntarily is not absent ‘without cause.’”).

Nothing in these rules gives the defendant's parents, guardian, or other custodian legal standing in the matter being heard by the court or creates a right of the defendant to have his or her parents, guardian, or other custodian present.

See Rule 1003(D) for the procedures governing preliminary arraignments in the Municipal Court.

See Chapter 5, Part H, Rules 595, 596, 597, and 598, for the procedures governing requests for transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322 in cases in which the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses excluded from the definition of “delinquent act” in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302.

**Official Note:** Original Rule 119 adopted June 30, 1964, effective January 1, 1965; suspended January 31, 1970, effective May 1, 1970. New Rule 119 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 140 September 18, 1973, effective January 1, 1974; amended April 26, 1979, effective July 1, 1979; amended January 28, 1983, effective July 1, 1983; rescinded August 9, 1994, effective January 1, 1995. New Rule 140 adopted August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 540 and amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended August 24, 2004, effective August 1, 2005; amended June 21, 2012, effective in 180 days; amended July 31, 2012, effective November 1, 2012; amended May 2, 2013, effective June 1, 2013.

*Committee Explanatory Reports:*

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**Final Report explaining the May 2, 2013 amendments concerning notice of consequences of failing to appear published the Court's Order at 43 Pa.B. 2710 (May 18, 2013).**

**Rule 543. Disposition of Case at Preliminary Hearing.**

\* \* \* \* \*

(C) When the defendant has appeared and has been held for court, the issuing authority shall:

(1) set bail as permitted by law if the defendant did not receive a preliminary arraignment; or

(2) continue the existing bail order, unless the issuing authority modifies the order as permitted by Rule 529(A); **[ and ]**

(3) if the defendant has not submitted to the administrative processing and identification procedures as authorized by law, such as fingerprinting pursuant to Rule 510(C)(2), make compliance with these processing procedures a condition of bail[ . ] ; **and**

(4) advise the defendant that, if the defendant fails to appear without cause at any proceeding for which the defendant's presence is required, including the trial, the defendant's absence may be deemed a waiver of the right to be present, and the proceeding may be conducted in the defendant's absence.

(D) In any case in which the defendant fails to appear for the preliminary hearing:

(1) if the issuing authority finds that the defendant did not receive notice of the preliminary hearing by a summons served pursuant to Rule 511, a warrant of arrest shall be issued pursuant to Rule 509(2)(d).

(2) If the issuing authority finds that there was **[ good ]** cause explaining the defendant's failure to appear, the issuing authority shall continue the preliminary hearing to a specific date and time, and shall give notice of the new date, time, and place as provided in Rule 542(G)(2). The issuing authority shall not issue a bench warrant.

(3) If the issuing authority finds that the defendant's absence is without **[ good ]** cause and after notice, the absence shall be deemed a waiver by the defendant of the right to be present at any further proceedings before the issuing authority.

\* \* \* \* \*

**Comment**

\* \* \* \* \*

Paragraph (C) reflects the fact that a bail determination will already have been made at the preliminary arraignment, except in those cases in which, pursuant to a summons, the defendant's first appearance is at the preliminary hearing. See Rules 509 and 510.

Paragraph (C)(4) requires that the defendant be advised of the consequences of failing to appear for any court proceeding. See Rule 602 concerning a defendant's failure to appear for trial; see also *Commonwealth v. Bond*, 693 A.2d 220, 223 (Pa. Super. 1997) (“[ A ] defendant who is unaware of the charges against him, unaware of the establishment of his trial date or is absent involuntarily is not absent ‘without cause.’”).

If the administrative processing and identification procedures as authorized by law, such as fingerprinting required by the Criminal History Record Information Act, 18 Pa.C.S. § 9112, that ordinarily occur following an arrest are not completed previously, when bail is set at the conclusion of the preliminary hearing, the issuing authority must order the defendant to submit to the administrative processing and identification procedures as a condition of bail. See Rule 527 for nonmonetary conditions of release on bail.

If a case initiated by summons is held for court after the preliminary hearing is conducted in the defendant's absence pursuant to paragraph (D)(2) and the defendant has not complied with the fingerprint order issued pursuant to Rule 510(C)(2), the issuing authority must include with the transmittal of the transcript a notice to the court of common pleas that the defendant has not complied with the fingerprint order. See Rule 547.

Nothing in this rule is intended to preclude judicial districts from providing written notice of the arraignment to the defendant at the conclusion of the preliminary hearing when a case is held for court. See Rule 571.

Paragraphs (D)(2) and (D)(3) were amended in 2013 changing the phrase “good cause” to “cause” in reference to whether the defendant’s absence at the time of the preliminary hearing permits the preliminary hearing to proceed in the defendant’s absence. This amendment is not intended as a change in the standard for making this determination. The change makes the language consistent with the language in Rule 602 describing the standard by which a defendant’s absence is judged for the trial to proceed in the defendant’s absence. In both situations, the standard is the same.

When a defendant fails to appear for the preliminary hearing, before proceeding with the case as provided in paragraph (D), the issuing authority must determine (1) whether the defendant received notice of the time, date, and place of the preliminary hearing either in person at a preliminary arraignment as provided in Rule 540(G)(2) or in a summons served as provided in Rule 511, and (2) whether the defendant had [ good ] cause explaining the absence.

If the issuing authority determines that the defendant did not receive notice, the issuing authority must issue an arrest warrant as provided in Rule 509, and the case will proceed pursuant to Rules 516 or 517. See paragraph (D)(1).

If the issuing authority determines that there is [ good ] cause explaining why the defendant failed to appear, the preliminary hearing must be continued and rescheduled for a date certain. See paragraph (D)(2). For the procedures when a preliminary hearing is continued, see Rule 542(G).

If the issuing authority determines that the defendant received service of the summons as defined in Rule 511 and has not provided [ good ] cause explaining why he or she failed to appear, the defendant’s absence constitutes a waiver of the defendant’s right to be present for subsequent proceedings before the issuing authority. The duration of this waiver only extends through those proceedings that the defendant is absent.

When the defendant fails to appear after notice and without [ good ] cause, paragraph (D)(3)(a) provides that the case is to proceed in the same manner as if the defendant were present. The issuing authority either would proceed with the preliminary hearing as provided in Rule 542(A), (B), (C) and Rule 543(A), (B), (C), and (D)(3)(b) or (c); or, if the issuing authority determines it necessary, continue the case to a date certain as provided in Rule 542(G); or, in the appropriate case, convene the preliminary hearing for the taking of testimony of the witnesses who are present, and then continue the remainder of the hearing until a date certain. When the case is continued, the issuing authority may issue a bench warrant as provided in paragraph (D)(3)(d), and must send the required notice of the new date to the defendant, thus providing the defendant with another opportunity to appear.

\* \* \* \* \*

**Official Note:** Original Rule 123, adopted June 30, 1964, effective January 1, 1965, suspended January 31, 1970, effective May 1, 1970. New Rule 123 adopted January 31, 1970, effective May 1, 1970; renumbered Rule 143 September 18, 1973, effective January 1, 1974; amended January 28, 1983, effective July 1, 1983; amended August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996.

The January 1, 1996 effective date extended to April 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; renumbered Rule 142 October 8, 1999, effective January 1, 2000; renumbered Rule 543 and amended March 1, 2000, effective April 1, 2001; amended August 24, 2004, effective August 1, 2005; amended December 30, 2005, effective August 1, 2006; amended March 9, 2006, effective September 1, 2006; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; amended July 10, 2008, effective February 1, 2009; amended February 12, 2010, effective April 1, 2010; amended January 27, 2011, effective in 30 days; Comment revised July 31, 2012, effective November 1, 2012; amended October 1, 2012, effective July 1, 2013; amended May 2, 2013, effective June 1, 2013.

*Committee Explanatory Reports:*

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**Final Report explaining the May 2, 2013 amendments concerning notice of consequences of failing to appear published the Court’s Order at 43 Pa.B. 2710 (May 18, 2013).**

**PART G. Procedures Following Filing of Information**

**Rule 571. Arraignment.**

\* \* \* \* \*

(C) At arraignment, the defendant shall be advised [ of ]:

- (1) of the right to be represented by counsel;
- (2) of the nature of the charges contained in the information; [ and ]

(3) of the right to file motions, including a Request for a Bill of Particulars, a Motion for Pretrial Discovery and Inspection, a Motion Requesting Transfer from Criminal Proceedings to Juvenile Proceedings Pursuant to 42 Pa.C.S. § 6322, and an Omnibus Pretrial Motion, and the time limits within which the motions must be filed[ . ] ; and

**(4) if the defendant fails to appear without cause at any proceeding for which the defendant’s presence is required, including trial, that the defendant’s absence may be deemed a waiver of the right to be present, and the proceeding may be conducted in the defendant’s absence.**

If the defendant or counsel has not received a copy of the information(s) pursuant to Rule 562, a copy thereof shall be provided.

\* \* \* \* \*

**Comment**

\* \* \* \* \*

Under paragraph (B), two-way simultaneous audiovisual communication is a form of advanced communication technology.

**Paragraph (C)(4) requires that the defendant be advised of the consequences of failing to appear for any court proceeding. See Rule 602 concerning a defendant’s failure to appear for trial; see also Commonwealth v. Bond, 693 A.2d 220, 223 (Pa. Super. 1997) (“[ A ] defendant who is unaware of the charges against him, unaware of the establishment of his trial date or is absent involuntarily is not absent ‘without cause.’”).**

Paragraph (D) is intended to facilitate, for defendants represented by counsel, waiver of appearance at arraignment through procedures such as arraignment by mail. For the procedures to provide notice of court proceedings requiring the defendant's presence, see Rule 114.

See Rule 596 for the procedures for requesting transfer from criminal proceedings to juvenile proceedings pursuant to 42 Pa.C.S. § 6322 in cases in which the defendant was under the age of 18 at the time of the commission of the alleged offense and charged with one of the offenses excluded from the definition of "delinquent act" in paragraphs (2)(i), (2)(ii), and (2)(iii) of 42 Pa.C.S. § 6302. See also Rules 595 (mandatory status conference), 597 (procedures when motion filed), and 598 (place of detention).

**Official Note:** Formerly Rule 317, adopted June 30, 1964, effective January 1, 1965; paragraph (b) amended November 22, 1971, effective immediately; paragraphs (a) and (b) amended and paragraph (e) deleted November 29, 1972, effective 10 days hence; paragraphs (a) and (c) amended February 15, 1974, effective immediately. Rule 317 renumbered Rule 303 and amended June 29, 1977, amended and paragraphs (c) and (d) deleted October 21, 1977, and amended November 22, 1977, all effective as to cases in which the indictment or information is filed on or after January 1, 1978; Comment revised January 28, 1983, effective July 1, 1983; amended October 21, 1983, effective January 1, 1984; amended August 12, 1993, effective September 1, 1993; rescinded May 1, 1995, effective July 1, 1995, and replaced by new Rule 303. New Rule 303 adopted May 1, 1995, effective July 1, 1995; renumbered Rule 571 and amended March 1, 2000, effective April 1, 2001; amended November 17, 2000, effective January 1, 2001; amended May 10, 2002, effective September 1, 2002; amended March 3, 2004, effective July 1, 2004; amended August 24, 2004, effective August 1, 2005; amended May 1, 2007, effective September 4, 2007, and May 1, 2007 Order amended May 15, 2007; amended July 31, 2012, effective November 1, 2012; **amended May 2, 2013, effective June 1, 2013.**

*Committee Explanatory Reports:*

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**Final Report explaining the May 2, 2013 amendments concerning notice of consequences of failing to appear published the Court's Order at 43 Pa.B. 2710 (May 18, 2013).**

## CHAPTER 6. TRIAL PROCEDURES IN COURT CASES

### PART A. General Provisions

#### Rule 602. Presence of the Defendant.

(A) The defendant shall be present at every stage of the trial including the impaneling of the jury and the return of the verdict, and at the imposition of sentence, except as otherwise provided by this rule. The defendant's absence without cause **at the time scheduled for the start of trial or during trial** shall not preclude proceeding with the trial, including the return of the verdict and the imposition of sentence.

(B) A corporation may appear by its attorney for all purposes.

#### Comment

This rule was amended in 2013 to clarify that, upon a finding that the absence was without cause, the trial judge may conduct the trial in the defendant's absence when the defendant fails to appear without cause at the time set for trial or during

trial. The burden of proving that the defendant's absence is without cause is upon the Commonwealth by a preponderance of the evidence. See *Commonwealth v. Scarborough*, 491 Pa. 300, 421 A.2d 147 (1980) (when a constitutional right is waived, the Commonwealth must show by a preponderance of the evidence that the waiver was voluntary, knowing and intelligent); *Commonwealth v. Tizer*, 454 Pa.Super. 1, 684 A.2d 597 (1996). See also *Commonwealth v. Bond*, 693 A.2d 220, 223 (Pa. Super. 1997) ("[A] defendant who is unaware of the charges against him, unaware of the establishment of his trial date or is absent involuntarily is not absent 'without cause.'").

This rule applies to all cases, including capital cases.

A defendant's presence may be deemed waived by the defendant intentionally failing to appear at any stage of the trial after proper notice. See *Commonwealth v. Wilson*, 551 Pa. 593, 712 A.2d 735 (1998) (a defendant, who fled courthouse after jury was impaneled and after subsequent plea negotiations failed, was deemed to have knowingly and voluntarily waived the right to be present); *Commonwealth v. Sullens*, 533 Pa. 99, 619 A.2d 1349 (1992) (when a defendant is absent without cause at the time his or her trial is scheduled to begin, the defendant may be tried *in absentia*).

Nothing in this rule is intended to preclude a defendant from affirmatively waiving the right to be present at any stage of the trial, see, e.g., *Commonwealth v. Vega*, 553 Pa. 255, 719 A.2d 227 (1998) (plurality) (requirements for a knowing and intelligent waiver of a defendant's presence at trial includes a full, on-the-record colloquy concerning consequences of forfeiture of the defendant's right to be present) [ or ]. **Once a defendant appears before the court, he or she cannot waive his or her right to appear in capital case.** See *Commonwealth v. Ford*, 539 Pa. 85, 650 A.2d 433 (1994) (right of defendant to be present at trial of capital offense is transformed into obligation due to gravity of potential outcome).

Nothing in this rule is intended to preclude a defendant from waiving the right to be present by his or her actions, see, e.g., [ *Commonwealth v. Wilson*, 551 Pa. 593, 712 A.2d 735 (1998) (defendant, who fled courthouse after jury was impaneled and after subsequent plea negotiations failed, was deemed to have knowingly and voluntarily waived the right to be present) ] *Illinois v. Allen*, 397 U.S. 337, 343 (1970) ("[A] defendant can lose his right to be present at trial if, after he has been warned by the judge that he will be removed if he continues his disruptive behavior, he nevertheless insists on conducting himself in a manner so disorderly, disruptive, and disrespectful of the court that his trial cannot be carried on with him in the courtroom.") and *Commonwealth v. Wilson*, *supra*.

[ Former Rule 1117(c) was moved to Rule 462 (Trial *de novo*) in 2000 as part of the reorganization of the rules. ]

The defendant's right to be present in the courtroom is not absolute. See *Commonwealth v. Boyle*, 498 Pa. 486, 491, n.7, 447 A.2d 250, 253, n.7 (1982) (defendant's presence in chambers and at sidebar is not required where he is represented by counsel.) and *Commonwealth v. Hunsberger*, \_\_\_ Pa. \_\_\_, 58

**A.3d 32, 39-40 (2012) (“[ A ]lthough a defendant has the clear right to participate in the jury selection process, that right is not compromised where . . . the defendant, who was in the courtroom, was not present at sidebar where his counsel was questioning several venirepersons outside the range of his hearing.”)**

**Official Note:** Rule 1117 adopted January 24, 1968, effective August 1, 1968; amended October 28, 1994, effective as to cases instituted on or after January 1, 1995; renumbered Rule 602 and amended March 1, 2000, effective April 1, 2001; amended December 8, 2000, effective January 1, 2001; Comment revised September 21, 2012, effective November 1, 2012; **amended May 2, 2013, effective June 1, 2013.**

*Committee Explanatory Reports:*

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**Final Report explaining the May 2, 2013 amendments concerning trials conducted in the defendant’s absence published with the Court’s Order at 43 Pa.B. 2710 (May 18, 2013).**

**CHAPTER 10. RULES OF CRIMINAL PROCEDURE FOR THE PHILADELPHIA MUNICIPAL COURT AND THE PHILADELPHIA TRAFFIC COURT**

**PART A. Philadelphia Municipal Court Procedures**

**Rule 1003. Procedure in Non-Summary Municipal Court Cases.**

\* \* \* \* \*

**(D) PRELIMINARY ARRAIGNMENT**

\* \* \* \* \*

(3) At the preliminary arraignment, the issuing authority:

\* \* \* \* \*

(d) also shall inform the defendant:

(i) of the right to secure counsel of choice and the right to assigned counsel in accordance with Rule 122;

(ii) of the day, date, hour, and place for the trial, which shall not be less than 20 days after the preliminary arraignment, unless the issuing authority fixes an earlier date for the trial **[ or the preliminary hearing ]** upon request of the defendant or defense counsel, with the consent of the attorney for the Commonwealth, **and that failure to appear without cause at any proceeding for which the defendant’s presence is required, including trial, may be deemed a waiver of the right to be present, and the proceeding may be conducted in the defendant’s absence, and a warrant of arrest shall be issued;**

(iii) in a case charging a felony, unless the preliminary hearing is waived by a defendant who is represented by counsel, or the attorney for the Commonwealth is presenting the case to an indicting grand jury pursuant to Rule 556.2, of the date, time, and place of the preliminary hearing, which shall not be less than 14 nor more than 21 days after the preliminary arraignment unless extended for cause or the issuing authority fixes an earlier date upon the request of the defendant or defense counsel with the consent of the complainant and the attorney for the Commonwealth; and that failure to appear without **[ good ]** cause for the preliminary hearing will be deemed a waiver by the defendant of the right to be present at any further proceedings before the issuing

authority, and that the case shall proceed in the defendant’s absence, and a warrant of arrest shall be issued; **[ and ]**

**(iv) if a case charging a felony is held for court at the time of the preliminary hearing, that failure to appear without cause at any proceeding for which the defendant’s presence is required, including trial, the defendant’s absence may be deemed a waiver of the right to be present, and the proceeding may be conducted in the defendant’s absence, and a warrant of arrest shall be issued; and**

**(v) of the type of release on bail, as provided in Chapter 5 Part C[ . ] of these rules, and the conditions of the bail bond.**

(4) After the preliminary arraignment, if the defendant is detained, he or she shall be given an immediate and reasonable opportunity to post bail, secure counsel, and notify others of the arrest. Thereafter, if the defendant does not post bail, he or she shall be committed to jail, as provided by law.

\* \* \* \* \*

**Comment**

\* \* \* \* \*

The 2012 amendment to paragraph (D)(3)(d)(iii) conforms this rule with the new procedures set forth in Chapter 5, Part E, permitting the attorney for the Commonwealth to proceed to an indicting grand jury without a preliminary hearing in cases in which witness intimidation has occurred, is occurring, or is likely to occur. *See* Rule 556.2. *See* also Rule 556.11 for the procedures when a case will be presented to the indicting grand jury.

**Paragraphs (D)(3)(d)(ii) and (D)(3)(d)(iv) require that, in all cases at the preliminary arraignment, the defendant be advised of the consequences of failing to appear for any court proceeding. See Rule 602 concerning a defendant’s failure to appear for trial. See also Commonwealth v. Bond, 693 A.2d 220 (Pa. Super. 1997) (“[ A ] defendant who is unaware of the charges against him, unaware of the establishment of his trial date or is absent involuntarily is not absent ‘without cause.’”)**

Under paragraph (D)(4), after the preliminary arraignment, if the defendant is detained, the defendant must be given an immediate and reasonable opportunity to post bail, secure counsel, and notify others of the arrest. Thereafter, if the defendant does not post bail, he or she must be committed to jail as provided by law.

\* \* \* \* \*

**Official Note:** Original Rule 6003 adopted June 28, 1974, effective July 1, 1974; amended January 26, 1977, effective April 1, 1977; amended December 14, 1979, effective April 1, 1980; amended July 1, 1980, effective August 1, 1980; amended October 22, 1981, effective January 1, 1982; Comment revised December 11, 1981, effective July 1, 1982; amended January 28, 1983, effective July 1, 1983; amended February 1, 1989, effective July 1, 1989; rescinded August 9, 1994, effective January 1, 1995. New Rule 6003 adopted August 9, 1994, effective January 1, 1995; amended September 13, 1995, effective January 1, 1996. The January 1, 1996 effective date extended to April 1, 1996; amended March 22, 1996, effective July 1, 1996; the April 1, 1996 effective date extended to July 1, 1996; amended August 28, 1998, effective immediately; renumbered Rule 1003 and



amended March 1, 2000, effective April 1, 2001; amended May 10, 2002, effective September 1, 2002; amended August 24, 2004, effective August 1, 2005; amended August 15, 2005, effective February 1, 2006; amended April 5, 2010, effective April 7, 2010; amended January 27, 2011, effective in 30 days; amended June 21, 2012, effective in 180 days; Comment revised July 31, 2012, effective November 1, 2012; amended April 25, 2013, effective June 1, 2013; **amended May 2, 2013, effective June 1, 2013.**

*Committee Explanatory Reports:*

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**Final Report explaining the May 2, 2013 amendments concerning proceedings conducted in the defendant's absence published with the Court's Order at 43 Pa.B. 2710 (May 18, 2013).**

### FINAL REPORT<sup>1</sup>

#### *Amendments to Pa.Rs.Crim.P. 510, 540, 543, 571, 602, and 1003*

#### *Trials In Absentia*

On May 2, 2013, effective June 1, 2013, upon the recommendation of the Criminal Procedural Rules Committee, the Court adopted amendments to several rules to clarify the procedures, particularly with regard to trials *in absentia*, when a defendant fails to appear without cause for a court proceeding. The amendments are intended to address the concerns caused by a growing number of cases in which a defendant, after receiving notice of a court proceeding, fails to appear without cause thus leading to unnecessary and lengthy delays in the case.

#### *Development of the Amendments*

Pursuant to the direction of the Pennsylvania Supreme Court, the Committee began an examination of the issues associated with trials *in absentia*. One suggested solution was to make changes to the rules to clarify that, when a defendant who has received notice of a trial proceeding fails to appear for a court proceeding without cause, the court may conduct the court proceeding in the defendant's absence. It was also suggested that the rules should provide that, when the attorney for the Commonwealth requests that the trial be conducted in the defendant's absence, the judge would be required to conduct the trial.

The Committee published proposed amendments to Rules 571 and 602<sup>2</sup> that would require the defendant to be informed that failure to appear at further proceedings could result ultimately in a trial *in absentia*, Rule 571, and would have stated that when a defendant fails to appear without cause, the judge may conduct the trial in the defendant's absence, Rule 602. In addition, the proposed changes to Rule 602 would have required that, if the judge determined that the defendant's absence was without cause and the Commonwealth requested that the trial proceed, the trial must be conducted.<sup>3</sup>

At the same time, the Committee also examined the law concerning trials in absentia. Specifically, the Committee reviewed the provisions in the Sixth Amendment of the United States Constitution, Article 1, § 9 of the Pennsylvania Constitution, and Rule of Criminal Proce-

dures 602(A) that guarantee the right of the accused to be present in court at every stage of a criminal trial, including the empanelling of the jury, the return of the verdict, and the imposition of sentence. However, a defendant may waive this right, expressly or by his or her actions. *See, e.g. Illinois v. Allen*, 397 U.S. 337, 343 (1970) (“[A] defendant can lose his right to be present at trial if, after he has been warned by the judge that he will be removed if he continues his disruptive behavior, he nevertheless insists on conducting himself in a manner so disorderly, disruptive, and disrespectful of the court that his trial cannot be carried on with him in the courtroom.”).

These concepts have been codified in Rule 602(A) since its adoption as then-Rule 1117(A) in 1967. A clarification was added to the Comment in 1998 following the decision in *Commonwealth v. Wilson*, 712 A.2d 735 (Pa. 1998), a case in which the defendant was deemed to have knowingly and voluntarily waived by his actions the right to be present when he fled the courthouse after the jury was impaneled.

However, when a defendant is unaware of the charges against him, unaware of the establishment of his trial date or is absent involuntarily, he is not absent “without cause” and therefore cannot be tried *in absentia*. *Commonwealth v. Bond*, 693 A.2d 220 (Pa.Super. 1997) (citing *Commonwealth v. Sullens*, 533 Pa. 99, 619 A.2d 1349 (1992)). *See also Commonwealth v. Hill*, 737 A.2d 255, (Pa.Super. 1999).

As a result of the foregoing review and the publication responses, the Committee concluded that providing some further guidance regarding the extent of the allowance of trials *in absentia*, especially the prerequisites for such trials such as the notice to the defendant of the effects of a failure to appear, would be beneficial.

Rule 602(A) therefore has been amended to read “The defendant's absence without cause at the time scheduled for the start of trial or during trial shall not preclude proceeding with the trial, including the return of the verdict and the imposition of sentence.” The new language emphasizes to trial judges that a failure to appear initially for trial is sufficient to hold the trial *in absentia*.

As noted above, the published proposal included a change to Rule 602 that would have required the trial judge, after a finding that the defendant is absent without cause, to proceed with a trial *in absentia* when it is requested by the Commonwealth. Some members supported this provision, believing that it encouraged the proper use of the trial *in absentia* mechanism while not impinging upon the trial judge's discretion since the judge must make an independent finding that the defendant's absence was without cause before being able to proceed to try the case in the defendant's absence.

Upon reflection, the Committee concluded that there may be circumstances outside of a simple determination of absence without cause that would argue against a trial *in absentia* and for which the trial judge should retain the discretion to determine. Therefore, the amendment of Rule 602 does not require the trial judge to hold the trial *in absentia* upon the request of the Commonwealth but rather permits the trial judge to make that determination on a case-by-case basis.

One publication comment suggested that the published amendments required the defendant to prove that the absence was with cause. The Committee believed this is an erroneous reading of the proposed amendment. The Committee concluded that, based upon existing case law,

<sup>1</sup> The Committee's Final Reports should not be confused with the official Committee Comments to the rules. Also note that the Supreme Court does not adopt the Committee's Comments or the contents of the Committee's explanatory Final Reports.

<sup>2</sup> The proposed amendments were published for comment at 42 Pa.B. 5732 (September 8, 2012).

<sup>3</sup> The Committee received several responses commenting on the proposal, in particular with regard to the removal of the judge's discretion whether to conduct a trial in the defendant's absence.

the burden of proof rests with the Commonwealth to show by a preponderance of the evidence that the defendant's absence was without cause. This also is consistent with current practice in which the trial judge will require the Commonwealth to determine if the defendant is unavailable for trial by checking with hospitals, other jails, etc. Accordingly, a statement of the burden of proof has been added to the Rule 602 Comment.

#### *Applicability to Capital Cases*

In addressing a specific question raised during examination of this issue, the Committee agreed that the revised proposal should include capital defendants as being subject to potential trials *in absentia*. The members noted that the situation in which a capital defendant fails to appear for trial is going to be a very rare occurrence since capital defendants are not released on bail. The occasions in which this might occur would be unusual, for example, where the defendant has escaped from pre-trial confinement. The Committee concluded that the situations in which this would arise are precisely the ones for which a trial *in absentia* would be desirable.

In reaching this conclusion, the Committee considered the holding in *Commonwealth v. Ford*, 539 Pa. 85, 650 A.2d 433 (1994) (right of defendant to be present at trial of capital offense is transformed into obligation due to gravity of potential outcome) but concluded that its application is limited to the situation in which a defendant is present before the court and seeks the court's permission to waive his or her presence during trial. The Committee agreed that a defendant who has escaped or fled should not be able to assert the obligation to be present to challenge a trial *in absentia* when the defendant was solely responsible for making that presence impossible. Therefore, the Rule 602 Comment has been revised to state that the rule applies to all cases, including capital cases.

Additionally, the Committee previously had under consideration a separate proposal that would add a cross-reference to *Commonwealth v. Ford*, *supra*, to the Rule 602 Comment. See Publication Report, 42 Pa.B. 4568 (July 21, 2012). This addition was incorporated into the current amendments and the reference to *Ford* has been added, along with a parenthetical describing the extent of its application.

#### *Warnings of Trial In Absentia Earlier in Proceedings*

The Committee agreed that when defendants fail to appear for the preliminary hearing and subsequently also fail to appear for trial, the option to conduct the trial in the defendant's absence should be available to the judge so long as appropriate notice of the trial date, time and place has been provided to the defendant. Therefore, additional warning language has been added to Rules 510, 540, 543, and 1003, similar to the warning being added to Rule 571, that requires the defendant to be informed that failure to appear at further proceedings could result ultimately in a trial *in absentia*.

The Committee considered whether summons cases should be included in this, given that the defendant was not directly before the judge when advised of the perils of failing to appear. Rule 510(B)(3) gives notice in the summons that failing to appear without cause will result in the preliminary hearing being conducted in the defendant's absence. Thus, the rules do not greatly distinguish between notice provided in the summons or at a preliminary arraignment in order for the preliminary hearing to proceed in the defendant's absence.

However, the provisions in these amendments permitting a trial in the defendant's absence are premised on the requirement that the defendant has received actual notice of the trial date. The Committee noted that it is unlikely that most judicial districts will be able to provide information by the summons or at the preliminary arraignment that would constitute sufficient notice of all further proceedings after the preliminary hearing, including the date of the trial. The Committee, however, agreed that, if this notice could be provided, the option for a trial *in absentia* should be available and the defendant must be warned of the possibility.

#### *"Without Cause" Terminology*

During its discussions, the Committee compared the use of the phrase "without cause" in Rule 602, referring to failure to appear for trial, and the phrase "without good cause" in Rule 540, referring to failure to appear for the preliminary hearing. The Committee concluded that these terms are referring to the same standard and that the terminology should be consistent. The Committee concluded that the adjective "good" is not a particularly helpful description and so should be removed from Rule 540. To ensure that this change to Rule 540 is not mistaken as a lessening of the standard, language has been added to the Comments to Rules 540 and 602 explaining that no change in the standard was intended.

[Pa.B. Doc. No. 13-902. Filed for public inspection May 17, 2013, 9:00 a.m.]

## Title 252—ALLEGHENY COUNTY RULES

### ALLEGHENY COUNTY

#### Civil and Family Rule of the Court of Common Pleas; No. 109 of 2013 Rules Doc.

#### Amended Order of Court

*And Now*, to-wit, this 30th day of April, 2013, *It Is Hereby Ordered, Adjudged and Decreed* that the following Amended Rule of the Court of Common Pleas and Allegheny County, Pennsylvania, Civil and Family Division, adopted by the unanimous proxy vote of the Board of Judges on April 29th, 2013, shall be effective upon publication on the UJS webportal:

#### Rule 1301 Arbitration Limit

*By the Court*

DONNA JO McDANIEL,  
*President Judge*

#### Local Rule 1301. Scope.

(1) The following civil actions shall first be submitted to and heard by a Board of Arbitrators:

(a) Civil actions, proceedings and appeals or issues therein where the demand is for \$35,000 or less (exclusive of interest and costs);

(b) Replevin without bond and replevin with bond once bond has been set by the Court;

(c) Appeals from final judgments of Magisterial District Judges; and

(d) Matters transferred to Compulsory Arbitration by the Court even though the original demand may have exceeded \$35,000.

(2) The following civil actions are not subject to Compulsory Arbitration as set forth, above:

(a) Actions seeking only an accounting;

*Note:* In an action seeking both money damages and an accounting, a Board of Arbitrators may award money damages but may not order an accounting.

(b) Actions seeking only equitable relief; and

*Note:* In an action seeking both money damages and equitable relief, a Board of Arbitrators may award money damages but may not order equitable relief.

(c) Actions in which the Commonwealth is a party defendant or an employee of the Commonwealth is a party defendant under the provisions of 42 Pa.C.S., Chapter 85B (relating to actions against Commonwealth parties).

(3) A Board of Arbitrators may not enter an award in favor of any party in excess of \$35,000 (exclusive of interest and costs).

*Note:* While a Board of Arbitrators may hear a lawsuit in which any party claims an amount in excess of \$35,000, the award of the Board of Arbitrators to any party may not exceed \$35,000 (exclusive of interest and costs). However, with the agreement of all parties, a Board of Arbitrators may award up to the amount agreed upon in excess of \$35,000 if all parties also agree that the arbitration award is final and cannot be appealed to Court.

(4) If a party files a counterclaim or a cross-claim seeking an award in excess of \$35,000 (exclusive of interests and costs), any party may file a petition to transfer the entire case to the General Docket. At the discretion of a judge, such a counterclaim or cross-claim may be severed and transferred to the General Docket.

Effective \_\_\_\_\_

[Pa.B. Doc. No. 13-903. Filed for public inspection May 17, 2013, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

### Notice of Administrative Suspension

Notice is hereby given that the following attorneys have been Administratively Suspended by Order of the Supreme Court of Pennsylvania dated April 4, 2013, pursuant to Rule 111(b) Pa.R.C.L.E., which requires that every active lawyer shall annually complete, during the compliance period for which he or she is assigned, the continuing legal education required by the Continuing Legal Education Board. The Order became effective May 3, 2013 for Compliance Group 2 due August 31, 2012.

Notice with respect to attorneys having Pennsylvania registration addresses, which have been Administratively Suspended by said Order, was published in the appropriate county legal journal.

Berman, William Steven  
Marlton, NJ

Bolechowski, Michael W.  
San Francisco, CA

Boler, Megan Denise  
Charlotte, NC

Brady, Edward J.  
Westerville, OH

Breit, William David  
Virginia Beach, VA

Brown, Stephanie Julia  
Sewell, NJ

Cabot, Howard Ross  
Phoenix, AZ

Criste, Virginia S.  
Palm Desert, CA

Diego, Beverly L.  
Brooklyn, NY

Glover, Lee R.  
West Paterson, NJ

Howard, James Elliot  
Brooklyn, NY

Hudak, Gerard Paul  
Marlton, NJ

Jacobs, Jr., William Albert  
Charlotte, NC

Kane, Thomas  
Princeton, NJ

LeFebvre, Paul A.  
Roseland, NJ

Lubin, David S.  
Beachwood, NJ

Makanaki, Elisha  
Fayetteville, NC

Marshall, Thomas S.  
Washington, DC

McClenney, Joan M.  
Alexandria, VA

O'Callaghan, Sean James J.  
Arlington, VA

Paul, Michael G.  
Metuchen, NJ

Perlmutter, Ruben George  
Dallas, TX

Sawyer, Kenneth  
Cushing, ME

Shea, Edmund J.  
Kearny, NJ

Sheldon, Scott Aaron  
Marlton, NJ

Spitkovsky, Julie  
New York, NY

Taylor, Christopher Dwayne  
Pemberton, NJ

Tran, Phong Ngoc  
Mount Laurel, NJ

Tyminski, Patricia Daffodil  
Los Angeles, CA

Weisberg, Martin S.  
Cherry Hill, NJ

Winitzky, Jeffrey Daniel  
Mount Laurel, NJ

Wudowsky, Claire Leah  
Vienna, VA

Zagorski, John A.  
Millstone Township, NJ

SUZANNE E. PRICE,  
*Attorney Registrar*  
*The Disciplinary Board of the*  
*Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 13-904. Filed for public inspection May 17, 2013, 9:00 a.m.]

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# RULES AND REGULATIONS

## Title 58—RECREATION

### STATE ATHLETIC COMMISSION

[ 58 PA. CODE CH. 29 ]

#### Amateur Mixed Martial Arts Waiver

The State Athletic Commission (Commission) adopts § 29.30 (relating to waiver of rule for contestants with three or more amateur bouts).

##### A. Effective Date

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

##### B. Statutory Authority

This final-form rulemaking is authorized under 5 Pa.C.S. § 103(b)(1) (relating to duties of commission), which authorizes the Commission to establish policy and promulgate rules and regulations regarding professional and amateur boxing contests and exhibitions and matters pertaining thereto. This final-form rulemaking is further authorized under 5 Pa.C.S. § 302 (relating to definitions), which defines “boxing” as “The act of attack and defense with the fists, practiced as a sport. The term includes all variations of the sport permitting or using other parts of the human body, including, but not limited to, the foot, knee, leg, elbow or head.”

##### C. Background and Purpose

The Commission has regulated amateur and professional mixed martial arts (MMA) competition in this Commonwealth since Chapter 29 (relating to mixed martial arts) became effective on February 27, 2009. MMA is a sport using a combination of boxing, kickboxing, wrestling, karate, taekwondo, jujitsu, muay thai and other martial arts techniques, including grappling, kicking and striking. Presently, 45 states and tribal organizations permit or regulate professional MMA. Forty-four states and tribal organizations permit or regulate amateur MMA. Amateur MMA is legal but unregulated in 13 of those states and directly regulated by the athletic commissions of 21 states.

Striking to the opponent’s head while on the ground (commonly referred to as “ground and pound”) is an act which constitutes a foul for amateur contestants under § 29.29(b)(3)(i) (relating to acts constituting fouls), but not under § 29.12 (relating to acts constituting fouls). In addition, amateur contestants are required to wear shin/instep pads under § 29.27(c) (relating to equipment), while professional contestants are not. See § 29.7 (relating to proper attire of contestants). Section 29.30 is based on requests by many of the more experienced amateur contestants to permit these techniques as a bridge to their professional debuts, when striking to the head while on the ground is permitted and shin and instep pads are not required.

Section 29.30 permits the Commission to waive the “striking to the head while on the ground” and shin/instep pad requirement for more experienced amateur contestants. The waiver is at the discretion of the Commission and shall be requested by amateur contestants to a particular contest who agree to conduct the contest with a waiver of the “striking to the head while on the ground” rule and the shin/instep pad requirement. In reviewing waiver requests, the Commission will take into account

several factors, including the win-loss records of both participants and the individual conditioning, training, experience and skill level of the contestants.

##### D. Comments Received

Notice of proposed rulemaking was published at 42 Pa.B. 4720 (July 28, 2012) followed by a 30-day public comment period. The Commission received two public comments. The Commission did not receive comments from the House and Senate State Government Committees. However, the Commission did receive a comment from Representative Daryl Metcalfe, the Chairperson of the House State Government Committee, who expressed support for the proposed rulemaking. Representative Metcalfe stated that the “proposed regulation is a common sense solution that maintains the safety of amateur MMA contestants competing in Pennsylvania while providing them with an opportunity to gain necessary experience to advance within the sport.”

The Commission received a public comment from Mick Morrow of Fight Club Pittsburgh who suggested that waivers be automatic after three verifiable bouts if the amateur fighter had a letter of recommendation from “any reputable Mixed Martial Arts Training Facility.” A training facility would be considered reputable if it has trained at least three different fighters who “have competed successfully in previous Mixed Martial Arts Events.” The Commission declines to incorporate this automatic waiver, which would be based solely on the recommendation of individuals from the training facility who may have a vested interest in the fighter’s career. The Commission will base its determination on whether a waiver will be granted on the more empirical factors in the regulation, including the win-loss record, conditioning, training, experience and skill level of each individual contestant. Information about many of these factors will necessarily be obtained from communications with and recommendations from the fighter’s trainer and training facility. However, the Commission determined that it is in the best interest of the health and safety of the contestants if the Commission, rather than the MMA fighter’s training facility, makes the waiver determination. This commentator also suggested that the regulation contain a 1-week period for the Commission to act on waiver requests “to facilitate the orderly planning process of all Mixed Martial Arts Promotions.” The Commission declines to impose a time period for review of waiver requests when it does not have similar time periods for any other application review. It is anticipated that waiver determinations will be made within 2 to 3 days of submission of fight line-ups and when applicable information requested on the waiver form has been provided.

The Commission also received a public comment from the Pennsylvania Psychological Association (PPA) stating that it does not support § 29.30. The PPA stated that permitting blows to the head increases the danger of chronic traumatic encephalopathy (CTE), essentially a type of brain injury that may result from a single blow or over time. As the PPA pointed out, CTE is no longer confined to boxers. The PPA did not point to medical literature on the incidence of CTE in MMA competition (either amateur or professional). The Commission notes in response that blows to the head are a legal part of the sport of professional MMA, as well as sports like boxing, football and ice hockey. However, while the overall injury rate in MMA competition is similar to that in other combat sports, the knockout rate is lower in MMA

competition than in boxing, suggesting a reduced risk of traumatic brain injury (TBI) in MMA competition. Bledsoe, G. H., et al. (2006). "Incidence of injury in professional mixed martial arts competitions." *Journal of Sports Science and Medicine*, 136-142.

Finally, the Independent Regulatory Review Commission (IRRC) reviewed the proposed rulemaking and notified the Commission that it had concerns which were divided into two categories. The first category related to the protection of the public health, safety and welfare. IRRC requested that the Commission "consider and provide citations to the most recent medical studies on the potential dangers associated with head injuries, such as chronic traumatic encephalopathy." The Commission previously cited a study which is specific to MMA competition. The Commission is also aware of a research study approved and beginning this fall at the Penn State Milton S. Hershey Medical Center examining whether new types of magnetic resonance imaging can detect physical changes in the brain in an MMA fighter following a knock-out or concussion.

The following medical studies address the potential dangers associated with head injuries:

McKee, A. C., et al. (2009). "Chronic traumatic encephalopathy in athletes: progressive tauopathy following repetitive head injury." *Journal of Neuropathology and Experimental Neurology*, 68(7), 709-735.

National Institute of Neurological Disorders and Stroke (2002). "Traumatic brain injury: hope through research." NIH Publication No. 02-158.

Tommasone, B. A., et al. (2006). "Contact sport concussion incidence." *Journal of Athletic Training*, 41(4), 470-472.

The National Institutes of Health publication discusses TBI in general, the signs and symptoms, causes and risk factors and treatment. The publication points out that the vast majority of TBI (97%) is not due to sports injuries but to automobile/motorcycle/bicycle accidents, falls (in older adults), violence (such as firearm assaults and child abuse) and half involved alcohol use.

The Tommasone article is a review of other studies and addresses the question of the incidence of concussion in football, boxing, ice hockey, judo, karate, tae kwon do, rugby and soccer. For this review, concussion was defined as "a mild brain injury resulting from a direct blow to the head resulting in physiological changes in brain function" and is a type of mild TBI. The review found that, among team sports for high school males, ice hockey athletes demonstrated the highest incidence of concussion (3.6 per 1,000 athlete-exposures) and soccer athletes the lowest incidence of concussion (0.18 per 1,000 athlete-exposures). At the professional level, similar concussion incidence rates were found in both ice hockey athletes (6.5 per 1,000 player-games) and rugby players (9.05 per 1,000 player-games). The study did not include MMA, but when compared with other individual male sports (karate and tae kwon do), boxing had the highest incidence of concussion in professional athletes (0.8 per 10 rounds) and amateur athletes (7.9 per 1,000 man-minutes).

The McKee study reviewed 51 neuropathologically confirmed cases of CTE, largely in boxers, and looked at the pathological features of CTE. It found CTE to be a neuropathologically distinct, slowly progressive neurodegenerative disease with a clear environmental etiology. However, the article also stated that most sports-related head injury is minor and a small number of individuals develop long-lasting or progressive symptoms when there

is repetitive concussion or mild TBI, the precise incidence of CTE after repetitive head injury is unknown.

The Commission believes this final-form rulemaking adequately protects the health and safety of the contestants because it preserves the protections of the amateur rules while providing amateur MMA contestants in this Commonwealth the opportunity to gain the necessary experience to advance in their chosen sport and striking to the head while on the ground is permitted in professional competition. The rules adopted by the Association of Boxing Commissions (which also regulates MMA) allow for strikes to the head. These rules have been broadly adopted across the Nation. The Commission, like other state/tribal commissions that regulate MMA events, fully understands the hazards of the sport. This final-form rulemaking was approved by the Commission's Medical Advisory Board and is consistent with other states' amateur MMA regulations. Without these transitional provisions, many of the MMA amateur fighters in this Commonwealth may not be prepared to turn professional and, if they do, they may be at greater risk in the ring.

IRRC recommends that language be added to the final-form rulemaking to prevent promoters from requiring potential contestants to request the waivers and to have contestants affirm that they are doing so because they plan to transition from amateur MMA status to professional status. The Commission does not share IRRC's concern that promoters may not provide events for amateur contestants unless they agree to seek the waiver. In 2011, there were 52 sanctioned MMA events in this Commonwealth, which included amateur bouts on the card. Commonwealth rules do not permit all amateur shows. The Pro-Am events average eight amateur fights per event. The amateur fights at these events were under the existing amateur rules. Approximately 30% of the amateur contestants in Pro-Am events are making their debut fights as amateurs and clearly would never qualify for the waiver. Even if there would be pressure from a promoter for an amateur to fight under the waiver provisions, the amateur contestant must apply for and receive the waiver. The final determination for a waiver rests with the Commission and not with the training facility or the promoter. Each waiver request will be reviewed on its own merits, taking into consideration the win-loss record, conditioning, training, experience and skill level of each individual contestant. If the contestant is not deemed to be sufficiently prepared or qualified, a waiver will not be granted. Finally, if there is coercion by the promoter, this could be cause for discipline of the promoter license by the Commission. Therefore, the Commission declines to make these changes.

IRRC questioned why the Commission determined that the waiver provisions should be authorized after three amateur bouts and not with even more experience. In the experience of the Commission, the average MMA contestant in this Commonwealth who transitions to professional competition does so after the completion of four to six bouts as an amateur. Therefore, the ability to apply for a waiver after three verified bouts is timed to be at least midway (if not more) through the career of the average amateur fighter who turns professional. Furthermore, the waiver is not required and amateur fighters may continue to compete entirely under the amateur rules as long as they wish.

The second category of IRRC concerns related to implementation procedures and clarity. IRRC questioned how a contestant would apply for the waiver. The Commission will provide a form for a contestant requesting a waiver

to complete. Like all Commission applications, the completed form may be personally delivered, mailed, faxed or e-mailed to the Commission. IRRC queried how the second contestant would be aware of the waiver request and if both contestants would be required to apply for the waiver at the same time. Both contestants would typically become aware of and apply for the waiver at the same time based on submission of fight line-ups for the upcoming event. Like boxing, MMA contestants are matched up for an event by licensed matchmakers who are employed by licensed promoters. See § 21.7 (relating to matchmakers). The matchmakers shall take into account the weights, win-loss records, abilities and physical condition of contestants before submitting to the Commission a list of proposed bouts for the upcoming event. This list shall be submitted to the Commission at least 5 days prior to the event. Should contestants wish to fight under the waiver provision, they will both be aware of the matchup and therefore the need to apply for a waiver when they agree to the event.

IRRC questioned how far in advance before a contest would an application for waiver be made and how long would the Commission take to review and decide on the request. As previously noted, contestants will be aware of the need to apply for a waiver at least a week before the event. Waiver determinations will be made by the Executive Director of the Commission within 2 to 3 days of submission of applicable information, including fight line-ups. Contestants would be notified in writing of the decision on the waiver. As with any decision of the Executive Director, the waiver determination is appealable to the Commission and the Commission's decision is appealable to the Commonwealth Court.

#### E. Fiscal Impact and Paperwork Requirements

The final-form rulemaking will not have adverse fiscal impact on the Department of State (Department) or the Commission because the Commission is self-supporting and does not use General Fund moneys. The Commission will not incur additional costs in enforcing this final-form rulemaking. The regulation will not have adverse fiscal impact on the Commonwealth or its political subdivisions. Additional paperwork requirements for the Commonwealth or the private sector are limited to amateur contestants applying for waivers. There is not a fee to request the waiver. The final-form rulemaking will not have adverse fiscal impact on mixed martial artists, boxers, promoters, referees, judges and timekeepers currently regulated by the Commission.

#### F. Sunset Date

The Commission and the Department monitor the regulations of the Commission on a continuing basis. Therefore, a sunset date has not been assigned.

#### G. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on July 17, 2012, the Commission submitted a copy of the notice of proposed rulemaking, published at 42 Pa.B. 4720, to IRRC and the Chairpersons of the House and Senate State Government Committees for review and comment.

Under section 5(c) of the Regulatory Review Act, IRRC and the House and Senate Committees were provided

with copies of the comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Commission has considered all comments from IRRC, the House and Senate Committees and the public.

Under section 5.1(j.2) of the Regulatory Review Act (71 P. S. § 745.5a(j.2)), on April 3, 2013, the final-form rulemaking was deemed approved by the House and Senate Committees. Under section 5.1(e) of the Regulatory Review Act, IRRC met on April 4, 2013, and approved the final-form rulemaking.

#### H. Additional Information

Individuals who require information about the final-form rulemaking may contact Gregory P. Sirb, Executive Director, State Athletic Commission, 2601 North Third Street, Harrisburg, PA 17110.

#### I. Findings

The Commission finds that:

(1) Public notice of intention to adopt this regulation was given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and the comments were considered.

(3) Amendments were not made to the final-form rulemaking that would enlarge the original purpose of the proposed rulemaking as published at 42 Pa.B. 4720.

(4) This regulation is necessary and appropriate for administering and enforcing the authorizing acts identified in Part B of this preamble.

#### J. Order

The Commission, acting under the authorizing statute, orders that:

(a) The regulations of the Commission, 58 Pa. Code Chapter 29, are amended by adding § 29.30 to read as set forth at 42 Pa.B. 4720.

(b) The Commission shall submit this order and 42 Pa.B. 4720 to the Office of General Counsel and the Office of Attorney General as required by law.

(c) The Commission shall certify this order and 42 Pa.B. 4720 and deposit them with the Legislative Reference Bureau as required by law.

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

CHARLES BEDNARIK,  
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, 2013).)*

**Fiscal Note:** Fiscal Note 16-53 remains valid for the final adoption of the subject regulation.

[Pa.B. Doc. No. 13-905. Filed for public inspection May 17, 2013, 9:00 a.m.]

# STATEMENTS OF POLICY

## MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

### Consideration for Reinstatement of Certification

#### *Purpose*

Act 165 of 2012 requires the Municipal Police Officers' Education and Training Commission to develop standards and guidelines to govern the reinstatement of municipal police officers and certified school instructors who have had their certification(s) suspended or revoked. Act 165 was signed into law on October 24, 2012, and took effect immediately. To comply with Act 165, the Commission establishes this policy to provide guidance and allow the consideration of applications for reinstatement. This policy provides general criteria that the Commission may consider for the reinstatement of certification. This policy is not binding on the Commission, and the Commission may consider any and all relevant factors and circumstances with regards to an officer's or instructor's application for consideration for reinstatement of certification. A vote by the Commission to approve an individual's application for consideration for reinstatement of certification is not a waiver of any of the conditions for certification nor a Commission vote to certify an individual under 37 Pa. Code Chapter 203.

#### *Definitions*

For the purpose of this policy, unless otherwise defined herein, all terms shall be defined as stated in 37 Pa. Code § 203.1 Definitions.

*Chief*—The agency executive, chief of police, or officer in charge of a police department enumerated under the Act, or the person or governing body exercising oversight over the police department.

*Revocation*—Decertification of a certified police officer for an indefinite period of time. This action nullifies any and all aspects of initial certification, except police education recognized or waived under the Act.

*Suspension*—Temporary decertification of a certified police officer for a period of time determined by the Commission, generally not to exceed two years.

#### *Suspended Officers or Instructors*

Suspended officers or instructors may reapply for certification following the completion of their suspension by submitting a Change of Status to the Commission. This form is available on the Commission's public website and shall be submitted by the officer's Chief or the instructor's School Director. Submission of a Change of Status shall be accompanied by a notarized affidavit certifying they have not been convicted of a disqualifying criminal offense during the term of their suspension. If an officer is seeking certification with a new department, the Chief is strongly encouraged to conduct a background investigation of the officer as outlined in 37 Pa. Code § 203.11(a)(10).

Upon receipt of the application, the Director, Certification and Administration will review and verify the suspended officer has met all the conditions for recertifi-

cation. If it is discovered that the suspended officer is no longer eligible for certification, the Change of Status shall be forwarded to the Executive Director for review and appropriate action. If the suspended officer still meets certification requirements, the Director, Certification and Administration shall provide the individual's Chief with a certification document.

#### *Revoked Officers*

After one year from the date of revocation, the individual may apply for consideration for reinstatement of certification. The application for consideration for reinstatement of certification is available on the Commission's public website. Applicants who were convicted of a disqualifying criminal offense, or who are otherwise prohibited from possessing a firearm by state or federal law, shall not be eligible for consideration for reinstatement of certification unless and until they receive necessary and appropriate relief required to again lawfully possess a firearm.

All applications for consideration for reinstatement of certification shall be notarized and accompanied by the following:

1. A written conditional offer of employment from a police department (as defined by § 2162 of the Act).
2. A Pennsylvania criminal history check completed within the 60 days prior to submission of the application.
3. A Federal Bureau of Investigation criminal history check completed within the 60 days prior to submission of the application. (Refer to the following hyperlink for additional information about this criminal history check: <http://www.fbi.gov/about-us/cjis/background-checks>)

Applicants may, and are encouraged to, submit the following as well:

1. Notarized affidavits testifying to the applicant's character and fitness for employment as a municipal police officer.
2. A personal statement from the applicant addressing the reason(s) for the applicant's revocation and reason(s) for which the applicant should be reinstated.

Application for consideration for reinstatement of certification shall be sent via certified mail to the Executive Director at 8002 Bretz Drive, Harrisburg, PA 17112-9748 who within five (5) business days of receipt, shall present a copy of the application and all related materials to all members of the Professional Standards Committee (hereafter "the Committee"). The Committee shall convene at a quarterly Committee meeting or such other time and place as they may designate and, with a quorum being present, review the application, and make a recommendation to the full Commission. The Committee may evaluate the applicant's suitability for reinstatement using the following criteria:

- Total years of service as a certified police officer
- The severity of the violation which caused the revocation and any negative impact on the public trust, police department, or political subdivision
- If the violation, which caused the revocation, was the result of conduct that called or may call into question the individual's character and integrity as a witness for the Commonwealth, (i.e. cheating, theft, fraud, unsworn falsification) a letter from the District Attorney for the county where the individual will be primarily employed is



strongly encouraged. This letter should indicate the District Attorney's willingness to allow the individual to be called to testify as a witness in summary and court cases.

- Notarized character statements submitted with the application by individuals not in the applicant's immediate family or household
- Previous disciplinary actions taken by any employing police department
- Previous suspensions or revocations by the Commission
- The applicant's acceptance or denial of responsibility for the violation which caused the revocation
- Any criminal convictions, accelerated rehabilitative dispositions (ARD), or arrests on, prior to, or after the date of revocation
- Community or volunteer service conducted during the period of revocation
- Endorsements by supervisors and/or command level personnel within the police department
- Letter of endorsement from the head of the political subdivision affiliated with the applicant's former, present, or newly employing police department
- Official statements made during the course of the inquiry into the violation which caused the revocation
- Statements made in letters or other correspondence sent to the Commission during the time of revocation

A recommendation shall be made no later than the second full Commission meeting following the submission of the application. The Commission shall consider the recommendation of the Committee. The Commission may request any information, review any document, or require clarification from the Committee prior to any vote. These criteria shall not be deemed as exhaustive and the Commission may consider any other relevant factors and circumstances that may speak to the applicant's suitability to serve as a municipal police officer.

Upon hearing the recommendation of the Committee and considering any and all relevant factors, the Commission will generally approve or deny the individual's application for consideration for reinstatement of certification. This approval shall require an affirmative majority vote of a seated quorum.

Any approval of an individual's application for consideration of reinstatement of certification shall not be considered a waiver of any of the requirements for certification as stated in 37 Pa. Code Chapter 203, Subchapter B. The applicant must meet all physical, psychological, and criminal history requirements of that subchapter and shall be required to complete the application process, as well as, any and all training and testing required by the Commission in accordance with the Act and regulations.

It is the policy of the Commission not to entertain repetitive applications for reinstatement. Upon the Commission's rejection of an application for consideration for reinstatement of certification, the applicant shall not be permitted to apply for reinstatement for a period of not less than one year from the date of the Commission's vote to reject. Individuals may only apply for reinstatement three times.

#### *Revoked Instructors*

After one year from the date of revocation, the individual may apply for consideration for reinstatement of certification. The application for consideration for rein-

statement of certification is available on the Commission's public website. Applicants who were convicted of a disqualifying criminal offense, or in the case of firearms instructors who are otherwise prohibited from possessing a firearm by state or federal law, shall not be eligible for consideration for reinstatement of certification unless and until they receive necessary and appropriate relief.

All applications for consideration for reinstatement of certification shall be notarized and accompanied by the following:

1. A written conditional offer of employment from a certified school as required by 37 Pa. Code § 203.71(c)(2)
2. A Pennsylvania criminal history check completed within the 60 days prior to submission of the application
3. A Federal Bureau of Investigation criminal history check completed within the 60 days prior to submission of the application. (Refer to the following hyperlink for additional information about this criminal history check: <http://www.fbi.gov/about-us/cjis/background-checks>)

Applicants may, and are encouraged to, submit the following as well:

1. Notarized affidavits testifying to the applicant's character and fitness for employment as a basic or mandatory in-service police training instructor
2. A personal statement from the applicant addressing the reason(s) for the applicant revocation and reason for which the applicant should be reinstated

Application for consideration for reinstatement of certification shall be sent via certified mail to the Executive Director at 8002 Bretz Drive, Harrisburg, PA 17112-9748 who within five (5) business days of receipt, shall present a copy of the application and all related materials to all members of the Committee. The Committee shall convene at a quarterly Committee meeting or such other time and place as they may designate and, with a quorum being present, review the application(s) and make a recommendation to the full Commission. The Committee may evaluate the applicant's suitability for reinstatement using the following criteria:

- Total years of service as a basic or mandatory police training instructor
- The severity of the violation which caused the revocation and any negative impact on the public trust, certified school, or municipal police department(s)
- Notarized character statements submitted with the application by individuals not in the applicant's immediate family or household
- Previous disciplinary actions taken by any employing certified school
- Previous suspensions or revocations by the Commission
- The applicant's acceptance or denial of responsibility for the violation which caused the revocation
- Any criminal convictions, accelerated rehabilitative dispositions (ARD), or arrests on, prior to, or after the date of revocation
- Continued employment and endorsement by the certified school's parent educational authority
- Endorsements by the president, deans, supervisory faculty, or the like affiliated with the applicant's employing certified school

- Official statements made during the course of the inquiry into the violation which caused the revocation
- Statements made in letters or other correspondence sent to the Commission during the time of revocation

A recommendation shall be made no later than the second full Commission meeting following the submission of the application. The Commission shall consider the recommendation of the Committee. The Commission may request any information, review any document, or require clarification from the Committee prior to any vote. These criteria shall not be deemed as exhaustive and the Commission may consider any other relevant factors and circumstances that may speak to the applicant's suitability as a basic or mandatory in-service police training instructor.

Upon hearing the recommendation of the Committee and considering any and all relevant factors, the Commission will generally approve or deny the individual's application for consideration for reinstatement of certification. This approval shall require an affirmative majority vote of a seated quorum.

Any approval of an individual's application for consideration for reinstatement of certification shall not be considered a waiver of any of the requirements for certification as stated in 37 Pa. Code Chapter 203, Subchapter E. The individual must meet the criminal history provisions of that subchapter and shall be required to complete the application process as outlined in 37 Pa. Code § 203.71.

It is the policy of the Commission not to entertain repetitive applications for reinstatement. Upon the Commission's rejection of an application for reinstatement, the applicant shall not be permitted to apply for reinstatement for a period not less than one year from the date of the Commission's vote to reject. Individuals may only apply for reinstatement three times.

COL. FRANK NOONAN,  
*Chairperson*

**Fiscal Note:** 17-77. No fiscal impact; (8) recommends adoption.

[Pa.B. Doc. No. 13-906. Filed for public inspection May 17, 2013, 9:00 a.m.]

# NOTICES

## 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 May 7, 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

#### Branch Applications

##### De Novo Branches

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-29-2013	Clearfield Bank & Trust Company Clearfield Clearfield County	2287 Curryville Road Martinsburg Blair County	Approved

##### Branch Consolidations

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
5-1-2013	First Priority Bank Malvern Chester County	<i>Into:</i> 1310 Broadcasting Road Wyomissing Berks County  <i>From:</i> 1200 Broadcasting Road Wyomissing Berks County	Filed

##### Branch Discontinuances

<i>Date</i>	<i>Name and Location of Applicant</i>	<i>Location of Branch</i>	<i>Action</i>
4-26-2013	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	826 East Allegheny Valley Avenue Philadelphia Philadelphia County	Closed
4-27-2013	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	200 Tuckerton Road Medford New Jersey	Closed
4-27-2013	Beneficial Mutual Savings Bank Philadelphia Philadelphia County	640 Cowpath Road Lansdale Montgomery County	Closed

### SAVINGS INSTITUTIONS

No activity.

### CREDIT UNIONS

No activity.

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

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 13-907. Filed for public inspection May 17, 2013, 9:00 a.m.]

### Maximum Lawful Rate of Interest for Residential Mortgages for the Month of June 2013

The Department of Banking and Securities (Department), under the authority contained in section 301 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 301), determines that the maximum lawful rate of interest for residential mortgages for the month of June, 2013, is 5%.

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

Each month the Department is required by State law to compute and announce the ceiling rate on residential mortgages in this Commonwealth. This maximum rate is determined by adding 2.50 percentage points to the yield rate on long-term government bonds as published by the Federal Reserve Board and/or the United States Treasury. The latest yield rate on long-term government securities is 2.41 to which was added 2.50 percentage points for a total of 4.91 that by law is rounded off to the nearest quarter at 5%.

GLENN E. MOYER,  
*Secretary*

[Pa.B. Doc. No. 13-908. Filed for public inspection May 17, 2013, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

### Conservation and Natural Resources Advisory Council Meeting

The Conservation and Natural Resources Advisory Council to the Department of Conservation and Natural Resources (Department) will hold a meeting on Wednesday, May 22, 2013, at 9:30 a.m. at the Lehigh Gap Nature Center, 884 Paint Mill Road, Slatington, PA as part of the annual field trip.

## 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

Questions concerning this meeting or agenda items can be directed to Joe Graci at (717) 787-9293.

Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Lauren Adair directly at (717) 787-9293 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

RICHARD J. ALLAN,  
*Secretary*

[Pa.B. Doc. No. 13-909. Filed for public inspection May 17, 2013, 9:00 a.m.]

## DEPARTMENT OF DRUG AND ALCOHOL PROGRAMS

### Pennsylvania Advisory Council on Drug and Alcohol Abuse Meeting

The Pennsylvania Advisory Council on Drug and Alcohol Abuse (Council) will hold a public meeting on May 29, 2013, from 1 p.m. to 3:30 p.m. at the Giant Food Store Community Center—Blue Mountain Commons, 2nd Floor, Blue Mountain and Dauphin Meeting Rooms, 2300 Linglestown Road, Harrisburg, PA 17110, (717) 545-0489. The meeting is open to the public. For additional information, visit the Department of Drug and Alcohol Programs' (Department) web site at [www.ddap.pa.gov](http://www.ddap.pa.gov).

The primary focus of this Council meeting is for the Council members to meet to discuss current drug and alcohol issues and challenges facing this Commonwealth and to serve in an advisory capacity to the Department on these issues.

For additional information, visit the Department's web site or contact Roseann Deutsch, Chief, Administrative Section at (717) 783-8200.

Persons with disabilities who wish to attend the meeting and requiring an auxiliary aid, service or other accommodation should contact Roseann Deutsch at (717) 783-8200.

This meeting is subject to cancellation without notice.

GARY TENNIS, Esq.,  
*Secretary*

[Pa.B. Doc. No. 13-910. Filed for public inspection May 17, 2013, 9:00 a.m.]

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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0060437 (Sewage)	Pocono Waterworks Company, Inc. Pine Grove Estates WWTP 331 Plank Road Beach Lake, PA 18405	Wayne County Damascus Township	Unnamed Tributary to Delaware River (1-A)	Y
PA0035891 (Sewage)	Escape Property Owners Association PO Box 282 Greentown, PA 18426	Pike County Palmyra Township	Unnamed Tributary to Wallenpaupack Creek (1-C) High Quality Cold Water Fishes	Y
PA0061352 (Sewage)	Delaware Water Gap Municipal Authority WWTP Broad Street Delaware Water Gap, PA 18327	Monroe County Delaware Water Gap Borough	Cherry Creek (1-E)	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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0021491— SEW	Williamstown Borough Authority PO Box 44 Williamstown, PA 17098-0044	Dauphin County Williamstown Borough	Wiconisco Creek / 6-C	Y

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N?</i>
PA0260975— SEW	Richmond Township—Virginville STP 11 Kehl Drive Fleetwood, PA 19522	Berks County Richmond Township	Sacony Creek / 6-C	Y
PA0031968— SEW	Youth Forestry Camp #3 4534 Tar Kiln Road James Creek, PA 16657	Huntingdon County Todd Township	UNT to Great Trough Creek / 11-D	Y
PA0247421— SEW	Rodney & Francine Groff 7723 Wertzville Road Carlisle, PA 17013	Cumberland County Middlesex Township	UNT to Conodoguinet Creek / 7-B	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0111538 (Sewage)	Pine Valley Mobile Home Park 1333 Johnstown Road Mifflinburg, PA 17844-6909	Union County West Buffalo Township	North Branch Buffalo Creek (10-C)	Y
PA0009318 (Industrial Waste)	Alcan Cable Williamsport Plant 409 Reighard Avenue Williamsport, PA 17701	Lycoming County Williamsport City	Unnamed Tributary to West Branch Susquehanna River and West Branch Susquehanna River (10-A)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0092801 Sewage	CCAC West Hills Center 8701 Perry Highway Pittsburgh, PA 15237	Allegheny County N Fayette Township	UNT of Robinson Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed#)</i>	<i>EPA Waived Y/N?</i>
PA0101192 (Industrial Waste)	Falls Creek Borough WTP 117 Taylor Avenue Falls Creek, PA 15840	Jefferson County Falls Creek Borough	Falls Creek (17-C)	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*

**PA0244228**, Storm Water, SIC Code 3273, **Rahns Construction Material Company**, 430 Bridge Road, Colledgeville, PA 19426. Facility Name: Rahns Concrete Batch Plant. This existing facility is located in Skippack Township, **Montgomery County**.

Description of Existing Activity: The discharge of stormwater from a Ready-Mix Concrete Batch Plant property.

The receiving stream(s), Perkiomen Creek, is located in State Water Plan watershed 3-E 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 001, 002, and 003 are based on stormwater discharge.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Instant. Minimum</i>	<i>Annual Average</i>	<i>Daily Maximum</i>	<i>Instant. Maximum</i>
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Suspended Solids	XXX	XXX	XXX	50	100	100
Oil and Grease	XXX	XXX	XXX	Report	XXX	Report

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

- Implement Stormwater BMPs
- Adopt Remedial Measures
- Change of Ownership
- Proper Disposal of Solids
- Definition 10-Year, 24-Hour Rainfall Event
- Requirements Applicable to Stormwater

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.

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

**PA0060054**, Sewage, SIC Code 7011, **Mt Airy 1 LLC**, 42 Woodland Road, Mount Pocono, PA 18344-9703. Facility Name: Mt Airy Casino & Resort. This existing facility is located in Paradise Township, **Monroe 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), Forest Hills Run, is located in State Water Plan watershed 1-E and is classified for High Quality Waters—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 0.22 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Average Monthly	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen						
(Interim)	XXX	XXX	6.0	XXX	XXX	XXX
(Final)	XXX	XXX	7.0	XXX	XXX	XXX
Total Residual Chlorine	XXX	XXX	XXX	1.0	XXX	2.0
Total Residual Chlorine						
(Final)	XXX	XXX	XXX	0.5	XXX	1.0
CBOD <sub>5</sub>						
(Interim)	45.9	XXX	XXX	25	XXX	50
(Final)	18.35	XXX	XXX	10	XXX	20
Total Suspended Solids						
(Interim)	55.0	XXX	XXX	30	XXX	60
(Final)	18.35	XXX	XXX	10	XXX	20
Total Dissolved Solids	1,835	XXX	XXX	1,000	XXX	2000
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		
Nitrate-Nitrite as N						
(Interim)	Report	XXX	XXX	Report	XXX	XXX
(Final)	18.35	XXX	XXX	10.0	XXX	XXX
Ammonia-Nitrogen						
May 1 - Oct 31 (Interim)	5.5	XXX	XXX	3.0	XXX	6.0
Nov 1 - Apr 30 (Interim)	16.5	XXX	XXX	9.0	XXX	18.0
May 1 - Oct 31 (Final)	2.75	XXX	XXX	1.5	XXX	3.0
Nov 1 - Apr 30 (Final)	8.26	XXX	XXX	4.5	XXX	9
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Organic Carbon	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	3.7	XXX	XXX	2.0	XXX	4.0
Fecal Coliform (CFU/100 ml)	XXX	XXX	XXX	Report	Report	XXX
				Upstream	Downstream	
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	Report	XXX
				Upstream	Downstream	
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	Report	XXX
				Upstream	Downstream	
Total Organic Carbon	XXX	XXX	XXX	Report	Report	XXX
				Upstream	Downstream	

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Average Monthly	
Total Nitrogen	XXX	XXX	XXX	Report Upstream	Report Downstream	XXX
Total Phosphorus	XXX	XXX	XXX	Report Upstream	Report Downstream	XXX

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

- Instream monitoring

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is in effect.

**PA0008664**, Industrial Waste, SIC Code 4911, **UGI Development Company**, 390 US Rt. 11, Hunlock Creek, PA 18621. Facility Name: Hunlock Creek Energy Center. This existing facility is located in Hunlock Township, **Luzerne County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of treated Industrial Wastewater including Non-contact cooling water, blow down, low volume wastewater and sewage.

The receiving stream(s), Susquehanna River, Unnamed Stream and Unnamed Tributary to Hunlock Creek, is located in State Water Plan watershed 5-B 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 flow of 50.5 MGD of non-contact cooling water.

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Weekly Average	Minimum	Average Monthly	Daily Maximum	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	XXX	0.2	XXX
Temperature (°F)	XXX	XXX	XXX	XXX	Max 99	XXX
Oil and Grease—Net	XXX	XXX	XXX	XXX	Max 5.0	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Total Mo	XXX	XXX	Report	XXX	XXX
Total Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Total Mo					
Total Nitrogen Effluent Net	Report	XXX	XXX	XXX	XXX	XXX
Total Nitrogen	Total Mo	Report	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	Total Mo	Report	XXX	XXX	XXX	XXX
Ammonia-Nitrogen	XXX	Total Annual				
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo					
Total Phosphorus Effluent Net	Report	XXX	XXX	XXX	XXX	XXX
Total Phosphorus	Total Mo	Report	XXX	XXX	XXX	XXX
Total Phosphorus	XXX	Total Annual				



The proposed effluent limits for Outfall 003 are based on a design flow of 0.16 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Weekly Average</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	XXX	0.2	XXX
					Max	
Free Available Chlorine	XXX	XXX	XXX	0.2	XXX	0.5
Total Suspended Solids	XXX	XXX	XXX	30	XXX	100
Oil and Grease	XXX	XXX	XXX	15	20.0	XXX
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen Effluent Net	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Nitrogen	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
Total Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Ammonia-Nitrogen	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Phosphorus Effluent Net	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Phosphorus	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
Total Chromium	XXX	XXX	XXX	0.2	0.2	XXX
Total Iron	29.49	XXX	XXX	1.60	XXX	XXX
Total Manganese	16.59	XXX	XXX	.9	XXX	XXX
Total Zinc	XXX	XXX	XXX	1.0	XXX	XXX
Total Copper	XXX	XXX	XXX	XXX	Report	XXX
Nickel	XXX	XXX	XXX	XXX	Report	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0.00357 MGD of treated sewage.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>	XXX	XXX	XXX	25	XXX	50
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Fecal Coliform (CFU/100 ml)						
May 1 - Sep 30	XXX	XXX	XXX	200	XXX	1000
Oct 1 - Apr 30	XXX	XXX	XXX	Geo Mean 2,000	XXX	10000
				Geo Mean		
Nitrate-Nitrite as N	XXX	XXX	XXX	Report	XXX	XXX
Nitrate-Nitrite as N	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Nitrogen Effluent Net	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Nitrogen	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				

<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>
Total Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Ammonia-Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Ammonia-Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Ammonia-Nitrogen	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				
Total Kjeldahl Nitrogen	XXX	XXX	XXX	Report	XXX	XXX
Total Kjeldahl Nitrogen	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Phosphorus	XXX	XXX	XXX	Report	XXX	XXX
Total Phosphorus	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Phosphorus Effluent Net	Report	XXX	XXX	XXX	XXX	XXX
	Total Mo					
Total Phosphorus	XXX	Report	XXX	XXX	XXX	XXX
		Total Annual				

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

- Chemical additives
- Chesapeake Bay monitoring
- Stormwater

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

**PA0062855**, Industrial Waste, SIC Code 4941, **Mary-D Community Association**, P. O. Box 115, Mary-D, PA 17952. Facility Name: Mary-D Water Treatment Plant. This existing facility is located in Schuylkill Township, **Schuylkill County**.

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

The receiving stream, unnamed tributary to Schuylkill River (locally known as Swift Creek), is located in State Water Plan watershed 3-A 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 0.0022 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 Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Aluminum	Report	XXX	XXX	3.8	XXX	7.6
Total Iron	Report	XXX	XXX	2.0	XXX	4.0
Total Manganese	Report	XXX	XXX	1.0	XXX	2.0

You may make an appointment to review the DEP files on this case by calling the File Review Coordinator at 570-826-5472.

The EPA Waiver is not in effect.

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Northcentral Regional Office: Regional Clean Water Program Manager, 208 W Third Street Suite 101, Williamsport, PA 17701-6448. Phone: 570.327.3664.

**NPDES Permit No. PA0229156**, CAFO, **Four Winds Dairy LLC**, 400 Vanetten Road, Ulysses, PA 16948.

This existing facility is located in Harrison Township, **Potter County**.

Description of Existing Action/Activity: Authorization for a 2,216 AEU dairy CAFO consisting of 1,100 milk cows, 105 dry cows, 655 heifers and 205 calves. The CAFO is situated near the source to the North Fork of the Cowanesque River in watershed 4-A classified for CWF. A release or discharge to waters of the Commonwealth under normal operation conditions is not expected. Normal operation conditions are defined as conditions below a 25-year, 24-hour storm event.

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

**PA0219037**, Industrial Waste, SIC Code 4941, **Greater Johnstown Water Authority**, PO Box 1407, Johnstown, PA 15907-1407. Facility Name: Saltlick WTP. This existing facility is located in East Taylor Township, **Cambria County**.

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

The receiving stream(s), Saltlick Run, is located in State Water Plan watershed 18-E and is classified for High Quality Waters—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 0.053 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Total Residual Chlorine	XXX	XXX	XXX	0.5	XXX	1.0
Total Suspended Solids	XXX	XXX	XXX	30	XXX	60
Total Aluminum	XXX	XXX	XXX	0.75	XXX	1.5
Total Iron	XXX	XXX	XXX	1.5	XXX	3.0
Total Manganese	XXX	XXX	XXX	1.0	XXX	2.0

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.

**PA0001228**, SIC Code 3621, **Curtiss-Wright Electro-Mechanical Corporation**, 1000 Wright Way, Cheswick, PA 15024-1300. Facility Name: Curtiss-Wright Electro-Mechanical Corporation. This existing facility is located in Harmar Township, **Allegheny County**.

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

The receiving streams, Tawney Run and an Unnamed Tributary to the Allegheny River, are located in State Water Plan watershed 18-A and are 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 0.05 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Manganese	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 601 are based on a design flow of 0.0002 MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
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
Chemical Oxygen Demand	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease	XXX	XXX	XXX	15	30	XXX
Total Iron	XXX	XXX	XXX	Report	7.0	XXX

The proposed effluent limits for Outfall 901 are based on a design flow of 0.001MGD.

Parameters	Mass (lb/day)			Concentration (mg/l)		
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Daily Maximum	Instant. Maximum
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 Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease	XXX	XXX	XXX	15	30	XXX
Dissolved Iron	XXX	XXX	XXX	Report	7.0	XXX

The proposed effluent limits for Outfall 002 are based on a design flow of 0.000000 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 003 are based on a design flow of 0.45 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Temperature (°F)	XXX	XXX	XXX	XXX	XXX	110
Total Manganese	XXX	XXX	XXX	Report	Report	XXX

The proposed effluent limits for Outfall 113 are based on a design flow of 0.0025 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
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 Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease	XXX	XXX	XXX	15	30	XXX
Total Iron	XXX	XXX	XXX	Report	7.0	XXX

The proposed effluent limits for Outfall 203 are based on a design flow of 0.0002 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
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
Chemical Oxygen Demand	XXX	XXX	XXX	Report	Report	XXX
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease	XXX	XXX	XXX	15	30	XXX
Total Iron	XXX	XXX	XXX	Report	7.0	XXX

The proposed effluent limits for Outfall 303 are based on a design flow of 0.004 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
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 Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease	XXX	XXX	XXX	15	30	XXX
Dissolved Iron	XXX	XXX	XXX	Report	7.0	XXX

The proposed effluent limits for Outfall 403 are based on a design flow of 0.0023 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
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 Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease	XXX	XXX	XXX	15	30	XXX
Total Iron	XXX	XXX	XXX	Report	7.0	XXX

The proposed effluent limits for Outfall 603 are based on a design flow of 0.0002 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0

<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>
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease	XXX	XXX	XXX	15	30	XXX
Total Iron	XXX	XXX	XXX	Report	7.0	XXX

The proposed effluent limits for Outfall 703 are based on a design flow of 0.0023 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
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease	XXX	XXX	XXX	15	30	XXX
Total Iron	XXX	XXX	XXX	Report	7.0	XXX

The proposed effluent limits for Outfall 903 are based on a design flow of 0.005 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
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
Total Suspended Solids	XXX	XXX	XXX	30	60	XXX
Oil and Grease	XXX	XXX	XXX	15	30	XXX
Total Iron	XXX	XXX	XXX	Report	7.0	XXX

The proposed effluent limits for Outfall 004 are based on a design flow of 0.000000 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>
Total Suspended Solids	XXX	XXX	XXX	Report	Report	XXX

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

- Chemical additives approval condition.

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.

**PA0000558**, SIC Code 6512, **Hertz Gateway Center, LP**, 2 Gateway Center, Pittsburgh, PA 15222-1425. Facility Name: Gateway Center. This existing facility is located in the City of Pittsburgh, **Allegheny County**.

Description of Existing Activity: The application is for a renewal of an NPDES permit for an existing discharge of untreated non-contact cooling water.

The receiving stream, Allegheny River, is located in State Water Plan watershed 18-A 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 21.4 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 Residual Chlorine	XXX	XXX	XXX	0.5	1.0	1.25
Temperature (°F)	XXX	XXX	XXX	XXX	110	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 in effect.

**PA0032611**, Sewage, SIC Code 4952, **Portage Area Sewer Authority**, 606 Cambria Street, Portage, PA 15946-1516. Facility Name: Portage Area STP. This existing facility is located in Portage Township, **Cambria 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), Little Conemaugh River, is located in State Water Plan watershed 18-E and is 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 2.0 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Daily Maximum</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
CBOD <sub>5</sub>	209	313	XXX	25	40	50
		Wkly Avg			Wkly Avg	
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	250	375	XXX	30	45	60
		Wkly Avg			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		
UV Transmittance (mjoules/cm <sup>2</sup> )	XXX	XXX	Report	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Copper						
(Interim)	Report	Report	XXX	Report	Report	Report
(Final)	0.12	0.18	XXX	0.014	0.022	0.035

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.

**PA0022241**, Sewage, SIC Code 4952, **Borough of California**, 225 3rd Street, California, PA 15419-1131. Facility Name: California Borough STP. This existing facility is located in California Borough, **Washington 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), Monongahela River, is located in State Water Plan watershed 19-C and is classified as a Warm Water Fishery. The discharge is not expected to affect public water supplies.

The proposed effluent limits for Outfall 001 are based on a design flow of 1 & 1.2 MGD.

<i>Parameters</i>	<i>Mass (lb/day)</i>			<i>Concentration (mg/l)</i>		<i>Instant. Maximum</i>
	<i>Average Monthly</i>	<i>Daily Maximum</i>	<i>Minimum</i>	<i>Average Monthly</i>	<i>Weekly Average</i>	
Flow (MGD)	Report	Report	XXX	XXX	XXX	XXX
pH (S.U.)	XXX	XXX	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	4.0	XXX	XXX	XXX
Total Residual Chlorine						
(Interim)	XXX	XXX	XXX	0.5	XXX	1.6
CBOD <sub>5</sub>						
(Interim)	210	315	XXX	25	40	50
		Wkly Avg				
(Final)	250	375	XXX	25	40	50
		Wkly Avg				
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
(Interim)	250	375	XXX	30	45	60
		Wkly Avg				
(Final)	300	450	XXX	30	45	60
		Wkly Avg				

Parameters	Mass (lb/day)			Concentration (mg/l)		Instant. Maximum
	Average Monthly	Daily Maximum	Minimum	Average Monthly	Weekly Average	
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
UV Transmittance (mjoules/cm <sup>2</sup> ) (Final)	XXX	XXX	Report	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen	Report	XXX	XXX	Report	XXX	XXX
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
					Daily Max	
					Report	
					Daily Max	

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.

**PA0038181**, Sewage, SIC Code 4952, **Hempfield Township Municipal Authority**, 1146 Woodward Drive, Greensburg, PA 15601-6416. Facility Name: New Stanton STP. This existing facility is located in Hempfield Township, **Westmoreland 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), Sewickley 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 7.2 MGD.

Parameters	Mass (lb/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	6.0	XXX	XXX	9.0
Dissolved Oxygen	XXX	XXX	5.0	XXX	XXX	XXX
CBOD <sub>5</sub>	1,502	2,402 Wkly Avg	XXX	25	40 Wkly Avg	50
BOD <sub>5</sub>						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids						
Raw Sewage Influent	Report	Report	XXX	Report	XXX	XXX
Total Suspended Solids	1,802	2,703 Wkly Avg	XXX	30	45 Wkly Avg	60
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
UV Transmittance (mjoules/cm <sup>2</sup> )	XXX	XXX	Report	Report	XXX	XXX
Total Nitrogen	XXX	XXX	XXX	XXX	Report	XXX
Ammonia-Nitrogen						
May 1 - Oct 31	210	XXX	XXX	3.5	XXX	7.0
Nov 1 - Apr 30	510	XXX	XXX	8.5	XXX	17.0
Total Phosphorus	XXX	XXX	XXX	XXX	Report	XXX
Total Antimony						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	0.46	0.71	XXX	0.0076	0.0118	0.019
Total Selenium						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	0.40	0.63	XXX	0.0067	0.0105	0.01675
Bis(2-Ethylhexyl)Phthalate						
(Interim)	Report	Report	XXX	Report	Report	XXX
(Final)	0.23	0.36	XXX	0.0038	0.0060	0.0095

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.

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


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

**WQM Permit No. 4609407**, Sewage, **Amendment, Upper Merion Township**, 175 West Valley Forge Road, King of Prussia, PA 19406.

This proposed facility is located in Upper Merion Township, **Montgomery County**.

Description of Action/Activity: Upgrades to the existing pump station and installation of a new 16 inch force main.

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

**WQM Permit No. 3806401, Amendment 13-1**, Sewerage, **RV Management Services, LLC**, 25515 Via Mariquita, Carmel, CA 93922.

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

Description of Proposed Action/Activity: Seeking permit approval to modify its existing WWTP to include a denitrification tank and additional pre-equalization tanks. The campground is also proposing to install an additional CA-150 treatment system (already permitted) to handle increasing sewage flows. Automatic chemical injection is also proposed.

**WQM Permit No. 3602203, Amendment 13-1**, Industrial Waste, **Armstrong World Industries**, 1507 River Road, Marietta, PA 17547.

This proposed facility is located in East Donegal Township, **Lancaster County**.

Description of Proposed Action/Activity: Seeking permit approval for upgrades to their existing wastewater plant.

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

**WQM Permit No. 1687403**, Sewage, **Jiffy Mini Mart Inc.**, 721 South Center Street, Grove City, PA 16127.

This existing facility is located in Paint Township, **Clarion County**.

Description of Proposed Action/Activity: Application for transfer of small flow treatment facility.

**WQM Permit No. 3372402**, Sewage, **Amendment, Reynoldsville Sewage Authority**, 400 N. 5th Street, Reynoldsville, PA 15851. This existing facility is located in Reynoldsville Borough, **Jefferson County**.

Description of Proposed Action/Activity: Expansion of wastewater treatment plant including replacement of two RBC's assemblies and five drive assemblies, supplemental aeration system with the RBCs, addition of dewatering press and building, retrofitting headwork's facilities with the installation of a new screening system, and various incidental site improvements.

**WQM Permit No. 1613401**, Sewage, **Bryan Huwar & Terry Rapp**, 190 Huwar Road, Summerville, PA 15864.

This proposed facility is located in Paint Township, **Clarion County**.

Description of Proposed Action/Activity: Sewer extension from the Paint Elk Sanitary Sewer system to service 27 proposed residential rental cabins to be located along Doe Run Road.

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**IV. NPDES Applications for Stormwater Discharges from MS4**


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**V. Applications for NPDES Waiver Stormwater Discharges from MS4**


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


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI011513011	Gregory Levinson 5 Harrison Drive Newtown Square, PA 19073	Chester	Willistown Township	Crum Creek HQ-CWF
PAI011513013	Rite Aid of Pennsylvania, Inc. 877 Kings Hwy, Suite 100 West Deptford, NJ 08096	Chester	Westtown Township	Hunters Run HQ-TSF

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

*Clearfield County Conservation District: 650 Leonard Street, Clearfield, PA 16830, (814) 765-2629*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI041713001	West Penn Power 800 Cabin Hill Dr Greensburg PA 15601	Clearfield	Girard Township	Lost Run HQ-CWF Wild Trout



*Lycoming County Conservation District: 542 County Farm Road Suite 202, Montoursville, PA 17754, (570) 433-3003*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI044113001	City of Williamsport City Hall 245 W 4th St Williamsport PA 17701	Lycoming	City of Williamsport	Lycoming Creek EV

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

PAG-12      CAFOs

**CAFO Notices of Intent Received**

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

**PAG123747, CAFO, A. Wayne Rudolph, 2129 Grace Avenue, Lebanon, PA 17046.**

This proposed facility is located in Swatara Township, **Lebanon County**.

Description of Size and Scope of Proposed Operation/Activity: 170 AEU existing poultry operation.

The receiving stream, UNT to Swatara Creek, is in watershed 7-D, and classified for: WWF.

The proposed effluent limits for the operation/activity include: Except for the chronic or catastrophic rainfall events defined as over the 100-year/24-hour rain storms, the CAFO general permit is a non-discharge NPDES permit. Where applicable, compliance with 40 CFR federal effluent limitation guidelines is required. The general permit requires no other numeric effluent limitations and compliance with the Pennsylvania Nutrient Management Act and the Clean Stream Law constitutes compliance with the state narrative water quality standards.

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

<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>Application or Action</i>
Presque Isle Downs 8199 Perry Highway Erie, PA 16509	Erie	237	383.05	Horse	NA	Application

**STATE CONSERVATION COMMISSION  
PROPOSED NUTRIENT MANAGEMENT PLANS RELATED TO APPLICATIONS  
FOR NPDES PERMITS FOR CAFOs**

This notice provides information about agricultural operations that have submitted nutrient management plans (NMPs) for approval under 3 Pa.C.S. Chapter 5 and that have or anticipate submitting applications for new, amended or renewed NPDES permits, or Notices of Intent (NOIs) for coverage under a general permit, for CAFOs, under 25 Pa. Code Chapter 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.

Based upon preliminary reviews, the State Conservation Commission (SCC) or County Conservation Districts (CCD) working under a delegation agreement with the SCC have completed an administrative review of NMPs described. These NMPs are published as proposed plans for comment prior to taking final actions. The NMPs are available for review at the CCD office for the county where the agricultural operation is located. A list of CCD office locations is available at <http://www.nacdnet.org/about/districts/directory/pa.phtml> or can be obtained from the SCC at the office address listed or by calling (717) 787-8821.

Persons wishing to comment on an NMP are invited to submit a statement outlining their comments on the plan to the CCD, with a copy to the SCC for each NMP, within 30 days from the date of this public notice. Comments received within the respective comment periods will be considered in the final determinations regarding the NMPs. Comments should include the name, address and telephone number of the writer and a concise statement to inform the SCC of the exact basis of the comments and the relevant facts upon which they are based. Comments should be sent to the SCC, Agriculture Building, Room 310, 2301 North Cameron Street, Harrisburg, PA 17110.

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

**NUTRIENT MANAGEMENT PLAN—PUBLIC NOTICE SPREADSHEET**

<i>Agricultural Operation Name and Address</i>	<i>County</i>	<i>Total Acres</i>	<i>Animal Equivalent Units</i>	<i>Animal Type</i>	<i>Special Protection Waters (HQ or EV or NA)</i>	<i>Renewal/New</i>
Craig Finkbiner 2452 Free Spring Church Road McAlisterville, PA 17049	Juniata	390.81	900.7	Swine & Beef	NA	Renewal

<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>Application or Action</i>
Troester Dairy 175 Cannon Road Mifflinburg PA 17844	Union	844.3	1015.4	Dairy	NA	Renewal
Jerry Martin 121 Paradise Lane Lewisburg 17837	Union	1008.4	827.5	Swine	NA	New
Schrack Farms Partnership 860 West Valley Rd Loganton, PA 17747	Clinton	1957	1.05	Dairy	HQ	Application

**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 (35 P. S. §§ 721.1—721.17)**

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

**Permit No. 0213519**, Public Water Supply.

Applicant **Hampton Shaler Water Authority**  
PO Box 66  
3101 McCully Road  
Allison Park, PA 15101

[Township or Borough] Shaler Township  
Responsible Official Samuel Scarfone, Executive Director  
Hampton Shaler Water Authority  
PO Box 66  
3101 McCully Road  
Allison Park, PA 15101  
Type of Facility Water system  
Consulting Engineer KLH Engineers, Inc.  
5173 Campbells Run Road  
Pittsburgh, PA 15205  
Application Received Date May 7, 2013  
Description of Action Emergency construction of the Eade Avenue pump station.

**MINOR AMENDMENT**

**Applications Received Under the Pennsylvania Safe Drinking Water Act**

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

**Application No. 0213518MA, Minor Amendment.**

Applicant **Pennsylvania American Water Company**  
800 West Hersheypark Drive  
Hershey, PA 17033  
[Township or Borough] South Fayette Township  
Responsible Official David Kaufman, Vice President-Engineering  
Pennsylvania American Water Company  
800 West Hersheypark Drive  
Hershey, PA 17033  
Type of Facility Water system  
Consulting Engineer Lennon, Smith, Souleret Engineering, Inc.  
846 Fourth Avenue  
Coraopolis, PA 15108  
Application Received Date May 2, 2013  
Description of Action Rehabilitation of the Mayview water storage tanks. The project includes the installation of waterlines to connect the tanks to the PAWC-Pittsburgh system.

**Application No. 0213512MA, Minor Amendment.**

Applicant **Wilksburg-Penn Joint Water Authority**  
2200 Robinson Boulevard  
Pittsburgh, PA 15235

[Township or Borough] Penn Hills

Responsible Official Nick Bianchi, Executive Director  
Wilksburg-Penn Joint Water Authority  
2200 Robinson Boulevard  
Pittsburgh, PA 15235

Type of Facility Water system

Consulting Engineer Chester Engineers  
1555 Coraopolis Heights Road  
Moon Township, PA 15108

Application Received Date April 10, 2013

Description of Action Cleaning and painting of the  
Scenery Hill water storage tank.

**Application No. 0213513MA, Minor Amendment.**

Applicant **Wilksburg-Penn Joint Water Authority**  
2200 Robinson Boulevard  
Pittsburgh, PA 15235

[Township or Borough] Penn Hills

Responsible Official Nick Bianchi, Executive Director  
Wilksburg-Penn Joint Water Authority  
2200 Robinson Boulevard  
Pittsburgh, PA 15235

Type of Facility Water system

Consulting Engineer Chester Engineers  
1555 Coraopolis Heights Road  
Moon Township, PA 15108

Application Received Date April 10, 2013

Description of Action Cleaning and painting of the  
Reservoir 7 water storage tank.

## 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.*

**Allentown School District Administration Building Gravel Parking Area**, 1301 Sumner Avenue, Allentown City, **Lehigh County**, Sean Cheluis, SSM Group, Inc., has submitted a Notice of Intent to Remediate on behalf of his client, Robert Sperling, Jr., Director of Facilities Services, Allentown School District, 1301 Sumner Avenue, Allentown, PA 18102, concerning the remediation of soil found to have been impacted by off-road diesel fuel when a tank was emptied of its contents. 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 April 15, 2013.

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

**757 Hickory Road Farm House**, Penn Township, **Lancaster County**. GCI Environmental Services, 1250 East King Street, Lancaster, PA 17602, on behalf of Pleasant View Retirement Community, 544 North Penryn Road, Manheim, PA 17545, submitted a Notice of Intent to Remediate soils and groundwater contaminated with

No. 2 fuel oil from an above ground storage tank. The proposed cleanup standard for the site is a combination of Residential Statewide Health and Site-Specific standards. The Notice of Intent to Remediate was published in the *Intelligencer Journal-Lancaster New Era* on April 24, 2013.

#### MUNICIPAL WASTE GENERAL PERMIT

**Application(s) 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.**

*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 Number WMGM049. New Castle Sanitation Authority, Lawrence County, 110 East Washington Street, New Castle, PA 16101.** The application is for the beneficial use of reclaimed water, consisting of treated municipal wastewater, for cooling purposes and as a substitute for industrial process water at an electric generation facility. The reclaimed water in the application is generated at the City of New Castle wastewater treatment plant, Lawrence County. The electric generation facility identified in the application where the reclaimed water will be beneficially used is the Hickory Run Energy Station in North Beaver Township, Lawrence County. Hickory Run Energy Station (HRES) in North Beaver Township, Lawrence County. HRES has been issued an NPDES permit (Permit No. PA0272591) for the discharge of the excess municipal wastewater not beneficially used at the electric generation facility. The application was determined to be administratively complete on April 16, 2013.

Written 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. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984. Comments may also be submitted via e-mail at [rapbenuseall@pa.gov](mailto:rapbenuseall@pa.gov). When submitting comment via e-mail, place "Comments on General Permit Number WMGM049" in the subject line. Faxed comments will not be accepted. Public comments must be submitted within 60 days of this notice and may recommend revisions to, and approval or denial of the application. For more information, contact the Division of Municipal and Residual Waste at 717-787-7381.

#### DETERMINATION FOR APPLICABILITY FOR MUNICIPAL WASTE GENERAL PERMITS

**Application(s) for Determination of Applicability for General Permit 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/or the Beneficial Use of Municipal Waste.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**General Permit No. WMGR028SW003.** Applicant—**Lindy Paving, Inc.**, 2340 2nd Ave., Pittsburgh, PA 15219. Facility—1981 Rt. 119 South, Homer City, PA 15748. A residual waste general permit for the beneficial use of baghouse fines and/or scrubber pond precipitates, generated by hot-mix asphalt plants, for use as: (i) an aggregate in roadway construction, (ii) a soil additive, (iii) a soil conditioner, or (iv) a component or ingredient in the manufacturing of construction products, in Center Township, **Indiana County**, was deemed administratively complete in the Regional Office on May 7, 2013.

Persons interested in reviewing the general permit or the application may contact the Department of Environmental Protection, Regional Files, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, 412-442-4000. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984.

#### AIR QUALITY

##### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS NEW SOURCES AND MODIFICATIONS

The Department 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.

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

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

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

**46-0005AN: Merck, Sharp & Dohme, Corp.** (770 Sunmeytown Pike, West Point, PA 19486-0004) for the redaction and clarification of RACT related condition in the Title V operating permit in Pottstown Borough, **Montgomery County**. The overall air emissions associated with these changes will result in no change in actual or potential emissions from this facility. This project does not trigger applicability toward PADEP's NSR regulations or the federal PSD regulations. The plan approval will include monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**15-0110B: Pepperidge Farm, Inc.** (421 Boot Road, Downingtown, PA 19335) for installation and operation of two (2) 25-ton flour Use Bins with associated bin vent filters at their facility in Downingtown Borough, **Chester County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

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

**25-1038A: Lord Corp.** (2455 Robison Road, Erie, PA 16509) for the proposed relocation and combination of their Erie operations in Summit Township, **Erie County**. Operations from the West 12th Street manufacturing plant and the Grandview Avenue corporate offices will relocate to the new facility. This is a State Only facility. The public notice is required for sources required to obtain a Plan Approval in accordance with 25 Pa. Code § 127.44. This plan approval will, in accordance with 25 Pa. Code § 127.450 or § 127.505, be incorporated into the State Only operating permit at a later date.

The relocation will involve moving existing sources to the new facility and constructing new sources to take the place of existing sources at the manufacturing plant. This project will result in facility emissions of 24.5 tpy for VOC, 24 tpy for total HAPs, and 9.9 tpy for single HAP. This Plan Approval will contain emission restriction, recordkeeping, work practice standard and additional requirement 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:

**Site Conditions:**

- VOC emissions from the facility (combined) shall not exceed 24.5 tpy based on a 12-month rolling period.
- Total HAP emissions from the facility (combined) shall not exceed 24.0 tpy based on a 12-month rolling period.
- Single HAP emissions from the facility (combined) shall not exceed 9.9 tpy based on a 12-month rolling period.

**Spray Booths:**

- VOC emissions from all coating/adhesive booths shall not exceed 23.0 tpy based on a 12-month rolling period.
- Total HAP emissions from all coating/adhesive booths shall not exceed 19.6 tpy based on a 12-month rolling period.
- Subject to 25 Pa. Code § 129.52
- The permittee shall maintain a record of all preventive maintenance inspections of the source. These records shall include, at a minimum, the dates of the inspections, the name of the person performing the inspection, any problems or defects identified, any actions taken to correct the problems or defects, and any routine maintenance performed.
- The permittee shall record the following operational data from the source/control device (these records may be done with strip charts recorders, data acquisition systems, or manual log entries):
  - Pressure drop across filters—daily defined as once per calendar day
  - A facility, regardless of the facility's annual emission rate, which contains surface coating processes shall maintain records sufficient to demonstrate compliance with this section. At a minimum, a facility shall maintain records of:
    - The following parameters for each coating, thinner and other component as supplied:
      - The coating, thinner or component name and identification number.
      - The volume used.
      - The mix ratio.
      - The density or specific gravity.
      - The weight percent of total volatiles, water, solids and exempt solvents.
      - The volume percent of solids for Table I surface coating process categories 1-10.
      - The VOC content of each coating, thinner and other component as supplied.
      - The VOC content of each as applied coating. To meet the daily requirement in 25 Pa. Code § 129.52, the facility shall determine the VOC content of each as applied coating by determining the maximum amount of solvent that can be added to each coating while still meeting the Table 1 limits and never exceeding that amount of solvent.
- The permittee shall record the following:
  - Inventory reports of VOC and HAP containing materials
  - Usage reports of VOC and HAP containing materials
  - Waste shipments of VOC and HAP containing materials
  - Waste analysis of VOC and HAP containing materials
  - Computerized emissions tracking model. Using the computerized emissions tracking model, the records shall be compiled on a monthly basis to determine the total VOC, total HAP, and individual HAP emissions for that month. These monthly totals shall be added to the monthly totals for the previous eleven (11) months to determine the twelve (12) month rolling totals for each type of pollutant.

- The permittee shall maintain the following records for demonstrating compliance:

- A list of each adhesive, sealant, adhesive primer, sealant primer, surface preparation solvent and cleanup solvent product in use and in storage.

- A data sheet or material list which provides the product name, manufacturer identification and use or material application for each product included on the list required under paragraph (1).

- The VOC content of each product on the list required under paragraph (1), as supplied.

- Catalysts, reducers or other components used and the mix ratio.

- The VOC content or vapor pressure of each product on the list required by paragraph (1), as applied, if solvent or other VOC is added to the product before application.

- The volume purchased or produced of each product on the list required under paragraph (1).

- The monthly volume used or applied as part of a manufacturing process at the facility of each product on the list required under paragraph (1).

- The permittee shall maintain and operate the source in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

- The facility shall comply with the following BAT requirements:

- All spray guns used in these booths shall be of the high volume, low pressure (HVLP) type, or a type equivalent to or better than HVLP in terms of transfer efficiency.

- All spray guns shall be cleaned as needed or before allowing to set idle for extended periods. All spray guns used in these booths shall always be cleaned with enclosed spray gun cleaning equipment designed specifically for this purpose.

- The system shall be checked daily for leaks of lines and guns.

- Good housekeeping practices shall be followed at all times, including but not limited to, any spills of adhesive, paint and solvent being cleaned up immediately, and containers of adhesive, paint and solvent kept closed when not in use.

- The permittee shall store or dispose of all absorbent materials, including cloth or paper, which are moistened with adhesives, sealants, primers, surface preparation solvents or cleanup solvents subject to this section, in nonabsorbent containers at the facility that are kept closed except when placing materials in or removing materials from the container.

#### Metal Tanks:

- The permittee shall record the following operational data from the source/control device (these records may be done with strip charts recorders, data acquisition systems, or manual log entries):

- Pressure drop across filters—daily defined as once per calendar day

- pH—daily defined as once per calendar day

- Water flow—daily defined as once per calendar day

- The permittee shall maintain and operate the source in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

#### Parts Washers:

- Subject to 25 Pa. Code § 129.63

#### Research & Development:

- The R&D activities shall not exceed annual emission rates of the following:

- CO: 20 tpy based on a consecutive 12-month period

- Lead: 0.12 tpy based on a consecutive 12-month period

- PM<sub>10</sub>: 3 tpy based on a consecutive 12-month period

- SO<sub>x</sub>: 8 tpy based on a consecutive 12-month period

- VOC: 8 tpy based on a consecutive 12-month period

- NO<sub>x</sub>: 10 tpy based on a consecutive 12-month period

- Single HAP: 1 tpy based on a consecutive 12-month period

- Total HAPs: 2.5 tpy based on a consecutive 12-month period

In accordance with 25 Pa. Code § 127.44(f)(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(f)(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, Pennsylvania 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 [25-1038A] 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 §§ 127.421 to 127.431 for state only operating permits or §§ 127.521 to 127.524 for Title V operating permits.

## 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*

**23-00021: Congoleum Corp.** (4401 Ridge Road, Delaware, PA 19061) for renewal of the Title V Operating Permit in Trainer Borough, **Delaware County**. The initial permit was issued on March 5, 2002. The facility manufactures patterned vinyl flooring, by employing roto-gravure presses and coating lines to engrave images and apply protective/decorative layers on substrate. As a result of potential emissions of VOCs and NO<sub>x</sub>, the facility is a major stationary source as defined in the Clean Air Act, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subpart G. This Title V Renewal does not reflect any change in air emissions from the facility. The renewed permit contains monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00039: Exelon Generation Co.—Moser Generating Station** (Moser and Yost Streets, Pottstown, PA 19464) for operation of an electrical power peak generating station in Lower Pottsgrove Township, **Montgomery County**. As a result of potential emissions of NO<sub>x</sub> and SO<sub>x</sub>, the Moser facility is a major stationary source, as defined in the Clean Air Act. The renewal contains applicable monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**46-00032: SPS Technologies, Inc. (SPS)**, (301 Highland Avenue, Jenkintown, PA 19046) for a major aerospace parts manufacturing facility located at Highland Avenue Abington Township, **Montgomery County**. This action is a renewal of the facility's Title V Operating Permit originally issued on October 18, 2007. There have been several amendments of this TVOP since its original issuance. The renewal does not allow any new changes other than updating of source inventory and changes of minor significance. The operation is subjected to federal NESHAPS and NSPS regulations. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the plant 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.*

**21-05002: PPG Industries, Inc.** (400 Park Drive, Carlisle, PA 17015) for operation of their flat glass manufacturing facility in South Middleton Township, **Cumberland County**.

In accordance with 25 Pa. Code § 127.463, the Department has received an application and intends to issue a revised Title V Operating Permit for the abovementioned facility. This will be a significant modification to the permit.

Recent regulations under Section 129 reduce allowable nitrogen oxides (NO<sub>x</sub>) emission levels and establish detailed monitoring, recordkeeping and reporting require-

ments for the facility's two glass melting furnaces. The company previously requested an alternative compliance schedule for the No. 1 melting furnace in accordance with Section 129.304(c) which expressly provides for such measures. A petition for an alternative emission limitation for Glass Furnace No. 1 has been submitted to amend the previous requirements for that furnace based upon detailed cost figures now available for the facility. The Title V permit will be modified to approve this petition. This include the deletion of certain conditions related to the initial petition, the addition of conditions related to the new petition, and the revision of certain RACT-related conditions to ensure consistency with the SIP.

Facility actual emissions for calendar year 2012 included 2,968 tons of NO<sub>x</sub>, 705 tons of sulfur oxides and 261 tons of particulate matter.

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, 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.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**65-000137: Allegheny Ludlum, LLC. /Vandergrift** (100 River Road, Brackenridge, PA 15014) In accordance with 25 Pa. Code §§ 127.424, 127.425 and 127.521, the Department of Environmental Protection (DEP) is providing notice that it intends to issue a renewal Title V Operating Permit (TVOP-65-000137) to Vandergrift facility to authorize the continued operation of a stainless steel sheets, strips and plates finishing operations facility located in Vandergrift Boro., **Westmoreland County**. The name and address of the applicant is Allegheny Ludlum, LLC./Vandergrift, 100 River Road, Brackenridge, PA 15014.

The finishing operations at this facility primarily include two annealing and pickling lines, two boilers and two cold reduction mills, shearing, abrasive cutting and machining and other miscellaneous equipment associated with this type of operations. The facility has the potential to emit 0.6 ton per year of SO<sub>2</sub>, 331.8 tons per year of NO<sub>x</sub>, 80.0 tons per year of PM/PM<sub>10</sub> and 20.3 tons per year of VOCs. NO<sub>x</sub> emission is above its respective major facility emission threshold. The proposed TVOP renewal

contains conditions relating to monitoring, recordkeeping and work practice standards.

Copies of the application, DEP's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at DEP, 400 Waterfront Drive, Pittsburgh, PA 15222. Appointments for scheduling a file review may be made by calling 412-442-4286. Any person wishing to provide DEP with additional information that they believe should be considered prior to the issuance of this permit may submit the information to DEP at the address shown above. 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 TVOP-65-000137) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if DEP, 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 DEP determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Barbara Hatch, Air Quality Environmental Engineer Manager, DEP, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-5226.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**37-00023: Genon Power Midwest LP—New Castle Power Plant** (PO Box 325, West Pittsburgh, PA 16160) to modify a Title V Operating Permit for their New Castle Power Plant in Taylor Township, **Lawrence County**.

The modification is in accordance with 25 Pa. Code § 127.463. The permit expires April 30, 2017. Genon Power New Castle Power Plant is a major facility and is subject to the Title V Operating Permit requirements adopted in 25 Pa. Code Chapter 127, Subchapters F and G. The facility is subject to multiple State and Federal Regulations. The modification involves the incorporation of the requirements of 40 CFR 63 Subpart DDDDD—National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters. These requirements became effective April 1, 2013. The Department is required to revise the permit because the expiration date of the current permit is more than 3 years from the effective date of Subpart DDDDD. The facility has an auxiliary boiler used for building heat and freeze protection. Source 030 is a Clayton Industries boiler (model EO-204-1) rated at 8.2 mmbtu/hr. The boiler is fueled with #2 oil. This boiler is subject to the tune-up and energy assessment work practice standards of Subpart DDDDD. Minor changes were also made to the permit to reflect the amended language of 40 CFR 63 Subpart ZZZZ—NESHAPs for Stationary Reciprocating Internal Combustion Engines.

Copies of the Department's analysis and other documents used in the evaluation of the application are available for public inspection during normal business hours at the Department of Environmental Protection, 230 Chestnut Street, Meadville, PA 16335.

Any person wishing to provide the Department of Environmental Protection with additional information they believe should be considered prior to the issuance of this permit may submit the information to the Department at the address shown above. 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 # TV 37-00023) and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

Written comments should be directed to Mr. John F. Guth, Program Manager, Air Quality, Department of Environmental Protection, Northwest Region, 230 Chestnut Street, Meadville, PA 16335. For additional information concerning the permit or the issuance procedure, contact Mr. Matthew M. Williams, Facilities Section Chief, Air Quality Program, at the same address or phone at (814) 332-6131.

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**Intent to Issue Operating Permits under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**15-00086: Griffin Industries LLC—dba Bakery Feeds** (97 Westbrook Drive, Honey Brook, PA 19344) for an animal feed processing facility in Honey Brook Township, **Chester County**. The renewal permit is for a non-Title V (State only) facility. Operations at the facility include drying of waste bakery products, separation of the product and packaging and blending of the recycled bakery product with an animal feed ingredient. A regenerative thermal oxidizer (RTO) controls VOC emissions from the dryer with a minimum of 98% efficiency. Natural gas, non-chemically treated wood, and packaging waste are approved fuels for the biomass burner with the rotary dryer. No emissions increases above previously approved levels are authorized with the renewal. The operating permit will include monitoring, testing, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

**23-00072: Action Supply Co., Inc.** (1401 Calcon Hook Road, Sharon Hill, PA 19079) for a renewal of a State Only Operating Permit in Darby Township, **Delaware County**. The facility operates three ready-mix concrete plants and a concrete recycling plant consisting of two crushers and a screener. The recycling plant is powered by three diesel-fired engines. While there is no restriction in operating hours for the concrete plants, the recycling plant is limited to a 2,000 hour per year limitation. There have been no source changes or modifications to any plant equipment since this operating permit was last issued; however new requirements from the Federal MACT Standards of Subpart ZZZZ, which are applicable to the diesel-fired engines, are being included in the operating permit. Also incorporated in the operating permit and in accordance with EPA standards on the regulation of fuels and fuel additives, all non-road diesel fuel is subject to a maximum sulfur content of 15 ppm per gallon standard. Action Supply Co., Inc. is a synthetic minor facility. Monitoring, record keeping and reporting requirements have been added to the permit to address applicable limitations.



**46-00240: JBS Souderton, Inc.** (249 Allentown Rd, Souderton, PA 18964) for an animal slaughtering, meat processing and meat packing plant, synthetic minor facility in Franconia Township, **Montgomery County**. This action is a renewal of the facility's State Only Operating Permit originally issued on May 22, 2007. The renewal does not allow any new changes other than updating of source inventory and changes of minor significance. The operation is subjected to federal NESHAPS and NSPS regulations. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

**46-00147: Chemalloy Company, Inc.** (P. O. Box 350 Bryn Mawr, PA 19010) for a primary metal products manufacturing minor facility at 1301 Conshohocken Rd, Conshohocken, PA 19428, Plymouth Township, **Montgomery County**. This action is a renewal of the facility's State Only Operating Permit originally issued on December 13, 2007. The renewal does not allow any new changes other than updating of source inventory and changes of minor significance. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the plant operating within all applicable air quality requirements.

**09-00135: Met-Pro Corp—Fybroc Division** (700 Emlen Way, Telford, PA 18969) for renewal of a State Only Operating Permit for a pumps and pumping equipment manufacturing facility in Telford Borough, **Bucks County**. The facility is a natural minor facility for VOC and HAP emissions. This facility is limited to 3.5 tons per year of VOC/HAP emissions. This Operating Permit renewal includes emission restrictions, monitoring, recordkeeping and work practice requirements designed to ensure this facility complies with all applicable air quality regulations.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**40-00063: Kappa Graphics, LP** (50 Rock Street, Pittston, PA 18640-3028) for operation of a lithographic printing operation in Hughestown Borough, **Luzerne County**. The sources consist of four (4) presses and a thermal oxidizer for emission control of volatile organic compounds (VOC's). 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.

**48-00055: Philadelphia Archdiocese—Mary Immaculate Center** (300 Cherryville Road, Northampton, PA 18067-9548) for operation of three (3) boiler at the facility located in Lehigh Township, **Northampton County**. The boilers are fired on #4 or lighter fuel oil. 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.*

**67-03094: Rocher, Inc.—d/b/a Del-Wood Kitchens, Inc.** (1856 Dubs Church Road, Hanover, PA 17331) for operation of a wood kitchen cabinet manufacturing in Manheim Township, **York 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.

Actual 2011 emissions at the facility are estimated to be approximately 5.4 tons of VOCs and 0.5 ton 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 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, protests or requests for a public hearing.

Mr. William 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, protests or requests for a public hearing.

**22-05041: The Hershey Company** (1033 Old West Chocolate Avenue, Hershey PA 17033) for the West Chocolate Manufacturing plant in Derry Township, **Dauphin 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 facility's annual emission are approximately 12.6 tons of CO, 7.4 tons of PM<sub>10</sub>, 4.8 tons of NO<sub>x</sub>, 1.2 tons of VOCs, and 0.11 ton of SO<sub>x</sub>. 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 facility's boilers are subject to 40 CFR Part 60, Subpart Dc requirements, and several of the plant's emergency generators and fire pump engines are subject to 40 CFR Part 60, Subpart IIII & 40 CFR Part 63, Subpart ZZZZ 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 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, protests or requests for a public hearing.

Thomas J. 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.

**50-03004: Tuscarora Hardwoods, Inc.** (2240 Shermans Valley Road, Elliotsburg, PA 17024) for operation of a lumber processing facility in Spring Township, **Perry 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 boiler emissions are: 24 tons of PM per year; 72 tons of CO per year; 26.4 tons of NO<sub>x</sub> per year; 3 tons of SO<sub>x</sub> per year; and 2.61 tons of VOCs per year. 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.

The facility includes equipment subject to 40 CFR, Part 60, Subpart JJJJJJ—National Emission Standards for Area Sources: Industrial/Commercial/Institutional Boilers and 40 CFR, Part 60, Subpart Dc—Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

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, protests or requests for a public hearing.

Mr. Gary Helsel, Acting Chief, New Source Review Section, 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, protests or requests for a public hearing.

**36-05086: Donsco, Inc.** (100 South Jacobs Street, Mount Joy, PA 17552) for the foundry operations in Mount Joy Borough, **Lancaster 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 facility's melt operations are subject to the area source requirements of 40 CFR Part 63, Subpart ZZZZZ. 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. The facility has potential emissions of 43.1 tons of PM<sub>10</sub> and 13.8 tons 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 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 identification of the proposed permit by the permit number listed above.

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 J. 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.

**22-03036: Alfa-Laval, Inc.** (300 Chestnut Street, Lykens, PA 17048) for the heat exchanger manufacturing plant in Lykens Borough, **Dauphin 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 facility's boiler is subject to 40 CFR Part 63, Subpart JJJJJJ and the facility's abrasive blasting, machining operations, and welding operations are all subject to 40 CFR Part 63, Subpart XXXXXX. 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. The facility has the potential to emit 3.16 tons of CO, 3.77 tons of NO<sub>x</sub>, 8.59 tons of PM<sub>10</sub>, 5.23 tons of VOCs, and 0.02 ton of SO<sub>x</sub>.

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 identification of the proposed permit by the permit number listed above.

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 J. 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.

**21-05051: PA State System of Higher Education—Shippensburg University** (1871 Old Main Drive, Shippensburg, PA 17257-2299) for boilers and emergency generators in Shippensburg Borough, **Cumberland County**. This is a renewal of their State-Only Operating Permit issued in October 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 primary emissions from the facility are SO<sub>x</sub>, NO<sub>x</sub>, CO, and particulate matter. The facility's actual 2011 annual emissions are: SO<sub>x</sub> 68 tons, NO<sub>x</sub> 29 tons, PM<sub>10</sub> 23 tons, CO 2 tons, and VOC 0.3 ton. The boilers and emergency generator engines are subject to the area source MACTs 40 CFR Part 63, Subparts JJJJJJ and ZZZZ respectively.

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.

Mr. Gary Helsel, Acting Chief, New Source Review Section, 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.

**38-05031: Supreme Mid-Atlantic Corp.** (411 Jonestown Road, P. O. Box 779, Jonestown, PA 17038) for the operation of a truck and truck parts coating operation 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. Actual VOC emissions are estimated to be around 8.0 tpy. 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 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 identification of the proposed permit by the permit number listed above.

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 J. 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.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**65-00064: Specialty Seal Group, Inc.—Latrobe Plant** (1001 Lloyd Ave. Latrobe, PA 15650) for operation of electronic components having a hermetic seal in the Unity Township, **Westmoreland 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 12 electric furnaces, ammonia storage tank, nickel plating line and an electroless nickel plating line. The facility has the potential to emit 0.02 tpy NO<sub>x</sub>, 0.18 tpy CO, 0.297 tpy VOC, and 0.761 tpy HAPs. 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. The proposed authorization is subject to State and Federal Regulations. 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, Pennsylvania 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 (65-00064) 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.

**04-00734: Sardello, Inc.** (1000 Corporation Drive, Aliquippa, PA 15001) In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) to Sardello, Inc. to authorize the continued operation of their Hopewell Facility located in Hopewell Township, **Beaver County**.

This is a remanufacturing plant for equipment such as fuel pumps, fuel injectors, valves, governors & parking brakes as well as non-mechanical metallic components. Processes include thermal and/or abrasive cleaning, painting and coating and testing. Estimated potential emission from this facility is 8.51 tons of VOCs per year which include HAPs and other pollutants of insignificant amount.

The proposed SOOP contains conditions relating to emission restrictions, monitoring, recordkeeping, reporting and work practice standards.

Arrangements may be made to review the application at our offices. Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Operating Permit renewal may written comments to Barbara Hatch, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222, 412-442-5226 (bhatch@pa.gov). 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 OP-04-00734), and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if DEP, 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 DEP determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Barbara Hatch at the location identified above.

**65-00621: Kennametal Inc.** (1008 Club Drive, Johnstown, PA 15905) In accordance with 25 Pa. Code §§ 127.424 and 127.425 the Department of Environmental Protection (DEP) gives notice that they intend to issue a State Only Operating Permit (SOOP) to Kennametal Inc. to authorize the continued operation of their Kingston Plant located in Derry Township, **Westmoreland County**.

The facility produces tungsten, tungsten carbide, tungsten titanium carbide powder to make tool and parts for industries. The facility consists of small crushers and screens, blenders, furnaces and several dust collectors and other equipment associated with this type of industries.

The facility has the potential to emit up to 28.96 tons per year of total particulate matter (PM), 6.09 tons per year of NO<sub>x</sub> and other pollutants of insignificant amount. The proposed SOOP contains conditions relating to emission restrictions, monitoring, recordkeeping, reporting and work practice standards.

Arrangements may be made to review the application at our offices. Those who wish to provide the Department with additional written information that they believe should be considered prior to the issuance of the Operating Permit renewal may written comments to Barbara Hatch, Pennsylvania Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222, 412-442-5226 (bhatch@pa.gov). 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 OP-65-00621), and concise statements regarding the relevancy of the information in the proposed permit or objections to issuance of the permit.

A public hearing may be held, if DEP, 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 DEP determines such notification by telephone is sufficient. Written comments or requests for a public hearing should be directed to Barbara Hatch at the location identified above.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Matthew M. Williams—Telephone: 814-332-6131*

**10-00281: II VI, Inc.** (375 Saxonburg Boulevard, Saxonburg, PA 16056-9430) for renewal of the operating permit for their facility in Clinton Township, **Butler County**. The sources at the facility include miscellaneous combustion sources, batch vapor degreaser using a halogenated solvent, chemical vapor deposition units, hydrogen selenide gas production, thin film materials produc-

tion, isopropyl alcohol vapor degreasers, batch vapor dryer, and emergency generators. The emergency generators are fueled with low sulfur diesel (15 ppmv). The conditions of the previous plan approval and operating permit were incorporated into the renewal permit. The halogenated solvent vapor degreaser is subject to 40 CFR 63 Subpart T—NESHAP for Halogenated solvent cleaning. The emergency generators are subject to 40 CFR 63 Subpart ZZZZ—NESHAP for Reciprocating Internal Combustion Engine (RICE). Emissions from the facility are less than the major source thresholds. The facility is a Natural Minor.

## 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*

**32831602 and NPDES No. PA0214515. General Trade Corporation**, (745 Power Plant Road, New Florence, PA 15944-7000). To renew the permit for The Central Preparation Plant in West Wheatfield Township, **Indiana County** and related NPDES Permit. No additional discharges. The application was considered administratively complete on May 1, 2013. Application received March 12, 2013.

**30841316. Consol Pennsylvania Coal Company, LLC**, (PO Box J, 1525 Pleasant Grove Road, Claysville, PA 15323). To revise the permit for the Bailey Mine & Prep Plant in Richhill Township, **Greene County** to install an AMD plant pipeline and sludge injection borehole. Application also includes a request for a Section 401 Water Quality Certification. Surface Acres Proposed 46.0. No additional discharges. The application was considered administratively complete on May 2, 2013. Application received March 12, 2013.

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**63050102 and NPDES Permit No. PA0250767. S & K Energy, Inc.** (5945 Pudding Stone Lane, Bethel Park, PA 15102). Application received for transfer of permit currently issued to Mulligan Mining, Inc. for continued operation and reclamation of a bituminous surface mining site located in Smith Township, **Washington County**, affecting 143.9 acres. Receiving streams: unnamed tributaries to Raccoon Run and Raccoon Creek, classified for the following use: warm water fishes. The first downstream potable water supply intake from the point of discharge is greater than ten miles from the proposed site. Transfer application received: April 19, 2013.

**63080101 and NPDES Permit No. PA0251381. S & K Energy, Inc.** (5945 Pudding Stone Lane, Bethel Park, PA 15102). Application received for transfer of permit currently issued to Mulligan Mining, Inc. for continued operation and reclamation of a bituminous surface mining site located in Smith Township, **Washington County**, affecting 124.0 acres. Receiving streams: unnamed tributaries to Raccoon Creek and Little Raccoon Creek, classified for the following use: warm water fishes. The first downstream potable water supply intake from the point of discharge is greater than ten miles from the proposed site. Transfer application received: April 19, 2013.

**03040101 and NPDES Permit No. PA0250597. AMFIRE Mining Company, LLC** (One Energy Place, Latrobe, PA 15650). Renewal application for reclamation only to an existing bituminous surface mine, located in Gilpin Township, **Armstrong County**, affecting 62.1 acres. Receiving stream: unnamed tributary to Allegheny River, classified for the following use: WWF. The potable water supply with intake within 10 miles downstream from the point of discharge: Freeport Water Company. Renewal application received: April 26, 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.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**64130801 and NPDES Permit No. PA0225355. LCJ Partners, LLC**, (5087 SR 492, Susquehanna, PA 18847), commencement, operation and restoration of a bluestone quarry operation and NPDES Permit for discharge of treated mine drainage in Scott Township, **Wayne County** affecting 5.0 acres, receiving stream: HQ-cold water and migratory fishes. Application received: April 8, 2013.

**0908031C2 and NPDES Permit No. PA022642. Haines & Kibblehouse, Inc.**, (PO Box 196, Skippack, PA 19474), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Hilltop Township, **Bucks County** affecting 52.9 acres, receiving stream: unnamed tributary to Morris Run, classified for the following uses; trout stock fishes and migratory fishes. Application received: April 15, 2013.

**48980301C7 and NPDES Permit No. PA0223875. Chrin Brothers Inc.**, (635 Industrial Drive, Easton, PA 18042), renewal of NPDES Permit for discharge of treated mine drainage from a quarry operation in Williams Township, **Northampton County** affecting 36.8 acres, receiving stream: unnamed tributary to Lehigh River, classified for the following use: cold water fishes. Application received: April 16, 2013.

## FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401

The following permit applications, requests for Environmental Assessment approval and requests for 401 Water Quality Certification have been received by the Department. Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341) requires the Commonwealth to certify that the involved projects will not violate the sections 301—303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311—1313, 1316 and 1317) as well as relevant State requirements. Persons objecting to approval of a request for certification under section 401 of the FWPCA, the issuance of a Dam Permit or Water Obstruction and Encroachment Permit or the approval of an Environmental Assessment shall submit comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before an application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between 8 a.m. and 4 p.m. on working days at the office noted before the application.

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

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

#### WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Waterways and Wetlands Program Manager, 2 East Main Street, Norristown, PA 19401*

**E15-257. Pennsylvania Department of Transportation**, 7000 Geerdes Blvd, King of Prussia, PA 19406, City of Philadelphia, **Philadelphia County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the reconstruction and widening of Interstate Route I-95 (SR 0095 Section GR3) Northbound Lanes to include four thru-lanes plus a fifth lane from Columbia Avenue North to Ann Street. The following water obstructions and encroachments are:

1. To construct and maintain a 54-inch diameter reinforced concrete Stormwater outfall structure discharging into the Delaware River (WWF) from Cumberland Street.
2. To construct and maintain a 48-inch diameter reinforced concrete Stormwater outfall discharging into the Delaware River (WWF) from Dyott Street.
3. To modify and maintain the existing Delaware River Bulkhead to accommodate the new wingwalls and fittings of the two proposed outfall structures.

The project permanently impacts approximately .00987 acre of water way at the Outfall structure locations. The project impact area is located along the Delaware River. The Cumberland Street impact is located approximately 273 feet east of the intersection of Beach and Cumberland Streets in the City of Philadelphia, Philadelphia County (Camden, NJ-PA, USGS Quadrangle N: 17.76 inches; W: 16.23 inches); and the Dyott Street impact is located approximately 300 feet North of the intersection of Beach Street and Dyott Street in the City of Philadelphia, Philadelphia County (Camden, NJ-PA USGS Quadrangle N: 17.18 inches; W: 17.05 inches).

**E15-839. Aqua PA**, 105 Valley Forge Road, Phoenixville, PA 19460-2657, Phoenixville Borough, **Chester County**, ACOE Philadelphia District.

To perform the following water obstruction and encroachment activities associated with the removal and replacement of an existing bridge on Aqua Pennsylvania Pickering Plant Site over Pickering Creek (WWF/MF). These activities are:

1) To remove an existing three span composite Concrete I-beam bridge and two associated abutment piers over the Pickering Creek along with auxiliary parts connected.

2) To construct and maintain a single span steel beam bridge approximately 82.2 feet upstream of the old existing bridge. The proposed bridge has an approximate 25 feet underclearance and a 105 approximate span length impacting approximately 110 linear feet of Pickering Creek.

3) To conduct grading within the floodway to accommodate the construction of the proposed bridge.

The project is located on the East side of the intersection of North Main Street and Vanderslice Street and runs an approximate 475 feet segment south ending at approximately 225 feet north of the intersection of North Main Street and Mills Street (Phoenixville, PA USGS Quadrangle N: 2.06 inches; W: 1.91 inches).

**E15-843. CCCD**, 688 Unionville Road, Suite 200. Kennett Square, PA 19348, East Bradford Township, **Chester County**, ACOE Philadelphia District.

To restore and maintain approximately 2,150 linear feet of impaired reach of Plum Creek (TSF), and an unnamed tributary to Plum Creek (TSF), through a combination of

the following measures: legacy sediment removal, stream-bank stabilization, stream alignment, floodplain restoration and installation of fish habitat.

The site is located northeast of the intersection of PA SR 52 and PA US 322, West Chester PA, USGS map N: 10.5 inches; W: 16:00 inches.

*Northeast Region: Waterways and Wetlands Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915, Telephone 570-826-2511.*

**E40-744. Harveys Lake Borough**, 4875 Memorial Highway, Harveys Lake, PA 18618, in Harveys Lake Borough, **Luzerne County**, U.S. Army Corps of Engineers, Baltimore District.

To construct and maintain floating wetland islands for nutrient removal as part of a project to reduce phosphorous concentration to meet the lake's TMDL. The project is located in Harveys Lake (Harveys Lake, PA Quadrangle, Latitude: 41°21'48.3"; Longitude: -76°2'23.3").

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone: 717.705.4802.*

**F22-595: Lower Swatara Township**, 1499 Spring Garden Drive, Middletown, PA 17057 in Lower Swatara Township, **Dauphin County**, ACOE Baltimore District.

To demolish and remove obstructions that were damaged by flooding from the floodplain of the Susquehanna River and Swatara Creek at the following locations listed. The projects propose to temporarily impact a total of 0.75 acre of floodplain. The issuance of this permit will not constitute approval of Water Quality Certification under Section 401 of the Federal Clean Water Act (33 U.S.C.A. § 1341).

	<i>Address</i>	<i>Waterway</i>	<i>Chapter 93 Designation</i>	<i>USGS Quadrangle</i>	<i>Latitude</i>	<i>Longitude</i>
1	1292 Fries Grove Road, Middletown, PA 17057	Swatara Creek	WWF, MF	Middletown, PA	40° 12' 52.8"	-76° 43' 26.4"
2	1296 Fries Grove Road, Middletown, PA 17057	Swatara Creek	WWF, MF	Middletown, PA	40° 12' 54.6"	-76° 43' 26.8"
3	1300 Swatara Park Road, Middletown, PA 17057	Swatara Creek	WWF, MF	Middletown, PA	40° 12' 45.7"	-76° 43' 17.6"
4	1360 Swatara Park Road, Middletown, PA 17057	Swatara Creek	WWF, MF	Middletown, PA	40° 12' 46.4"	-76° 43' 17.6"
5	1497 Swatara Park Road, Middletown, PA 17057	Swatara Creek	WWF, MF	Middletown, PA	40° 13' 4.6"	-76° 43' 29.7"
6	1356 Vine Street, Middletown, PA 17057	Swatara Creek	WWF, MF	Middletown, PA	40° 12' 39.4"	-76° 43' 11.8"
7	1425 Vine Street, Middletown, PA 17057	Swatara Creek	WWF, MF	Middletown, PA	40° 13' 3.3"	-76° 43' 29.3"
8	107 Bradford Avenue, Middletown, PA 17057	Susquehanna River	WWF, MF	Steelton, PA	40° 12' 6.8"	-76° 45' 50.2"
9	148 Bradford Avenue, Middletown, PA 17057	Susquehanna River	WWF, MF	Steelton, PA	40° 12' 7.7"	-75° 45' 48.1"
10	1996 Locust Avenue, Middletown, PA 17057	Susquehanna River	WWF, MF	Steelton, PA	40° 12' 6.2"	-76° 45' 53.4"
11	124 Wayne Avenue, Middletown, PA 17057	Susquehanna River	WWF, MF	Steelton, PA	40° 12' 7.6"	-76° 45' 52.2"
12	165 Wayne Avenue, Middletown, PA 17057	Susquehanna River	WWF, MF	Steelton, PA	40° 12' 9.9"	-76° 45' 52.5"

	Address	Waterway	Chapter 93 Designation	USGS Quadrangle	Latitude	Longitude
13	166 Wayne Avenue, Middletown, PA 17057	Susquehanna River	WWF, MF	Steelton, PA	40° 12' 8.7"	-76° 45' 51.5"
14	1301 Swatara Park Road, Middletown, PA 17057	Swatara Creek	WWF, MF	Middletown, PA	40° 12' 47.4"	-76° 43' 48.7"

**E05-370: New Enterprise Stone and Lime Co., Inc.**, P. O. Box 77 New Enterprise, PA 16664, in West Providence Township, **Bedford County**, Baltimore ACOE District.

To install and maintain a (1) 95-linear foot concrete box culvert with concrete wing walls in Black Valley Creek (WWF,MF), (2) place 3,915 cubic feet of fill within the floodway of Black Valley Creek (WWF,MF), for the purpose of access to the slag site. The project proposes to directly affect 120-linear feet of stream channel (Everett West PA Quadrangle Latitude: 40° 0' 23", Longitude: -78° 23' 0").

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

**E0829-072: PVR NEPA Gas Gathering, LLC**, 101 West Third Street, Williamsport, PA 17701, West Burlington Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. a 12 inch diameter natural gas line and a temporary timber mat bridge impacting 2,802 square feet of a Palustrine Emergent Wetland (Leroy, PA Quadrangle, Latitude: 41°44'02", Longitude: -76°37'46");

2. a temporary timber mat bridge impacting 47 linear feet of an unnamed tributary to North Branch Towanda Creek (CWF, MF) (Leroy, PA Quadrangle, Latitude: 41°44'04", Longitude: -76°37'48");

3. a 12 inch diameter natural gas line, an electrical line, a permanent access road and a temporary timber mat bridge impacting 40 linear feet of an unnamed tributary to North Branch Towanda Creek (CWF, MF) and impacting 5,477 square feet of an adjacent Palustrine Emergent Wetland (Leroy, PA Quadrangle, Latitude: 41°44'04", Longitude: -76°37'49");

4. a 12 inch diameter natural gas line, an electrical line, a 50 foot prefabricated steel bridge with associated fill and a temporary timber mat bridge impacting 82 linear feet of an unnamed tributary to North Branch Towanda Creek (CWF, MF) and impacting 2,389 square feet of an adjacent Palustrine Emergent Wetland, 1,942 square feet of a Palustrine Scrub-Shrub Wetland and 1,067 square feet of a Palustrine Forested Wetland (Leroy, PA Quadrangle, Latitude: 41°44'04", Longitude: -76°37'52");

5. a temporary timber mat bridge impacting 1,764 square feet of a Palustrine Emergent Wetland (Leroy, PA Quadrangle, Latitude: 41°44'00", Longitude: -76°38'00");

The project will result in 169 linear feet or 597 square feet of temporary stream impacts and 12,432 square feet (0.29 acre) of PEM wetlands, 1,942 square feet (0.04 acre) of PSS wetland and 1,067 square feet (0.02 acre) of PFO wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development in West Burlington Township, Bradford County. The permittee will provide 0.09 acre of wetland enhancement mitigation and 0.11 acre of wetland

creation at the Wittig Mitigation Site (Factoryville, PA Quadrangle, Latitude: 41°37'11", Longitude: -75°46'22").

**E4129-037: PVR Marcellus Gas Gathering, LLC**, 101 West Third Street, Williamsport, PA 17701, Jackson Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

(1) one 12-inch waterline, one 30-inch natural gas pipeline, and a timber mat bridge impacting 2,193 square feet of a palustrine forested (PFO) wetland adjacent to Little Elk Run (EV, MF) (Liberty, PA Quadrangle 41°32'44"N 77°03'39"W);

(2) a stream realignment impacting 271 linear feet of Little Elk Run (EV, MF) and 261 square feet of an adjacent palustrine emergent (PEM) wetland (Liberty, PA Quadrangle 41°32'44"N 77°03'41"W).

The project will result in 271 linear feet of stream impacts and 0.1 acre of wetland impacts all for the purpose of installing a natural gas gathering line, a water line, and associated road ways for Marcellus well development and mitigating for previous pipeline construction. These are additional impacts to be included along with pipeline impacts previous published in the *Pennsylvania Bulletin* on May 19, 2012.

**E4129-075: Anadarko Marcellus Midstream, LLC**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Cascade Township, **Lycoming County**, ACOE Baltimore District.

To construct, operate, and maintain:

1) two 6-inch gas pipelines, one 12-inch waterline, and two 6-inch waterlines impacting 47 linear feet of an unnamed tributary to West Branch Wallis Run (EV, MF) (Barbours, PA Quadrangle 41°28'08"N 76°51'33"W);

2) two 6-inch gas pipelines, one 12-inch waterline, two 6-inch waterlines, and a timber mat bridge impacting 8,870 square feet of palustrine forested (PFO) wetland (Barbours, PA Quadrangle 41°27'24"N 76°52'00"W);

3) two 6-inch gas pipelines, one 12-inch waterline, two 6-inch waterlines, and a timber mat bridge impacting 51 linear feet of West Branch Wallis Run (EV, MF) and 1,987 square feet of adjacent palustrine forested (PFO) wetlands (Barbours, PA Quadrangle 41°27'21"N 76°51'57"W);

4) two 6-inch gas pipelines, one 12-inch waterline, and two 6-inch waterlines impacting 109 square feet of palustrine emergent (PEM) wetland (Barbours, PA Quadrangle 41°27'10"N 77°51'44"W).

The project will result in a total of 98 linear feet of stream impacts and 0.25 acre of wetland impacts all for the purpose of installing a natural gas gathering line, water line, and temporary access roadways for Marcellus well development.

**E4129-034: Anadarko Marcellus Midstream, L.L.C.**, 33 West Third Street, Suite 200, Williamsport, PA 17701, Cascade Township, **Lycoming County**, ACOE Baltimore District.



To construct, operate, and maintain:

1) a temporary road crossing using a timber mat bridge, two 6-inch flex steel gas lines, two 6-inch flex steel waterlines, one 12-inch steel gas line, one 12-inch HDPE waterline, one 24-inch steel gas line, and one electric/fiber optic line impacting 11516 square feet of a palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°27'15"N 76°54'43"W);

2) a temporary road crossing using a timber mat bridge, two 6-inch flex steel gas lines, two 6-inch flex steel waterlines, one 12-inch steel gas line, one 12-inch HDPE waterline, one 24-inch steel gas line, and one electric/fiber optic line impacting 66 linear feet of an unnamed tributary (UNT) to Slacks Run (HQ-CWF, MF) and 2,814 square feet of adjacent palustrine scrub-shrub (PSS) wetland (Bodines, PA Quadrangle 41°27'16"N 76°54'30"W);

3) a temporary road crossing using a timber mat bridge, two 6-inch flex steel gas lines, two 6-inch flex steel waterlines, one 12-inch steel gas line, one 12-inch HDPE waterline, one 24-inch steel gas line, and one electric/fiber optic line impacting 280 linear feet of an unnamed tributary (UNT) to Slacks Run (HQ-CWF, MF) and 21,199 square feet of adjacent palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°27'17"N 76°54'25"W);

4) a temporary road crossing using a timber mat bridge, two 6-inch flex steel gas lines, two 6-inch flex steel waterlines, one 12-inch steel gas line, one 12-inch HDPE waterline, one 24-inch steel gas line, and one electric/fiber optic line impacting 3,019 square feet of a palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°27'18"N 76°53'59"W);

5) a temporary road crossing using a timber mat bridge, two 6-inch flex steel gas lines, two 6-inch flex steel waterlines, one 12-inch steel gas line, one 12-inch HDPE waterline, one 24-inch steel gas line, and one electric/fiber optic line impacting 6,118 square feet of a palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°27'18"N 76°53'56"W);

6) a temporary road crossing using a timber mat bridge, two 6-inch flex steel gas lines, two 6-inch flex steel waterlines, one 12-inch steel gas line, one 12-inch HDPE waterline, one 24-inch steel gas line, and one electric/fiber optic line impacting 40 linear feet of an unnamed tributary (UNT) to Salt Run (EV, MF) (Bodines, PA Quadrangle 41°27'18"N 76°53'51"W);

7) a temporary road crossing using a timber mat bridge, two 6-inch flex steel gas lines, two 6-inch flex steel waterlines, one 12-inch steel gas line, one 12-inch HDPE waterline, one 24-inch steel gas line, and one electric/fiber optic line impacting 3,902 square feet of a palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°27'19"N 76°53'42"W);

8) a temporary road crossing using a timber mat bridge, two 6-inch flex steel gas lines, two 6-inch flex steel waterlines, one 12-inch steel gas line, one 12-inch HDPE waterline, one 24-inch steel gas line, and one electric/fiber optic line impacting 127 linear feet of unnamed tributaries (UNT) to Salt Run (EV, MF) (Bodines, PA Quadrangle 41°27'19"N 76°53'41"W);

9) a temporary road crossing using a timber mat bridge, two 6-inch flex steel gas lines, two 6-inch flex steel waterlines, one 12-inch steel gas line, one 12-inch HDPE waterline, one 24-inch steel gas line, and one electric/fiber optic line impacting 80 linear feet of un-

named tributaries (UNT) to Salt Run (EV, MF) (Bodines, PA Quadrangle 41°27'19"N 76°53'38"W);

10) a temporary road crossing using a timber mat bridge, two 6-inch flex steel gas lines, two 6-inch flex steel waterlines, one 12-inch steel gas line, one 12-inch HDPE waterline, one 24-inch steel gas line, and one electric/fiber optic line impacting 56 linear feet of an unnamed tributary (UNT) to Salt Run (EV, MF) and 16,535 square feet of adjacent palustrine forested (PFO) wetland and 6,440 square feet of adjacent palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°27'19"N 76°53'19"W);

11) a timber mat bridge impacting 35 linear feet of an unnamed tributary to Salt Run (EV, MF) and 1,254 square feet of adjacent palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°27'14"N 76°53'16"W);

12) a temporary road crossing using a timber mat bridge, two 6-inch flex steel gas lines, two 6-inch flex steel waterlines, one 12-inch steel gas line, one 12-inch HDPE waterline, one 24-inch steel gas line, and one electric/fiber optic line impacting 130 linear feet of an unnamed tributary (UNT) to Salt Run (EV, MF) and 42,826 square feet of adjacent palustrine emergent (PEM) wetland (Bodines, PA Quadrangle 41°27'16"N 76°53'07"W);

13) a temporary road crossing using a timber mat bridge, two 6-inch flex steel gas lines, two 6-inch flex steel waterlines, one 12-inch steel gas line, one 12-inch HDPE waterline, one 24-inch steel gas line, and one electric/fiber optic line impacting 239 linear feet of unnamed tributaries (UNT) to Salt Run (EV, MF) and 14,326 square feet of adjacent palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°27'12"N 76°52'59"W);

14) a temporary road crossing using a timber mat bridge, two 6-inch flex steel gas lines, two 6-inch flex steel waterlines, one 12-inch steel gas line, one 12-inch HDPE waterline, one 24-inch steel gas line, and one electric/fiber optic line impacting 13,198 square feet of a palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°27'06"N 76°52'35"W);

15) a temporary road crossing using a timber mat bridge, two 6-inch flex steel gas lines, two 6-inch flex steel waterlines, one 12-inch steel gas line, one 12-inch HDPE waterline, one 24-inch steel gas line, and one electric/fiber optic line impacting 1,835 square feet of a palustrine forested (PFO) wetland (Bodines, PA Quadrangle 41°27'06"N 76°52'29"W);

16) a temporary road crossing using a timber mat bridge, two 6-inch flex steel gas lines, two 6-inch flex steel waterlines, one 12-inch steel gas line, one 12-inch HDPE waterline, one 24-inch steel gas line, and one electric/fiber optic line impacting 48 linear feet of an unnamed tributary (UNT) to West Branch Wallis Run (EV, MF) and 3,351 square feet of adjacent palustrine forested (PFO) wetland (Barbours, PA Quadrangle 41°27'06"N 76°52'26"W);

17) a temporary road crossing using a timber mat bridge, two 6-inch flex steel gas lines, two 6-inch flex steel waterlines, one 12-inch steel gas line, one 12-inch HDPE waterline, one 24-inch steel gas line, and one electric/fiber optic line impacting 42 linear feet of West Branch Wallis Run (EV, MF) (Barbours, PA Quadrangle 41°27'06"N 76°52'24"W).

The project will result in 1,143 linear feet of temporary stream impacts and 3.41 acres of wetland impacts all for

the purpose of installing natural gas and freshwater pipelines with associated roadways for Marcellus well development.

*Southwest Regional Office, Oil and Gas Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**(Permit #E63-07-004) CNX Gas Company, LLC,** 1000 CONSOL Energy Drive, Canonsburg, PA 15317.

The purpose of the Washington Reservoirs 3 and 4 Access Roads and Waterlines Project is to transport water from Reservoirs 3 and 4 to CNX's existing Paris Waterline, which is used in CNX's Marcellus Shale activities. This project passes through North and South Franklin Townships in **Washington County**, PA. The project will

include the construction of approximately 3,300 feet of waterline with a 75 foot Right of Way (ROW), two (2) intake structures, one (1) discharge structure, one (1) overhead electric line, and associated access roads. The project has one (1) temporary stream crossing of Tributary 37149 to Chartiers Creek and consists of 15 linear feet and 825 square feet of temporary disturbance. Additionally, one (1) minor road crossing will require the installation of a 24" HDPE Culvert across a UNT to Tributary 37149 to Chartiers Creek and will consist of 76 linear feet and 228 square feet of permanent disturbance. Existing and proposed access roads will be used to access the site. The total limit of disturbance for the project is approximately 14 acres and will include laydown areas.

<i>Stream Name</i>	<i>Coordinates</i>	<i>Linear Impact</i>
Crossing 1— Temporary Equipment Crossing Tributary 37149 to Chartiers Creek	40°08'7.66", -80°16'8.034"	15 ft.
Crossing 2— Minor Road Crossing UNT to Tributary 37149 To Chartiers Creek	40°08'7.66", -80°16'8.034"	76ft.

**ENVIRONMENTAL ASSESSMENT**

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

**EA12-003. Cameron County Conservation District**, 20 East Fifth St, Rm 105, Emporium, PA 15834-1469. Finley Run 32-33 Abandoned Mine Drainage Treatment System, Off Sterling Run Road, Emporium, PA 15834. Passive acid mine drainage treatment system, Shippen Township, **Cameron County**, ACOE Baltimore District (West Creek Quadrangle; Latitude 41° 24' 45.4" N; Longitude -78° 15' 41.9" W).

The applicant proposes to construct a passive treatment system for the Finley Run 32 and 33 acidic discharges from previous mining operations. The system, which would be authorized under a restoration waiver, will consist of a stream intake, three (3) vertical flow cells, one (1) oxidation/precipitation basin, one (1) surface flow polishing wetland and an outfall to the existing stream channel. The system is designed to treat the base flow of the stream and bypass most stormwater. The effluent from the polishing wetland will discharge back to the existing channel 1,225 linear feet downstream from the intake. As proposed, there will be several stream and wetland impacts associated with the work:

<i>Activity</i>	<i>Impact Type</i>	<i>Latitude</i>	<i>Longitude</i>	<i>Resource</i>	<i>Impact</i>
Install stream intake	Permanent	41° 24' 44.1" N	-78° 15' 45.3" W	Wetland along UNT to Finley Run	0.003 acre
Install intake pipe	Temporary	41° 24' 44.1" N	-78° 15' 44.8" W	Wetland along UNT to Finley Run	0.050 acre
Install treatment system	Permanent	41° 24' 47.0" N	-78° 15' 41.0" W	Wetland along UNT to Finley Run	0.070 acre
Install treatment system	Permanent	41° 24' 48.8" N	-78° 15' 40.8" W	Wetland along UNT to Finley Run	0.005 acre
Install treatment system	Permanent	41° 24' 48.8" N	-78° 15' 40.8" W	Wetland along UNT to Finley Run	0.025 acre
Install stream intake	Permanent	41° 24' 44.1" N	-78° 15' 45.3" W	UNT to Finley Run	20 feet
Install outfall	Permanent	41° 24' 50.2" N	-78° 15' 37.3" W	UNT to Finley Run	11 feet
Dewater stream	Permanent	41° 24' 44.1" N	-78° 15' 45.3" W	UNT to Finley Run	1,225 feet

Mitigation for these impacts is a combination of the creation of a wetland in the form of a polishing surface flow wetland cell and downstream water quality improvement in the unnamed tributary to Finley Run, Finley Run and Sterling Run. Under current conditions there is very limited aquatic life in the unnamed tributary due to acid mine drainage.

*Central Office: Bureau of Waterways Engineering and Wetlands, Rachel Carson State Office Building, Floor 3, 400 Market Street, P. O. Box 8460, Harrisburg, PA 17105-8460*

**D17-124EA. Melvin D. Smeal**, President, Big Run Park Association, 825 Palestine Road, Morrisdale, PA 16858, Graham Township, **Clearfield County**, USACOE Baltimore District.

Project proposes to remove Big Run Park Dam located across Big Run Creek (CWF) for the purpose of eliminating a threat to public safety and restoring the stream to a free-flowing condition. The proposed restoration project includes construction of in-stream habitat enhancement

structures and removing a remnant dam abutment (Frenchville, PA Quadrangle, Latitude: 41.0430; Longitude: -78.2206).

#### DAM SAFETY

*Southwest Regional Office, Oil and Gas Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

#### *Project Description*

[ **Permit # 95-7-37312 - 19** ]. NV North #3 Centralized Pit Applicant **CNX Gas Company LLC** 200 Evergreene Drive, Waynesburg PA 15370 proposes to construct, operate and maintain a 5.6 million gallon Centralized Impoundment to collect, store and reuse wastewater for fracturing natural gas wells, MOR-10\_ASH permit No. 37-059-25421-0 and other permitted wells listed in the application. Project is located on Cabin Road (T-538) in Morris Township, **Washington County** (USGS PA Quadrangle: Prosperity N: 40° 02' 13.51"; W: -80° 19' 57.78"). Project will disturb 14.29 acres. The stormwater runoff drains to Short Creek, a Trout Stocked Fishery and unnamed tributaries to Short Creek, State Water Plan Basin 19B Tenmile Creek.

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## ACTIONS

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### 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 &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed No.)</i>	<i>EPA Waived Y/N?</i>
PA0061603 (Sewage)	Eagle Lake Community Association WWTP Route 435 Gouldsboro, PA 18424-0305	Lackawanna County Covington Township	Unnamed Tributary to Tamarack Creek (2-A)	Y
PA0062944 (Sewage)	Robert B. Barker and Charles L. Rice—SRSTP 618 Quaker Plain Road Bangor, PA 18013	Northampton County Upper Mount Bethel Township	Unnamed Tributary to East Fork Martins Creek (01F)	Y
PA0062197 (Industrial Waste)	Schuylkill County Municipal Authority Mt. Laurel WTP 54 Mall Road Frackville, PA 17931	Schuylkill County New Castle Township	Mud Run (03A)	Y
PA0061468 (Sewage)	Liberty Park Liberty Mobile Home Park Montrose, PA 18801-8809	Susquehanna County Liberty Township	Unnamed Tributary to Snake Creek (04-E)	Y
PA0062154 (Sewage)	Mountain View School District 11748 State Route 106 Kingsley, PA 18826	Susquehanna County Harford Township	Millard Creek (04F)	Y
PAS802208 (Storm Water)	Swallow Associates, L.P. Nestle/ DistTech Transportation Facility 5448 Oakview Drive Allentown, PA 18104	Lehigh County Upper Macungie Township	Unnamed Tributary to Cedar Creek (2-C)	Y
PA0063029 A-1 (Sewage)	Fountain Court Water System / Fountain Court Shopping Mall Wastewater Treatment Plant Rte. 611 Bartonsville, PA 18321	Monroe County Pocono Township	Cranberry Creek (1-E)	Y
PA0060321 (Sewage)	Village of Mountain Heights WWTP 139 Gardeners Lane Dalton, PA 18414	Wyoming County Overfield Township	Unnamed Tributary to South Branch Tunkhannock Creek (04F)	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N</i>
PA0097497 Industrial Waste	Sagamore WTP PO Box 127 Sagamore, PA 16244	Armstrong Cnty Cowanshannock Twp	UNT to N Branch Plum Creek	Y
PA0218642 Sewage	Marion Center STP 22825 RT 403 N Marion Ctr, PA 15759	Indiana Cnty E Mahoning Twp	Pine Run	Y

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

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0222437 (Sewage)	PEC Management— Burger King 74 I-80 & Rt. 19 Intersection Mercer, PA 16142	Mercer County East Lackawannock Township	Unnamed Tributary to Neshannock Creek (20-A)	Y
PA0033421 (Sewage)	Mercer Grove City Koa Campground 1337 Butler Pike Mercer, PA 16137-8428	Mercer County Findley Township	Unnamed Tributary to Pine Run (20-A)	Y
PA0034738 (Sewage)	Comfort Inn I-80 & Rt. 19 Intersection Mercer, PA 16137	Mercer County East Lackawannock Township	Unnamed Tributary of Neshannock Creek (20-A)	Y

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


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

**NPDES Permit No. PA0042943**, Sewage, **Owens J. Roberts School District**, 901 Ridge Road, Pottstown, PA 19465.

This proposed facility is located in East Coventry Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as East Coventry Elementary School WWTP to Unnamed Tributary to Schuylkill River in Watershed 3-D.

**NPDES Permit No. PA0244619**, Sewage, **Rachel Wachs**, 215 West Church Road, King of Prussia, PA 19406.

This proposed facility is located in West Brandywine Township, **Chester County**.

Description of Proposed Action/Activity: Approval for the construction and operation of a small flow single residence sewage treatment plant to discharge from a facility known as Wachs SRSTP to unnamed Tributary to West Branch Brandywine Creek in Watershed 3-H.

**NPDES Permit No. PA0021857**, Sewage, **Souderton Borough**, 31 W. Summit Street, Souderton, PA 18964.

This proposed facility is located in Souderton Borough, **Montgomery County**.

Description of Proposed Action/Activity: Approval for the renewal of an NPDES permit to discharge treated sewage from a facility known as Souderton Borough STP to Unnamed Tributary to Skippack Creek in Watershed 3-E.

**NPDES Permit No. PA0011231 A-3**, Industrial, **MIPC, LLC**, 920 Cherry Tree Road, Aston, PA 19014.

This proposed facility is located in Upper Chichester Township, **Delaware County**.

Description of Proposed Action/Activity: Approval for the transfer of an NPDES permit to discharge industrial wastewater from a facility known as Chelsea Pipeline Station and Tank Farm to Boozers Run a Tributary to Marcus Hook Creek in Watershed 3-G.

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

**NPDES Permit No. PA0046388**, Sewage, SIC Code 4952, **St. Johns STP** (Butler Township Luzerne County), 415 West Butler Drive, Drums, PA 18222.

This existing facility is located in Butler Township, **Luzerne County**.

Description of Existing Action/Activity: Renewal of an NPDES Permit for an existing discharge of treated Sewage.

**NPDES Permit No. PA0012963**, Industrial Waste, SIC Code 2631, **Rock-Tenn Converting Company**, P. O. Box 770, 1 Paper Mill Road, Delaware Water Gap, PA 18327.

This existing facility is located in Smithfield Township, **Monroe County**.

Description of Existing Action/Activity: Issuance of an NPDES Permit for an existing discharge of treated industrial waste.

*Central Office: Bureau of Point and Non-Point Source Management, Planning and Permitting Program Manager, 400 Market Street, Harrisburg, PA 17105-8774, Telephone: 717.787.8184.*

**PA0270776**, Pesticides, SIC Code 0851, **PA DCNR Bureau of Forestry**, PO Box 8552, Harrisburg, PA 17105-8552.

Description of Proposed Action / Activity: Issuance of an NPDES Permit for new discharges associated with the application of pesticides to control or suppress gypsy moth population to protect the host trees by minimizing defoliation and preventing trees mortality in all forest lands associated with the PA DCNR's Bureau of Forestry, Division of Forest Pest Management statewide.

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


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

**WQM Permit No. WQG02461303**, Sewage, **Pennsylvania Turnpike Commission**, P. O. Box 67676, Harrisburg, PA 17106.

This proposed facility is located in Plymouth Township, **Montgomery County**.

Description of Action/Activity: Construction and operation of a pump station and gravity collection system.

**WQM Permit No. 1513402**, Sewage, **Rachel Wachs**, 215 West Church Street, King of Prussia, PA 19406.

This proposed facility is located in West Brandywine Township, **Chester County**.

Description of Action/Activity: Construction and operation of a single residence sewage treatment plant.

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

**WQM Permit No. 4512401**, Industrial Waste, **Rock-Tenn Converting Company**, PO Box 770, 1 Paper Mill Road, Delaware Water Gap, PA 18327.

This existing facility is located in Smithfield Township, **Monroe County**.

Description of Proposed Action/Activity: Issuance of a Water Quality Management Permit for upgrades to the facility's existing wastewater treatment facility.

**WQM Permit No. 4813401**, Sewerage, **Lehigh Township Municipal Authority**, 1069 Municipal Road, Walnutport, PA 18088-9718.

This existing facility is located in Lehigh Township, **Northampton County**.

Description of Proposed Action/Activity: Issuance of a WQM Permit for the proposed installation of a wastewater screening facility at the existing Wood Drive Pump Station.

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

**WQM Permit No. 6375402**, Sewerage, **Commonwealth of PA Dept of General Svcs**, Bureau of Eng & Architecture, HBG, PA 17125

This existing facility is located in N. Bethlehem Twp, **Washington Cnty**

Description of proposed Action/Activity: Permit amendment issuance.

**WQM Permit No. 6374406-A8**, Sewerage, **Canonsburg Houston Jt Auth**, 68 E Pike St, Canonsburg, PA 15317-1375

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

Description of proposed Action/Activity: Permit amendment issuance.

**WQM Permit No. 1113400**, Sewerage, **City of Johnstown**, 401 Main St, Johnstown, PA 15901

This proposed facility is located in City of Johnstown, **Cambria Cnty**

Description of proposed Action/Activity: Permit issuance for the construction and operation of a sewer system.

**WQM Permit No. 3013400**, Sewerage, **Cumberland Resources, LP**, 855 Kirby Rd, Waynesburg, PA 15370

This proposed facility is located in Center Twp, **Greene Cnty**

Description of proposed Action/Activity: Permit issuance for the construction and operation of a treatment plant.

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

**WQM Permit No. WQG01331301**, Sewage, **Tyler McKenrick**, 1995 North Enterline Road, Punxsutawney, PA 15767.

This proposed existing facility is located in Oliver Township, **Jefferson County**.

Description of Proposed Action/Activity: Issuance of a new permit for a Single Residence Sewage Treatment Plant.

**WQM Permit No. 2597404**, Sewage, **Kurt Hopkins**, 4240 Kinter Hill Road, Edinboro, PA 16412-1932.

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

Description of Proposed Action/Activity: Transfer of permit for a single residence sewage treatment plant.

**WQM Permit No. WQG018699**, Sewage, **Amendment No. 1, Carmen C & Teresa M Davano**, 176 Jackson Road, West Middlesex, PA 16159.

This existing facility is located in Shenango Township, **Mercer County**.

Description of Proposed Action/Activity: Amendment for replacing a standard subsurface sand filter with a recirculating subsurface sand filter.

**WQM Permit No. WQG01251304**, Sewage, **John Panarello**, 8550 Nissen Drive, Fairview, PA 16415.

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

Description of Proposed Action/Activity: Issuance of a new permit for a Single Residence Sewage Treatment Plant.

**WQM Permit No. WQG018820**, Sewage, **Frank J & Molly A Mello**, 4115 Harborgreene Road, Erie, PA 16510-4957.

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

Description of Proposed Action/Activity: Transfer of permit for a single residence sewage treatment plant.

**WQM Permit No. 4398415**, Sewage, **John Mokricky Jr.**, 480 Serpentine Drive, Pittsburgh, PA 15243-2056.

This existing facility is located in West Salem Township, **Mercer County**.

Description of Proposed Action/Activity: Transfer of permit for a 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 &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAG133583	Dover Borough 46 Butter Road Dover, PA 17315	York	Dover	Fox Run/ TSF, MF, Unnamed Tributary to Fox Run/ TSF

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**VI. NPDES Discharges of Stormwater Associated with Construction Activities Individual Permit Actions**


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

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI01 151132	Covenant Presbyterian Church 400 Lancaster Avenue Malvern, PA 19355	Chester	East Whiteland Township	Valley Creek EV
PAI01 1513005	Lincoln University 18 & Herr Street Harrisburg, PA 17125	Chester	Lower Oxford Township	West Branch Big Elk Creek HQ-TSF
PAI01 4612003	PA Turnpike Commission 700 South Eisenhower Blvd Middletown, PA 17057	Montgomery	Salford Township	Unnamed Tributary to Ridge Valley Creek HQ-TSF Unnamed Tributary to East Branch Perkiomen Creek TSF

*Northeast Region: Watershed Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18701-1915.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI023906022R	Trexler Fields Twin Home Project, LLC 5930 Hamilton Blvd., Suite 10 Wescosville, PA 18106	Lehigh	Upper Macungie Twp.	Schaefer Run, HQ-CWF, MF
PAI023910010	Reserve at Saucon Creek, L.P. 1750 Walton Road Blue Bell, PA 19422	Lehigh	Upper Saucon Twp.	Laurel Run, CWF, MF; Unnamed Tributary to Saucon Creek, CWF, MF; EV Wetlands
PAI026405001R	Wayne Economic Development Corp. 32 Commercial Street Suite 1 Honesdale, PA 18431	Wayne	Sterling Twp.	West Branch Wallenpaupack Creek, HQ-CWF, MF
PAI024507001R	DEPG Stroud Associates II, L.P. 521 Plymouth Road Suite 118 Plymouth Meeting, PA 19462	Monroe	Stroud Twp.	Pocono Creek, HQ-CWF, MF

*Southcentral Region: Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110. Telephone 717.705.4802.*

<i>Permit #</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water/Use</i>
PAI030608017	Carl E. Zettlemoyer 460 Albright Road Kutztown, PA 19530	Berks	Maxatawny Township	Little Lehigh Creek
PAI030712004	Logan Township Supervisors 100 Chief Logan Circle Altoona, PA 16602	Blair	Logan Township	UNT to Mill Run (HQ-CWF); UNT Mill Run (WWF, MF); Dry Gap Run (HQ, CWF, MF); UNT Dry Gap Run (HQ, CWF, MF); UNT Spring Run (WWF, MF)
PAI030712001	Richard Johnston 300 Orchard Avenue Altoona, PA 16602	Blair	Logan Township	UNT to Sandy Run (HQ-CWF)

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Receiving Water / Use</i>
PAI052612001	Western PA Conservancy/ Falling Water PO Box R Mill Run, PA 15464	Fayette	Stewart Township	Laurel Run and Youghiogheny River (HQ-CWF)
PAI053012002	Southwestern Pennsylvania Water Authority 1442 Jefferson Rd PO Box 187 Jefferson, PA 15344	Greene	Center Township Wayne Township	Pursley Creek (HQ-WWF), UNT to Pursley Creek (HQ-WWF), Maple Run (HQ-WWF)

## 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 &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Buckingham Township Bucks County	PAG0200 0912068	John Roach P. O. Box 406 Lahaska, PA 18931	Unnamed Tributary to Lahaska Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Buckingham Township Bucks County	PAG0200 0913010	Central Bucks School District 320 Swamp Road Doylestown, PA 18901	Unnamed Tributary to Mill Creek CWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Buckingham Township Bucks County	PAG0200 0913019-R	Toll Brothers Land Development 250 Gibraltar Road Horsham, PA 19044	Mill Creek WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Falls Township Bucks County	PAG0200 0909105-R(1)	PA Department of Transportation 7000 Geerdes Boulevard King of Prussia, PA 19406	Mill Creek WWF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900



<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Nether Providence Township Delaware County	PAG02002313005	Wallingford-Swarthmore School District c/o Jim Hardy 200 S. Providence Road Wallingford, PA 19086	Ridley Creek TSF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
City of Philadelphia Philadelphia County	PAG0201511233	Bowmen Properties, Inc. 8238 Germantown Avenue Philadelphia, PA 19118	Wissahickon Watershed WWF-MF	Southeast Regional Office 2 East Main Street Norristown, PA 19401 484-250-5900
Upper Saucon Twp., Lehigh County	PAG02003910005R	Kenneth A. Redles Strawberry Hill Associates, LLP PO Box 304 Coopersburg, PA 18036	Unnamed tributary to Saucon Creek, CWF, MF	Lehigh Co. Cons. Dist. 610-391-9583
North Whitehall Twp., Lehigh County	PAG02003906009R	Kenneth Snyder SK Development Co., Inc. 3312 7th St. Whitehall, PA 18052	Fells Creek, CWF, MF	Lehigh Co. Cons. Dist. 610-391-9583

*Waterways & Wetlands Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, 717.705.4802*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Newport Borough, Perry County	PAG0235013002	Newport Municipal Authority	Little Buffalo Creek (CWF) & Juniata River (WWF)	Perry Co. Conservation District 31 West Main Street New Bloomfield, PA 17068 (717) 582-8988
City of Harrisburg, Dauphin County	PAG02002213014	HACC 1 HACC Dr. Harrisburg, PA 17110	Paxton Creek (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Gratz Borough, Dauphin County	PAG02002213013	Steven Kauffman 802 Ash St. Spring Glen, PA 17978	Wiconisco Creek (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Derry Township, Dauphin County	PAG02002209004	The Hershey Co. 100 Mansion Rd. East Hershey, PA 17033	Swatara Creek (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Lower Swatara Township, Dauphin County	PAG02002213011	Ronald A. Burkholder 1403 Farmhouse Rd. Middletown, PA 17057	Swatara Creek (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
Lower Paxton Township, Dauphin County	PAG02002208010R	The McNaughton Co. 4400 Deer Path Rd. Ste 201 Harrisburg, PA 17110	Paxton Creek (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100
West Hanover Township, Dauphin County	PAG02002206018R	Francis J. McNaughton The McNaughton Co. 4400 Deer Path Rd. Ste 201 Harrisburg, PA 17110	Paxton Creek (WWF)	Dauphin Co Conservation District 1451 Peters Mountain Rd Dauphin, PA 17018 717.921.8100

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Mount Joy Township, Lancaster County	PAG02003611011R	Robert Brubaker 2871 Colebrook Rd. Manheim, PA 17545	Little Chickies Creek (TSF; MF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
West Lampeter Township, Lancaster County	PAG020036120881	Randall Andrews 421 Penn Grant Rd. Lancaster, PA 17602	UNT Big Spring Creek, UNT Pequea Creek (WWF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Mount Joy Borough, Lancaster County	PAG02003613003	American Legion Post 185 255 West Main St. Mount Joy, PA 17552	Little Chickies Creek (TSF; MF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Warwick Township, Lancaster County	PAG02003613013	Lititz Reserve LLC 474 Mt. Sidney Rd. Lancaster, PA 17602	Lititz Run (WWF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Manheim Township, Lancaster County	PAG02003613027	Donmoyer Development Group 135 Northview Dr. Lancaster, PA 17601	Conestoga Creek (WWF)	Lancaster Co Conservation Dist. 1383 Arcadia Road, Room 200 Lancaster, PA 17601 717.299.5361, Ext. 5
Fairview Township, York County	PAG02006712052	Christopher C. Haring 620 Buckhorn Court Lewisberry, PA 17339	Yellow Breeches Creek (CWF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
Manheim Township, York County	PAG02006712051	Jennifer Stetter Nathan Stetter 811 Rockville Rd. Spring Grove, PA 17362	WB Codorus Creek; UNT to Long Run (WWF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430
West Manchester Township, York County	PAG02006713010	Manchester Mall Associates, LLC 12770 Coit Rd. Ste. 810 Dallas, TX 75251	UT Willis Run (WWF)	York Co. Conservation District 118 Pleasant Acres Rd York, PA 17402-8984 717.840.7430

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701  
570.327.3636*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Phone No.</i>
Lawrence Township Clearfield County	PAG02001713001	Clearfield Area School District 438 River Rd Clearfield PA 16830	UNT to Moose Creek CWF	Clearfield County Conservation District 511 Spruce St Ste 6 Clearfield PA 16830 (814) 765-2629
Bald Eagle Township Clinton County	PAG02001813001	First Citizens Community Bank 15 S Main St Mansfield PA 16933	Bald Eagle Creek WWF-MF	Clinton County Conservation District 45 Cooperation Ln Mill Hall PA 17751 (570) 726-3798

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Derry Township Montour County	PAG02004712006	PPL Montour LLC 2 N 9th St Allentown PA 18101	Chillisquaque Creek WWF	Montour County Conservation District 112 Woodbine Ln Ste 2 Danville PA 17821 (570) 271-1140
Shamokin Township Northumberland County	PAG02004913006	Cellco Partnership d/b/a Verizon Wireless 4642 Jonestown Rd Ste 200 Harrisburg PA 17109	UNT Shamokin Creek CWF, MF	Northumberland Cnty Conservation Dist 441 Plum Creek Rd Sunbury PA 17801 (570) 495-4665
Sullivan Township Tioga County	PAG02005913003	SWS Mansfield LLC Jay Smith 2060 Lakeville Rd Avon NY 14414	UNT to Corey Creek CWF	Tioga County Conservation District 50 Plaza Ln Wellsboro PA 16901 (570) 724-1801 ext. 5
Union Township Union County	PAG02006013002	David Bogvich LDB Properties Inc 1172 Ridge Rd Northumberland PA 17857	Susquehanna River WWF	Union County Conservation District Union County Government Center 155 N 15th St Lewisburg PA 17837 (570) 524-3860

*Southwest Region: Regional Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name and Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office and Phone No.</i>
New Sewickley Township Beaver County	PAG02000413007	Ellwood City DPP V, LLC 201 Summit View Drive Suite 110 Brentwood, TN 37027	Bennett Run (WWF)	Beaver County CD 156 Cowpath Road Aliquippa, PA 15001 (724) 378-1701
East Finley Township South Franklin Township Washington County	PAG02006313008	CNX Water Assets, LLC CNX Center 1000 Consol Energy Drive Canonsburg, PA 15317	UNTs to Ten Mile Creek (WWF), Templeton Fork (TSF), Crafts Creek (WWF), Rock Run (TSF)	Washington County CD 2800 North Main Street Suite 105 Washington, PA 15301 (724) 705-7098

*General Permit Type-PAG-03*

<i>Facility Location: Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Quakertown Borough Bucks County	PAR140026	Fibermark, Inc. 45 N 4th Street Quakertown, PA 18951	Unnamed Tributary to Beaver Run—2-D	Southeast Region Clean Water Program 484.250.5970
Bensalem Township Bucks County	PAR110054	Specialty Ring Products 2374 State Road Bensalem, PA 19020	Delaware River—2-F	Southeast Region Clean Water Program 484.250.5970
City of PGH Allegheny Cnty	PAR606154	David Norris, Jr. 6375 AVRR Lawrenceville PGH, PA 15201	Allegheny River	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000
Munhall Boro Allegheny Cnty	PAR206160	Marcegaglia USA 1001 E Waterfront Dr Munhall, PA 15120-1098	Homestead Run	Southwest Regional Office: Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 412-442-4000

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

Scottdale Boro  
Westmoreland Cnty

PAR206118

Duraloy Tech, Inc.  
120 Bridge St  
Scottdale, PA 15683

Jacobs Creek

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

Moon Twp  
Allegheny Cnty

PAR806114

Tioga PL Co  
PO Box 313  
Ella St  
McKees Rocks, PA 15136

UNT to Ohio River

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

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

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

Millcreek Township  
Erie County

PAR808383

First Student Inc.  
110 Permitter Park  
Suite E,  
Knoxville, TN 37922

Storm Water  
Tributaries to Marsh  
Run 15-A

DEP  
NWRO  
Clean Water Program  
230 Chestnut Street  
Meadville, PA 16335-3481  
814/332-6942

*General Permit Type—PAG-4*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

Newton Township  
Lackawanna  
County

PAG042231

Wallace R. McDonald  
1647 Forest Acres Drive  
Clarks Summit, PA  
18411-9526

Unnamed Tributary  
of Gardner Creek—  
4-G

DEP Northeast  
Regional Office  
Clean Water Program  
2 Public Square,  
Wilkes-Barre, PA  
18701-1915  
570.826.2511

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

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Receiving  
Water / Use*

*Contact Office &  
Phone No.*

Oliver Township  
Jefferson County

PAG041098

Tyler McKenrick  
1995 North Enterline  
Road  
Punxsutawney, PA 15767

Unnamed tributary  
to Big Run

DEP  
NWRO  
Clean Water Program  
230 Chestnut Street  
Meadville, PA 16335-3481  
814/332-6942

Fairview Township  
Erie County

PAG041100

John Panarello  
8550 Nissen Drive  
Fairview, PA 16415

Elk Creek 15-A

DEP  
NWRO  
Clean Water Program  
230 Chestnut Street  
Meadville, PA 16335-3481  
814/332-6942

*General Permit Type—PAG-7*

*Facility Location:  
Municipality &  
County*

*Permit No.*

*Applicant Name &  
Address*

*Site Name*

*Contact Office &  
Phone No.*

Indiana County  
Burrell Township

PAG076102

Blairsville Municipal  
Authority  
203 E Market St  
Blairsville, PA 15717

Blairsville Muni  
Auth WWTP

Southwest Regional Office:  
Water Management  
Program Manager  
400 Waterfront Drive  
Pittsburgh PA 15222-4745  
(412) 442-4000

*General Permit Type—PAG-10**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Church Compressor Station Dimock Township Susquehanna County	PAG102283	Williams Field Service Co. LLC Church Compressor Station 1212 South Abington Road Clarks Summit, PA 18411	Unnamed Tributary of the West Branch Meshoppen Creek—4-G CWF,MF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

*General Permit Type—PAG-12**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Lancaster County Conoy Township	PAG123710	Dale Frank Dale Frank Farm 3167 Bossler Road Elizabethtown, PA 17022	Conoy Creek / TSF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707
Lancaster County Rapho Township	PAG123744	Randy Brubaker Randy Brubaker Farm 1908 Valley Road Manheim, PA 17545	UNT to Brubaker Run / TSF	DEP—SCRO— Clean Water Program 909 Elmerton Avenue Harrisburg, PA 17110 717-705-4707

*General Permit Type—PAG-13**Southeast Region: Clean Water Program Manager, 2 East Main Street, Norristown, PA 19401**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Thornbury Township Delaware County	PAG130025	PA State System Of Higher Ed Cheyney University 1837 University Circle Cheyney, PA 19319	Unnamed Tributary to Chester Creek—3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Upper Salford Township Montgomery County	PAI130534	Upper Salford Township Montgomery County PO Box 100 Salfordville, PA 18958	Perkiomen Creek, Unnamed Tributary of Perkiomen Creek and Vaughn Run—3-E	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970
Malvern Borough Chester County	PAI130525	Malvern Borough Chester County 1 E 1st Avenue Suite 3 Malvern, PA 19355-2757	Unnamed Tributary to Crum Creek and Unnamed Tributary to Little Valley Creek—3-F and 3-G	DEP Southeast Regional Office Clean Water Program 2 E Main Street, Norristown, PA 19401 484.250.5970

*General Permit Type—PAG-13 & MS4 Waivers**Northeast Region: Clean Water Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.**Facility Location:*

<i>Municipality &amp; County</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water / Use</i>	<i>Contact Office &amp; Phone No.</i>
Hazleton City Luzerne County	PAG132262	Hazleton City Luzerne County 40 North Church Street Hazleton, PA 18201	Black Creek CWF	DEP Northeast Regional Office Clean Water Program 2 Public Square, Wilkes-Barre, PA 18701-1915 570.826.2511

*Facility Location:  
Municipality &  
County*

Ashley Borough  
Luzerne County

*Permit No.*  
PAG132224

*Applicant Name &  
Address*  
Ashley Borough  
Luzerne County  
10 North Main Street  
Ashley, PA 18706

*Receiving  
Water / Use*  
Solomon Creek—  
CWF, MF

*Contact Office &  
Phone No.*  
DEP Northeast  
Regional Office  
Clean Water Program  
2 Public Square,  
Wilkes-Barre, PA  
18701-1915  
570.826.2511

Roseto Borough  
Northampton  
County

PAG132304

Roseto Borough  
Northampton County  
164 Garibaldi Avenue  
P O Box 361  
Roseto, PA 18013

Unnamed Tributary  
to Martins Creek—  
TSF, MF

DEP Northeast  
Regional Office  
Clean Water Program  
2 Public Square,  
Wilkes-Barre, PA  
18701-1915  
570.826.2511

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

*NPDES  
Permit No.*

*Applicant Name &  
Address*

*County*

*Municipality*

*Receiving  
Water / Use*

*DEP Protocol  
(Y/N)*

PAG136251  
Recommended  
for Waiver

Youngstown Boro  
PO Box 56  
Youngstown, PA 15696

Westmoreland

Youngstown  
Boro

Sawmill Run

N

PAG136113  
Recommended  
for Waiver

Pennsbury Village Boro  
Pennsbury Blvd  
PGH, PA 15205

Allegheny

Pennsbury  
Village Boro

UNT to  
Campbells  
Run

N

*General Permit Type—PAG-13*

*Facility Location:  
Municipality &  
County*

Scott Twp  
Allegheny Cnty

*Permit No.*  
PAG136138

*Applicant Name &  
Address*  
Scott Twp  
301 Lindsay Rd  
Carnegie, PA 15106

*Receiving  
Water / Use*  
Chartiers Creek

*Contact Office &  
Phone No.*  
Southwest Regional Office:  
Clean Water Program  
Manager  
400 Waterfront Drive  
Pittsburgh PA 15222-4745  
(412) 442-4000

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

*NPDES  
Permit No.*

*Applicant Name &  
Address*

*County*

*Municipality*

*Receiving  
Water / Use*

*DEP Protocol  
(Y/N)*

PAG138333

City of Hermitage  
800 North Hermitage  
Road,  
Hermitage, PA 16148

Mercer County

City of Hermitage

Bobby Run, Hogback  
Run, McCullogh  
Run, Pine Hollow  
Run, Pine Run,  
Shenango River,  
Thornton Run,  
Unnamed Tributary  
to Hogback Run,  
Unnamed Tributary  
to Pine Hollow Run,  
Unnamed Tributary  
to Pine Run,  
Unnamed Tributary  
to Shenango River  
20-A

Y

**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>
Hillandale-Bailey Farms 2828 Daron Road Spring Grove, PA 17362	York	25.2	4147.96	Layers	N/A	Approved
MACH Farm 651 Pine Road Palmyra, PA 17078	Lebanon	0	718.34	Swine	NA	Approved
Swatara Swine Farm 1921 Blacks Bridge Road Annville, PA 17003	Lebanon	0	805.15	Swine	NA	Approved
Lexington Farm PO Box 291 Lititz, PA 17543	Lancaster	48.9	425.18	Swine / Broilers	NA	Approved
Jay L. Bleacher 1173 Breneman Road Conestoga, PA 17516	Lancaster	330	583.27	Swine	HQ	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

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

**Operations Permit # 1513502** issued to: **Valley Township** 890 West Lincoln Highway Coatesville, PA 19020, [(PWSID)] Valley Township, **Chester County** on March 29, 2013 for the operation of an Airport Interconnection with Pennsylvania American Water Company.

**Operations Permit # 1513512** issued to: **Pennsylvania American Water**, West Caln Township **Chester County** [(PWSID)] on March 29, 2013 for the operation of facilities for a newly upgraded 7.0 MGD Rock Run Water Treatment Plant approved under construction permit # 1509505.

**Permit No. 4612531**, Public Water Supply.

Applicant

**Aqua Pennsylvania, Inc.**  
762 West Lancaster Avenue  
Bryn Mawr, PA 19010

Township

Hatboro

County **Montgomery**  
 Type of Facility PWS  
 Consulting Engineer Hatch Mott MacDonald  
 27 Bleeker Street  
 Millburn, NJ 07041-1008

Permit to Construct Issued March 29, 2013

**Permit No. 1512511, Major Amendment.** Public Water Supply.

Applicant **Downingtown Municipal Water Authority**  
 900 Water Plant Way  
 Downingtown, PA 19335

Borough Downingtown  
 County **Chester**  
 Type of Facility PWS  
 Consulting Engineer BCM Engineers  
 920 Germantown Pike  
 Suite 200  
 Plymouth Meeting, PA 19463

Permit to Construct Issued March 29, 2013

**Permit No. 0913501, Major Amendment.** Public Water Supply.

Applicant **DA-TECH Corporation**  
 141 Railroad Drive  
 Ivyland, PA 18974-1448

Township Warwick  
 County **Bucks**  
 Type of Facility PWS  
 Consulting Engineer Gilmore & Associates  
 350 Butler Avenue  
 New Britain, PA 18901

Permit to Construct Issued March 29, 2013

*Southcentral Region: Water Supply Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110*

**Permit No. 3113502 MA, Minor Amendment,** Public Water Supply.

Applicant **Landmark Signature Homes, LLC**

Municipality Porter Township  
 County **Huntingdon**  
 Responsible Official Cristian Foust, Owner  
 138 Arbutus Park Road  
 Bloomsburg, PA 17815

Type of Facility Hartslog Courts MHP—GWR  
 4-log treatment of viruses for EP 101. Installation of additional chlorine contact tanks.

Consulting Engineer Thomas A Gray, P.E.  
 CDI Corp. d/b/a L.R. Kimball  
 615 West Highland Avenue  
 Ebensburg, PA 15931

Permit to Construct Issued: 5/1/2013

**Operations Permit** issued to: **Country View Village, LP**, 7500013, Centre Township, **Perry County** on 5/3/2013 for the operation of facilities approved under Construction Permit No. 5012501 MA.

*Northcentral Region: Safe Drinking Water Program Manager, 208 West Third Street, Suite 101, Williamsport, PA 17701-6448*

**Permit No. MA-GWR—Operation** Public Water Supply.

Applicant **Eastville Water Association**  
 [Township or Borough] Greene Township  
 County **Clinton**  
 Responsible Official Mr. Kenneth Geisewite  
 Eastville Water Association  
 2290 East Winter Road  
 Loganton, PA 17747

Type of Facility Public Water Supply  
 Consulting Engineer N/A  
 Permit Issued May 7, 2013  
 Description of Action 4-log inactivation of viruses at Entry Point 100 (Well No. 1).

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

**Permit No. 3009502,** Public Water Supply.

Applicant **East Dunkard Water Authority**  
 PO Box 241, SR 88  
 Dilliner, PA 15327

[Borough or Township] Dunkard Township  
 County **Greene**  
 Type of Facility Water system  
 Consulting Engineer Dakota Engineering Associates  
 Etna Technical Center  
 Suite 200  
 35 Wilson Street  
 Pittsburgh, PA 15223

Permit to Construct Issued May 3, 2013

**Operations Permit** issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (PWSID #5650032) Oklahoma Borough; Bell and Washington Townships, **Westmoreland County** on May 3, 2013 for the operation of facilities approved under Construction Permit # 6508501MA.

**Operations Permit** issued to: **Municipal Authority of Westmoreland County**, 124 Park & Pool Road, New Stanton, PA 15672, (PWSID #5650032) Kiskiminetas Township, **Westmoreland County** on May 3, 2013 for the operation of facilities approved under Construction Permit # 6509506MA.

**Permit No. 3012505MA, Minor Amendment.** Public Water Supply.

Applicant **Southwestern Pennsylvania Water Authority**  
 PO Box 187  
 1442 Jefferson Road  
 Jefferson, PA 15344

[Borough or Township] Franklin and Center Townships



County **Greene**  
 Type of Facility Water system  
 Consulting Engineer Bankson Engineers, Inc.  
 267 Blue Run Road  
 Indianola, PA 15051  
 Permit to Construct May 2, 2013  
 Issued

**Permit No. 0413503MA, Minor Amendment.** Public Water Supply.

Applicant **Brighton Township Municipal Authority**  
 1300 Brighton Road  
 Beaver, PA 15009

[Borough or Township] Brighton Township  
 County **Beaver**

Type of Facility Water system  
 Consulting Engineer RETTEW Associates, Inc.  
 941 Marcon Boulevard  
 Suite 801  
 Allentown, PA 18109

Permit to Construct May 3, 2013  
 Issued

**Permit No. 0213503MA, Minor Amendment.** Public Water Supply.

Applicant **Municipal Authority of the Borough of West View**  
 210 Perry Highway  
 Pittsburgh, PA 15229

[Borough or Township] Kennedy Township  
 County **Allegheny**

Type of Facility Water system  
 Consulting Engineer Bankson Engineers, Inc.  
 267 Blue Run Road  
 Indianola, PA 15051

Permit to Construct May 3, 2013  
 Issued

**Permit No. 0212520MA, Minor Amendment.** Public Water Supply.

Applicant **Moon Township Municipal Authority**  
 1700 Beaver Grade Road  
 Moon Township, PA 15108

[Borough or Township] Moon Township  
 County **Allegheny**

Type of Facility Water system  
 Consulting Engineer

Permit to Construct May 6, 2013  
 Issued

**Permit No. 5612508GWR, Minor Amendment.** Public Water Supply.

Applicant **Commission of Waterworks of Salisbury Borough**  
 PO Box 343  
 Salisbury, PA 15558

[Borough or Township] Salisbury Borough  
 County **Somerset**

Type of Facility Water system

Consulting Engineer Gibson-Thomas Engineering Co., Inc.  
 1004 Ligonier Street  
 PO Box 853  
 Latrobe, PA 15650

Permit to Operate May 3, 2013  
 Issued

**Beaver Borough Municipal Authority (Public Water Supply), Beaver County:** On May 7, 2013, the Safe Drinking Water Program approved the Source Water Protection (SWP) Plan for Beaver Borough Municipal Authority. The personnel involved with the development of this SWP Plan are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP Plan was funded by the Department of Environmental Protection.

**Borough of Monaca (Public Water Supply), Beaver County:** On May 7, 2013, the Safe Drinking Water Program approved the Source Water Protection (SWP) Plan for Borough of Monaca. The personnel involved with the development of this SWP Plan are to be commended for taking these proactive steps to protect these water sources for their community. Development of the SWP Plan was funded by the Department of Environmental Protection.

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

**Operation Permit issued to Robert L. Braymer d/b/a Country Acres Mobile Home Park, PWSID #6200023, East Mead Township, Crawford County.** Permit Number 2012506 issued May 1, 2013 for the operation of the modifications to the treatment facilities. This permit is issued in response to an operation inspection conducted by the Department of Environmental Protection personnel on April 15, 2013.

**Operation Permit issued to Housing & Investment Properties, Inc., PWSID #6200020, Hydetown Borough, Crawford County.** Permit Number 2006501-MA1 issued May 1, 2013 for the operation of 4-Log treatment of viruses for Entry Point 100. This action is taken under the requirements of the Groundwater Rule.

**Operation Permit issued to Housing & Investment Properties, Inc., PWSID #6200052, Hydetown Borough, Crawford County.** Permit Number 2006501-MA2 issued May 1, 2013 for the operation of 4-Log treatment of viruses for Entry Point 100. This action is taken under the requirements of the Groundwater Rule.

**Operation Permit issued to Freeds Mobile Home Park, PWSID #6370052, New Beaver Borough, Lawrence County.** Permit Number 3788512-MA1 issued May 2, 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.

#### SEWAGE FACILITIES ACT PLAN APPROVAL

#### Plan Approvals Granted Under the Pennsylvania Sewage Facilities Act (35 P. S. § 750.5)

*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
Freedom Township	131 Municipal Street East Freedom PA 16637	Blair County

*Plan Description:* Approval of a revision to the official plan of Freedom Township, Blair County. The project is known as Reliance Bank SFTF. The plan provides for construction of a Small Flow Treatment Facility to replace a malfunctioning on-lot sewage system on 0.159 acre. The proposed sewage flows are 400 gallons per day with a discharge to a tributary to South Dry Run. The proposed development is located on Johnstown Road. The Department's review of the plan revision has not identified any significant impacts resulting from this proposal. The DEP Code No. is A3-07912-120-3S and the APS Id is 808773. Any permits must be obtained in the name of the property owner.

*Plan Location:* located at 355 Sherwood Drive in Middlesex Township, Cumberland Co.

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
Middlesex Township	350 N Middlesex Rd Carlisle, PA 17013	Cumberland County

*Plan Description:* The approved plan provides for the use of a small flow treatment facility for a new single family dwelling. The name of the project is Jeff Pierson and the DEP code # is A3-21915-220-3s. The Department's review of the sewage facilities update revision has not identified any significant environmental impacts resulting from this proposal. Any required NPDES Permits or WQM Permits must be obtained in the name of the municipality, authority or owner as appropriate.

#### 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:*

<i>Borough or Township</i>	<i>Borough or Township Address</i>	<i>County</i>
South Middleton Township	520 Park Dr, Boiling Springs PA 17007	Cumberland County

*Plan Description:* The planning module for the Kenneth M. & Doris M. Bream Subdivision, DEP Code No. A3-21926-461-2, APS Id 808939, consisting of a three lot residential subdivision on a 32 acre tract to be served by individual on lot sewage disposal systems is disapproved. The proposed development is located on the east side of Baltimore Pike (State Route 94) at its intersection with Sheet Iron Roof Road (T-549) in South Middleton Township. This plan is disapproved because the proposed method of sewage disposal for this subdivision is not consistent with the Antidegradation requirements of Chapter 93. The Department's analysis has determined that the proposed on lot sewage disposal systems will have an impact on the High Quality waters of the unnamed tributary to the Yellow Breeches Creek. The proposal did not provide for Best Management Practices to mitigate this impact to the stream. The Nitrate Stream Load Assessment (NSLA) used a water quality objective for nitrates based on the Letort Spring Run to assess the impact on the unnamed tributary to the Yellow Breeches Creek. The watershed of the unnamed tributary is not similar to the watershed of Letort Spring Run. This establishes a water quality objective for the unnamed tributary that is not appropriate for that stream. The

estimated point of impact used in the NSLA was located at a point much further downstream than what was determined by a field investigation conducted by the Department. This error allowed for a much larger watershed area to be used in the mass balance equation.

## 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:

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

**Ontelaunee Orchards**, 5548 Pottsville Pike, Leesport, PA 19533, Borough of Leesport and Ontelaunee Township, **Berks County**. Liberty Environmental, Inc., 50 North 5th Street, 5th Floor, Reading, PA 19601, on behalf of Ontelaunee Orchards, Inc., PO Box 13613, Reading, PA 19612 and Lift, Inc., 3745 Hempland Road, Mountville, PA 17554, submitted a Remedial Investigation Report, Risk Assessment Report, and Cleanup Plan concerning remediation of site soils and groundwater contaminated

with arsenic. The reports are intended to document remediation of the site to meet the Site-Specific Standard.

**Susquehanna Valley Nursing & Rehabilitation Center**, 745 Old Chickies Hill Road, Columbia, PA 17512, Columbia Borough, **Lancaster County**. Advantage Engineers, LLC, 910 Century Drive, Mechanicsburg, PA 17055, on behalf of Susquehanna Valley Nursing & Rehabilitation Center, LP, 9900 Walther Boulevard, Baltimore, MD, 21234 and Susquehanna Valley Nursing & Rehabilitation Center, LLC, 745 Old Chickies Hill Road, Columbia, PA 17512, submitted a Final Report concerning groundwater contaminated with No. 2 fuel oil released during removal of an underground storage tank. The report is intended to document remediation of the site to meet the Residential Statewide Health Standard.

**Former O-Z / Gedney Company LLC Facility**, 150 Birch Hill Road, Shoemakersville, Perry Township, **Berks County**. WSP Environment and Energy, 11190 Sunrise Valley Drive, Suite 300, Reston, VA 20191, on behalf of Emerson, 8000 West Florissant Avenue, St. Louis, MO 63136-1415, submitted a Remedial Investigation Report concerning remediation of site soils and groundwater contaminated with PCBs, PAHs and Inorganics from historic manufacturing of electrical fittings and junction boxes. The report is intended to document remediation of the site to meet the Site-Specific standard.

*Northcentral Region: Environmental Cleanup & Brownfields Program Manager, 208 West Third Street, Williamsport, PA 17701*

**Hurryin Hoosier Transport**, Interstate 80 MM207W, White Deer Township, **Union County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857, on behalf of Hurry Hoosier Transport, 1116 West Markland Avenue, Kokomo, Indiana 46901 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, Methyl Tertiary Butyl Ether. The report is intended to document remediation of the Statewide Health Standard.

**Hurryin Hoosier Transport**, Interstate 80 MM207W, White Deer Township, **Union County**. Northridge Group, Inc., 1172 Ridge Road, Northumberland, Pa 17857 on behalf of Hurryin Hoosier Transport, 1116 West Markland Avenue, Kokomo, Indiana 46901 has submitted a Final Report concerning the remediation of site soils contaminated with Benzene, Toluene, Ethylbenzene, Cumene, Naphthalene, 1,3,5-Trimethylbenzene, 1,2,4-Trimethylbenzene, Methyl Tertiary Butyl Ether. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on April 19, 2013.

**Appalachia Midstream SJW Gathering Line**, Wilmont Township, **Bradford County**. Appalachia Midstream, has submitted a Final Report concerning remediation of site soils that were contaminated with diesel fuel and hydraulic fluid along the SJW Gathering Line right-of-way. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Appalachia Midstream SJW Gathering Line**, Wilmont Township, **Bradford County**. Appalachia Midstream has submitted a Final Report concerning remediation of site soils that were contaminated with diesel fuel and hydraulic fluid along the SJW Gathering Line right-of-way. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on April 5, 2013.

**Appalachia Midstream Rush Yard Diesel Release Cleanup**, Orwell Township, **Bradford County**. Appalachia Midstream submitted a Final Report concerning remediation of site soil contaminated with Diesel Fuel. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Appalachia Midstream Rush Yard Diesel Release Cleanup**, Orwell Township, **Bradford County**. Appalachia Midstream submitted a Final Report concerning remediation of site soil contaminated with Diesel Fuel. The Final Report demonstrated attainment of the Statewide Health Standard, and was approved by the Department on March 26, 2013.

## 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:

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

**Spring Mill Corporation**, Whitmarsh Township **Montgomery County**. Robert Haley, Spring Mill Corporation, 194 Greenfield Road, Lancaster, PA 17601 on behalf of Michael S. Welsh, Welsh Environmental, Inc., 131 Clearview Drive, Downingtown, PA 19335 has submitted a Remedial Investigation Report concerning the remediation of site soil contaminated with methanol. The Remedial Investigation Report was approved by the Department on March 13, 2013.

**Rosemore Shopping Center**, Warminster Township **Bucks County**. Matt Kelly, AMC Delancey Rosemore Partners, 718 Arch Street, Philadelphia, PA 19106 on behalf of Charlene Drake, 6901 Kingsessing Avenue, Philadelphia, PA 19142, Andrew Levin, Davisville Center Inc., Liquidating Trust, 564 Walter Road, Warminster, PA 19074, James Manuel, REPSG, Inc., 6901 Kingsessing Avenue, Suite 201, Philadelphia, PA 19142 has submitted a Remedial Investigation Report concerning the remediation of site groundwater and soil contaminated with chlorinated solvents. The Remedial Investigation Report was disapproved by the Department on February 5, 2013.

**Greenberg Residence**, Hatboro Borough **Montgomery County**. Wayne Greenberg, 234 Tanner Avenue, Hatboro, PA 19040 on behalf of Ed Applegate, State Farm Insurance Company, Pennsylvania Fire Claim, P. O. Box 106110, Richard D. Trimpi, Trimpi Associates, Inc. 1635 Old Plains Road, Pennsburg, PA 18073 has submitted a Final Report concerning the remediation of site soil contaminated with no. 2 fuel oil. The Final report demonstrated attainment of the Statewide Health Standard and was approved by the Department on April 8, 2013.

**Brasalind Properties Inc.**, Borough of West Chester, **Chester County**. Jack Loew, 220 Chestnut Associates, LP, 5 County Club Drive, Downingtown, PA 19335 on behalf of Michael S. Welsh, Welsh Environmental, Inc. 131 Clearview Drive, Downingtown, PA 19335 has submitted a Cleanup Plan concerning the remediation of site soil and groundwater contaminated with no. 6 fuel oil. The Cleanup Plan was approved by the Department on April 8, 2013.

**Titan International Inc.**, Pottstown Borough, **Montgomery County**. William Glycenfer, Titan International, Inc. 301 Lilac Lane, Cinnaminson, NJ 08077 on behalf of Walter H. Hungarter, III, RT Environmental Services, Inc., 215 West Church Road, King of Prussia, PA 19406 has submitted a Remedial Investigation and Final Report concerning the remediation of site soil contaminated with lead. The Remedial Investigation and Final Report were approved by the Department on April 5, 2013.

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

**1327 East Mahanoy Street Property, (A.K.A. Grabowski Property)**, 1327 East Mahanoy Street Property, Borough of Mahanoy City, **Schuylkill County**, Dean Cruciani, Pennsylvania Tectonics, Inc., has submitted a Final Report (on behalf of his clients, Mr. Eric Grabowski, 348 West State Street, Trenton, NJ 08618 and Mrs. Rose Kern, 1329 East Mahanoy Street, Mahanoy

City, PA 17948) concerning the remediation of soil and groundwater contaminated with #2 fuel oil released from corroded copper return and feed lines from two 275 gallon fuel oil aboveground storage tanks located in Mr. Grabowski's basement. The fuel oil migrated beneath the concrete basement floor to a compromised sewer line located in the yard on Mrs. Kern's property. The report was documented attainment of the Residential Statewide Health Standard for soil and was approved on April 25, 2013.

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

**Boyertown TCE Site**, 704 East Fourth Street, Boyertown, PA 19512, Boyertown Borough and Colebrookdale Township, **Berks County**, and Douglas Township, **Montgomery County**. Penn E&R, Inc., 2755 Bergey Road, Hatfield, PA 19440, on behalf of Boyertown Associates, 201 North Fourth Avenue, P. O. Box 89, Royersford, PA 19468-0089, submitted a Remedial Investigation and Final Report concerning remediation of groundwater contaminated with TCE. The Final Report demonstrated attainment of the Site Specific standard, and was approved by the Department on May 2, 2013.

**Nadine Young Property**, 30 East James Street, Lancaster, PA 17602, City of Lancaster, **Lancaster County**. Mountain Research, LLC, 825 25th Street, Altoona, PA 16601, on behalf of Allstate Insurance Company, 1200 Atwater Drive, Suite 10, Malvern, PA 19355, and Nadine Young, 30 East James Street, Lancaster, PA 17602, submitted a Final Report concerning site soils contaminated with No. 2 fuel oil. The Final Report demonstrated attainment of the Residential Statewide Health standard, and was approved by the Department on May 2, 2013.

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

**Kline Lease**, 4177 Neiltown Road, Harmony Township, **Forest County**. Atlantic Environmental Group, Inc., 453 State Route 227, Oil City, PA 16301 on behalf of Cougar Energy, Inc., 1049 West 2nd Street, Oil City, PA 16301 submitted a Final Report concerning remediation of site soil contaminated with Benzene, Toluene, Ethylbenzene, Total Xylenes, 1,2,4 Trimethylbenzene, 1,3,5 Trimethylbenzene, Isopropylbenzene, Naphthalene, and Chloride. The Final Report did not demonstrate attainment of the Statewide Health standard and was disapproved by the Department on May 7, 2013.

#### HAZARDOUS WASTE ACTION

**Proposed action on an application for a permit under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to operate a hazardous waste facility.**

Persons wishing to comment on the proposed action are invited to submit a statement to the Regional Office indicated as the office responsible, within 45 days from the date of this public notice. Comments received within this 45-day period will be considered in the formulation of the final determination regarding this application. Responses should include the name, address and telephone number of the writer; and concise statement to inform the Regional Office of the exact basis of any comment and the relevant facts upon which it is based. A public hearing may be held if the Regional Office considers the public response significant.

Following the 45-day comment period and/or public hearing, the Department will make a final determination regarding the proposed permit action. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

*Intent to Renew Permit*

*Regional Office: Regional Manager, Waste Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

**Permit ID. No. PAD987335379: Babcock and Wilcox Power Generation Group, Inc. (B&W), 20 South Van Buren Avenue, Barberton, OH, 44203-0351. B&W EAF Dust Landfill, Mount Street, Koppel Steel Mill, Koppel, PA 16136. Post-closure care of a closed hazardous waste landfill located in Koppel and Big Beaver Boroughs, Beaver County. The application for the renewal of a post-closure permit was considered for intent to approve by the Regional Office on May 7, 2013.**

**HAZARDOUS WASTE TREATMENT, STORAGE AND DISPOSAL FACILITIES**

**Draft permits issued, revised or withdrawn under the Solid Waste Management Act and Regulations to Operate a Hazardous Waste Treatment, Storage, or Disposal Facility.**

*Southcentral Region: Regional Solid Waste Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**PAD 990753089. Exide Technologies, Inc., P. O. Box 14292, Reading, PA. 19612-4294 for the Reading Facility located at Spring Valley Road and Nolan Street, Reading, PA 19605.**

A Draft Class 3 Permit Modification to Exide Technologies' RCRA Part B Permit Number PAD 990753089 has been issued by the Department for: 1) the addition of a new Container Storage Area #2 for the storage of intact spent lead acid batteries only; 2) revisions to the facility's Environmental Emergency Response Plan; 3) clarifications to Table D-1 (Hazardous Waste Tank summary table); and 4) updates to the Closure and Post-Closure Cost Estimate. The draft permit was issued on May 15, 2013.

Further information on the application and draft permit are available by contacting John Oren, Permitting Manager, PA DEP Southcentral Regional Office, Waste Management Program, 909 Elmerton Avenue, Harrisburg, PA 17110-8200, phone (717) 705-4906. A copy of the permit application, draft permit and Statement of Basis are available for review at the Muhlenberg Community Library. In addition, the public is invited to review these documents at the Department's Southcentral Regional Office. File reviews may be scheduled by calling 717-705-4732.

All persons wishing to comment on any of the permit conditions or the permit application should submit the comments in writing to the Department at the address above by July 2, 2013. Comments should include all reasonably available references, factual grounds and supporting material. Persons wishing to comment on the draft permit may submit comments to John Oren, P.E., Facilities Manager, Waste Management Program, Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg, PA 17110. TDD users may contact the Department through the Pennsylvania Relay service, (800) 654-5984.

**OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE**

**Permit(s) issued under the Solid Waste Management Act, the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southwest Regional Office, Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, Telephone 412.442.4000.*

**Permit ID No. 300657. Route 356 Landfill, 100 River Road, Brackenridge, PA 15014-1597. Major permit modification to Allegheny Ludlum Corporation for revisions to the Closure Plan for Route 356 the residual waste landfill in Allegheny Township, Westmoreland County was issued in the Regional Office on May 1, 2013.**

**Permit ID No. 101571. Mostoller Landfill, Inc., 7095 Glades Pike, Somerset, PA 15501. Major permit modification to expand the permit boundary for additional soil of borrow areas of Mostoller Landfill, a municipal waste landfill, in Somerset and Brothersvalley Townships, Somerset County, was issued in the Regional Office on May 1, 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*

**GP1-23-0155: Trustees of the University of Pennsylvania (500 South Ridgeway Avenue, Glenolden, PA 19036) on May 2, 2013, was authorized to operate a 10.2 MMBTU/hr cleaver brooks boiler in Glenolden Borough, Delaware County.**

**GP1-23-0156: Trustees of the University of Pennsylvania (500 South Ridgeway Avenue, Glenolden, PA 19036) on May 2, 2013, was authorized to operate a 10.2 MMBTU/hr cleaver brooks boiler in Glenolden Borough, Delaware County.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**GP3-08-383: Siri Sand & Stone, LLC (PO Box 169, Watkins Glen, NY 14870) on April 26, 2013, to construct and operate a portable non-metallic mineral mobile crushing plant with associated water spray dust suppression system pursuant to the General Plan Approval And/OR General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at Hanson Aggregates' Sugar Run Quarry located in Wilmot Township, Bradford County.**

**GP3-08-383A: Siri Sand & Stone, LLC (PO Box 169, Watkins Glen, NY 14870) on April 26, 2013, to construct and operate a portable non-metallic mineral mobile screening plant with associated water spray dust suppression**

sion system pursuant to the General Plan Approval And/Or General Operating Permit For Portable Nonmetallic Mineral Processing Plants (BAQ-PGPA/GP-3) at Hanson Aggregates' Sugar Run Quarry located in Wilmot Township, **Bradford County**.

**GP9-08-383: Siri Sand & Stone, LLC** (PO Box 169, Watkins Glen, NY 14870) on April 26, 2013, to construct and operate one Caterpillar model C-9 diesel-fired engine with a rating of 350 brake horsepower (bhp) pursuant to the General Plan Approval And/Or General Operating Permit for Diesel or No. 2 fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at Hanson Aggregates' Sugar Run Quarry located in Wilmot Township, **Bradford County**.

**GP11-08-383A: Siri Sand & Stone, LLC** (PO Box 169, Watkins Glen, NY 14870) on April 26, 2013, to construct and operate one Caterpillar model C4-4 diesel-fired engine with a rating of 129.4 brake horsepower (bhp) pursuant to the General Plan Approval And/Or General Operating Permit (BAQ-GPA/GP-11): Nonroad Engines at Hanson Aggregates' Sugar Run Quarry located in Wilmot Township, **Bradford County**.

**GP9-59-238: Hanson Aggregates Pennsylvania LLC** (7660 Imperial Way, Allentown, PA 18195-1040) on April 24, 2013, for the installation of a Johnson-Matthey Bandido CXX6-6 two-way non-selective catalytic reduction oxidizer equipped with a HAPGuard continuous parametric monitoring system and a Parker-Raycor closed crankcase ventilation system on an existing Detroit model #6063HK35 compression ignition, 572 bhp diesel-fired engine under the General Plan Approval and/or General Operating Permit for Diesel or No.2 Fuel-fired Internal Combustion Engines (BAQ-GPA/GP-9) at the Blossburg Quarry located in Liberty Township, **Tioga County**.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Mark Gorog and Barb Hatch, Environmental Engineer Managers—Telephone: 412-442-4163/5226*

**GP5-30-00196C: Laurel Mountain Midstream Operating, LLC** (Westpointe Center Three, 1605 Coraopolis Heights Rd, Moon Township, PA 15108) on April 30, 2013, received authorization for construction and operation of sources and controls associated with a natural gas production facility at the Cantaral Compressor Station located in Franklin Township, **Greene County**.

**GP5-30-00190B: PVR NEPA Gas Gathering, LLC** (101 West 3rd Street, Williamsport, PA 17701) on April 30, 2013, to authorize the installation of two (2) natural gas-fired compressor engines rated at 690 bhp and 1,380 bhp respectively, controlled by oxidation catalysts, two (2) 12 MMscfd dehydrators controlled by flares, one (1) 25 MMscfd dehydrator controlled by a flare, and storage tanks at the Greene County South Compressor Station located in Gilmore Township, **Greene County**. This facility was previously owned and operated by Chief Gathering, LLC. The two (2) previously installed 12 MMscfd dehydrators have been included in this authorization.

**GP9-63-00939: MarkWest Liberty Midstream and Resources, LLC** (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) on May 7, 2013, to allow the installation and operation of one emergency generator driven by a diesel-fired engine rated at 197 bhp at the Nancy Stewart Compressor Station, located in Mt. Pleasant Township, **Washington County**.

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**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.**

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

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

**46-0013C: Hatfield Quality Meats, Inc.—a subsidiary of The Clemens Family—Hatfield** (2700 Funks Road, Hatfield Township, PA) on May 1, 2013, to modify three (3) boilers to increase CO emission rates which will allow to fire predominantly the previously permitted natural gas at Hatfield Township, **Montgomery County**.

Pursuant to 25 Pa. Code §§ 127.44(b) and 127.424(b), the Department of Environmental Protection (DEP) intends to issue a Plan Approval, 46-0013C, to Hatfield Quality Meats, Inc., a subsidiary of The Clemens Family ("Hatfield") for the company's one 49 MMBtu/hr and two 27.4 MMBtu/hr Boilers ("three boilers") located at the company's facility at 2700 Funks Road, Hatfield Township, Montgomery County. The facility currently has a Title V permit No. 46-00013. The Plan Approval will subsequently be incorporated into the Title V Operating Permit through an administrative amendment in accordance with 25 Pa. Code § 127.450.

Plan Approval No. 46-0013C is for the modification of three boilers to increase CO emission rates which will allow them to fire predominantly the previously permitted natural gas. Based on the information provided by the applicant and DEP's own analysis, the three boilers may emit up to: 38.19 tons per year of Carbon Monoxide.

In addition to the modification of three boilers, this Plan Approval maintains a plantwide Federally Enforceable Emission Cap for Nitrogen Oxides emissions from the Hatfield's facility of 74.15 tons per year and a facility limit for Sulfur Oxides of 249 tons per year and for Particulate Matter of 249 tons per year.

**46-0029E: Glasgow, Inc.** (Route 309 & Hartman Road Montgomeryville, PA 18936) on May 2, 2013, to install one crusher and three (3) conveyors at Glasgow's existing quarrying operation in Montgomery Township, **Montgomery County**. This facility is a synthetic minor facility. The expected increase in particulate matter emissions from the crusher and three conveyors is less than one ton per year. There will be no increase of any other emissions at this facility under this authorization. The crusher and conveyors will be powered by electricity from the electric grid. The Plan Approval will contain testing, monitoring and recordkeeping requirements and operating restrictions designed to keep the sources and 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*

**48-318-138: Schutt Reconditioning** (8 McFadden Road, Easton, PA 18045) on May 2, 2013, to operate a surface coating operation at their facility in Easton, **Northampton County**.

*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.

**36-03182A: Charles F. Snyder Funeral Home & Crematory, Inc.** (3110 Lititz Pike, Lititz, PA 17543) on April 29, 2013, for operation of a Matthews model #IE43-PPII human cremation unit at the Charles F. Snyder, Jr. Funeral Home in Manheim Township, **Lancaster County**.

**36-05159A: Covance Research Products, Inc.** (310 Swamp Bridge Road, Denver, PA 17517) on May 1, 2013, for authorization to operate five emergency generators at the biomedical research facility in West Cocalico Township, **Lancaster County**.

**67-05069I: Pennsy Supply, Inc.** (1001 Paxton Street, Harrisburg, PA 17105) on May 2, 2013, for the construction of the Plant 4 stone drying and screening operations which include a rotary dryer, bucket elevators, screens, storage silos and conveyors. Particulate matter (PM) emissions from the plant are to be controlled by a fabric filter and bin vent filter. The project will be located at Pennsy's Thomasville facility, located in Jackson Township, **York County**.

Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481

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

**10-0010: AK Steel Corporation—Butler Works** (1 Armco Drive, Butler, PA 16045) on April 30, 2013, for the melt shop modernization project, which includes the addition of a conventional EAF No. 5 and a ladle metallurgical facility at their facility in Butler Township, **Butler County**. This plan approval supersedes Plan Approval 10-001M.

**33-159B: Brookville Equipment Co.** (175 South Evans Street, Brookville, PA 15825) on April 29, 2013, for the installation of a paint booth at their Pickering Street Facility located in the Borough of Brookville, **Jefferson County**.

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**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.**

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

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

**46-0020G: Superior Tube Co., Inc.** (3900 Germantown Pike, Collegeville, PA 19426) on May 1, 2013, for modification of existing pickling & passivation operation controlled by a mist eliminator in Lower Providence Township, **Montgomery County**. This modification will change the exhaust configuration of the two pickling and a passivation tank with a mist eliminator. There will be no change in air emissions. This facility is a Title V facility. The Plan approval will contain record keeping and operating restriction designed to keep the facility operating within the allowable emissions and all applicable air quality requirements.

**09-0186: Kinder Morgan Bulk Terminals, Inc.** (1 Sinter Road, Fairless Hills, PA 19030) on May 2, 2013, for bulk material handling system located in Falls Township, **Bucks County**.

**09-0186D: Kinder Morgan Bulk Terminals, Inc.** (1 Sinter Road, Fairless Hills, PA 19030) on May 2, 2013, for installation of a coal and coke import/export process located in Falls Township, **Bucks County**.

**09-0186E: Kinder Morgan Bulk Terminals, Inc.** (1 Sinter Road, Fairless Hills, PA 19030) on May 2, 2013, for the fertilizer transfer and storage area in Falls Township, **Bucks County**.

**09-0007E: Waste Management Disposal Services of PA, Inc.** (1000 New Ford Mill Road, Morrisville, PA 19067) on May 2, 2013, for two (2) propane fired crystallizers in Falls Township, **Bucks County**.

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.

**01-05037B: Gettysburg Energy & Nutrient Recovery Facility, LLC** (71 Old Mill Bottom Road North, Suite 101, Annapolis, MD 21409) on May 2, 2013, for construction and temporary operation of an energy and nutrient recovery facility utilizing egg layer manure in Tyrone Township, **Adams County**. The plan approval was extended.

Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701

Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648

**47-00001D: PPL Montour LLC** (P. O. Box 128, Washingtonville, PA 17884-0128) on April 22, 2013 to extend the authorization an additional 180 days from May 2, 2013 to October 29, 2013 in order to continue and allow the ongoing compliance evaluation of the air contaminant aspects of the source including the performance of system as well as obtaining operational parameter data that will be used in the compliance determination requirements to verify the control systems are properly functioning. The dry injection systems installed under this authorization control sulfuric acid emissions from the coal-fired electric generating units at the Montour SES in Derry Township, **Montour County**. The plan approval has been extended.

**17-00020B: Glenn O. Hawbaker, Inc.** (711 East College Avenue, Bellefonte, PA 16823) on May 2, 2013, to extend the authorization to operate their mineral processing equipment at their facility in Sandy Township, **Clearfield County** on a temporary basis to October 29, 2013. The plan approval has been extended.

**08-00030A: Angelina Gathering Co.** (2350 North Sam Houston Parkway East, Houston, TX 77009) on May 6, 2013, to extend the authorization for the construction of four natural-gas-fired compressor engines each equipped with oxidation catalysts and the construction two natural gas glycol dehydration units each equipped with reboiler fireboxes at the Greenzweig Compressor Station located in Herrick Township, **Bradford County** to November 3, 2013. The plan approval has been extended.

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

**63-00969A: MarkWest Liberty Midstream and Resources, LLC** (1515 Arapahoe Street Tower 2, Suite 700, Denver, CO 80202-2126) on April 30, 2013, to extend the period of temporary operation of new rich burn natural gas-fired compressor engines rated at 1,980 bhp each and controlled by three-way catalysts authorized under PA-63-00969A until November 2, 2013, at the Three Brothers Compressor Station located in Smith Township, **Washington County**.

**63-00549B: Arden Landfill, Inc.** (625 Cherrington Parkway, Moon Township, PA 15108) on May 3, 2013, to extend the temporary operation period for the landfill expansion at Arden Landfill located in Chartiers Township, **Washington County**. The new expiration date shall be November 3, 2013.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

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

**37-331A: RWE Holding Company—West Pittsburgh Plant** (535 Rundle Road, New Castle, PA 16101) on May 1, 2013, effective May 31, 2013, a plan approval extension for post-construction of a slag handling, anti-skid mining, coke screening, bulk carbon loading and graphite drying operation in Taylor Township, **Lawrence County**. The plan approval has been extended.

**43-356B: Hermitage Municipal Authority** (800 North Hermitage Road, Hermitage, PA 16148-3220) on May 1, 2013, effective May 31, 2013, a plan approval extension for the modification of sources permitted in Plan Approval 43-356A in Hermitage, Mercer County. The facility will remove C101 (Selective Catalytic Reduction) from Source 101 (Combined Heat & Power Unit) and requests a correction to the emission limits for Source 105 (Emergency Generator). This equipment is at the Bobby Run Water Pollution Control Plant in the City of Hermitage, **Mercer County**. Sources modified in this plan approval include 101 and 105. The plan approval has been extended.

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**Title V Operating Permits Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter G.**

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

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**09-00066: Exelon Generation Company LLC** (300 Exelon Way Kennett Square, PA 19348) on May 2, 2013, for renewal of the Title V Operating Permit for their Fairless Hills Generating Station, a steam electric generating plant of nominal 60 MWe capacity located in Falls Township, **Bucks County**.

The facility comprises two boilers, each of 468.5 MMBtu/hr capacity, approved to be fired on landfill gas, natural gas or residual fuel oil (No. 4). Ratings limitations in the permit allow a maximum of 100% landfill gas, or mixtures of fuels including a maximum of 55% natural gas or a maximum of 32% residual fuel oil to be fired in each boiler.

The facility is a major source for nitrogen oxides (NO<sub>x</sub>), volatile organic compounds (VOC), carbon monoxide (CO), sulfur oxides (SO<sub>x</sub>) and greenhouse gases based on its potential to emit. Each boiler is restricted by the Operating Permit to emissions of 322 tons/year NO<sub>x</sub> (nitrogen oxides) and 121 tons/year VOC (when burning landfill

gas), both on a 12-month rolling sum basis. Each boiler has a potential to emit CO (carbon monoxide), PM/PM<sub>10</sub>/PM<sub>2.5</sub> (particulate matter 10 microns/2.5 microns and smaller), SO<sub>x</sub> (sulfur oxides) of 119, 45/36/29 and 413 tons/year respectively on a 12-month rolling basis. The facility is a minor source for hazardous air pollutants (HAPs) with a potential to emit of 10.7 tons/year, also on a 12-month rolling basis.

The facility is subject to the Clean Air Interstate Rule (CAIR). The facility is also subject to 40 CFR Part 63 Subparts UUUUU (National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units) and JJJJJJ (National Emission Standards for Hazardous Air Pollutants for Area Sources: Industrial, Commercial, and Institutional Boilers), if residual fuel oil above the levels specified in the Subparts is combusted.

The facility also includes a ZEP degreaser, which emits approximately 0.025 ton/year non-HAP VOC and is subject to the requirements of 25 Pa. Code § 129.63.

Upon final approval, the permit will be renewed for a period of 5 years.

The renewal does not authorize any increase in air emissions of regulated pollutants above previously approved levels for the boilers. The renewal contains all applicable requirements including monitoring, record-keeping, and reporting.

**46-00018: Brown Printing Co.** (668 Gravel Pike, East Greenville, PA 18041) on May 2, 2013, for renewal of the Title V Operating Permit in Upper Hanover Township, **Montgomery County**. The facility is primarily used for the printing of magazines, magazine inserts, and newspaper inserts. As a result of potential emissions of volatile organic compounds (VOCs), the facility is a major stationary source as defined in Title I, Part D of the Clean Air Act Amendments, and is therefore subject to the Title V permitting requirements adopted in 25 Pa. Code Chapter 127, Subchapter G. The Title V Operating Permit contains Compliance Assurance Monitoring (CAM) conditions pursuant to 40 CFR Part 64 for the five offset lithographic presses and the thermal oxidizers used to control VOC emissions.

The renewal contains all applicable requirements including monitoring, recordkeeping and reporting.

*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.*

**22-05011: PPL Martins Creek LLC** (2 North 9th Street, Allentown, PA 18101-1139) on April 30, 2013 for the combustion turbine site in Harrisburg City, **Dauphin County**. The Title V permit was renewed.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Matthew Williams, Facilities Permitting Chief—Telephone: 814-332-6131*

**25-00179: Erie City Sewer Authority** (68 Port Access Road, Erie, PA 16507-2204) on May 3, 2013, renewed the Title V operating permit for their wastewater treatment plant in the City of Erie, **Erie County**. The significant sources are two sewage sludge incinerators and two



natural-gas/oil fired boilers, as well as 1 oil fueled and 3 natural-gas fueled emergency generators, a fuel oil storage tank, and five aeration tanks. The conditions of the previous plan approvals and operating permit were incorporated into the renewal permit. This facility is subject to the following federal regulations for which the applicable requirements are included in the permit renewal: 40 CFR Part 60 Subpart O, Standards of Performance for Sewage Treatment Plants; 40 CFR Part 60 Subpart M, Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units; 40 CFR Part 61 Subpart C, National Emissions Standard for Beryllium; 40 CFR Part 61 Subpart E, National Emissions Standard for Mercury; 40 CFR Part 503 Subpart E, Standards for the Use or Disposal of Sewage Sludge—Incineration; 40 CFR Part 63 Subpart ZZZZ, NESHAP for Stationary Reciprocating Internal Combustion Engines. The potential emissions from the facility are as follows: 44.56 tpy PM; 175.63 tpy NO<sub>x</sub>; 19.69 tpy SO<sub>2</sub>; 732.18 tpy CO; 29.91 tpy VOC, and 3.44 tpy Total HAPs.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southeast Region: Air Quality Program, 2 East Main Street, Norristown, PA 19428*

*Contact: Janine Tulloch-Reid, Facilities Permitting Chief—Telephone: 484-250-5920*

**23-00058: Haverford College** (370 Lancaster Ave., Haverford, PA 19041) on May 2, 2013, for renewal of the State Only Operating Permit in Haverford Township, **Delaware County**. The permit was initially issued 2-24-2003 and was subsequently renewed on 3-20-2008. The air primary pollutant emission sources include 3-1,000 kilowatt (kW) peak shaving diesel #2 fuel oil-fired generators and five (5) boilers that have the capacity to combust natural gas only, or either natural gas or #2 fuel. In addition the campus has a number of miscellaneous natural gas-fired and No. 2 oil-fired furnaces and natural gas-fired hot water heaters that are insignificant sources of pollutant emissions. The permit will include monitoring, recordkeeping, reporting, and work practice standards designed to keep the facility operating within all applicable air quality requirements

**46-00093: Main Line Hospitals—Bryn Mawr** (130 S. Bryn Mawr Avenue, Bryn Mawr, PA 19010) on May 1, 2013, for a renewal of the State Only (Synthetic Minor) Operating Permit, which was issued on April 28, 2008 in Lower Merion Township, **Montgomery County**. This proposed renewal of the State Only Operating permit does not authorize any increase in air emissions of regulated pollutants above previously approved levels. The facility uses the 3 boilers to generate steam and provide heat for the buildings. The facility also has seven permitted emergency generators to provide backup power to the facility. Total NO<sub>x</sub> emissions from the facility are limited to 24.9 tons/yr on a 12-month rolling basis. The permit includes monitoring, recordkeeping and reporting requirements designed to keep the facility operating within all applicable air quality requirements.

*Northeast Region: Air Quality Program, 2 Public Square, Wilkes-Barre, PA 18711-0790*

*Contact: Ray Kempa, New Source Review Chief—Telephone: 570-826-2507*

**39-00064: CERA MET LLC** (2175 Avenue C, Bethlehem, PA 18017-2119) on April 30, 2013, for an aluminum casting facility in Bethlehem City, **Lehigh County**.

**54-00002: Honeywell International, Inc.** (98 Westwood Road, Pottsville, PA 17901-1834) on April 30, 2013, to operate a plastics, film and sheet manufacturing facility in Norwegian Township, **Schuylkill County**.

**54-00069: Papettis Hygrade Egg Products—Klingerstown** (68 Spain Road, Klingerstown, PA 17941-9656) on April 30, 2013, for chicken egg production in Hubley Township, **Schuylkill County**. The primary sources consist of one (1) boiler using natural gas with a rated heat input between 10 and 30 MMBtu/hr. and one (1) spray dryer. The control device for the spray dryer is a baghouse. The sources are considered minor emission sources of nitrogen oxide (NO<sub>x</sub>), sulfur oxides (SO<sub>x</sub>), carbon monoxide (CO), total suspended particulate (TSP), and volatile organic compounds (VOC) emissions. This is a renewal State-Only Synthetic 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.

*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.*

**06-03009: Bally Block Co.** (30 South 7th Street, Bally, PA 19503) on April 29, 2013 for their wood kitchen countertop, work bench top, bench seat and butcher block manufacturing facility in Bally Borough, **Berks County**. The State-only permit was renewed.

**44-05012: Donsco, Inc.** (North Front Street, Wrightsville, PA 17368) on May 1, 2013 for their gray and ductile iron foundry in Union Township, **Mifflin County**. The State-only permit was renewed.

**67-03055: Vulcan Construction Materials LP** (322 North Baker Road, York, PA 17404-5802) on May 1, 2013, for their stone crushing plant in West Manchester Township, **York County**. The State-only permit was renewed.

**06-03080: FM Browns Sons, Inc.** (118 West Main Street, PO Box 153, Fleetwood, PA 19522-0153) on April 29, 2013, for their flour milling facility in Fleetwood Borough, **Berks County**. The State-only permit was renewed.

**05-03010: New Enterprise Stone & Lime Co., Inc.** (PO Box 77, New Enterprise, PA 16664-0077) on April 30, 2013, for the Ashcom Quarry stone crushing and batch concrete operations in Snake Spring Township, **Bedford County**. The State-only permit was renewed.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701*

*Contact: Muhammad Q. Zaman, Environmental Program Manager—Telephone: 570-327-3648*

**17-00062: Dubois Regional Medical Center, Inc.** (100 Hospital Ave, Dubois, PA 15801) on May 1, 2013, for operation of their facility located in the City of Dubois, **Clearfield County**. The State Only operating permit contains requirements including monitoring, recordkeeping, and reporting conditions to ensure compliance with applicable Federal and State regulations.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745*

*Contact: Barbara Hatch, Facilities Permitting Chief—Telephone: 412-442-4174*

**30-00116: Columbia Gas Transmission Corp.** (1700 MacCorkle Ave SE, Charleston, WV 25314-1518) on May 2, 2013, in accordance with 25 Pa. Code § 127.431, the Department of Environmental Protection (DEP) is providing notice that on they issued a State Only Operating Permit (SOOP) Renewal to Columbia Gas to authorize the continued operation of the natural gas transmission facility known as the Waynesburg Station, located in Waynesburg Boro, **Greene County**.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481*

*Contact: Matthew M. Williams, Environmental Program Manager—Telephone: 814-332-6636*

**25-00890: Donald C. Burton Funeral Home** (602 West 10th Street, Erie, PA 16502-1223) on May 1, 2013, renewed the State Only operating permit for the crematory in the City of Erie, **Erie County**. The facility is a Natural Minor. The conditions of the previous plan approvals and operating permit were incorporated into the renewal permit. The potential emissions from the facility are as follows: less than 1 tpy PM; 1.1 tpy NO<sub>x</sub>; less than 1 tpy CO; less than 1 tpy VOC. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional requirements to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**43-00329: White Rock Silica Sand Co.** (331 Methodist Road, Greenville, PA 16125-9741) on May 1, 2013, issued the renewal of a State Only operating permit for their stone and sand processing facility in Hempfield Township, **Mercer County**. The significant sources are stone crushing and sizing; vehicle travel and loading; a diesel fueled generator equipped with an oxidation catalyst; and a parts washer. The facility is a Natural Minor. The conditions of the previous plan approvals and operating permit were incorporated into the renewal permit. This facility is subject to the following federal regulation for which the applicable requirements are included in the permit renewal: 40 CFR Part 63 Subpart ZZZZ, NESHAP for Stationary Reciprocating Internal Combustion Engines. The potential emissions from the facility are as follows: 20.9 tpy PM; 19.6 tpy NO<sub>x</sub>; less than 1 tpy CO; less than 1 tpy VOC; and less than 1 tpy total hydrocarbons. The renewal permit contains emission restrictions, recordkeeping, work practice, and additional require-

ments to ensure compliance with the Clean Air Act and the Air Pollution Control Act.

**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.**

*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.*

**22-05005: NRG Energy Center Paxton LLC** (100 North 10th Street, Harrisburg, PA 17101-2440) on April 29, 2013, for the steam-electric generation facility in Harrisburg City, **Dauphin County**. The Title V permit underwent a minor modification to approve a 1-year extension, pursuant to 40 CFR 63.6(i)(4) for compliance with the company reduction requirement in 40 CFR Part 63 Subpart ZZZZ.

**38-03001: Lebanon Chemical Corp.** (1600 E. Cumberland Street, Lebanon, PA 17042-8323) on May 1, 2013, for their fertilizer manufacturing facility in South Lebanon Township, **Lebanon County**. The State-only permit was administratively amended to incorporate the requirements of Plan Approval No. 38-03001B.

**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*

**20-00043: Russell Standard Corporation—Millcreek Asphalt Plant** (P. O. Box 86, Union City, PA 16438-0086) for its facility located at 2002 Pittsburgh Street, in Erie, PA (16502-1945). This site is located in City of Erie, **Erie County**. The de minimis emission increase is due to the addition of two (2) material handling conveyors, a product hopper and a product shaker (4 x 6) on Source 101 (Batch Mix Asphalt Plant). The Department has started a list of de minimis increases as prescribed in 25 Pa. Code § 127.449(i).

Since the March 20, 2012, Synthetic Minor Permit issuance date, Russell Standard Corporation has notified the Department of the following de minimis emission increases at the Millcreek Asphalt Plant:

<i>Date</i>	<i>Source</i>	<i>PM<sub>10</sub> (tons)</i>	<i>SO<sub>x</sub> (tons)</i>	<i>NO<sub>x</sub> (tons)</i>	<i>VOC (tons)</i>	<i>CO (tons)</i>
5-3-13	Addition of two (2) conveyors, a hopper and a shaker.	0.129				
Total Reported Increases		0.129				
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

*California District Office: 25 Technology Drive, Coal Center, PA 15423, 724-769-1100*

**30831303. Cumberland Coal Resources, LP**, (PO Box 1020, 158 Portal Road, Waynesburg, PA 15370). To revise the permit for the Cumberland Mine in Whiteley Township, **Greene County** to install the No. 6 Shaft Dewatering Pipeline. Surface Acres Proposed 2.90. No additional discharges. The application was considered administratively complete on August 16, 2010. Application received April 12, 2010. Permit issued April 30, 2013.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, 814-472-1900*

**56110107 and NPDES No. PA0263338. Rosebud Mining Company**, 1117 Shaw Mines Road, Meyersdale, PA 15552, commencement, operation and restoration of a bituminous surface and auger mine in Brothersvalley Township, **Somerset County**, affecting 170.5 acres. Receiving stream(s): unnamed tributaries to Buffalo Creek classified for the following use(s): cold water fishery. The permit includes a Chapter 105 stream encroachment authorization to place support facilities and to conduct remining and reclamation activities up to 30 feet of unnamed tributary 'B' to Buffalo Creek. There are no potable water supply intakes within 10 miles downstream. The application includes a stream encroachment to within 100 feet of unnamed tributary 'B' to construct ponds and ditches and coal removal within the barrier area of unnamed tributary 'B' to Buffalo Creek. Application received August 18, 2011. Permit issued April 24, 2013.

**56010106 and NPDES No. PA0249076. Marquise Mining Corporation**, 3889 Menoher Boulevard, Johnstown, PA 15905, permit renewal for reclamation only of a bituminous surface and auger mine in Shade Township, **Somerset County**, affecting 325.0 acres. Receiving stream(s): Dixie Run and Fallentimber Run 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 Stonycreek SWI. Application received February 19, 2013. Permit issued: April 25, 2013.

**56060104 and NPDES No. PA0249963. Fieg Brothers**, 3070 Stoystown Road, Stoystown, PA 15563, permit renewal for the continued operation and restoration of a bituminous surface mine in Shade Township, **Somerset County**, affecting 107.2 acres. Receiving stream(s): unnamed tributaries to/and Hinson Run 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, Border Dam intake, on Stonycreek River. Application received September 26, 2012. Permit issued April 29, 2013.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**54060102C2 and NPDES Permit No. PA0224529. Kuperavage Enterprises, Inc.**, (PO Box 99, Middleport, PA 17953), correction of an existing anthracite surface mine operation to include 2 stream variances in Blythe Township, **Schuylkill County** affecting 66.0 acres, receiving stream: Bushy Creek tributary to Schuylkill River. Application received: December 14, 2012. Correction issued: May 2, 2013.

### Noncoal Permits Actions

*Greensburg District Mining Office: Armbrust Professional Center, 8205 Route 819, Greensburg, PA 15601, 724-925-5500*

**26070603 and NPDES Permit No. PA0251097. Fayette Coal & Coke, Inc.** (195 Enterprise Lane, Connelville, PA 15425). Renewal permit issued for reclamation only to an existing large noncoal surface mine, located in Georges Township, **Fayette County**, affecting 65.8 acres. Receiving streams: unnamed tributaries to York Run. Application received: November 1, 2012. Permit issued: May 1, 2013.

*Moshannon District Mining Office: 186 Enterprise Drive, Philipsburg, PA 16866, 814-342-8200*

**08100304 and NPDES No. PA0257435. Insinger Excavating, Inc.** (3046 Dushore-Overtown Road, Dushore, PA 18614). Commencement, operation and restoration of a large noncoal (shale and bluestone) surface quarry located in Pike Township, **Bradford County** affecting 40.6 acres. Receiving stream(s): Unnamed Tributary to Ross Creek classified for the following use(s): Warm Water Fishes. There are no potable water supply intakes within 10 miles downstream. Application received: August 12, 2010. Permit issued: April 30, 2013.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**49960301C. Central Builders Supply Co.**, (125 Bridge Avenue, Sunbury, PA 17801), boundary correction of an existing quarry operation in West Chillisquaque Township, **Northumberland County** affecting 217.9 acres, receiving stream: Susquehanna River Watershed. Application received: November 9, 2011. Correction issued: May 2, 2013.

**49960301GP104. Central Builders Supply Co.**, (125 Bridge Avenue, Sunbury, PA 17801), NPDES General Permit for stormwater discharges associated with mining activities on Surface Mining Permit No. 49960301 in West Chillisquaque Township, **Northumberland County**, receiving stream: Susquehanna River Watershed. Application received: April 1, 2013. Permit issued: May 2, 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*

**34134001 Demtech, LLC**, 2500 South Noah Drive, Saxonburg, PA 16056, Blasting Activity Permit issued for demolition of bridge piers in the Juniata River in Mifflintown Borough, **Juniata County**. Blasting activity permit end date is August 5, 2013. Permit issued April 26, 2013.

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**19134001. Demtech, LLC**, (2500 South Noah Drive, Saxonburg, PA 16056), demolition blasting for the I-80 Bridge Piers in Mifflin Township, **Columbia County** with an expiration date of August 5, 2013. Permit issued: April 30, 2013.

**48134102. Schlouch, Inc.**, (P. O. Box 69, Blandon, PA 19510), construction blasting for Maple Shade Estates in Bethlehem and Palmer Townships, **Northampton County** with an expiration date of April 26, 2014. Permit issued: May 3, 2013.

**58134126. Meshoppen Blasting, Inc.**, (P. O. Box 127, Meshoppen, PA 18630), construction blasting for Range Unit Well Pad in New Milford Township, **Susquehanna County** August 15, 2013. Permit issued: May 3, 2013.

**22134102. John W. Gleim, Jr., Inc.**, (625 Hamilton Street, Carlisle, PA 17013), construction blasting for Select Medical Building expansion in Derry Township, **Dauphin County** with an expiration date of December 15, 2013. Permit issued: May 6, 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:

<i>Parameter</i>	<i>30-Day Average</i>	<i>Daily Maximum</i>	<i>Instantaneous Maximum</i>
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.

#### *Noncoal NPDES Draft Permits*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901, 570-621-3118*

**NPDES No. PA0225274 on Surface Mining Permit No. 66090301. Noxen Sand and Materials**, (2162 Chase Road, Shavertown, PA 18708), new NPDES Permit for a sand & gravel quarry operation in Noxen Township,

**Wyoming County**, affecting 24.5 acres. Receiving stream: Beaver Run, classified for the following use: HQ-cold water fishes. Application received: March 16, 2012.

Non discharge BMPs will be in effect.

### **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.

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#### **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.**

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*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.*

**E06-686: Allied Fiber, LLC**, 845 Third Avenue, 8th Floor, New York, NY 10022-6601 in Fleetwood, Robesonia, Sinking Spring, Topton, Wernersville, and West Reading Boroughs, Reading City, Heidelberg, Longswamp, Maiden-

creek, Maxatawny, Muhlenberg, Ontelaunee, Richmond, and South Heidelberg Townships, **Berks County**, ACOE Philadelphia District

To install and maintain: 1) 4.0 linear feet of three 1.5-inch diameter conduit utility lines over an unnamed tributary to Tulpehocken Creek (TSF, MF) (Latitude: 40°21'13.4", Longitude: -76°11'22.9") in Heidelberg Township, 2) 4.0 linear feet of three 1.5-inch diameter conduit utility lines over an unnamed tributary to Tulpehocken Creek (HQ-CWF, MF) (Latitude: 40°21'16.4", Longitude: -76°10'48.6") in Heidelberg Township, 3) 5.0 linear feet of three 1.5-inch diameter conduit utility lines over an unnamed tributary to Tulpehocken Creek (TSF, MF) (Latitude: 40°21'18.7", Longitude: -76°10'12.6") in Heidelberg Township, 4) 31.0 linear feet of a 5.0-inch diameter conduit utility line over Furnace Creek (CWF, MF) (Latitude: 40°20'53.4", Longitude: -76°08'2.9") in Robesonia Borough, 5) 3.0 linear feet of three 1.5-inch diameter conduit utility lines over Spring Creek (CWF, MF) (Latitude: 40°20'29.6", Longitude: -76°07'14") in South Heidelberg Township, 6) 23.0 linear feet of a 5.0-inch diameter conduit utility line over Hospital Creek (TSF, MF) (Latitude: 40°20'1.5", Longitude: -76°06'17") in South Heidelberg Township, 7) 2.0 linear feet of three 1.5-inch diameter conduit utility lines over Manor Creek (TSF, MF) (Latitude: 40°19'48.2", Longitude: -76°05'46.1") in South Heidelberg Township, 8) 3.0 linear feet of three 1.5-inch diameter conduit utility lines over Manor Creek (TSF, MF) (Latitude: 40°19'47.1", Longitude: -76°5'40.5") in South Heidelberg Township, 9) 3.0 linear feet of three 1.5-inch diameter conduit utility lines over Little Cacoosing Creek (TSF, MF) (Latitude: 40°19'31.2", Longitude: -76°03'43.6") in South Heidelberg Township, 10) 2.0 linear feet of three 1.5-inch diameter conduit utility lines over an unnamed tributary to Little Cacoosing Creek (CWF, MF) (Latitude: 40°19'15.7", Longitude: -76°02'35.3") in South Heidelberg Township, 11) 21.0 linear feet of a 5.0-inch diameter conduit utility line over Cacoosing Creek (CWF, MF) (Latitude: 40°19'14.6", Longitude: -76°02'28.1") in South Heidelberg Township and Sinking Spring Borough, 12) 388.7 linear feet of a 5.0-inch diameter conduit utility line over the Schuylkill River (WWF, MF) (Latitude: 40°20'26.5", Longitude: -75°56'50.2") in West Reading Borough and the City of Reading, 13) 12.0 linear feet of a 5.0-inch diameter conduit utility line over Laurel Run (WWF, MF) (Latitude: 40°24'09", Longitude: -75°55'46.7") in Muhlenberg Township, 14) 2.0 linear feet of three 1.5-inch diameter conduit utility lines over an unnamed tributary to Willow Creek (CWF, MF) (Latitude: 40°25'48.9", Longitude: -75°54'29.6") in Ontelaunee Township, 15) 6.0 linear feet of three 1.5-inch diameter conduit utility lines over an unnamed tributary to Willow Creek (CWF, MF) (Latitude: 40°26'6.5", Longitude: -75°53'41.3") in Maiden creek Township, 16) 10.0 linear feet of three 1.5-inch diameter conduit utility lines under an unnamed tributary to Willow Creek (CWF, MF) (Latitude: 40°26'19.6", Longitude: -75°53'4.6") in Maiden creek Township, 17) 11.0 linear feet of a 5.0-inch diameter conduit utility line over an unnamed tributary to Willow Creek (CWF, MF) (Latitude: 40°26'24.8", Longitude: -75°52'43") in Maiden creek Township, 18) 12.0 linear feet of a 5.0-inch diameter conduit utility line over an unnamed tributary to Willow Creek (CWF, MF) (Latitude: 40°26'37.9", Longitude: -75°51'27.6") in Maiden creek Township, 19) 9.0 linear feet of a 5.0-inch diameter conduit utility line over an unnamed tributary to Willow Creek (CWF, MF) (Latitude: 40°26'46", Longitude: -75°50'41.1") in Richmond Township, 20) 24.0 linear feet of a 5.0-inch diameter conduit utility line over Willow Creek (CWF, MF) (Latitude: 40°27'3.4", Longitude: -75°49'20.1") in Fleet-

wood Borough, 21) 6.0 linear feet of three 1.5-inch diameter conduit utility lines over an unnamed tributary to Willow Creek (CWF, MF) (Latitude: 40°27'50.3", Longitude: -75°47'49.2") in Richmond Township, 22) 3.0 linear feet of three 1.5-inch diameter conduit utility lines over an unnamed tributary to Moselem Creek (CWF, MF) (Latitude: 40°28'29.8", Longitude: -75°46'29.5") in Richmond Township, 23) 40.0 linear feet of a 5.0-inch diameter conduit utility line over Sacony Creek (CWF, MF) (Latitude: 40°29'11.2", Longitude: -75°44'44.9") in Maxatawny Township, 24) 11.0 linear feet of a 5.0-inch diameter conduit utility line over an unnamed tributary to Sacony Creek (CWF, MF) (Latitude: 40°29'17.3", Longitude: -75°44'28.5") in Maxatawny Township, 25) 9.0 linear feet of three 1.5-inch diameter conduit utility lines under an unnamed tributary to Sacony Creek (CWF, MF) (Latitude: 40°29'31.2", Longitude: -75°43'58.4") in Maxatawny Township, 26) 15.0 linear feet of a 5.0-inch diameter conduit utility line over Toad Creek (HQ-CWF, MF) (Latitude: 40°30'15.7", Longitude: -75°41'48.5") in Topton Borough, 27) 3.0 linear feet of three 1.5-inch diameter conduit utility lines under an unnamed tributary to Toad Creek (HQ-CWF, MF) (Latitude: 40°30'21.4", Longitude: -75°40'44.8") in Longswamp Township, 28) 28.0 linear feet of three 1.5-inch diameter conduit utility lines under the Little Lehigh Creek (HQ-CWF, MF) (Latitude: 40°30'6.5", Longitude: -75°38'29.7") in Longswamp Township, and 29) 5.0 linear feet of three 1.5-inch diameter conduit utility lines under an unnamed tributary to the Little Lehigh Creek (HQ-CWF, MF) (Latitude: 40°30'14.2", Longitude: -75°37'59.6") in Longswamp Township. The purpose of the project is to install a fiber optic utility line from Lehigh to Cumberland Counties. The project is located along an existing railroad and within the railroad right-of-way (From Latitude: 40°21'13.4"N, Longitude: 76°11'22.9"W; To Latitude: 40°30'14.2"N, Longitude: -75°37'59.6"W; Womelsdorf, Sinking Spring, Reading, Temple, Fleetwood, Maxatawny, Topton, and Allentown West, PA Quadrangles) in Fleetwood, Robesonia, Sinking Spring, Topton, Wernersville Borough, and West Reading Borough, City of Reading, Heidelberg, Longswamp, Maiden creek, Maxatawny, and Muhlenberg Townships.

**E22-589: Lower Paxton Township Authority**, 425 Prince Street, Suite 139, Harrisburg, PA 17109 in Lower Paxton Township, **Dauphin County**, ACOE Baltimore District

To install and maintain: 1) 5.0 lineal feet of 16.0-inch diameter ductile iron pipe under an unnamed tributary to Paxton Creek (WWF) (Latitude 40°18'2.71", Longitude -76°48'14.83"); 2) 40.0 lineal feet of 16.0-inch in PSS wetlands, temporarily impacting 0.03 acre of wetlands (Latitude 40°18'3.06", Longitude -76°48'18.96"); 3) 40.0 lineal feet of 16.0-inch diameter ductile iron pipe in PSS wetlands, temporarily impacting 0.04 acre of wetland (Latitude 40°18'5.02", Longitude -76°48'34.83"); 4) 102.0 lineal feet of 16.0-inch diameter ductile iron pipe in PSS wetland, temporarily impacting 0.09 acre of wetlands (Latitude 40°18'5.02", Longitude -76°48'34.83"); 5) 10.0 lineal feet of 16.0-inch diameter ductile iron pipe under an unnamed tributary to Paxton Creek (WWF) (Latitude 40°18'2.71", Longitude -76°48'14.83"); 6) 31.0 lineal feet of 16.0-inch diameter ductile iron pipe in PFO wetlands, temporarily impacting 0.04 acre of wetlands (Latitude 40°18'5.02", Longitude -76°48'34.83"); 7) 80.0 lineal feet of 16.0-inch diameter ductile iron pipe in PEM/PSS wetlands, temporarily impacting 0.16 acre of wetlands (Latitude 40°18'6.75", Longitude -76°48'39.50"); 8) One concrete manhole structure and fill in a PEM/PSS wetland, permanently impacting 0.01 acre of wetland (Latitude

40°19'47.50", Longitude -76°50'54.92"); 9) 248.0 lineal feet of 16.0-inch diameter ductile iron pipe in a PEM/PSS wetland, temporarily disturbing 0.16 acre of wetland (Latitude 40°19'48.18", Longitude -76°50'52.57"); 10) 141.0 lineal feet of 16.0-inch diameter ductile iron pipe in a PEM/PSS wetland, temporarily disturbing 0.09 acre of wetland (Latitude 40°19'49.02", Longitude -76°50'51.33"); 11) 60.0 lineal feet of 16 inch diameter ductile iron pipe under an unnamed tributary to Paxton Creek (WWF) (Latitude 40°18'11.15", Longitude -76°48'11.91").

*Southwest Region: Waterways and Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1680. The Pittsburgh Water and Sewer Authority**, 1200 Penn Avenue, Pittsburgh, PA 15222, City of Pittsburgh, **Allegheny County** ACOE Pittsburgh District

Applicant has been given consent to construct and maintain two (2) outfall structures for the purpose of separating the existing combined sewer system. The outfall structures will consist of a 42-inch diameter outfall structure located in the channel and on the left bank of the Allegheny River at the 16th Street Bridge, (Pittsburgh East, PA Quadrangle; N: 13.7 inches; W: 15.8 inches; Latitude: 40° 27' 02"; Longitude: 79° 59' 19") and a 54-inch diameter outfall structure in the channel and on the left bank of the Allegheny River located approximately 1,500.0 feet upstream from the 16th Street Bridge (Pittsburgh East, PA Quadrangle; N: 14.2 inches; W: 15.35 inches; Latitude: 40° 27' 11"; Longitude: 79° 59' 07") in the City of Pittsburgh, Allegheny County.

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

**E0829-063: Appalachia Midstream, LLC**, 100 IST Center, Horseheads, NY 14845, Wilmot Township, **Bradford County**, ACOE Baltimore District.

To construct, operate and maintain:

1. one 16 inch diameter natural gas line and a temporary timber mat bridge impacting 191 linear feet of North Branch Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°33'43", Longitude: -76°19'52");

2. one 16 inch diameter natural gas line and a temporary timber mat bridge impacting 732 square feet of a Palustrine Emergent Wetland (Colley, PA Quadrangle, Latitude: 41°34'02", Longitude: -76°20'01");

3. one 16 inch diameter natural gas line and a temporary timber mat bridge impacting 635 linear feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°34'16", Longitude: -76°19'56");

4. one 16 inch diameter natural gas line and a temporary timber mat bridge impacting 124 linear feet of an unnamed tributary to North Branch Mehoopany Creek (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°34'12", Longitude: -76°19'56");

5. one 16 inch diameter natural gas line and a temporary timber mat bridge impacting 4,637 linear feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°34'07", Longitude: -76°19'57");

6. one 16 inch diameter natural gas line and a temporary timber mat bridge impacting 27,810 linear feet of a Palustrine Scrub-Shrub Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°34'25", Longitude: -76°19'49");

7. one 6 inch diameter natural gas line and a temporary timber mat bridge impacting 1,388 linear feet of a

Palustrine Emergent Wetland (Colley, PA Quadrangle, Latitude: 41°34'54", Longitude: -76°19'34");

8. one 6 inch diameter natural gas line impacting 122 linear feet of an unnamed tributary to Foster Branch (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°34'55", Longitude: -76°19'50");

9. one 6 inch diameter natural gas line and a temporary timber mat bridge impacting 2,634 square feet of a Palustrine Emergent Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°34'56", Longitude: -76°19'40");

10. one 6 inch diameter natural gas line and a temporary timber mat bridge impacting 256 linear feet of an unnamed tributary to Foster Branch (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°34'57", Longitude: -76°19'42");

11. one 6 inch diameter natural gas line and a temporary timber mat bridge impacting 124 linear feet of an unnamed tributary to Foster Branch (CWF, MF) and impacting 1,759 square feet of an adjacent Palustrine Scrub-Shrub Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°35'05", Longitude: -76°19'42");

12. one 6 inch diameter natural gas line impacting 216 linear feet of an unnamed tributary to Foster Branch (CWF, MF) (Colley, PA Quadrangle, Latitude: 41°35'20", Longitude: -76°19'55");

13. one 6 inch diameter natural gas line and a temporary timber mat bridge impacting 12,127 square feet of a Palustrine Scrub-Shrub Wetland (EV) (Colley, PA Quadrangle, Latitude: 41°35'21", Longitude: -76°19'58");

14. one 6 inch diameter natural gas line and a temporary timber mat bridge impacting 10,173 square feet of a Palustrine Emergent Wetland (Colley, PA Quadrangle, Latitude: 41°35'22", Longitude: -76°20'01");

The project will result in 1,033 linear feet or 10,218 square feet of temporary stream impacts and 20,199 square feet (0.46 acre) of PEM and 41,696 square feet (0.96 acre) of PSS wetland impacts all for the purpose of installing a natural gas pipeline with associated access roadways for Marcellus shale development.

#### ENVIRONMENTAL ASSESSMENTS

*Cambria District: Environmental Program Manager, 286 Industrial Pk Rd, Ebensburg, PA 15931-4119.*

**EA1109-004. Pennsylvania Department of Environmental Protection**, Bureau of Abandoned Mine Reclamation, Cambria Office, 286 Industrial Park Rd., Ebensburg, PA 15931. Abandoned Mine Land Reclamation Project, in Chest Township, **Cambria County**, Baltimore ACOE District.

The applicant proposes to backfill an abandoned surface mine, which includes a total of 3,800 linear feet of dangerous highwall. The project will include the backfilling of a 0.011 acre open waterbody and 0.065 acre of PEM wetlands that have developed within the open surface mine pit. A 0.065 acre replacement wetland will be constructed with the project. (Coalport Quadrangle N: 10.75 inches, W: 13.5 inches).

#### 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.

*Northcentral Region: Waterways & Wetlands Program Manager, 208 W Third Street, Williamsport, Pa 17701*

ESCP # 4113801  
 Applicant Name Transcontinental Gas Pipe Line Co, LLC  
 Contact Person Stacci Rogge  
 Address 2800 Post Oak Blvd Ste 900  
 City, State, Zip Houston TX 77056  
 County Lycoming  
 Township(s) Watson Township  
 Receiving Stream(s) and Classification(s) Pine Creek, EV

*Eastern Region: Oil & Gas Management Program Manager, 208 West Third Street, Williamsport, PA 17701*

ESCGP-1 # ESX13-115-0043  
 Applicant Name Williams Field Services, LLC  
 Contact Person Lauren Stanko

Address Park Place Corporate Center 2, 2000 Commerce Drive  
 City, State, Zip Pittsburgh, PA 15275  
 County Susquehanna County  
 Township(s) Dimock Township  
 Receiving Stream(s) and Classification(s) UNTs to White Creek (CWF-MF)

ESCGP-1 # ESX13-015-0027  
 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) Windham Township  
 Receiving Stream(s) and Classification(s) Parks Creek (CWF/MF);  
 Secondary: Parks Creek (CWF/MF)

ESCGP-1 # ESX13-115-0045  
 Applicant Name Williams Field Services, LLC  
 Contact Person Sandra Lojek  
 Address Park Place Corporate Center 2, 2000 Commerce Drive  
 City, State, Zip Pittsburgh, PA 15275  
 County Susquehanna County  
 Township(s) Brooklyn Township  
 Receiving Stream(s) and Classification(s) Horton Creek (CWF/MF), UNT to Meshoppen Creek (CWF/MF), UNT to Hop Bottom Creek (CWF/MF)

ESCGP-1 # ESG13-115-0042  
 Applicant Name Williams Field Services, LLC  
 Contact Person Sandra Lojek  
 Address Park Place Corporate Center 2, 2000 Commerce Drive  
 City, State, Zip Pittsburgh, PA 15275  
 County Susquehanna County  
 Township(s) Lenox Township  
 Receiving Stream(s) and Classification(s) Millard Creek (CWF/MF, NRT)

*Southwest Region: Waterways & Wetlands Program Manager, 400 Waterfront Drive, Pittsburgh, Pa 15222-4745.*

ESCGP-2 No.	Applicant Name & Address	County	Municipality	Receiving Water/Use
0313801	Dominion Transmission 501 Martindale Street Suite 400 Pittsburgh, PA 15212	Armstrong	Plum Creek Township South Bend Township	Crooked Creek (WWF)

**STORAGE TANKS**

**SITE-SPECTIFIC INSTALLATION PERMITS**

**The following Storage Tank Site-Specific Installation Permits, under the authority of the Storage Tank Spill Prevention Act (35 P. S. §§ 6021.304, 6021.504, 6021.1101—6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C, have been issued by the Bureau of Environmental Cleanup and Brownfields, Director, PO Box 8763, Harrisburg, PA 17105-8763.**

SSIP Permit No.	Applicant Name & Address	County	Municipality	Tank Type	Tank Capacity
13-38-004	Keystone Fence Supplies P. O. Box 249 Schaefferstown, PA 17088 Attn: Leroy Zimmerman	Lebanon	Heidelberg Township	1 additional AST storing Chromated Copper Arsenate	15,222 gallons



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**SPECIAL NOTICES**


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**Requests Proposals for Municipal Solid Waste Disposal and/or Processing Capacity  
Lawrence County Board of Commissioners,  
New Castle, PA**

In accordance with 25 Pa. Code Chapter 2, the Lawrence County Board of Commissioners has determined that additional waste disposal or processing capacity for municipal solid waste (MSW), including construction/demolition (C/D) waste and sewage sludge generated within the County is required for a period covering the next ten years. The Lawrence County Board of Commissioners is hereby soliciting proposals for disposal capacity for MSW generated in Lawrence County Pennsylvania with final contract approval and execution anticipated no later than December 2013.

The Request for Proposals (RFP) will be available from the Lawrence-Mercer Recycling/Solid Waste Department on or after May 1, 2013. There is a \$50 fee for printed copies. All proposals must be made on and inclusive of the required Proposal Forms and be in accordance with the Requirements for Submitting Proposals contained in the Request for Proposals. Proposers may withdraw their proposal at any time prior to the scheduled closing time for receipt of proposals. The Lawrence County Board of Commissioners reserves the right to reject any or all proposals, to waive any irregularities and/or information in any proposal and to make an award in any manner, consistent with applicable laws, which is deemed to be in the best interest of the County

The Lawrence County Board of Commissioners will receive sealed proposals until 3:00 p.m., Prevailing Time on Monday, June 3, 2013. The Proposer is required to submit two (2) hard copies, each executed in blue ink and labeled "original," and three (3) "copies" formatted as pdf files each on separate electronic media, CD-ROMs or Flash Drives. The proposals must be packaged, sealed, and clearly labeled to show the statement "Proposal Disposal Capacity" and the name and address of the Proposer. Proposals should be submitted and be addressed to: the Lawrence-Mercer Recycling/Solid Waste Department, 430 Court Street, New Castle, PA 16101. Attention: Mr. Jerry P. Zona

**Notice of Certification to Perform Radon-Related Activities in Pennsylvania**

In the month of April 2013 Department of Environmental Protection of the Commonwealth of Pennsylvania, under the authority contained in the Radon Certification Act, act of July 9, 1987, P. L. 238, No. 43 (63 P. S. Sections 2001—2014) and regulations promulgated thereunder at 25 Pa. Code Chapter 240, has certified the persons listed below to perform radon-related activities in Pennsylvania. The period of certification is two years. (For a complete list of persons currently certified to perform radon-related activities in Pennsylvania and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P. O. Box 8469, Harrisburg, PA 17105-8469, (1-800-23RADON).

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Matthew Beinhaur Harris Environmental, Inc.	600 Stone House Rd. Clarion, PA 16214	Mitigation
Scott Bobowicz Historic Home Inspection LP	2865 S. Eagle Rd., #334 Newtown, PA 18940	Testing
Jason Boni	8470 Ridgemont Rd. Pittsburgh, PA 15237	Testing
Terry Campbell	6192 Boxer Dr. Bethel Park, PA 15102	Testing
Peter Ciliberto	675 Featherbed Ln. Garnet Valley, PA 19060	Testing
James Cortez	134 Gary Dr. Sewickley, PA 15143	Testing
George Curry	505 Philmar Ct., Unit B Springfield, PA 19064	Testing
Bill Ditchey	401 S. Pine St. Mt. Carmel, PA 17851	Testing
Kim Fella	PO Box 543 Fleetwood, PA 19522	Testing
Michael Fella	PO Box 543 Fleetwood, PA 19522	Testing
Casey Field	5632 Sullivan Tr. Easton, PA 18040	Mitigation
Chad Flakker	2543 W. Liberty St. Allentown, PA 18104	Mitigation
Timothy Gentry	474 Easton Rd. Horsham, PA 19044	Mitigation

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Geo-Environmental	505 Philmar Ct., Unit B Springfield, PA 19064	Mitigation
Guardian Home Inspection, LLC	8470 Ridgemont Rd. Pittsburgh, PA 15237	Testing
Jeffrey Jackson	2502 Brooksboro Dr. Erie, PA 16510	Testing & Mitigation
Frank Klopp	230 S. Brobst St. Shillington, PA 19607	Testing
Marc Marino	PO Box 1143 Oaks, PA 19456	Testing
Marc Marino Radon-Rid, LLC	PO Box 1143 Oaks, PA 19456	Mitigation
Karl May, Jr.	82 Walnut St. Wellsboro, PA 16901	Mitigation
Brian Mishler	212 W. Grant St. Latrobe, PA 15650	Testing
Philip Parke	PO Box 30308 Wilmington, DE 19805	Testing
Robert Pecca	404 Richmond Rd. Bangor, PA 18013	Testing
Harvey Ricci SPY Inspection Services, Inc.	101 S. Broad St. Lansdale, PA 19446	Testing
Laird Ritter	717 Oak Hall St. Boalsburg, PA 16827	Testing
Ronald Rusnock	PO Box 2245 Hazleton, PA 18201	Testing
Mike Sheely	1000 Wolfe Rd. Enola, PA 17025	Mitigation
Mike Supik	2876 Meadow St. Natrona Heights, PA 15065	Testing
Dennis Swindell	227 Locust St., Box 12 Alum Bank, PA 15521	Testing
Peter Weber Atlantic Radon Systems, Inc.	6 Boor Cove Ln. West Grove, PA 19390	Mitigation

#### **Revision of Little Schuylkill River Total Maximum Daily Load**

The Little Schuylkill River TMDL, originally approved by USEPA in March 2007, has been revised to reflect newer data and more accurately represent the current permitting activity in the watershed.

The data and all supporting documentation used to develop the proposed TMDLs are available from the Department. To request a copy of the proposed TMDL, contact Bill Brown, Chief, TMDL Development Section, Water Quality Standards Division, Department of Environmental Protection, Harrisburg, PA 17105-8774, 717-783-295, Willbrown@pa.gov.

The TMDLs can be accessed through the DEP Website (<http://www.depweb.state.pa.us>) by clicking on the Water Topics Link, then the TMDL link. 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 request that the call be relayed.

Written and e-mail comments will be accepted at the above addresses and must be received by June 18, 2013. Comments will not be accepted by facsimile or voice mail. The Department will consider all comments in developing the final TMDL, which will be submitted to EPA for approval.

[Pa.B. Doc. No. 13-911. Filed for public inspection May 17, 2013, 9:00 a.m.]

### Bid Opportunity

**OSM 10(0753)102.1, Abandoned Mine Reclamation Project, Keisters Southeast II, Cherry Township, Butler County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; grading 156,000 cubic yards; subsurface drain with cleanouts 1,500 linear feet; seeding 13 acres. This bid issues on May 17, 2013, and bids will be opened on June 11, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-912. Filed for public inspection May 17, 2013, 9:00 a.m.]

### Bid Opportunity

**OSM 65(0896)101.1, Abandoned Mine Reclamation Project, Rodney East, Donegal Township, Westmoreland County.** The principal items of work and approximate quantities include mobilization and demobilization; implementation of the Erosion and Sediment Control Plan; clearing and grubbing; grading 54,000 cubic yards; subsurface drain with cleanouts 350 linear feet; wetland seed mix 2 lbs; channel excavation 600 cubic yards; rock lining 450 square yards; rock filter dam 85 square yards; seeding 7.5 acres. This bid issues on May 17, 2013, and bids will be opened on June 11, 2013, at 2 p.m. Bid documents cost \$10 per set and will not be mailed until payment has been received. This project is financed by the Federal government under the authority given it by the Surface Mining Control and Reclamation Act of 1977 (act) (30 U.S.C.A. §§ 1201—1308) and is subject to the act and to the Federal grant for this project. Contact the Construction Contracts Section at (717) 787-7820 or joelmiller@state.pa.us for more information on this bid.

E. CHRISTOPHER ABRUZZO,  
*Acting Secretary*

[Pa.B. Doc. No. 13-913. Filed for public inspection May 17, 2013, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Bryn Mawr Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Bryn Mawr 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 re-

quests exception from the following standards contained in this publication: 2.1-8.5.3.2 (relating to technology distribution rooms).

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. 13-914. Filed for public inspection May 17, 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) (relating to criteria for performance of ambulatory surgery on pediatric patients).

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. 13-915. Filed for public inspection May 17, 2013, 9:00 a.m.]

### Application of Endoscopy Center of Pennsylvania Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Endoscopy Center of Pennsylvania Hospital has requested an exception to the requirements of 28 Pa. Code §§ 551.3, 553.1, 553.31(a) and (b), 555.1—555.4, 555.31(a), 557.2 and 563.1 and sections 309 and 310(a)(2) of the Medical Care Availability and Reduction of Error (MCARE) Act (40 P.S. §§ 1303.309 and 1303.310(a)(2)).

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. 13-916. Filed for public inspection May 17, 2013, 9:00 a.m.]

### Application of Geisinger Medical Center Outpatient Surgery—Woodbine for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Geisinger Medical Center Outpatient Surgery—Woodbine 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: 3.7-3.2, 3.7-3.2.1 and 3.7-3.2.2 (relating to examination 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. 13-917. Filed for public inspection May 17, 2013, 9:00 a.m.]

### Application of Heritage Valley Beaver for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Heritage Valley Beaver 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: 3.1-3.2.2.2(1), 3.1-4.1.3.2(2) and 3.1-7.2.2.1 (relating to area; clearances; and public corridors).

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. 13-918. Filed for public inspection May 17, 2013, 9:00 a.m.]

### Application of Muncy Valley Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Muncy Valley Hospital has requested an exception to the requirements of 28 Pa. Code § 101.31(7) (relating to hospital requirements).

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. 13-919. Filed for public inspection May 17, 2013, 9:00 a.m.]

### Application of Regional Rehab Center at Phoenixville Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Regional Rehab Center at Phoenixville 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: 2.6-2.3.3 (relating to personal services).

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. 13-920. Filed for public inspection May 17, 2013, 9:00 a.m.]

### Application of UPMC Passavant for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that UPMC Passavant 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: 3.1-3.2.2.2(1) and (2), 3.1-3.2.2.3, 3.1-3.6.5.1 and 3.1-7.2.2.1.

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. 13-921. Filed for public inspection May 17, 2013, 9:00 a.m.]

### Application of Valley Access Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Valley Access Center has requested an exception to the requirements of 28 Pa. Code § 551.21(d)(3) (relating to criteria for ambulatory surgery).

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 numbers, 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. 13-922. Filed for public inspection May 17, 2013, 9:00 a.m.]

### Application of Valley Surgical Center, Inc. for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Valley Surgical Center, Inc. has requested an exception to the requirement 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.

The facility is requesting a waiver of the comment period, as set forth in 28 Pa. Code § 51.33(c).

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so should contact the Division at the previously listed address or phone 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. 13-923. Filed for public inspection May 17, 2013, 9:00 a.m.]

### Application of Westmoreland Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Westmoreland 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: 2.2-3.3.3.4(1)(b) (relating to Phase II recovery 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. 13-924. Filed for public inspection May 17, 2013, 9:00 a.m.]

### Application of Williamsport Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) gives notice that Williamsport 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: 2.2-2.6.8.1(1) (relating to visitor waiting room requirements for public toilets).

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. 13-925. Filed for public inspection May 17, 2013, 9:00 a.m.]

### Long-Term Care Nursing Facilities; Request for Exception

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.36(b) (relating to bathing facilities):

Pine Run Health Center  
777 Ferry Road  
Doylestown, PA 18901  
FAC ID 680502

Powerback Rehabilitation  
3485 Davisville Road  
Hatboro, PA 19040  
FAC ID 069002

The following long-term care nursing facility is seeking an exception to 28 Pa. Code § 211.9(g) (relating to pharmacy services):

Southwestern Nursing Center  
500 Lewis Run Road  
Pittsburgh, PA 15122

These requests are 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) 783-6514, or the Pennsylvania AT&T Relay Service (800) 654-5984 (TT).

MICHAEL WOLF,  
*Acting Secretary*

[Pa.B. Doc. No. 13-926. Filed for public inspection May 17, 2013, 9:00 a.m.]

### Organ Donation Advisory Committee Meeting

The Organ Donation Advisory Committee, established under 20 Pa.C.S. § 8622 (relating to The Governor Robert P. Casey Memorial Organ and Tissue Donation Awareness Trust Fund), will hold a public meeting on June 6, 2013, from 10 a.m. to 3 p.m. at the Giant Community Center, 2nd Floor, Giant Food Store, 3301 Trindle Road, Camp Hill, PA 17011.

For additional information, or for persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so, contact Cyndi Malinen, Public Health Program Administrator, Division of Nutrition and Physical Activity, Bureau of Health Promotion and Risk Reduction, Room 1000, Health and Welfare Building, Harrisburg, PA, (717) 787-5876, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984.

This meeting is subject to cancellation without notice.

MICHAEL WOLF,  
*Acting Secretary*

[Pa.B. Doc. No. 13-927. Filed for public inspection May 17, 2013, 9:00 a.m.]

### Pennsylvania Cancer Control, Prevention and Research Advisory Board Meeting

The Pennsylvania Cancer Control, Prevention and Research Advisory Board, established under section 3 of the Pennsylvania Cancer Control, Prevention and Research Act (35 P. S. § 5633), will hold a meeting on Wednesday, June 26, 2013, from 9 a.m. to 2 p.m. at the Giant Super Food Store Community Center, Second Floor, 2300 Linglestown Road, Harrisburg, PA 17110.

For additional information, contact Sharon H. Sowers, Section Chief, Department of Health, Comprehensive Cancer Control Section, Room 1011, Health and Welfare Building, 625 Forster Street, Harrisburg, PA, (717) 783-1457.

Persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact Sharon Sowers at the number listed previously, or for speech and/or hearing impaired persons V/TT (717) 783-6514, or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

MICHAEL WOLF,  
*Acting Secretary*

[Pa.B. Doc. No. 13-928. Filed for public inspection May 17, 2013, 9:00 a.m.]

## ENVIRONMENTAL HEARING BOARD

### Delaware County Regional Water Quality Control Authority (DELCORA) v. DEP; EHB Doc. No. 2013-053-B

Delaware County Regional Water Quality Control Authority (DELCORA) has appealed the issuance by the Department of Environmental Protection of a final NPDES permit to DELCORA for a facility in the City of Chester, Delaware County.

A date for the hearing on the appeal has not yet been scheduled.

The appeal is filed with the Environmental Hearing Board (Board) at its office on the Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, and may be reviewed by any interested party on request during normal business hours. If information concerning this notice is required in an alternative form, contact the Secretary to the Board at (717) 787-3483. TDD users may telephone the Board through the Pennsylvania AT&T Relay Center at (800) 654-5984.

Petitions to intervene in the appeal may be filed with the Board by interested parties under 25 Pa. Code § 1021.81 (relating to intervention). Copies of the Board's rules of practice and procedure are available upon request from the Board.

THOMAS W. RENWAND,  
*Chairperson*

[Pa.B. Doc. No. 13-929. Filed for public inspection May 17, 2013, 9:00 a.m.]

# INDEPENDENT REGULATORY REVIEW COMMISSION

## 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 regulations. The agency must consider these comments in preparing the final-form regulation. The final-form regulation must be submitted within 2 years of the close of the public comment period or it will be deemed withdrawn.

<i>Reg. No.</i>	<i>Agency/Title</i>	<i>Close of the Public Comment Period</i>	<i>IRRC Comments Issued</i>
7-478	Environmental Quality Board Air Quality Title V Fee Amendment 43 Pa.B. 677 (February 2, 2013)	4/8/13	5/8/13
16A-649	State Board of Auctioneer Examiners Schedule of Fees 43 Pa.B. 1279 (March 9, 2013)	4/8/13	5/8/13
16A-6920	State Board of Social Workers, Marriage and Family Therapists and Professional Counselors Biennial Renewal Fees 43 Pa.B. 1281 (March 9, 2013)	4/8/13	5/8/13
57-290	Pennsylvania Public Utility Commission Rules of Practice and Procedure 43 Pa.B. 1273 (March 9, 2013)	4/8/13	5/8/13
11-251	Insurance Department Surplus Insurance Lines 43 Pa.B. 1269 (March 9, 2013)	4/8/13	5/8/13

**Environmental Quality Board**  
**Regulation #7-478 (IRRC #2980)**  
**Air Quality Title V Fee Amendment**  
**May 8, 2013**

We submit for your consideration the following comments on the proposed rulemaking published in the February 2, 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 Environmental Quality Board (EQB) to respond to all comments received from us or any other source.

**1. Legislative and public comments on the proposed regulation.—Economic impact; Protection of the Public Health, safety and welfare; Implementation procedures; Reasonableness.**

We have reviewed a broad range of comment on this proposed regulation. A comment was submitted in full support of the increase. Another was submitted questioning whether the increase was large enough. Comments were also submitted by two parties, who are subject to the fees, stating the fee increase is unjustified. Even though their respective viewpoints on the fee increase differ, we believe all of the commentators have raised valid points that need to be further reviewed by the EQB. The following is a summary of the comments.

*Comments of Democratic Chair Greg Vitali, House Environmental Resources and Energy Committee*

Among several points raised in his comment letter dated April 8, 2013, Democratic Chair Vitali is concerned that the proposed increase will result in the air quality

program operating at a loss again in just two fiscal years. He suggests that there are options for increasing revenue to avoid the negative consequences of an underfunded program.

*Public comment in full support*

A public commentator believes this increase will provide an adequate fee to cover the costs of administering the air permit program. This commentator states that adequate staffing will be needed to meet challenges posed by emissions in the Marcellus Shale region and to purchase testing equipment.

*Public comments opposing the fee increase*

Two commentators oppose the 48 percent fee increase describing it as unjustified and unreasonable. Their comments state that the EQB should offset all or a portion of the proposed increase through cost reductions. They are concerned that this large increase imposes a significant financial impact for their businesses and suggest delaying the increase or phasing it in would have a lesser impact. They also believe that the capping of fees skews the fee structure and different methods of capping should be used.

*Conclusion*

We recognize and appreciate that ultimately a balance needs to be achieved between sufficient protection of the environment and adequate revenues to support that goal. Specifically, the criteria in the Regulatory Review Act require consideration of both the economic impact of the regulation and protection of the public health, safety and welfare. (71 P.S. §§ 745.5b(1) and (2)) The public comments submitted on the proposed regulation raise valid concerns related to both criteria. In regard to all of the



comments, we believe consideration and further explanation by the EQB of how it has achieved a proper balance of these competing interests is necessary. Specifically, the EQB should explain the following:

- Whether the EQB's proposed increase is only a temporary solution. Will this regulation result in the air quality program operating at a loss again in just two fiscal years? Should the 4,000 ton cap be maintained in its current form?
- Why hasn't the reduction in air emissions resulted in a commensurate reduction in the cost of enforcement? Did the EQB explore offsetting all or a portion of the proposed increase through cost reductions? If the reduction of air emissions does not result in a reduction of enforcement costs, how is the fee method put in place in 1994 viable today and into the future?
- How did the EQB consider the financial impact for businesses? Could the fee increases be a disincentive to build or expand within Pennsylvania? How will the fee increases affect employment? Could these factors result in a net loss of revenues if a business closes in Pennsylvania?
- Did the EQB consider a delay or phase-in of the increase to allow businesses to accommodate the full impact? Why is it reasonable to impose the fee increase on emissions that already occurred in 2013?
- Ultimately, the EQB should explain how the costs imposed by the fee increase are justifiable compared to the benefits the fees produce.

#### State Board of Auctioneer Examiners

##### Regulation #16A-649 (IRRC #2982)

##### Schedule of Fees

May 8, 2013

We submit for your consideration the following comments on the proposed rulemaking published in the March 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 State Board of Auctioneer Examiners (Board) to respond to all comments received from us or any other source.

#### 1. Comments of the House Professional Licensure Committee—Statutory authority; Economic impact.

The House Professional Licensure Committee (Committee) raised the following two issues:

- The Committee requests information pertaining to the major cost centers of the Board and any significant increases in its expenditures.
- The Committee requests further explanation on the Board's statutory authority for establishing a renewal fee for Trading Assistants. Act 89 of 2008 [Act 89] established a registration requirement, specified that registration is required on a biennial basis, established that the registration fee shall be \$100 and specified that the Board shall not promulgate regulations pertaining to the registration requirement established in Section 10.1. The Committee questions the Board's statutory authority to treat this biennial registration requirement as a renewal.

We agree with the Committee comments. We will review the Board's responses as part of our determination of whether the final regulation is in the public interest.

The proposed regulation adds two fees for trading assistants. There is a \$100 fee for registration and a \$130 fee for biennial renewal. Noting the statutory authority questions raised by the Committee, we further question how the Board interpreted its authority to propose adding these fees to its regulation. On the one hand, 63 P. S. § 734.6(a) states:

Setting of fees.—The license and examination fees and all other fees imposed under the provisions of this act shall be fixed by the board by regulation and subject to review in accordance with . . . the Regulatory Review Act. (Emphasis added.)

However, subsequent to the establishment of the above statutory provision, Act 89 added 63 P. S. § 734.10.1, which established requirements for registration of trading assistants, including biennial registration of trading assistants application provisions and a registration fee of \$100. In addition, Section 7 of Act 89 states:

The board shall not promulgate regulations pertaining to Section 10.1 of the act . . .

Relating to the Committee's question on the Board's statutory authority to treat this biennial registration requirement as a renewal, we further ask the Board to explain its statutory authority to include in its regulation any provisions for fees relating to 63 P. S. § 734.10.1 and its provisions for trading assistants.

#### 2. Fee calculations and updated information.—Economic impact; reasonableness

In response to Regulatory Analysis Form (RAF) question 19, the Board provides a breakdown of the calculated increase of \$155,220 into five fee categories. Noting the concerns with including an increase for trading assistant renewals, we question whether this information will remain accurate for the final-form regulation.

Additionally, we question the basis for the proposed 30 percent increase to the fees. How do the proposed increases correlate with the actual expenditures the Board incurs for each activity for which it is increasing a fee? Without this information, it is not clear how the proposed fee increases are reasonable.

#### State Board of Social Workers, Marriage and Family Therapists and Professional Counselors

##### Regulation #16A-6920 (IRRC #2983)

##### Biennial Renewal Fees

May 8, 2013

We submit for your consideration the following comments on the proposed rulemaking published in the March 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 State Board of Social Workers, Marriage and Family Therapists and Professional Counselors (Board) to respond to all comments received from us or any other source.

#### Fiscal impact; Direct and indirect costs to the Commonwealth, political subdivisions and private sector.

This proposed rulemaking would increase the biennial renewal fee for licensed social workers, clinical social workers, marriage and family therapists and professional counselors from \$75 to \$115. This fee was increased by \$30 in 2008. At that time, it was anticipated that the increase would be sufficient to cover the Board's expenses for at least nine years.

Commentators, including the National Association of Social Workers and the Pennsylvania Society of Clinical Social Workers, have submitted comments opposing the fee increase. They contend that the increase will have an adverse fiscal impact on licensees of the Board. The House Professional Licensure Committee (Committee) submitted comments requesting “information pertaining to the major cost centers of the Board and any significant increases in expenditure.”

We share the concerns raised by the commentators and the Committee and seek further explanation of why this increase is needed. If the need relates to increased expenses, what is the nature of the expenses? Instead of increasing the biennial renewal fee, has the Board considered lowering expenses?

**Pennsylvania Public Utility Commission  
Regulation #57-290 (IRRC #2984)  
Rules of Practice and Procedure  
May 8, 2013**

We submit for your consideration the following comments on the proposed rulemaking published in the March 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 Public Utility Commission (PUC) to respond to all comments received from us or any other source.

**Subsection 5.365(b) General rule for nonadversarial proceedings.—Clarity; Adverse effects on competition.**

The last sentence of this subsection states, “The Commission will not disclose material that is the subject of a protective order under this provision during the pendency of a request.” While we recognize this is existing language under Subsection 5.423(b), we question whether this specific language provides broad enough protection of

information filed prior to the issuance of the PUC’s protective order. Therefore, we suggest that the PUC consider adding the phrase “petition for” so that Subsection 5.365(b) would state “. . . will not disclose material that is the subject of a *petition for* protective order . . .” (New language in italics.) This would also make the second sentence more consistent with the language in the first sentence which references “. . . a petition for protective order. . . .”

**Insurance Department  
Regulation #11-251 (IRRC #2985)  
Surplus Insurance Lines  
May 8, 2013**

We submit for your consideration the following comments on the proposed rulemaking published in the March 9, 2013 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (RRA) (71 P. S. § 745.5b). Section 5.1(a) of the RRA (71 P. S. § 745.5a(a)) directs the Insurance Department (Department) to respond to all comments received from us or any other source.

**1. Section 124.10. Eligible surplus lines insurer filing requirements.—Clarity.**

*Subsections (a)(4) and (b)(3)*

Subsection (a)(4) states that the insurer shall submit “additional information as may be required by the Commissioner.” Subsection (b)(3) states that the insurer shall submit “additional items as may be required by the Commissioner.” This language is non-binding and unclear. The Department should clarify the type of information it seeks in these subsections.

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 13-930. Filed for public inspection May 17, 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](http://www.irrc.state.pa.us).

<i>Final-Form Reg. No.</i>	<i>Agency/Title</i>	<i>Received</i>	<i>Public Meeting</i>
16A-4711	State Registration Board for Professional Engineers, Land Surveyors and Geologists Qualifications for Licensure	5/2/13	6/6/13
7-475	Environmental Quality Board Triennial Review of Water Quality Standards	5/2/13	6/6/13

SILVAN B. LUTKEWITTE, III,  
*Chairperson*

[Pa.B. Doc. No. 13-931. Filed for public inspection May 17, 2013, 9:00 a.m.]

## INSURANCE DEPARTMENT

### Medical Care Availability and Reduction of Error (Mcare) Fund Relocation; Notice 2013-04; Correction

An error occurred in the notice published at 43 Pa.B. 2531 (May 4, 2013). A fax number for claims was printed incorrectly. The correct fax number follows.

The Medical Care Availability and Reduction of Error (Mcare) Fund has announced the relocation of its office effective Monday, May 20, 2013. Mcare requests that all visitors, inquiries, correspondence and claim reports be directed to the new address.

*Street Address:*

Mcare Fund  
1010 North 7th Street  
Suite 201  
Harrisburg, PA 17102-1410

*P. O. Box Address:*

Mcare Fund  
P. O. Box 12030  
Harrisburg, PA 17108-2030

*Telephone and facsimile numbers remain the same:*

Telephone—(717) 783-3770  
Fax—Claims (717) 787-0651/(717) 230-9292  
Fax—Executive Office (717) 705-7341  
Fax—Fiscal/Legal (717) 783-7659  
Fax—Policy (717) 705-7342

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-932. Filed for public inspection May 17, 2013, 9:00 a.m.]

### Pennsylvania Professional Liability Joint Underwriting Rate Filing

On May 1, 2013, the Insurance Department (Department) received from the Pennsylvania Professional Liability Joint Underwriting Association a filing to increase rates overall by 3.4% for institutional and non-institutional health care providers. This overall figure represents an average, the effect of this filing on the rates for individual insureds may vary.

The filing includes the movement of four counties from one territory to another. There are no changes proposed to the class definitions or to the class and territory relativities.

Unless formal administrative action is taken prior to June 30, 2013, the rates within the subject filing may be deemed into use upon the effective date, January 1, 2014, by operation of law.

A copy of the filing is available on the Department's web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on "PA Bulletin."

Interested parties are invited to submit written comments, suggestions or objections to Michael McKenney, Insurance Department, Insurance Product Regulation,

1311 Strawberry Square, Harrisburg, PA 17120, [mmckenney@pa.gov](mailto:mmckenney@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-933. Filed for public inspection May 17, 2013, 9:00 a.m.]

### The Prudential Insurance Company of America; Rate Increase Filing for Several LTC Forms

The Prudential Insurance Company of America is requesting approval to increase the premium an aggregate 40.7% on 3,235 policyholders with the following individual LTC policy form numbers: GRP 98720, GRP 98721, GRP 98722, GRP 112687 and GRP 112685.

Unless formal administrative action is taken prior to July 4, 2013, the subject filing may be deemed approved by operation of law.

A copy of the filing is available on the Insurance Department's (Department) web site at [www.insurance.pa.gov](http://www.insurance.pa.gov). Under the tab "How to Find . . ." click on the link "PA Bulletin."

Copies of the filing are also available for public inspection, by appointment, during normal working hours at the Department's Harrisburg office.

Interested parties are invited to submit written comments, suggestions or objections to James Laverty, Actuary, Insurance Department, Insurance Product Regulation, Room 1311, Strawberry Square, Harrisburg, PA 17120, [jlaverty@pa.gov](mailto:jlaverty@pa.gov) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-934. Filed for public inspection May 17, 2013, 9:00 a.m.]

### Review Procedure Hearings under the Unfair Insurance Practices Act

The following insureds have requested a hearing as authorized by section 8 of the Unfair Insurance Practices Act (act) (40 P.S. § 1171.8) in connection with their companies' termination of the insureds' homeowners policies. The hearings will be held in accordance with the requirements of the act; 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure); and 31 Pa. Code §§ 56.1—56.3 (relating to Special Rules of Administrative Practice and Procedure). The administrative hearings will be held in the Insurance Department's regional office in Harrisburg, PA. Failure by an appellant to appear at a scheduled hearing may result in dismissal with prejudice.

The following hearings will be held in the Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102.

Appeal of Patti Matlock; file no. 13-188-139569; The Travelers Home and Marine Insurance Company; Doc. No. P13-05-001; June 13, 2013, 9:30 a.m.

Appeal of Robert T. Fiersuk, Sr.; file no. 13-130-138780; Foremost Insurance Company; Doc. No. P13-05-003; June 18, 2013, 10 a.m.

Parties may appear with or without counsel and offer relevant testimony and/or other relevant evidence. Each party must bring documents, photographs, drawings, claims files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Following the hearing and receipt of the stenographic transcript, the Insurance Commissioner (Commissioner) will issue a written order resolving the factual issues presented at the hearing and stating what remedial action, if any, is required. The Commissioner's Order will be sent to those persons participating in the hearing or their designated representatives. The Order of the Commissioner may be subject to judicial review by the Commonwealth Court.

Persons with a disability who wish to attend the previously-referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing should contact Donna R. Fleischauer, Human Resources Director at (717) 705-4194.

MICHAEL F. CONSEDINE,  
*Insurance Commissioner*

[Pa.B. Doc. No. 13-935. Filed for public inspection May 17, 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.

#### *Executive Board*

Resolution No. CB-13-002, Dated April 25, 2013. Authorizes the grievance arbitration award entered into between the Commonwealth and the Pennsylvania State Correctional Officers Association. The award modifies the longevity compensation structure of the pay schedules for this unit, effective July 1, 2012.

#### *Governor's Office*

Management Directive No. 205.21—Commonwealth Child Care Program, Amended April 8, 2013.

Management Directive No. 310.9—Purpose and Use of Restricted Receipt and Restricted Revenue Accounts, Amended April 8, 2013.

Management Directive No. 310.23—Commonwealth Purchasing Card Program, Amended April 5, 2013.

Management Directive No. 520.6—Position Classification, Amended April 15, 2013.

Administrative Circular No. 13-04—Closing Instruction No. 2, Fiscal Year 2012-13; Pre-closing at May 13, 2013, Dated April 8, 2013.

Administrative Circular No. 13-05—Closing Instruction No. 3, Fiscal Year 2012-13; Prior Fiscal Year Appropriations Subject to Act 146 Waivers and Encumbrances Carried Forward From Prior Fiscal Years (Including Contracted Repairs), Dated April 8, 2013.

Administrative Circular No. 13-06—Approval of 2013-14 Advancement Accounts and Completion of Form STD-133, Request for Approval of Advancement Account, Dated April 8, 2013.

Administrative Circular No. 13-07—Revision to the term "Contract," as defined in Management Directive 215.9, Contractor Responsibility Program, Dated April 5, 2013.

MARY JANE PHELPS,  
*Director*  
*Pennsylvania Code and Bulletin*

[Pa.B. Doc. No. 13-936. Filed for public inspection May 17, 2013, 9:00 a.m.]

## LIQUOR CONTROL BOARD

### Expiration of Leases

The Liquor Control Board seeks the following new sites:

Dauphin County, Wine & Spirits Store #2214 (Relocation), Harrisburg, PA

*Lease is in 90-day status since:* January 1, 2008

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 4,500 to 7,000 net useable square feet of new or existing retail commercial space within a 1.5-mile radius of the intersection of Progress Avenue and Linglestown Road in Harrisburg, PA.

*Proposals due:* June 7, 2013, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Bureau of Real Estate  
Northwest Office Building, Room #313  
910 Capital Street  
Harrisburg, PA 17124-0001  
**Contact:** William M. Matsko  
(717) 787-3016  
wmatsko@pa.gov

York County, Wine & Spirits Store #6707 (Relocation), York, PA

*Lease expires on:* February 28, 2014

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 10,000 to 13,000 net useable square feet of new or existing retail commercial space within a 1.5-mile radius of the intersection of Memory Lane and Market Streets in York, PA.

*Proposals due:* June 7, 2013, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Bureau of Real Estate  
Northwest Office Building, Room #313  
910 Capital Street  
Harrisburg, PA 17124-0001

**Contact:** William M. Matsko  
(717) 787-3016  
wmatsko@pa.gov

JOSEPH E. BRION,  
*Chairperson*

[Pa.B. Doc. No. 13-937. Filed for public inspection May 17, 2013, 9:00 a.m.]

## PATIENT SAFETY AUTHORITY

### Change of Reporting Criteria for Nursing Homes under the Health Care-Associated Infection and Prevention Control Act

The purpose of this announcement is to notify nursing homes of changes to the surveillance criteria for health care-associated infections that affect the reporting requirements to the Patient Safety Authority (Authority) and the Department of Health (Department) under Chapter 4 of the Medical Care Availability and Reduction of Error (MCARE) Act (MCARE Act) (40 P. S. §§ 1303.401—1303.411), added by the act of July 20, 2007 (P. L. 331, No. 52) (Act 52), known as the Health Care-Associated Infection and Prevention Control Act. The reporting requirements presented in this notice were developed in consultation with the Department, Authority's Board of Directors and the Authority's Healthcare-Associated Infection (HAI) Advisory Panel.

#### *Reporting Requirements for Nursing Homes*

Under the Health Care Facilities Act (35 P. S. §§ 448.101—448.904b), Act 52 requires nursing homes to electronically report patient-specific HAIs to the Authority and the Department using Nationally recognized standards (McGeer, Centers for Disease Control and Prevention).

For those infections determined to be Serious Events, the original McGeer criteria was modified to remove requirements that relied on laboratory tests and radiology for confirmation, as many nursing homes would not have ready access to these services. At the time, it was believed that creating criteria to which all nursing homes would be able to adhere to was more important than strict adherence to the McGeer criteria.

In October 2012, the revised McGeer criteria were published by Stone et al. The argument that facilities not using labs or radiology would have systematically lower infection rates and could unfairly receive bonus payments as a result no longer appears valid, as the bonus payments contemplated in Act 52 have not materialized. In addition, access to laboratory and radiology services for nursing homes has increased since the reporting requirements were originally established.

#### *Method of Reporting HAIs*

A list of reportable HAIs is provided in Exhibit A. The criteria for determining HAIs were developed using the definitions for infection surveillance in long-term care by Stone et al. (McGeer criteria) together with modified Centers for Disease Control and Prevention definitions.

The criteria are presented in Exhibit B. Definitions for constitutional criteria will follow specifics set forth by Stone et al.<sup>1</sup>

#### *Serious Event Reporting*

The occurrence of an HAI in a nursing home, defined as per criteria in Exhibit B, is deemed to constitute a Serious Event as defined in section 302 of the MCARE Act (40 P. S. § 1303.302). If an infection meets the criteria for reporting, that infection shall be reported to the Authority as a Serious Event, as required by the MCARE Act and Act 52, and subject to the additional requirements as described in this notice.

HAIs reported to the Authority are subject to the same patient notification requirements under the MCARE Act for all Serious Events. Under the MCARE Act, all Serious Events require that the health care facility notify the patient or his legal representative in writing that a Serious Event has occurred; this written notification must occur within 7 calendar days. For purposes of meeting the 24-hour reporting requirement for Serious Events set forth by the MCARE Act, nursing homes must submit reports of HAIs to the Authority within 24 hours of their confirmation (surveillance completed and infection confirmed according to the criteria by a staff member responsible for infection control). If confirmation of an HAI occurs over a weekend or State government holiday, reports must be submitted by 5 p.m. on the next workday.

#### *Public Comment Period*

For 30 calendar days from the date of this publication, the Authority is accepting public comment about the uniform reporting requirements established jointly by the Authority and the Department under Act 52.

Submit comments electronically to the Authority at patientsafetyauthority@state.pa.us.

The Authority will review comments received and publish an additional notice in the *Pennsylvania Bulletin*. This notice may include updates or changes, based on public comments, to the reporting requirements.

Individuals with disabilities who require an alternative format of this notice (for example, large print, audio tape or Braille) should contact the Authority help desk at (866) 316-1070.

### **Exhibit A. List of Reportable HAIs**

- A. Urinary tract infection
  1. Asymptomatic bacteremic urinary tract infection
  2. Catheter-associated urinary tract infection
  3. Symptomatic urinary tract infection
- B. Respiratory tract infection
  1. Lower respiratory tract infection
  2. Influenza like illness
  3. Pneumonia
- C. Gastrointestinal infection
  1. *Clostridium difficile*
  2. Norovirus
  3. Bacterial gastroenteritis
- D. Skin and soft-tissue infection
  1. Cellulitis, soft-tissue or wound infection

<sup>1</sup> Stone N. D., MD, Ashraf M. S., MD, Calder J., PhD, et al. (2012). "Surveillance definitions of infections in long-term care facilities: revisiting the McGeer Criteria." *Infection Control Hospital Epidemiology*, 33(10), 965-977.

2. Conjunctivitis
  3. Scabies
- E. Device-related bloodstream infection
1. Central-line-associated bloodstream infection—dialysis
  2. Central-line-associated bloodstream infection—temporary
  3. Central-line-associated bloodstream infection—permanent

**Exhibit B. Criteria for Defining HAIs in Long-Term Care**

A. Urinary tract infection

1. Asymptomatic bacteremic urinary tract infection  
Both criteria 1 and 2 must be present.

Criteria 1. Any of the following:

- A voided urine with  $\geq 10^5$  CFU/mL of no more than two species of microorganisms
- Positive culture with  $\geq 10^2$  CFU/mL of any microorganisms from straight in/out catheter specimen
- Positive culture with  $\geq 10^5$  CFU/mL of any microorganisms from indwelling catheter specimen

Criteria 2.

- Positive blood culture with one matching organism in urine culture

2. Catheter-associated urinary tract infection  
Both criteria 1 and 2 must be present.

Criteria 1. At least one of the following:

- Rigors, new onset hypotension or fever, with no alternate site of infection
- New onset confusion or functional decline, with no alternate site of infection and leukocytosis ( $>14,000$  cells/mm<sup>3</sup>) or left shift ( $>6\%$  or 1,500 bands/mm<sup>3</sup>)
- Purulent drainage at the catheter site or acute pain, swelling or tenderness of the testes, epididymis or prostate

Criteria 2.

- Urinary catheter specimen with at least  $10^5$  CFU/mL of any organisms

3. Symptomatic urinary tract infection  
Both criteria 1 and 2 must be present.

Criteria 1. At least one of the following signs or symptoms:

- Acute dysuria, acute pain or swelling or tenderness of the testes, epididymis or prostate
- Fever or leukocytosis and at least one of the following:
  - Acute costovertebral angle pain or tenderness
  - Gross hematuria
  - Suprapubic pain
  - New or marked increase in incontinence
  - New or marked increase in urgency
  - New or marked increase in frequency

Criteria 1a. In the absence of criteria 1 infection signs or symptoms, then two or more of the following localizing urinary tract signs or symptoms:

- Gross hematuria
- New or marked increase in incontinence

- New or marked increase in urgency
- New or marked increase in frequency

Criteria 2. One of the following:

- A voided urine with at least  $10^5$  CFU/mL of no more than two species of microorganisms
- Positive culture with at least  $10^2$  CFU/mL of any microorganisms from straight in/out catheter specimen

B. Respiratory tract infection

1. Lower respiratory tract infection

Criteria 1—3 must be present.

Criteria 1.

- Chest radiograph not performed or negative results for pneumonia or new infiltrate

Criteria 2. At least two of the following:

- Respiratory rate of equal to or greater than 25 breaths per minute taken manually for a full minute
- Pleuritic chest pain
- New or changed lung examination abnormalities
- New or increased sputum production
- New or increased wet cough
- Oxygen saturation  $<94\%$  on room air or a reduction in oxygen saturation of  $>3\%$  from baseline

Criteria 3. At least one of the following:

- Leukocytosis or left shift
- Fever
- Acute change in mental status from baseline
- Acute functional decline

2. Influenza like illness

The patient is tested for influenza and is either positive or negative for influenza. If positive, system will flag as influenza. If negative and criteria is met system, will flag as influenza like illness.

Criteria 1 and 2 must be present.

Criteria 1.

- Fever

Criteria 2. At least three of the following:

- Chills
- New headache or eye pain
- Myalgias or body aches
- Malaise or loss of appetite
- Sore throat
- New or increased dry cough

3. Pneumonia

Criteria 1—3 must be present.

Criteria 1.

- Interpretation of a chest radiograph positive for pneumonia or a new infiltrate

Criteria 2. At least one of the following:

- Respiratory rate of equal to or greater than 25 breaths per minute taken manually for a full minute.

- Pleuritic chest pain
- New or changed lung examination abnormalities
- New or increased sputum production
- New or increased wet cough
- Oxygen saturation <94% on room air or a reduction in oxygen saturation of >3% from baseline

Criteria 3. At least one of the following:

- Fever
- Leukocytosis or left shift
- Acute change in mental status from baseline
- Acute functional decline

#### C. Gastrointestinal infection

##### 1. *Clostridium difficile* (*C. difficile*)

Criteria 1 and 2 must be present.

Criteria 1. One of the following:

- A stool sample positive for *C. difficile* toxin A or B
- A toxin-producing *C. difficile* organism identified from stool culture or by molecular testing
- Pseudomembranous colitis identified through endoscopic examination, surgery or biopsy

Criteria 2. One of the following:

- Diarrhea in the absence of vomiting
- A positive radiologic test for toxic megacolon

##### 2. Norovirus

Criteria 1 and 2 must be present.

Criteria 1.

- Diarrhea and/or vomiting and negative *C. difficile* results

Criteria 2.

- A stool sample positive for norovirus

##### 3. Bacterial gastroenteritis

Criteria 1 and 2 must be present.

Criteria 1.

- Diarrhea and/or vomiting and negative *C. difficile* results

Criteria 2.

- Stool sample positive for a bacteriologic pathogen

And at least one of the following:

- Nausea
- Vomiting
- Abdominal pain or tenderness
- Diarrhea

#### D. Skin and soft-tissue infection

##### 1. Cellulitis, soft-tissue or wound infection

The following must be present:

- Pus present at a wound, skin or soft-tissue site

or

New or increasing presence of at least four of the following:

- Heat at the affected site
- Redness at the affected site

- Swelling at the affected site
- Tenderness or pain at the affected site
- Serious drainage at the affected site
- One of the following: Fever, leukocytosis, left shift, acute change in mental status or acute functional decline

##### 2. Conjunctivitis

At least one of the following must be present:

- Pus appearing from one or both eyes, present for at least 24 hours
- New or increased conjunctival erythema, with or without itching
- New or increased conjunctival pain, persistent for at least 24 hours

##### 3. Scabies

Both criteria 1 and 2 must be present.

Criteria 1.

- A maculopapular and/or itching rash

Criteria 2. At least one of the following:

- Physician diagnosis
- Laboratory confirmation by means of scraping or biopsy
- Epidemiologic linkage to a case of scabies with laboratory confirmation

#### E. Device-related bloodstream infection (BSI)

##### 1. Dialysis-catheter-related BSI (any tunneled, nontunneled, implanted or nonimplanted centrally placed catheter used for dialysis)

One of the following criteria must be met:

Criteria 1.

- Patient has a recognized pathogen cultured from one or more blood cultures.

and

- Organism cultured from blood is not related to an infection at another site.

Criteria 2. Patient has at least one of the following:

- Fever
- Chills
- Hypotension

and

- Organism cultured from blood is not related to an infection at another site.

and

- A common commensal is cultured from two or more blood cultures drawn on separate occasions.

##### 2. Central-line-associated BSI—temporary (a centrally placed nontunneled or implanted catheter)

One of the following criteria must be met:

Criteria 1.

- Patient has a recognized pathogen cultured from one or more blood cultures.

and

- Organism cultured from blood is not related to an infection at another site.

Criteria 2. Patient has at least one of the following:

- Fever
- Chills
- Hypotension

and

- Organism cultured from blood is not related to an infection at another site.

and

- A common commensal is cultured from two or more blood cultures drawn on separate occasions.

3. Central-line-associated BSI—permanent (a centrally placed tunneled catheter or implanted catheter, including accessed ports)

One of the following criteria must be met:

Criteria 1.

- Patient has a recognized pathogen cultured from one or more blood cultures.

and

- Organism cultured from blood is not related to an infection at another site.

Criteria 2. Patient has at least one of the following:

- Fever
- Chills
- Hypotension

and

- Organism cultured from blood is not related to an infection at another site.

and

- A common commensal is cultured from two or more blood cultures drawn on separate occasions.

MICHAEL C. DOERING,  
*Executive Director*

[Pa.B. Doc. No. 13-938. Filed for public inspection May 17, 2013, 9:00 a.m.]

fiber Networks, Inc., LDMI Telecommunications, Inc., McLeodUSA Telecommunications Services, LLC, Paetec Communications, Inc., Talk America, Inc., US LEC of Pennsylvania, LLC, Windstream Buffalo Valley, Inc., Windstream Communications, Inc., Windstream Conestoga, Inc., Windstream D&E Systems, Inc., Windstream D&E, Inc., Windstream KDL, Inc., Windstream Norlight, Inc., Windstream NTI, Inc., Windstream Pennsylvania, LLC and Windstream Corporation for authority to complete a certain pro forma intra-corporate transaction.

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 June 3, 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](http://www.puc.state.pa.us), and at the applicant's business address.

*Joint Applicants:* Cavalier Telephone Mid-Atlantic, LLC, Intellifiber Networks, Inc., LDMI Telecommunications, Inc., McLeodUSA Telecommunications Services, LLC, Paetec Communications, Inc., Talk America, Inc., US LEC of Pennsylvania, LLC, Windstream Buffalo Valley, Inc., Windstream Communications, Inc., Windstream Conestoga, Inc., Windstream D&E Systems, Inc., Windstream D&E, Inc., Windstream KDL, Inc., Windstream Norlight, Inc., Windstream NTI, Inc. and Windstream Pennsylvania, LLC

*Through and By Counsel:* Norman J. Kennard, Esquire, Thomas, Long, Niesen & Kennard, 212 Locust Street, Suite 500, P. O. Box 9500, Harrisburg, PA 17108-9500

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-939. Filed for public inspection May 17, 2013, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Intra-Corporate Transaction

**A-2013-2362123; A-2013-2362124; A-2013-2362125; A-2013-2362126; A-2013-2362127; A-2013-2362128; A-2013-2362129; A-2013-2362130; A-2013-2362131; A-2013-2362132; A-2013-2362133; A-2013-2362134; A-2013-2362135; A-2013-2362136; A-2013-2362137; A-2013-2362138.** Cavalier Telephone Mid-Atlantic, LLC, Intellifiber Networks, Inc., LDMI Telecommunications, Inc., McLeodUSA Telecommunications Services, LLC, Paetec Communications, Inc., Talk America, Inc., US LEC of Pennsylvania, LLC, Windstream Buffalo Valley, Inc., Windstream Communications, Inc., Windstream Conestoga, Inc., Windstream D&E Systems, Inc., Windstream D&E, Inc., Windstream KDL, Inc., Windstream Norlight, Inc., Windstream NTI, Inc., Windstream Pennsylvania, LLC and Windstream Corporation. Joint application of Cavalier Telephone Mid-Atlantic, LLC, Intelli-

### Intra-Corporate Transaction

**A-2013-2361938 and A-2013-2361939.** Globalcom, Inc., d/b/a First Communications of Illinois and First Communications, LLC. Joint application of Globalcom, Inc., d/b/a First Communications of Illinois and First Communications, LLC for approval of a pro forma intra-corporate transaction. Upon completion of the proposed pro forma merger, in which Globalcom will merge into and with First Communications, LLC, Globalcom's certificate of public convenience will be cancelled.

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 June 3, 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](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicants:* Globalcom, Inc., d/b/a First Communications of Illinois and First Communications, LLC



*Through and By Counsel:* Patrick D. Crocker, Esquire, Crocker & Crocker, The Kalamazoo Building, 107 West Michigan Avenue, Fourth Floor, Kalamazoo, MI 49007

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-940. Filed for public inspection May 17, 2013, 9:00 a.m.]

### Transfer of Customers and Certain Assets

**A-2013-2361837. TNCI Operating Company, LLC and Trans National Communications International, Inc.** Joint application of TNCI Operating Company, LLC and Trans National Communications International, Inc. (Debtor-in-Possession) for approval of a pro forma transfer of customers and certain assets.

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 June 3, 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](http://www.puc.state.pa.us), and at the applicant's business address.

*Applicants:* TNCI Operating Company, LLC

*Through and By Counsel:* Michael A. Gruin, Esquire, Stevens & Lee, 17 North Second Street, 16th Floor, Harrisburg, PA 17101

ROSEMARY CHIAVETTA,  
*Secretary*

[Pa.B. Doc. No. 13-941. Filed for public inspection May 17, 2013, 9:00 a.m.]

## STATE BOARD OF NURSING

**Bureau of Professional and Occupational Affairs v. Megan Urbanic, RN; Doc. No. 0104-51-13**

Megan Urbanic, RN, license no. RN612138, of Ellwood City, Lawrence County, had her professional nursing license suspended for no less than 3 years, retroactive to January 24, 2013, based on findings she violated a previously issued order.

Individuals may obtain a copy of the adjudication by writing to Judith Pachter Schulder, Board Counsel, State Board of Nursing, P. O. Box 2649, Harrisburg, PA 17105-2649.

This adjudication and final order represents the State Board of Nursing'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.

ANN M. COUGHLIN, MBA, MSN, RN,  
*Chairperson*

[Pa.B. Doc. No. 13-942. Filed for public inspection May 17, 2013, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

The following hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of claimant's requests concerning the indicated accounts.

The hearings will be held before a hearing officer at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

June 18, 2013	Sean R. Weaver Credited Service	1 p.m.
June 26, 2013	Ross C. Cioppa Pension Forfeiture	1 p.m.

Parties in each respective case may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DAVID E. DURBIN,  
*Secretary*

[Pa.B. Doc. No. 13-943. Filed for public inspection May 17, 2013, 9:00 a.m.]

## SUSQUEHANNA RIVER BASIN COMMISSION

### Projects Approved for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has approved by rule the following list of projects from March 1, 2013, through March 31, 2013.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, [rcairo@srbc.net](mailto:rcairo@srbc.net). Regular mail inquiries may be sent to Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

#### *Supplementary Information*

This notice lists the projects, described as follows, receiving approval for the consumptive use of water under the Commission's approval by rule process set forth

in 18 CFR 806.22(f) (relating to standards for consumptive uses of water) for the time period specified previously:

*Approvals By Rule Issued Under 18 CFR 806.22(f):*

1. Chief Oil & Gas, LLC, Pad ID: J. Brown Drilling Pad, ABR-201303001, Troy Township, Bradford County, PA; Consumptive Use of Up to 2.000 mgd; Approval Date: March 12, 2013.
2. Carrizo Marcellus, LLC, Pad ID: Tomkins, ABR-201303002, McNett Township, Lycoming County, PA; Consumptive Use of Up to 2.100 mgd; Approval Date: March 15, 2013.
3. Carrizo Marcellus, LLC, Pad ID: Hanlon, ABR-201303003, McNett Township, Lycoming County, PA; Consumptive Use of Up to 2.100 mgd; Approval Date: March 15, 2013.
4. Carrizo Marcellus, LLC, Pad ID: Baumunk Lake South, ABR-201303004, Fox Township, Sullivan County, PA; Consumptive Use of Up to 2.100 mgd; Approval Date: March 15, 2013.
5. Carrizo Marcellus, LLC, Pad ID: Baumunk Lake North, ABR-201303005, Fox Township, Sullivan County, PA; Consumptive Use of Up to 2.100 mgd; Approval Date: March 15, 2013.
6. Southwestern Energy Production Company, Pad ID: DRANN PAD, ABR-201303006, New Milford Township, Susquehanna County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: March 15, 2013.
7. Cabot Oil & Gas Corporation, Pad ID: MolnarM P1, ABR-201303007, Brooklyn Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: March 15, 2013.
8. Chesapeake Appalachia, LLC, Pad ID: Jes, ABR-201303008, Wilmot Township, Bradford County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: March 15, 2013.
9. Chesapeake Appalachia, LLC, Pad ID: Lightcap, ABR-201303009, Overton and Elkland Townships, Bradford and Sullivan Counties, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: March 15, 2013.
10. Chesapeake Appalachia, LLC, Pad ID: Lasher, ABR-201303010, Auburn Township, Susquehanna County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: March 15, 2013.
11. Cabot Oil & Gas Corporation, Pad ID: CastrogiovanniA P3, ABR-201303011, Bridgewater Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: March 29, 2013.
12. Southwestern Energy Production Company, Pad ID: Marichini-Zingieser (Pad 9), ABR-201303012, Herrick Township, Bradford County, PA; Consumptive Use of Up to 4.999 mgd; Approval Date: March 29, 2013.
13. Chesapeake Appalachia, LLC, Pad ID: Virginia, ABR-201303013, Auburn Township, Susquehanna County, PA; Consumptive Use of Up to 7.500 mgd; Approval Date: March 29, 2013.
14. Cabot Oil & Gas Corporation, Pad ID: CarpenettiR P1, ABR-201303014, Lathrop Township, Susquehanna County, PA; Consumptive Use of Up to 3.575 mgd; Approval Date: March 29, 2013.

*Authority:* Pub. L. 91-575, 84 Stat. 1509 et seq., 18 CFR Parts 806—808.

*Dated:* April 30, 2013.

PAUL O. SWARTZ,  
*Executive Director*

[Pa.B. Doc. No. 13-944. Filed for public inspection May 17, 2013, 9:00 a.m.]

## Projects Rescinded for Consumptive Uses of Water

The Susquehanna River Basin Commission (Commission) has rescinded the following list of projects March 1, 2013, through March 31, 2013.

For further information contact Richard A. Cairo, General Counsel, (717) 238-0423, Ext. 306, fax (717) 238-2436, rcairo@srbc.net. Regular mail inquiries may be sent to the Susquehanna River Basin Commission, 1721 North Front Street, Harrisburg, PA 17102-2391.

### *Supplementary Information*

This notice lists the projects, described as follows, being rescinded for the consumptive use of water under the Commission's approval by rule process set forth in 18 CFR 806.22(e) and (f) (relating to standards for consumptive uses of water) for the time period specified previously:

### *Rescinded ABR Issued March 1-31, 2013*

1. Norse Energy Corp USA, Pad ID: Aarismaa #1, ABR-20100666, Preston Town, Chenango County, NY; Rescind Date: March 18, 2013.
2. Norse Energy Corp USA, Pad ID: Anderson, C. #1, ABR-201007111, Coventry Town, Chenango County, NY; Rescind Date: March 18, 2013.
3. Norse Energy Corp USA, Pad ID: Byler, R. #1, ABR-20100627, Lebanon Town, Madison County, NY; Rescind Date: March 18, 2013.
4. Norse Energy Corp USA, Pad ID: Klecha, M. #1, ABR-201007108, Coventry Town, Chenango County, NY; Rescind Date: March 18, 2013.
5. Norse Energy Corp USA, Pad ID: Knapp, J. #1, ABR-201007107, Colesville Town, Broome County, NY; Rescind Date: March 18, 2013.
6. Norse Energy Corp USA, Pad ID: Krawiec #2, ABR-20100624, Smyrna Town, Chenango County, NY; Rescind Date: March 18, 2013.
7. Norse Energy Corp USA, Pad ID: Norse East #1, ABR-201007109, Afton Town, Chenango County, NY; Rescind Date: March 18, 2013.
8. Norse Energy Corp USA, Pad ID: Norse West #1, ABR-201007110, Afton Town, Chenango County, NY; Rescind Date: March 18, 2013.
9. Norse Energy Corp USA, Pad ID: Norse #3, ABR-201007112, Colesville Town, Broome County, NY; Rescind Date: March 18, 2013.
10. Norse Energy Corp USA, Pad ID: Stone #1, ABR-201007131, Coventry Town, Chenango County, NY; Rescind Date: March 18, 2013.

11. Norse Energy Corp USA, Pad ID: Thornhill #1,  
ABR-201007087, Colesville Town, Broome County, NY;  
Rescind Date: March 18, 2013.

*Authority:* Pub. L. 91-575, 84 Stat. 1509 et seq., 18  
CFR Parts 806—808.

*Dated:* April 30, 2013.

PAUL O. SWARTZ,  
*Executive Director*

[Pa.B. Doc. No. 13-945. Filed for public inspection May 17, 2013, 9:00 a.m.]

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